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"ILLEGAL" ALIEN OR "LATINA" ALIEN: LATINA-BASED SORORITY MEMBERS' PERCEPTION AND EXPECTATIONS OF ANTI-IMMIGRATION LAW

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“ILLEGAL” ALIEN OR “LATINA” ALIEN: LATINA-BASED SORORITY
MEMBERS’ PERCEPTION AND EXPECTATIONS OF ANTI-IMMIGRATION LAW

by

Tegra M. Straight

A THESIS

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Under the Supervision of Professor Rachelle Winkle-Wagner

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“ILLEGAL” ALIEN OR “LATINA” ALIEN: LATINA-BASED SORORITY
MEMBERS’ PERCEPTION AND EXPECTATIONS OF ANTI-IMMIGRATION
LAW

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University of Nebraska, 2011

Adviser: Rachelle Winkle-Wagner

The purpose of this study is to determine the perceptions that Latina-based sorority members have on anti-immigration law. Specifically, this study addresses what changes to experience Latina-based sorority members anticipate, their perceptions on anti-immigration law, as well as what they think the university’s response should be to such initiatives. Interviews with five Latina-based sorority members, four undergraduate and one graduate, served as the primary form of data. Interviews centered on Latina-based sorority members’ perception of Legislative Bill 1070 from Arizona and Ordinance No. 5165 from Fremont Nebraska.

The findings indicate that Latina-based sorority members perceived anti-immigration law to be anti-Latino and anticipate that these initiatives will negatively affect their experience, regardless of their immigration status. The perception of anti-immigration law, as anti-Latino, provides an example for a relation between higher education research and sociological research surrounding perceived discrimination. Perceived discrimination has been found to affect Latino adolescent’s ethnic identity development (Umaña-Taylor & Guimond, 2010), mental health (Araújo & Borrell, 2006), and be associated with substance abuse (Okamoto, Ritt-Olson, Soto, Baezconde-Garbanati & Unger, 2009). This concept is understudied as it relates to college students and anti-immigration law. Additional findings suggest that institutions should inform

individuals of the issues surrounding immigration and keep prospective students aware of state laws that have the potential to impact their experience. These findings are significant and question how colleges and universities are going to provide support to Latina students during the current immigration debate.

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TABLE OF CONTENTS

ABSTRACT	ii
ACKNOWLEDGEMENTS	iv
CHAPTERS.....	1
Introduction	1
Context	1
Purpose of Study.....	3
Overview of Study.....	5
Significance of Study	6
Definition of Terms	8
Summary.....	11
Literature Review.....	13
Latina-Based Sororities	14
Latinas in Higher Education.....	17
Anti-Immigration Law.....	28
Perceived Discrimination	33
Summary.....	36
Methodology	38
Research Questions	38
Qualitative Case Study Methodology.....	40
Research Site	42
Sample Selection	43
Data Collection.....	44
Data Analysis.....	45
Data Validation.....	47
Limitations and Strengths.....	49
Summary.....	50
Data Analysis	51
Discussion	68
APPENDIX.....	77
1:Latinas in Higher Education.....	77
2:Recruitment Email.....	78
3:Informed Consent	79
4:Interview Protocol	81
5:Participant Demographics	82
6:Validation Techniques.....	83
7: Data Analysis	84
8:F.A.I.R. L.B.1070 Summary	85
9:Ordinance No. 5165	87
LIST OF REFERENCES.....	95

Chapter 1

Introduction

Context

Illegal immigration has become, and to a certain extent, has always been a topic of concern for U.S. politicians. Events that threaten national security, such as 9/11, created a demand for tighter border control and stricter immigration laws. The Federal government's inability to create a comprehensive immigration plan has forced many states to develop their own solutions to the "illegal alien"¹ issue. Anti-immigration law is not solely a Latino issue; however, these laws have large effects on Latino communities. Currently, within the United States, there are an estimated 10.3 million undocumented individuals of which 57% (5.9 million) are of Mexican origin with another 24% (2.5 million) from other Latin American countries (MSNBC, 2011). The overrepresentation of Latinos, within the United States illegally, makes them a target population for state anti-immigration law².

Prince William County, specifically the 9500 Liberty documentary, represents a prime example of how anti-immigration law can become an "US" versus "LATINO" debate.

According to the documentaries website, 9500 Liberty:

reveals the startling vulnerability of a local government, targeted by national anti-immigration networks using the Internet to frighten and intimidate lawmakers and citizens. Alarmed by a climate of fear and racial division, residents form a resistance using YouTube videos and virtual

¹ "Illegal alien" is the standard term used for individuals not in the country legally. I will be using the term undocumented when referring to this population.

² Lacking a clear definition, I used the term, anti-immigration law when referring to those laws that targets individuals who are in the country illegally.

townhalls, setting up a real-life showdown in the seat of county government.

(9500 Liberty, 2009)

This documentary was revolutionary because it used YouTube to broadcast the effect that immigration law had at the community level. The citizens of Prince William County, Virginia, regardless of side, are given the chance to express either their support of or frustrations with anti-immigration law. After watching 9500 Liberty, the YouTube documentary which chronicles the community effects of Resolution 07-609, I began to wonder if anti-immigration law could have the same impacts on college student experience that it appeared to have on Prince William County.

The support of anti-immigration, at the state or community level, has been significant. There are a number of laws that exist that restrict the opportunities to those individuals residing in the United States illegally. Prominent examples of anti-immigration law, and the two selected for this study, are Arizona's Legislative Bill 1070 (L.B. 1070) and Fremont, Nebraska's Ordinance No. 5165. L.B. 1070 is the anti-immigration law introduced in Arizona that sparked national debate for its "reasonable suspicion clause" that allowed law enforcement to ask any individual, during a lawful stop, to verify their immigration status if they believe the person to be in the country illegally (F.A.I.R., 2010A). Ordinance No. 5165 is a city ordinance from Fremont, Nebraska that makes it illegal for undocumented individuals to rent property and restricts the fields in which they can seek employment. This law did not apply to "the hiring of an independent contractor by a business entity, or to the intermittent hiring of casual labor for domestic tasks customarily performed by the residents of a dwelling (City of Fremont,

2010b). Essentially, this law has restricted undocumented workers to construction work, domestic tasks (such as garden work and maid services) and to the meat packing plants located just outside of city limits. Initially, I chose L.B. 1070 because it received national attention for its “reasonable suspicion” clause and the ordinance from Fremont, Nebraska because of its restrictions on housing and employment. Additionally, these two laws provide a great way in which to look at the effects of anti-immigration law. L.B. 1070, due to the reasonable suspicion clause, has the ability to impact individuals at the public level by allowing law enforcement officers to question an individual’s legal status. Ordinance No. 5165, on the other hand, really impact an undocumented individuals private life by restricting their housing and employment options. These laws were particularly useful because they allowed participants to reflect on the potential implications of two very different types of initiatives.

The potential of anti-immigration law to impact the Latino community, regardless of their status, is particularly significant when you consider the number of states who have growing Latino communities. In Nebraska, for instance, the states’ Latino population has increased by 77%, totaling almost 10% of the state population (Fox News Latino, 2011). Anti-immigration laws, particularly initiatives similar to Arizona and Fremont, have the potential to drastically affect the way in which these communities experience day-to-day life and their access to postsecondary education.

Purpose of Study

The purpose of this study is to determine how Latina-based sorority members perceive anti-immigration law and if they anticipate any changes, in experience, if anti-immigration law, similar to L.B. 1070 and the Fremont ordinance, were introduced in

their states. Initially, I became interested in the influence that anti-immigration law has on the experiences of sorority members when Arizona members of my own, Latina-based sorority, voiced concerns to our national board about L.B. 1070.

Latina-based sorority members were used as the sample in this study because of the overwhelming media response to the anti-Latino aspects of anti-immigration law. According to the 2000 Census, the Hispanic population, within the United States, increased by 57.9%, from 22.4 million to 35.3 million, during the 1990's to 2000 making them the single largest minority group. In postsecondary education Hispanics constituted 11% of the total population of students in postsecondary education (U.S. Department of Education, 2009). Their growing numbers, both in and out of higher education, make research on Latinos important especially when you consider that their high school graduation and college enrollment rates do not parallel their growth rates (Guzmán, 2001; González, Stoner, & Jovel, 2003). Latina-based sororities were chosen over other Latino-based organizations, because of their accessibility, my personal experience with similar organizations and because of a desire to recruit students who have a shared experience.

This study does not focus on participant's immigration status, but rather asks all participants, regardless of status, to identify how they thought anti-immigration law could potentially affect their experience. Additionally, participants are asked to identify what role institutions should have in the anti-immigration debate and whether they felt that their non-Latino peers would be equally affected. The lack of research between anti-immigration law and college experience lead this study to be exploratory, in nature, thus directing my methodology towards a qualitative study.

Overview of Study

The research site, a Midwestern institution with two nationally recognized Latina-based sororities, does not have Arizona or Fremont-like legislation enacted at the state level. The lack of enacted anti-immigration law guided the focus of my study, from their actual experiences with the law, to how these students felt about such laws, how they thought these laws would interfere with their enrollment in college and what they felt was the institutions responsibility to students in states where strict anti-immigration laws exist. After selecting an institution, I contacted the Director of Greek Life and asked for her assistance in gaining Internal Review Board (IRB) approval and recruitment of participants. The lack of research, on this topic, directed my primary method for data collection and the qualitative methodology used for this study. Additionally, I was directed towards qualitative methods because of the inability of quantitative methodology to highlight individual perceptions and expectations of anti-immigration law. Five individual interviews served as the primary data collection method while additional sources of data, public records and media publications, provided context. I conducted semi-structured interviews with the five participants on Chavez University's³ campus. The interviews lasted between 24-49 minutes and I recorded them both digitally and on a cassette tape. Interviews were also analyzed using meaning field analysis⁴.

³ Chavez University: the nature of this study, and having one participant who identified as undocumented, lead me to change the name of actual institution to a pseudonym, Chavez University (CU).

⁴ Meaning Field Analysis was conducted using the data analysis method developed by Carspecken (1995). This is a step by step process designed to articulate possible meaning that other people in the setting might themselves infer, either overtly or tacitly (p. 95).

Significance of Study

The findings from this study are significant to the field of higher education because additional information about Latinas, particularly how they perceive anti-immigration law, were analyzed to determine what effects, if any, such laws may have on college experience for Latinas. Additionally this study ties together the sociological concept of perceived discrimination⁵ (Pérez, Fortuna, & Alegría, 2008) to anti-immigration law and addresses potential effects on college experience. Laws that have “reasonable suspicion” clauses or make it illegal to assist undocumented students will also affect the way in which institutions work with undocumented students. Institutions will have to ensure that they are following state regulations surrounding immigrants and that current students are also aware of possible consequences of breaking these laws. State policy makers will also need to identify the potential negative effects that college students are experiencing regardless of immigration status.

One of the most unique aspects about this study is the use of qualitative research methods to look at anti-immigration law and its potential effects on experience. Previous research has focused on how anti-immigration law, associated with in-state tuition for undocumented students, impacts enrollment (Community College Week, 2007; Drachman, 2006; Flores & Chapa, 2009; Olivas, 2009). Articles that discussed how student experience could be affected by anti-immigration law are rare. Experience is an important aspect of higher education because it has serious implications for student growth and development.

⁵ Perceived discrimination is defined as self-reported everyday experiences of unfair treatment (Pérez, Fortuna & Alegría, 2008). If students in this study believe that anti-immigration law is anti-Latino then they will be growing up in environments that they will perceive to be discriminatory.

The findings from this study indicate that Latina-based sorority members view anti-immigration law to be anti-Latino and promote stereotypes of how the term “American” is defined. Many of the women expressed concerns with individuals getting detained for “driving while brown” (refers to an increased likeliness of getting stopped by police for being brown-skinned) or “speaking with an accent” or “listening to Spanish music” all of which they believed would be signifiers to law enforcement to believe that you are here illegally. All of the women, regardless of status, noted that they would either be affected directly or indirectly if anti-immigration law were enacted in their states. They also felt a general lack of awareness about immigration issues and felt that many voted for such initiatives without looking at facts. Finally, they felt that an institutions role in the debate should be one of raising awareness and assisting students with negative effects of anti-immigration law. These findings are significant and highlight the need for continued research on anti-immigration law and college experience.

Definition of Terms

9500 Liberty: This documentary highlights issues surrounding Prince Williams Country, Virginia's anti-immigration ordinance. (9500 Liberty, 2009)

Anti-immigration law: Currently there is not an established definition for this term. In this study I will use this term to refer to laws that attempt to restrict or monitor the presence of undocumented individuals present in the United States

Case study methodology: Merriam (2009) defines a case study as “an in-depth description and analysis of a bounded system” (p. 40). Case study methodology was also selected because it “plays an important role in advancing a field's knowledge base” (Merriam, 2009, p. 51).

Chavez University: The nature of this study, and having one participant who identified as undocumented, led me to use a pseudonym for the institution.

Constructivism: Constructivism is marked by the belief that multiple realities exist and these multiple realities are constructed by individual experience (Merriam, 2009). A constructivist approach was essential in this study because of the role that individual student perception of anti-immigration law served to answer the research question.

Hispanic or Latino: The term Hispanic is used by many to discuss any person whose ancestry is Spanish speaking. Hispanic was first used by the U.S. Census Bureau in the 1970's. Many researchers, specifically those who identify as Latino, view Hispanic as a historical term that doesn't capture the richness of modern Latino culture. Fears (2003) stated that "Latino connotes diversity, brownness, and Latin America, whereas "Hispanic," a term coined by the Census Bureau, signifies uniformity, Whiteness and Spain". González and Gándara (2005) stated that "the choice of the term "Latinos" over "Hispanics" moves the focus from a pan-ethnic, historical identity to contemporary struggles for equality and the racialization of people of Spanish-speaking ancestry in the United States" (p. 392). In this thesis, I primarily use the term Latino.

Illegal alien: This term refers to someone physically present in the U.S. who is not a U.S. citizen. Among others, the term includes: temporary visitors, legal permanent residents, and undocumented individuals. Many advocates perceive this term has a negative connotation. (Immigration Equality, 2009).

Iota Alpha Lambda: A pseudonym for a sorority used to establish confidentiality for members participating in this study. Two participants were members of this sorority, both of whom were undergraduate members. Sorority places emphasis on ethics and education.

L.B. 1070: Legislative Bill 1070 is the anti-immigration bill from Arizona. The provisions of the law are intended to work together to discourage and deter "the unlawful

entry and presence of illegal aliens and economic activity by illegal aliens in the United States” (F.A.I.R., 2010A).

Latina-Based Sorority: According to Lambda Theta Alpha Latin Sorority, Incorporated this term is used to describe “a sisterhood that would cater to the needs of Latinas and the universal woman.” (Lambda Theta Alpha Latin Sorority, Inc., n.d.). Although these organizations have a focus on Latin culture they are open to all individuals regardless of racial/ethnic background.

Multicultural organizations: I use this term in this study to identify those organizations founded for the purpose of serving a specific interest or community. These organizations are often founded surrounding a racial, ethnic or identity of interest. Identities can include: GLBT, religious, etc.

Qualitative research: Merriam (2009) stated that qualitative research has four major characteristics—“the focus is on understanding the meaning of experience, the researcher is the primary instrument in data collection and analysis, the process is inductive, and rich description characterizes the end product” (p. 19).

Rho Omicron Lambda: A pseudonym for a sorority used to establish confidentiality for members participating in this study. Three participants were members of this sorority, two undergraduate and one graduate student. Sorority places emphasis on academics and community service.

Perceived discrimination: Perceived discrimination is defined in this study as the self-reported everyday experiences of unfair treatment (Pérez, Fortuna, & Alegría, 2008).

Undocumented: Undocumented is the term used to describe foreign nationals who are present in the United States unlawfully. The term can refer to those who entered the U.S. without inspection (by crossing the border), those who overstayed their allotted time here, or those who violated the terms of their legal status. With very limited exceptions (notably asylum and immediate relatives of U.S. citizen petitions) a person who is not in lawful status in the U.S. cannot change from being in the U.S. unlawfully to being here lawfully (Immigration Equality, 2009).

Summary

My research question, do members of Latina-based sororities anticipate any changes to their college experience with the implementation of anti-immigration law, will be the focus of the following chapters. Chapter 2 highlights current research surrounding Latinos in higher education, Latina-based sororities, anti-immigration law and perceived discrimination. The literature review in Chapter 2 establishes the context in which we will study our research question. Chapter 3 provides the methodology that guided this study and our method for addressing this question. Data collection methods, data analysis methods, strengths and limitations are all thoroughly described in this chapter as well as additional information on the research site. The findings from interviews analyzed and discussed in Chapter 4. Findings focus on participant's perceptions of anti-immigration law, changes in experiences they anticipate with its passage, rational for

majority support of anti-immigration law, and finally what the institutions response should be to such initiatives. The final chapter, Chapter 5, will highlight implications from the findings and a comparison of these findings to other studies in the field of higher education.

Chapter 2

Literature Review

The influence of Latina-based sororities on college experience is understudied. As evidenced in this chapter; research surrounding the influence of anti-immigration law is non-existent. This lack of knowledge about the potential effects of anti-immigration law on college experience led me to look at this phenomenon from varying fields of research. Research surrounding Latina-based sororities, Latinas in higher education and anti-immigration law will set the stage for sociological research on perceived discrimination. I assert that students attending institutions of higher education, particularly in states that adopt anti-immigration law, will live under real discrimination or have a sense of discrimination that will impact their college experiences.

The purpose of this study is to see if Latina-based sorority members anticipate a change in experience if anti-immigration law were introduced in their state. This paper uses Latina-based sorority members as the participant population because of the effects that anti-immigration law has had on the Latino community. Latina-based sororities, although increasingly popular on college campuses, have not been studied extensively.

Research for this literature review was found primarily online using the following electronic databases: Academic Search Premier, Lexus Nexus, and JSTOR. The search terms I used varied but common ones included “Latino,” “sorority,” “perceived discrimination,” “anti-immigration law,” “Latina-based sorority,” or “Latinos AND higher education.” These searches provided me with lots of journal articles that were reviewed and formed the sections of this literature review. The four sections include: Latina-based sororities, Latinos/as in higher education, anti-immigration law and

perceived discrimination. This literature review establishes the context, in which, college experience could be affected by anti-immigration law. In the following section, research on Latina-based sororities will be presented prior to looking at the broader experiences of Latinas in higher education.

Latina-Based Sororities

While there is debate as to which fraternity was the first Latino-based Greek lettered organization established no such debate exists for sororities. Latina-based sororities have been in existence since Lambda Theta Alpha Latin Sorority, Incorporated's founding in December, 1975 at Kean University (Lambda Theta Alpha Latin Sorority, Inc., n.d.). Although Lambda Theta Alpha marks the beginning of the Latina-based sorority there are many others in existence today. During the 1980's and 90's a number of Latina-based sororities were established across the United States. The National Association for Latino Fraternal Organizations (NALFO) established in 1998 served as the national attempt to unify many of the nationally recognized Latino based Greek-lettered organizations (NALFO, 2008). The purpose of NALFO is to "promote and foster positive interfraternal relations, communication, and development of all Latino/a Fraternal organizations through mutual respect, leadership, honesty, professionalism and education" (NALFO, 2008). NALFO serves as the umbrella organization for 19 Latino-based sororities and fraternities. The remaining Latino-based organizations are either members of other councils (as an example: North-American Interfraternity Conference or Concilio Interfraternitario de Puerto Rico) or not affiliated with any national umbrella council (North American Interfraternity Conference, 2011).

Despite the large number of Latino based organizations research on them is limited with research surrounding issues associated with ethnic identity (Guardia & Evans, 2008; Nunez, 2004), political activity (Heidenreich, 2006), and social adjustment (Garcia, 2005).

Garcia (2005), in a nationwide quantitative research study involving 183 members and 131 non-members, found that Latina sorority members had significantly higher levels of social adjustment⁶ and goal commitment-institutional adjustment than non-members. Garcia's (2005) work showed that there was no difference for "academic adjustment, personal-emotional adjustment, or overall adjustment," (p. 121) between members and non-members. Although there is no information on whether the non-members were involved in ethnically based student organizations Garcia's research supports Hurtado's (1994) research that membership in an ethnically based student organization assists students in their acculturation to the campus community and with their sense of belonging. Garcia's work is important because it represents work on Latina-based sorority members that compares them in a quantitative way to their non-member peers.

Involvement has also been found to assist students with their ethnic identity development (Guardia & Evans, 2008; Nunez, 2004). Nunez (2004) became one of the first researchers to study ethnic identity development for Latina-based sorority members in a predominately white Midwestern institution finding that her participants gained a heightened sense of ethnic identity by joining their Latina-based sorority. Membership in the sorority also assisted with their involvement in other Latino/a campus organizations

⁶ According to Baker and Siryk (1999) as cited in Garcia (2005) social adjustment refers to "extent and success of social activities and functioning, involvement and relationships with other people on campus, ability to cope with social relocation, and satisfaction with the social environment" (p. 125)

or programs. Guardia and Evans (2008) study on the influence of Latino fraternity membership on ethnic identity is distinct from similar studies because the research site was a Hispanic Serving Institution⁷ (HSI). Using semi-constructed interviews, observations and focus groups the researchers found that ethnic identity was influenced by home family, fraternity brothers, HSI campus, language, and involvement on campus. Guardia and Evan's study, although unique to the field of higher education, has some serious limitations. Limitations include the number of participants, the location of the study (Southwestern United States) and the campus demographics. Further research needs to be conducted that looks at how predominately white institutions assist in fostering ethnic identity development.

Heidenreich (2006), unlike other research on Latino/a-based Greek organizations, offers a critique of membership in such groups. Heidenreich states that the rise and entrenchment of these new organizations should concern us as educators because of the parallels they hold with earlier accommodationist organizations such as LULAC, because of the racist and problematic history of the Greek system within American universities, and because of the ongoing racism and discrimination that Chicanas/os, especially laboring Chicanas/os, continue to face in this country (p. 6)

Heidenreich bases her assessment upon observances on her campus, mission statements of Greek organizations, organization websites, and literature surrounding the history of

⁷ Hispanic Serving Institution: as defined by the Hispanic Association of Colleges & Universities (HACU) refers to colleges, universities, or systems/districts where total Hispanic enrollment constitutes a minimum of 25% of the total enrollment. "Total Enrollment" includes full-time and part-time students at the undergraduate or graduate level (including professional schools) of the institution, or both (i.e., headcount of for-credit students). (HACU, 2009)

the American Greek system. Although, her assessment is significant, offering another viewpoint on the experiences of women in Latina-based sororities, it does not address those individuals who are involved in both activist groups and social sororities.

Although, current research assists us in understanding how membership in a Latina-based sorority supports enrollment in higher education, there is a lack of work on how this membership could serve as a source of support for negative experiences. When I began researching Latina-based sororities I noticed a trend for qualitative research to focus on ethnic identity development while quantitative research is used for questions about adjustment. The lack of qualitative or quantitative research, surrounding experience, led me to look at the broader field of Latinas in higher education.

Latinas in Higher Education

The following sections of this paper will focus on current literature from the field of higher education that directly relates to the access and achievement that Latinos/as experience while enrolled in various colleges and universities. Current issues, within the Latino population, will be presented that will help to explain why additional research on Latinos/as in higher education will be essential for years to come. The barriers that Latinas face in access and persistence in higher education will be discussed followed by the avenues of support that these women take advantage of.

Current trends.

Current trends within the Latina population, in regards to education and population size, are unparalleled in any other racial or ethnic minority group. Latinos are the largest ethnic minority in the United States, yet Latinos have the lowest college participation and completion rates of any ethnic population and are underrepresented at

every level of education excluding community colleges (Gloria, Castellanos, & Orozco, 2005; González, Stoner & Jovel, 2003; Guzmán, 2001; Marsico & Getch, 2009; National Center for Education Statistics, 2007; O’Conor, 2009; Ornelas & Solorzano, 2004; Turner & Garcia, 2005; Zalaquett & Lopez, 2006). According to the 2000 Census information as analyzed by Guzmán (2001) 12.5% of the United States population identifies as Hispanic with half of this population concentrated in Texas and California. 2000 Census information found that the Hispanic population, within the United States, increased by 57.9%, from 22.4 million to 35.3 million, during the 1990’s to 2000. Recognizing these trends, and the need to address issues faced by Latinos, is important because by 2050 the U.S. Census Bureau estimates that the Hispanic population will be almost 25% of the total population in the United States (U.S. Census Bureau, n.d).

Clearly, the educational attainment of Latinos has not kept pace with their population growth (Turner & Garcia, 2005) resulting in a larger achievement gap between Latinos and their white peers. Gloria, Castellanos, and Orozco (2005), in a literature review, concluded that of all Latinos, Mexicans have the lowest college completion rates. The barriers affecting Mexicans, at community colleges or 4-year institutions, will need to be assessed since Mexicans represent 58.5% of the entire U.S. Hispanic population (Guzmán, 2001). College completion and enrollment rates, in regards to community colleges, are especially important for Latino students. In their literature review Ornelas and Solorzano (2004) found that for the 42 of 100 Latinos who graduate from the California education system and decide to enroll in higher education 32 of them will end up at two-year community colleges. The enrollment trends in California, if reflected across other states, represent a major educational challenge for higher

education administrators because students who enroll in community colleges are less likely to obtain a bachelors degree (O'Connor, 2009).

Although, these findings are significant, it is important to note that a large proportion of past research on Latinos and higher education has focused on the broader category of Latinos without taking into consideration different cultural groups or genders comprised within this umbrella term. Research has concluded that of all Latino groups, Mexicans have the lowest educational attainment (Gloria et al, 2005) however research has not been presented that attempts to explain why these differences occur. Gender differences and educational attainment have been apparent within the Latino community since their initial enrollment (González et al, 2003; González et al, 2004; Vasquez, 2002). Male Latinos, in previous decades, achieved higher enrollment rates than Latinas but a shift during the 1900's has led to the current trends seen today. González et al (2004), in their qualitative study, found that by the 2000's Latinas surpassed Latinos in both college participation and completion. Little research has focused on Latina achievement in higher education and why their rates are far surpassing their male counterparts.

Factors supporting achievement.

Although there are a number of factors that hinder Latinos access to higher education they have many avenues of support as well. Zalaquett (2006) found by interviewing 12 students enrolled at a large urban university there were eight supporting factors for students in higher education. These factors include: family, prior education, responsibility toward others, a sense of accomplishment, friendship, scholarship, community support, and school personnel. In the following section I will review two of these sources of support for Latinos in higher education.

Family.

Although, family expectations on Latinas can negatively affect their achievement (Sy, 2006; González et al, 2004), family also represents one of the strongest resources for support that Latinas utilize while enrolled in higher education (Gándara 1982; Gándara, 1995; Zalaquett & Lopez, 2006). Gándara, (1982) while conducting interviews on Chicanas, found that parents played an important role with respect to the cultivation of a strong work ethic, a spirit of independence and the levels of emotional support that students received while pursuing their educations. Gándara (1995) would further find, more than a decade later, that the maintenance of strong family relationships helped Latino students adjust to higher education. The role of family, within the Latino community, is central to the successful transition from secondary to post-secondary forms of education (Zalaquett & Lopez, 2006). Zalaquett and Lopez (2006) found via qualitative analysis that parental support is critical for the success of Latinas in higher education and that parents need to be involved by student affair workers in the college experience. These findings have direct implications to how student affairs services are currently ran and further programming will need to be designed that educates parents on the educational decisions their children will be forced to make while enrolled in institutions of higher education.

Informal mentoring experience.

Family is not the only source of support that Latinas turn to in regards to making educational decisions. Latinas engage in more informal mentoring relationships involving family, teachers and counselors than formal mentoring programs (González et al, 2004; Zalaquett & Lopez, 2006). These informal mentoring relationships were found by

Zalaquett and Lopez (2006) via qualitative analysis, to have a positive impact on student adjustment to college. For Latinas to be successful in higher education it is essential that they establish supporting relationships both in college and high school. Mentors should encourage students to pursue their desire for higher education and provide them with the necessary knowledge to successfully navigate the educational system (Zalaquett & Lopez, 2006). González et al (2004) found that Latinas enrolled in higher education rely on Latino faculty, other students, members of the community, church members and family as their college sources of support. These individuals form an informal mentoring relationship with Latinas enrolled in higher education.

A lack of research or evidence that supports the effectiveness of formal mentoring experiences for the successful transition and retention of Latinas in higher education was apparent. Based upon research found for other groups on the benefits of various forms of formal mentoring (Cox, 2005; Dodson, Montgomery, & Brown, 2009; Storrs, Putsche, & Taylor, 2008) it can be concluded that similar formal mentoring programs established by colleges and universities would assist Latinas in higher education. Research needs to be conducted on which types of mentoring practices work best for this population of students and institutions will need to effectively turn these research suggestions into formal practices in order to positively impact the retention of their Latina students. Although there are a number of avenues to support the achievement of this underrepresented group many barriers exist that inhibit their ability to progress towards degree attainment.

Barriers to achievement.

Recent trends in Latino population growth and a failure in this communities' ability to access higher education at a comparable rate suggests that there are a number of barriers affecting the enrollment and persistence of Latinas in higher education. Latinas out of any other ethnic group are least likely to enroll in a 4-year college immediately after high school and are least likely to earn a college degree (Vasquez, 2002). The barriers that most affect the enrollment and retention of Latinas are cultural or family expectations (González et al, 2004; Sy, 2006), lack of knowledge about higher education (Smith, 2008; Stern, 2004; Zalaquett, 2006), and institutional neglect and abuse (Aviles, Guerrero, Howarth, & Thomas, 1999; González et al, 2003; Innerwahr, 2003; Kohler & Lazarin, 2007). The following sections clearly demonstrate the barriers to higher education that Latinos are facing and shed light on why the enrollment gap between Latinos and their peers exist.

Cultural/family expectations.

An important aspect of all cultures is family. According to the literature Latino culture takes family very seriously and it represents a barrier to many Latinas who desire to enroll in higher educations. For instance Latino culture places many expectations on daughters that negatively impact their enrollment decisions (Sy, 2006; González et al, 2004). Sy (2006) in their qualitative study found a strong presence of "marianismo" in Latino culture. "Marianismo", as described by Sy, is a cultural value that "emphasizes the self-sacrificing role of females and highlights the female's role as family caretaker". This cultural value is problematic to Latinas who desire to enroll in higher education because attending classes at a college or university has a higher probability of taking them away

from the family. The decision to leave home and family is particularly hard for Latina students to make. Families who hold the expectation that their daughters will remain at home until they are married are least likely to support their daughter's attendance at an institution that is not located within the community (González et al, 2004). This lack of support is another one of the reasons why Latinas enroll at community colleges rather than four-year colleges or universities. The community colleges allow many Latinas to live at home, under the protection of their family, while attending classes. The Center for Research on Women at Stanford commissioned by the Ford Foundation (1978) as cited in Beattie (2002) found during a qualitative study that enrollment and retention of Chicanas (Mexican-American females) in higher education was negatively affected by issues that appeared to not influence Chicanos. These factors included: less parental support because of cultural expectations of female responsibilities and the increased stressors these woman faced because of their gender. Although, these statistics are old it is important to note that the cultural and family expectations of Latinos have not changed much in the past three decades.

Another aspect that negatively impacts Latinas enrollment in higher education is how some Latino families view higher education. Silvera (2008) stated, from a literature review, that Latino parents see higher education as a cost and not an investment. Human Capital theory is a current accepted theory when trying to understand why students would choose to: invest in higher education, pick between institution types, or why students would continue to attend higher education. According to Paulsen and Smart (2001) human capital theory, within the context of higher education, helps students to determine if making an investment in higher education is worth the costs associated with their

decision. Since Latinos lack knowledge about the process of higher education they also lack specific knowledge about the benefits of higher education and thus make decisions that are detrimental to their student's success.

Lack of knowledge about higher education.

Even if Latino parents support their child's decision to enroll in higher education it is often a decision that they don't understand. Latino students and families lack a general knowledge about higher education that is essential to successfully navigate our system of education (Stern, 2004; Zalaquett, 2006). Stern (2004) found that Latino parents don't know what their children need to do to access higher education or how to ensure, through the school, that their child is on the college track. In conjunction with a lack of knowledge about higher education Zalaquett (2006) through interviews with 12 students enrolled at a large urban university found that Latinos are displaced from education. This displacement is the result of many factors including: racism, poverty, a lack of educational leadership, poor teachers, inadequate early childhood literacy development and an impersonal educational environment. Smith (2008) further concluded that low vs. high socioeconomic status (SES) families made different enrollment decisions. Smith's (2008) literature review based on research involving parent involvement and college choice found that differences between the enrollment decisions of high and low SES students can be attributed to the possession or absence of knowledge about college and whether or not parents had substantial higher education experience. Smith concluded that parents from high SES had greater access to information about college and therefore assisted their students in making better enrollment decisions. This article doesn't relate specifically to Latinas; however, since a

large proportion of Latina students are first generation or come from low SES families the author of this paper has concluded that this same lack of knowledge would influence the college choice decisions of Latino students.

Although colleges and universities, and even high schools, need to educate disadvantaged students on their enrollment decisions these types of intervention programs would prove to be ineffective in increasing the numbers of underrepresented students in higher education. The lack of knowledge that these parents experience extend far beyond the inability to make a “simple” enrollment decision. Students need the support and guidance of institutions of higher education from birth to graduation to make college choice decisions.

Institutional neglect and abuse.

The lack of knowledge that Latinas have in regards to higher education is also present as a lack of knowledge about the entire education system. Latino parents assume that teachers and counselors will provide their children with needed information about secondary and post-secondary education. This assumption is generally incorrect and Latino students often face institutional neglect and abuse. Institutional neglect or abuse was a term created by González et al (2003) to represent the experiences that student receive when they are not adequately prepared for college. Researchers have found many instances that would classify as institutional neglect or abuse towards Latino students (Aviles, Guerrero, Howarth, & Thomas, 1999; Kohler & Lazarin, 2007; González et al, 2003; Innerwahr, 2003). Aviles, Guerrero, Howarth, and Thomas (1999) interviewed Latino students in their qualitative research and found that principals and counselors behaved in ways that demonstrated that they hold lower expectations for Latino/Chicano

students. The students in this study were told that they would likely not graduate or be successful in their futures. These lower educational expectations or the voicing of negative stereotypes can lead to situations presented in the quantitative data analysis of Kohler and Lazarin (2007) when they found that Latinos were more likely, than their peer groups, to have lower test scores, fail more classes, have more absences, and be less likely to graduate from high school.

A lack of support for Latino students can also be another form of institutional neglect causing Latino students to make unwise decisions about higher education. This lack of support was clearly expressed by Stern's (2004) qualitative research when he found that two additional barriers impact the access of higher education for Latino students. These barriers were found to be lack of teacher support and a lack of counselor involvement which forced Latino students interested in higher education to figure out the entire process on their own. González et al (2003) in a qualitative study, interviewing 12 Latinas from highly selective colleges and 10 students from community colleges, established that the accumulation of high or low volumes of social capital or institutional neglect and abuse limit or expands students perceived and/or actual opportunities for college.

Additionally, Innerwahr (2003) found by qualitative interviews that Latinos also lack strong adult supervision pertaining to enrollment decisions and receive misinformation about college requirements which leave them with the option of choosing less successful options. Enrolling in a community college is an example of the less successful option that Latino students choose in order to access higher education. The institutional neglect experienced by Latinos in terms of secondary education account for

the reason why 2/3 of all Latinos begin at community colleges (Sólorzano, Villalpando, & Oseguera, 2005).

The biggest impact that institutional neglect has on students is that it begins at an early age and then culminates into limited or nonexistent access to higher education for students who may desire it. González et al (2003) findings further concluded that ESL (English as a Second Language) tracking prevents access of any kind to college prep material and that Latinas are over represented in special education curriculum. These students will never take the prerequisites to enroll in four year institutions and therefore are only left with the option of remediation at community colleges. This article is significant because it explains the system of education for early ESL learners; however, it fails to discuss why other Latinos (not enrolled in ESL courses) are placed into vocational tracks both in high school and at community colleges.

Institutional neglect and abuse clearly have negative effects on access to higher education. Anti-immigration law is also likely disrupting the access of undocumented Latinos to post-secondary education. These types of laws also have the potential to impact the experiences of Latino college students, regardless of their immigration status. Research that addresses possible connections between anti-immigration law and institutional neglect and abuse if, in existence, is very limited. This limitation is problematic because of the potential anti-immigration law has to affect college experience. Institutions, that are already neglecting the needs of their Latino students, will further be at a loss of how to provide support for student issues that arise after the implantation of anti-immigration law.

Anti-immigration law

Currently there is a lack of research on the effect that anti-immigration law has on the experiences of college students. Research, surrounding the Dream (Development, Relief, and Education for Alien Minors) Act⁸ or other state initiatives, has been used to study access and affordability of higher education for undocumented students (Drachman, 2006; Flores & Chapa, 2009). Drachman (2006) found that “neither federal nor state law forbids undocumented students from attending college, but in effect many are turned away for financial reasons” (p. 92). Undocumented student are unable to receive state aid to attend college and must find private funds to pay for the cost of their education. According to Drachman, an estimated 65,000 undocumented students graduate every year from high school with approximately 37,000 of these students identifying as Latino.

His article focuses on the issues surrounding undocumented students, in-state tuition and access to post-secondary education. Flores and Chapa (2009) similarly discuss higher education access for undocumented students. Failure of the Senate to pass the DREAM Act has forced states to create acts with the goal of “making undocumented immigrants eligible to pay in-state resident tuition for public colleges and universities without violating Section 505” (p. 92) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA).

⁸ The DREAM Act is a bipartisan legislation – pioneered by Sen. Orin Hatch [R-UT] and Sen. Richard Durbin [D-IL] – that can solve this hemorrhaging injustice in our society. Under the rigorous provisions of the DREAM Act, qualifying undocumented youth would be eligible for a 6 year long conditional path to citizenship that requires completion of a college degree or two years of military service (DREAM Act Portal, n.d).

Access due to affordability, as highlighted by research on undocumented students, is an important aspect of higher education research. What current researchers are failing to address is the role that these laws, particularly those with “reasonable suspicion” clauses, will have on the experiences of undocumented students or documented students experiences within higher education. The two laws that will be used, to provide context for this study, is Arizona’s Legislative Bill 1070 (L.B. 1070) and Ordinance No. 5165 enacted in Fremont, Nebraska. L.B. 1070 called attention to the anti-immigration debate when it made national news for its reasonable suspicion clause.

Arizona, however, was not the first state to enact anti-immigration law. Oklahoma, in 2007, enacted a state law the disqualified undocumented immigrants from state services and made it illegal for anyone to offer transport or assistance to undocumented individuals (Martin, 2010). Arizona’s anti-immigration law made national headlines for the provision that allows “law enforcement officers, during a lawful stop, to determine immigration status of individuals who they reasonably suspect to be illegal aliens” (F.A.I.R., 2010a). The concept of “reasonable suspicion” sparked national media attention as opponents for this bill asserted the increased chance of racial profiling against those who don’t appear to be stereotypically “American.” Latinos specifically, who represented a large portion of Arizona’s undocumented population, were fearful of the consequences of such a bill Proponents for the bill would mark crime and the cost of illegal immigration, not anti-Latino sentiment, as the motivator behind this bill (F.A.I.R. 2010b). States looking to introduce similar measures as Arizona include Michigan, Minnesota, Pennsylvania, Rhode Island, Oklahoma, South Carolina and

Nebraska (Martin, 2010). Such bills are also being enacted at the county and community level as well.

In Prince William County, Virginia residents supported an anti-immigration bill that required “police officers to question anyone they have “probable cause” to suspect is an undocumented immigrant (9500 Liberty, 2009, ¶1). This law received national attention when a documentary, 9500 Liberty, publicized the economic and personal effects that such a law can have on a community. Latinos, fearing racial profiling and the enactment of a law perceived as racist, fled from Prince William Country causing the local economy to fall and mortgage rates to rise (9500 Liberty, 2009). Latino families were physically divided, as Latino residents moved out of the neighborhood, while other residents felt an emotional divide as friends supported different sides. The placement of a “probable” or “reasonable suspicion” clause in these anti-immigration laws have the potential to create liability as Civil Rights organizations see them as a form of racial profiling. Both laws received media attention and although, supported by a majority of voters, were eventually changed to remove their “probable cause” or “reasonable suspicion” statements. As seen in Fremont, Nebraska an anti-immigration law does not need this “probable cause” statement to have the possibility of liability.

On June 21, 2010 Fremont, Nebraska enacted a city ordinance that made it illegal for employers to hire undocumented individuals (City of Fremont, NE, 2011a).

Additionally the bill requires that all residences obtain an occupancy license to be able to lawfully rent within the city boundaries. To obtain an occupancy license a resident must

- Submit an application to the Fremont Police Department
- Pay \$5 fee to the City

- Provide required information for the application

The required information is pretty standard requiring information such as applicants name, current address, future address, birth date, number of dependants and additional information about the dwelling. Application materials surrounding the verification of citizenship or residency read as follows:

9 (a) in cases in which the applicant is a United States citizen or national, a signed declaration that the applicant is a United States citizen or national on the a form provided by the City, which notifies that applicant that knowingly making any false statement or claim that he or she is, or at any time has been, a citizen or national of the United States, with the intent to obtain a state benefit or service is a crime under United States Code Title 18, Section 1015(e);

Or

(b) in cases in which the applicant is not a United States citizen or national, an identification number assigned by the federal government that the occupant believes establishes his lawful presence in the United States (examples include, but are not limited to: resident alien card number, visa number, “a” number, I-94 registration number, employment authorization number, or any other number on a document issues by the U.S. Government). If an alien does not know of any such number, he shall so declare. Such a declaration shall be sufficient to satisfy this requirement.

City of Fremont, NE, 2011b

Applications for an occupancy license via 9(b), or those where the individual does not declare themselves to be a citizen or national of the United States, will be sent to the Federal government to ascertain whether the occupant is an alien lawfully present in the United States (City of Fremont, NE, 2011b, ¶2). Those found to be here unlawfully will eventually be sent revocation notices what will revoke the renters occupancy license (City of Fremont, NE, 2011b). The occupancy license requirement, of this ordinance, will push a number of undocumented individuals out of the city limits where other renting opportunities may exist.

In terms of employment, “employers with the exception of independent contractor by a business entity or to the intermittent hiring of casual labor for domestic tasks customarily performed by the residents of a dwelling” (City of Fremont, NE, 2011b) will find it unlawful to employ undocumented individuals. The interesting employment aspects of this ordinance is that Fremont’s meat packing business, a large employer of Fremont’s Latino population, is just outside of city limits. Its location outside of city limits allows undocumented individuals to still be employed in the meat packing industry. This law forces undocumented workers, mainly Latino, into the stereotypical industries of house cleaning, meat packing and lawn maintenance. Of Fremont, Nebraska approximately 25,000 residents: 95.3% are white; 4.3% are Hispanic or Latino; .6% are Black or African American, .3% American Indian and Alaska Native and .6% Asian (U.S. Census Bureau, 2000). Due to a resolution passed on July 27, 2010 to suspend the implementation and enforcement of this ordinance, (City of Fremont, Ne, 2011a) residents of Fremont, Nebraska have not been drastically affected by this law.

If enacted, Ordinance No. 5165 will have an impact on the employment opportunities of undocumented individuals, similar to those stated in Jefferies (2008) work. Jefferies (2008) stated that an individual's documentation status regulates undocumented adults to manual labor jobs that pay below minimum wage and lack benefits. These types of jobs, in conjunction to limited access to higher education, place undocumented individuals with no prospects of mobility (Jefferies, 2008). According to Jefferies (2008) the term "illegal" began to be "widely used by conservative political organizers" (p. 250) and "changed the language of the pro-immigration or anti-immigration debate by the immediate assignment of negative characteristics to this population, helping sway traditional adherents of a pro-immigration stance" (p. 250). Consequently, the use of the term "illegal immigrant" has become the norm in state statutes, city ordinances and in our national immigration debate. The use of this term stigmatizes undocumented individuals and other Latinos who are thought to be illegal because of the way they look, act, or dress. The experiences that Latinos face, in the United States, may cause them to perceive a constant atmosphere of discrimination.

Perceived Discrimination

The sociological theory of perceived discrimination has been extensively studied for minority groups. In regard to Latinos/as; studies focus on adolescents and perceived discriminations impacts on ethnic identity (Umaña-Taylor & Guimond, 2010), mental health (Araújo & Borrell, 2006), substance abuse (Okamoto, Ritt-Olson, Soto, Baezconde-Garbanati & Unger, 2009), peer groups (Eccleston & Major, 2006; Lopez, 2005) and racial balkanization (Villalpando, 2003). Umaña-Taylor and Guimond, (2010), in a quantitative study focusing on parent-child relationships and adolescents'

perceptions of discrimination to determine growth in ethnic identity development found that perceived discrimination was significantly associated with male adolescent's ethnic identity exploration and affirmation but not females. While Umaña-Taylor and Guimond focused on ethnic identity development; Araújo and Borrell (2006) focused their literature review on the link between discrimination, mental health outcomes and life chances for Latinos in the United States. According to Araújo and Borrell discrimination research is limited on Latinos with the Hispanic Stress Inventory (HSI) being "the only scale that specifically focuses on the experiences of Latinos and Hispanics and includes a Discrimination subscale (p. 249). Their article is important because it discusses different types of discrimination and focuses on the need to distinguish between the ethnic and the racial discrimination that Latinos and Hispanics experience. Ethnic discrimination occurs because of accents and language status while racial discrimination deals with phenotype, skin color and facial features (Araújo & Borrell, 2006). According to the national Survey of Latinos (2002) as cited in Araújo and Borrell stated that

41% of all Latinos and Hispanics reported receiving poorer service in restaurants and stores, 30% have been called names or insulted, and 14% have not been hired or promoted because of racial and/or cultural discrimination (p. 252)

These numbers are significant and highlight the need for continuing discrimination research surrounding the experience of Latinos/Hispanic in the United States. The potential impacts that discrimination has on underrepresented populations, even Hispanics/Latinos, has been studied and is associated with greater levels of stress and depressive symptoms (p. 253). Additionally, Okamoto, Ritt-Olson, Soto, Baezconde-

Garbanati and Unger (2009) found that Latino adolescents who report higher levels of discrimination are at risk for substance abuse. These findings are significant because these adolescents may become college students struggling with substance abuse issues or adopt these coping mechanisms when they experience discrimination on their college campus.

Eccleston and Major (2006) found in their quantitative study with 160 undergraduates at the University of California at Santa Barbara that “individuals who were highly identified with their ethnic group were more likely to attribute the cause of ambiguous negative events to discrimination” (p. 157) which “positively related to appraising discrimination as more stable, severe, and global” (p. 157). Having a view of discrimination as stable, severe and global was inversely related to self-esteem. Both attributions to discrimination and group identification were indirectly related to self-esteem through viewing discrimination as stable, severe and global. Eccleston and Major’s study is among few that involve college aged students and effects of perceived discrimination. Lopez (2005), in his quantitative longitudinal study, found that Latino freshman who entered a predominately White, elite, public institution experienced initial stress due to a challenging curriculum and stress from the Latino community for “acting White⁹” (p. 360). In the second round of surveys, during spring semester, students identified a decrease in intragroup stress and an increase in racism (p. 361). Increases in racist expectations of poor performance caused Latino students to see their Latino peers as sources of support thus initializing the process of racial balkanization. Racial

⁹ Acting White: Students in Lopez (2005) study who were from predominately white high schools were pressured from Latino peers in college on how to act or what to believe. They were stereotyped as not being “Latino” enough and thus were considered to be acting white. She doesn’t give specific examples of how participants were acting white.

balkanization, according to Villalpando (2003), is the self-segregation that occurs among racial/ethnic groups for comfort and support. One such example of this is the formation of Latino based Greek-lettered organizations to support Latino students in higher education.

As previously stated, the role that Latina-based sororities play as a mediator for perceived discrimination as a result of anti-immigration law is understudied. Perceived discrimination research, in the Latino community, tends to focus on adolescents which caused this phenomenon to be understudied in higher education. Research on Latino adolescents surrounds self-esteem (Eccleston & Major, 2006), ethnic identity (Umaña-Taylor & Guimond, 2010), substance abuse (Okamoto et al, 2009) and mental health (Araújo & Borrell, 2006). The focus on adolescents is important, however, additional work within higher education and the workplace are also important to develop a better understanding of the effects of perceived discrimination.

Summary

This chapter used current fields of research surrounding Latina-based sororities, Latinos/as in higher education, anti-immigration law and perceived discrimination to create the context for this study. Chapter 3 provides the qualitative methodology that directs this study. Chapter 3 highlights the research site, rationale for qualitative methodology, participant recruitment, data collection methods, data analysis methods and finally the strengths and limitations of this study. This methodology will set the stage to ask the question; what anticipated influences, if any, does the introduction of Arizona and Fremont, Nebraska-like initiatives have on Latina-based sorority member's college experiences. Participant responses, in this study, will provide better understanding of

how Latinas, regardless of immigration status, view anti-immigration law, how they think it will impact their daily lives, and finally what institutions of higher education should be doing to prepare their students for life after L.B.1070.

Chapter 3

Methodology

Research Questions

This study will examine if Latina-based sorority members, regardless of immigration status, anticipate a change in college experience if laws like L.B. 1070 (Arizona's anti-immigration law) and Ordinance No. 5165 (Fremont, Nebraska's anti-immigration law) are introduced in their state. If students anticipate a change in experience then how will institutions respond to the atmosphere of discrimination that these students perceive? This study will contribute to the body of knowledge surrounding the Latina college student experience by looking at perceived discrimination, as a result of anti-immigration law. My primary research question was how Latina-based sorority members perceive anti-immigration law and whether they would anticipate changes to their experience if anti-immigration law were enacted in their state. This primary question was addressed by looking at the following sub-questions:

- How the participants understand and define this bill?
- How students feel their daily college experience would change under such state laws?
- How their perceptions of campus climate would change?
- How the bill could impact student-family life?
- How participants feel institutions should respond?

These questions addressed whether the Latina college student experience, regardless of immigration status, would change or remain the same after the passage of anti-immigration law.

The experience of Latinas in higher education is an important area of research because so little is known about this underrepresented population. This particular study is essential to this field because of the way it incorporated and addressed the effects of state law and perceived discrimination on overall experience. The media portrayal of Senate Bill 1070, in Arizona, as an anti-Latino bill (Monahan, Pearson, & McShane; 2010) could have serious implications to the field of higher education and addresses how outside (societal) pressures can change the perceptions of campus climate regardless of institutional efforts. These types of anti-immigration laws are also important to study as they have the potential to negatively impact the enrollment trends of students and be contradictory to states laws that assist these same populations. Nebraska currently has an enacted version of the Dream Act while also serving as one of the states considering Arizona-like anti-immigration law. Institutions, in states similar to Nebraska, will need to adopt ways in which to work within states that have contradictory ways in which to work with these students. The findings from this study are particularly significant when you consider the potential effects that anti-immigration law may have on students who are in the United States legally.

If a change in experience is uncovered then institutions will have to develop methods, practices and services to help counteract the effects that such laws will have on their student population. This study will be of particular importance for those institutions within the ten states that are currently contemplating introduction of similar measures. States looking to introduce similar measures as Arizona include Michigan, Minnesota, Pennsylvania, Rhode Island, Oklahoma, South Carolina and Nebraska (Martin, 2010).

Qualitative Case Study Methodology

According to Merriam (2009), qualitative research has four major characteristics—“the focus is on understanding the meaning of experience, the researcher is the primary instrument in data collection and analysis, the process is inductive, and rich description characterizes the end product” (p. 19). I decided to use qualitative research methods while conducting this study. The study’s focus, the effect of perceived discrimination on college experience, is relatively new to the field of higher education and best studied using qualitative methods. The lack of a theoretical framework and the emphasis placed on participant experience make qualitative case study methodology well suited for this study. Additionally, a desire for in-depth understanding of individual perceptions and expectations of anti-immigration law made qualitative methodology the best method for this study.

This study used interviews as the primary method of data collection, thus providing a deeper understanding of the participant’s perceptions of the effects of anti-immigration law. Interviews also provided a personal account of how state laws (which aren’t controlled by the university) affect the college student experience. Interviews, unlike quantitative research methods, provided me with the ability to

- ask follow up questions that hit a deeper meaning;
- ask participants to clarify responses; or
- shift the focus of subsequent interviews as needed.

A quantitative research approach would have been ineffective because surveys on campus climate, student engagement, or other experience measures may fail to identify the specific effects that this bill would have on their experience. A quantitative study

would most likely suggest that Latinas would have a better, same or worse experience post enactment of anti-immigration law. Additionally, a survey would have been inefficient because of its lack of flexibility. Flexibility, during the data collection process, was an essential component to this research design. By researching a relatively new topic in higher education I had to be flexible to emerging themes or issues presented by participants in this study. Interviews were selected as the best method because of their flexibility and their ability to uncover experience (Merriam, 2009).

I chose case study methodology for this particular study because it “investigates a contemporary phenomenon in depth and within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident” (Yin, 2009, p. 18). The context, anti-immigration law, is directly related to and interlinked with the phenomenon, Latina college student experience. Both the context and phenomenon bound my case by topic rather than time or location. This study followed a single-case design because this case was studied at a single institution (Yin, 2009) and represents a unique way in which to look at college experience.

Additionally, Merriam (2009) defines a case study as “an in-depth description and analysis of a bounded system” (p. 40). Case study methodology was extremely useful in this research study because the case, college student experience, is bounded by the system of anti-immigration law. Having only one research site also bounded the study by place. Finally, case study methodology was selected because it “plays an important role in advancing a field’s knowledge base” (Merriam, 2009, p. 51). This advancement of knowledge is of particular importance because the experiences of Latinas in higher education are currently understudied. The case in this study is the anticipated changes to

experience of students in Rho Omicron Lambda and Iota Alpha Lambda attending Chavez University directly related to S.B. 1070 and Ordinance No. 5165.

This study will be conducted using case study methodology and it was analyzed and collected from a critical constructivist approach. Constructivism is marked by the belief that multiple realities exist and these multiple realities are constructed by individual experience (Merriam, 2009). In other words, what people experience as individuals really affects the way in which people know and thus construct their realities. A constructivist epistemology will also strengthen the way in which interviews were used to highlight the experiences of the participants in this study. I adopted a critical approach because of its focus on the role of power and privilege which I saw to be essential in this study about the influence of anti-immigration law on the Latina-based sorority member's college experience. In-depth analysis of participant interviews from a critical constructivist approach served as the data analysis methods for this case study.

Research Site

The location of this study was restricted to a predominately White institution, of higher education whose regional location will not be identified because of the necessity to maintain participant confidentiality. The institution has an undergraduate enrollment of just over 20,000 students. The institutions student of color population accounts for just over ten percent of total enrollment with 3.6% of these students self identifying as Hispanic/Latino. In order to maintain participant confidentiality I changed the name of the institution, for purposes of reporting, to Chavez University, (CU). The research site was Chavez University's campus. Interviews were conducted in one of the sorority's offices or the Office of Greek Affairs.

Sample Selection

I selected the participants for this study purposefully¹⁰ (Merriam, 2009).

Purposeful sampling presented me with the opportunity for individuals to be selected that would provide the best description for the experience under investigation. Participants for this study were selected based on their attendance at Chavez University as well as their involvement in a Latina-based sorority (Appendix 5: Participant Demographics). I restricted this study to Latina-based sorority members because of a desire to recruit participants that shared a common experience. Additionally my ability, as a Latina-based sorority member, to identify and recruit participants was beneficial to working with Latina-based sorority members.

To maintain the confidentiality of the participants I have changed the names of the two participating sororities to Rho Omicron Lambda (ROL) and Iota Alpha Lambda (IAL). These names were selected because their acronyms ROL and IAL stand for “Research On Latinas” and “Information About Latinas” respectively. These names also represented an organizational name not currently in use by any other Greek organization.

My ability to recruit participants was aided by my involvement in a Latina-based organization and by CU’s Director of Greek Affairs. The Director of Greek Affairs at Chavez University assisted me in the recruitment of the participants for this study. This Director sent out two recruitment emails to members of both sororities. Sorority members were asked to contact me if they were interested in participating in my study. After the recruitment emails were sent out, 3 members of ROL and 3 members of IAL

¹⁰ Purposeful sampling: Latina-based sorority members were selected because they represented the best way in which to examine how anti-immigration law may impact Latino college experience.

expressed interest in participating in the study. Scheduling issues with one of the members of IAL limited the final pool of participants to 3 members of ROL (2 undergraduate and 1 graduate) and 2 members of IAL (both undergraduate).

Data Collection

Data for this study was collected using interviews. I also considered focus groups as an option for this case study but determined them to be inappropriate because of subject sensitivity and the potential for individual experience to be over shadowed by group discussion.

Interviews.

The findings from this study were coded from information in participant interviews. When I conducted this study my primary interest was related to the student perceptions on anti-immigration law and whether they felt this type of law would have an impact on their experience as college students. My focus on their individual perceptions made interviews the most beneficial form of data collection. I conducted interviews with three members of Rho Omicron Lambda and two members of Iota Alpha Lambda sorority members attending a four-year public institution, Chavez University. Interviews lasted between 29-49 minutes with the average length being 38:29 minutes. I conducted one interview per participant on CU's campus. CU's Director of Greek Affairs reserved the Greek Affairs conference room for the majority of my interviews. Those interviews that had to be rescheduled, at the request of the participant, were conducted in the office of the sorority requesting the schedule change in circumstances when the Greek Affairs conference room was unavailable.

I conducted the semi-constructed interviews and used two recorders to capture the participant's response. I decided not to record notes during the interview so a more conversational format could be used (Appendix 4: Interview Protocol). This approach really assisted participants in feeling comfortable while talking about such a sensitive topic. Note taking would have highlighted my role as a researcher and created a separation between the participants and myself that could have limited their ability to express their honest opinions.

Data Analysis

I used interviews as a way to gain insight into the actual experience of the participants while a summary of Legislative Bill 1070 and Ordinance No. 5165 were used to provide the context surrounding this experience. Identifying this context was an essential part of the research process. This understanding allowed me to conduct higher inference, inductive methods of data analysis which would ultimately lead me to provide rich, thick descriptions that would assist with an understanding of Latina students' experiences.

I analyzed segments of interviews using a variety of data analysis methods ranging from very low inference to very high. After verbatim interview transcription, all of my reflections and observations were added to the interview transcript. I then used low-level coding to identify those segments particularly related to the research question, those that were surprising, those that were confusing or those that conflicted with previous experiences (Carspecken, 1996; Merriam, 2009). Low-level codes were placed in the left margin of the interview transcript and were used in the formation of themes (Appendix 6: Data Analysis). Low-level codes were 2-3 word phrases, taken directly

from the transcript, which captured what was said by the participants in a specific segment of text. Segments of text, that I found to be surprising or common among the participants, were then selected for explicit, initial meaning reconstruction; meaning field analysis (Carspecken, 1996). “During initial meaning reconstruction, meanings fields are on a relatively low level of inference” (p. 96) and meant to “articulate the range of possible meanings from each statement analyzed “(Carspecken, 1996, p. 96).

Segments of text, from participant interviews, that were either normative or surprising were analyzed at a higher level of inference using meaning field analysis (Carspecken, 1996). Meaning field analysis is conducted by taking a single line of text and then reading the dialog and teasing out all the possible meanings from participant response. These meanings can either be at low, medium and high levels of inference (Appendix 7: Data Analysis). The ability for the researcher to find a deeper meaning than that directly expressed makes meanings field analysis a valuable tool in qualitative research when developing rich, thick descriptions (Merriam, 2009). The statements, at different levels of inference, are then individually analyzed to determine level of fit with participants overall interview.

Next, I selected segments of interview transcripts for Reconstructive Horizon Analysis based on those segments that were particularly rich or for which the low-level codes did not adequately explain what had been said. While conducting horizon analysis my goal was to identify the back-grounded and fore-grounded; objective¹¹, subjective¹², normative-evaluative¹³, and identity claims represented behind each possible meaning

¹¹ Objective Claims: third person claims

¹² Subject Claims: first person claims

¹³ Normative-evaluative claims: moral or ethical claims

determined through initial meaning reconstruction (Carspecken, 1996). This type of data analysis allowed me to identify multiple meanings, either back-grounded (implicit) or fore-grounded (explicit), behind important statements included in participant responses. I then used the findings from horizon analysis provide additional support for themes found in participant interviews. (Appendix 7: Data Analysis), I didn't select horizon analysis for the sole purpose of identifying high inference themes but also because it can be used effectively as a validation tool because it can always be linked back to the low-level codes, providing a system of checks and balances to the coding process (Carspecken, 1996).

Low-level codes were an important aspect of the data analysis process because they create the foundation, and framework, in which to frame the studies themes. Lower-level codes were grouped together by topic. These topics serve as the overarching themes for this study with a potential for subthemes to emerge depending on participant responses. Neither the Fremont ordinance nor the Arizona law were analyzed for this study but were used by the participants as a way to gain a deeper understanding of anti-immigration law.

Data Validation

I selected a number of the techniques identified by Merriam (2009) and Yin (2009) to establish validity and reliability for the findings of this research project (Appendix 6: Validation Techniques). I conducted respondent validation (member checks). Members checks were performed after interviews were transcribed so participants could reflect, change, or enhance any experience shared with me and again after low level codes were created (Merriam, 2009). This two step member check

process allowed me to assert that not only were my interview transcripts valid but so were the low level themes obtained from them.

I used peer review in situations where Reconstructive Horizontal Analysis was used on interview transcripts and during the use of meaning fields on interviews and public records. This peer check helped me to ensure that meanings found during data analysis were consistent with the data. It also allowed peers to “challenge the researcher on biases and blindnesses in order to increase the researcher’s own awareness of them” (Carspecken, 1996, p. 102). Peer reviews also assisted me in the validation of the highly inference, back-grounded meanings obtained from Horizon Analysis. Finally, I used both an audit trail and rich, thick descriptions which are cited by Merriam (2009) as a strategy to promote validity and reliability (p. 229).

Reliability refers to a studies ability to be generalizable. Yin (2009) states that all research findings should be statistically generalizable or analytically generalizable. He states that analytic generalization is when a “previously developed theory is used as a template with which to compare the empirical results of the case study” (p. 38). The interpretations from the data I collected will not be analytically generalizable because of the lack of a current theoretical framework. Since the results were not quantitative in nature they also failed to be statistically generalizable. I don’t believe that this lack of generalizability reduces the reliability of this study. Creation of parallel environments such as in states that adopt similar anti-immigration measures has the potential to affect the experiences of students at other institutions in comparable ways.

This study is theoretically transferable rather than theoretically generalizable. If perceived discrimination brought about by anti-immigration law has an effect on the

experiences of Latina college students, regardless of immigration status, then the experiences lived by the participants in this study may mirror those found elsewhere. The best way to determine this would be to replicate this study in states where similar anti-immigration laws are adopted.

Limitations and Strengths

Limitations present in this study were both personal and theoretical. Personal limitations in this study included my role as an insider and my experience as a researcher. I am both a member of a Latina-based sorority and self-identify as a Latina. For the purposes of this study I would have to consider myself extremely tied to the subject matter both because of my views on S.B. 1070 but also because of my experiences as a Latina college student. This dual insider role could reduce the ability of this study to be replicated if an outsider both in terms of Greek membership and ethnic group were to replicate it. Although limiting this studies ability to be replicated it also strengthened richness of my findings leading to increased validation. My role as an insider allowed me to spend time with the participants and to begin our interviews with a certain degree of trust that would not have been present between participants and the researcher who did not have these commonalities.

My experience as a researcher also had the potential to influence the validity and reliability of this study. At the beginning of this study my experience with qualitative case study methodology was extremely limited and I had never had experience with participant interviewing. This limitation was lessened by practicing interviewing and observation before my visit to Chavez University. My data validation methods specifically member checks and peer reviews also worked to strengthen and validate the

findings of this study. My knowledge of case study methodology was increased by reading Luker (2008), Merriam (2009) and Yin (2009) books on case study methodology in conjunction with a three-week course that focused on qualitative case studies.

Summary

The case in this study is the anticipated experiences of students in Rho Omicron Lambda and Iota Alpha Lambda attending Chavez University directly related to the passage of L.B. 1070 or Ordinance No. 5165. Five interviews, one per participant, serve as the method of data collection for this thesis. I conducted data analysis using a variety of methods ranging from low-level basic, inductive coding to high inference, backgrounded Reconstructive Horizon Analysis. Limitations in this study include my role as an insider, my inexperience with research and a lack of a theoretical framework. I addressed these limitations by using a number of validation techniques and gaining additional experience prior to entering the field. Validation techniques include: two-stage member checks on interview transcripts, peer review for instances where Reconstructive Horizon Analysis or Meaning Field Analysis were used and the use of rich, thick description while discussing this study's findings in Chapter 4. My findings (Chapter 4) present ample description and analysis of the participant experience as well as the context surrounding this experience.

Chapter 4

Data Analysis

The purpose of this study was to examine whether Latina-based sorority members, regardless of immigration status, anticipate a change in college experience if laws like L.B. 1070 (Arizona's anti-immigration law) and Ordinance No. 5165 (Fremont, Nebraska's anti-immigration law) are introduced in their state. Interviews, following the methodology discussed in the previous chapter, were used to answer this question. In this chapter, I analyzed the responses from the individual interviews and use them to highlight the themes that arose in this study. It is important to remember that the Arizona law changed drastically from its original form and that the Fremont ordinance is currently suspended because of litigation. During the interviews, I gave participants copies of the F.A.I.R. fact sheet of L.B. 1070, as it was originally enacted, to provide them with a context that would be more similar to what students living in Arizona would have experience prior to the changes made to the law. Reasonable suspicion clauses were placed in both L.B. 1070 and the law introduced in Prince William County, Virginia in 2007. Reasonable suspicion clauses, such as the one in Legislative Bill 1070, Arizona's anti-immigration law, received national attention as law enforcement personnel are mandated to determine what physical or behavior characteristics would identify one as being undocumented.

The other anti-immigration law, used in this study, was the Fremont city ordinance: Ordinance No. 5165. This law, unlike Arizona's law, does not deal with reasonable suspicion but rather is focused around housing and employment (Ordinance No. 5165, 2010). Fremont's ordinance made it unlawful for undocumented individuals to rent or be employed within city limits (City of Fremont, 2011b). This law carries great

significance because it drastically reduces the chances of an undocumented individual's ability to provide and offer a home for his/her family. Although significant, this law did not receive as much participant attention from members of Iota Alpha Lambda when compared to Rho Omicron Lambda. Ordinance No. 5165 received less attention, from both organizations, when compared to participant focus on L.B. 1070. National media attention to L.B. 1070 may have provided participants with prior knowledge of this law thus creating a feeling of familiarity while discussing the anticipated effects of these anti-immigration laws thus resulting in less attention being given to the Fremont ordinance. Laws with reasonable suspicion clauses, such as L.B. 1070, have the potential to impact all Latina women, regardless of status, while Fremont-like initiatives only target those who cannot prove their status. The women in this study may have focused on L.B. 1070 because it could impact them whereas the other one wouldn't.

The following themes represent participant responses to issues surrounding college experience and anti-immigration law.

- Service over Activism
- Creation of a Race Conflict
- Anticipate Changes in Experience
- University Responsibility

The first theme; **Service over Activism** highlights the Latino-Greek lettered organizations focus on community service and provides a rationale for why the sororities in this study do not actively address immigration issues. The potential for Arizona-like initiatives to racially profile in conjunction with the perception that anti-immigration law is anti-Latino law leads to the **Creation of a Race Conflict** between what is "white" and

what is “nonwhite.” The participants expressed that Arizona-like laws create the ability for law enforcement officers to use cultural signifiers such as accent or skin color as characteristics to identify those who are suspected of being undocumented. The ability to be directly (racially profiled or for undocumented individuals deported) or indirectly (knowing someone who is directly impacted) affected by anti-immigration law leads Latina-based sorority members to **Anticipate Changes in Experience** with the implementation of anti-immigration law. These anticipated changes will force universities to step up and address issues surrounding this debate. The **University Responsibility** to anti-immigration law should be to raise awareness of immigration issues and provide support to those affected by such initiatives.

The first theme that arose from participant interviews was a lack of sorority attention to anti-immigration law and general level of awareness about such issues. The following theme parallels Heidenreich’s (2006) assessment, as discussed in Chapter 2, which stated that Latino/a-based Greek organizations fail to be activist groups in their communities and on their campuses because they adopt an accommodationist¹⁴ standpoint. A lack of involvement, at the organizational level, with political issues for both sororities was found in this study.

Service over Activism

Although the two sororities differed in their apparent knowledge of anti-immigration law; neither sorority reported having had in-depth discussions about anti-immigration laws or hosted events that were more political in nature. During the

¹⁴ Accommodationist organizations are defined by Hiedenreich (2006) as liberal, service oriented organizing which embraced the basic capitalist economy and social structure of the United States.

interviews I asked each of the women whether they had ever discussed anti-immigration law with their sorority members. The members of Iota Alpha Lambda, Dulce and Alison, both stated that they had never discussed anti-immigration law but they had had one conversation about the Dream Act¹⁵. Alison, sophomore international studies major who identifies as tri-racial, stated that “I think I have explained it (Dream Act) to some people because it’s kind of happening like right now. And then, I feel like the Arizona thing (L.B. 1070) is calmed down a bit and more of last year but...I know it’s still relevant but I don’t think...I don’t remember discussing it.” Alison, having newly joined her Latina-based sorority in the fall of 2010, may have not had the opportunity to discuss anti-immigration law with her sorority sisters. When asked if she ever talked about anti-immigration law in her other student organizations or classes she replied her [student group] “usually focuses on global affairs” while her political course “hasn’t gone into immigration too much maybe touched on it.” It would appear that a lack of attention to immigration issues occurs across campus and isn’t specific to Latina-based sororities.

Dulce, sophomore accounting major who identifies as Mexican American, validated Alison’s statement when she mentioned that “we didn’t really go into depth but we just thought it would be, it was very like...it would be hard for those students who are trying to get that passed and they can’t go to school because of that” (in reference to the Dream Act). The Dream Act allows undocumented students to attend institutions of higher education for instate tuition if they meet very strict requirements. The act also

¹⁵ The DREAM Act is a bipartisan legislation – pioneered by Sen. Orin Hatch [R-UT] and Sen. Richard Durbin [D-IL] – that can solve this hemorrhaging injustice in our society. Under the rigorous provisions of the DREAM Act, qualifying undocumented youth would be eligible for a 6 year long conditional path to citizenship that requires completion of a college degree or two years of military service (DREAM Act Portal, n.d).

allows students a 6-year path towards citizenship if they attend institution of higher education or serve in the military for two years (DREAM Act Portal, n.d.). Currently, some states have adopted versions of the federally proposed Dream Act thus resulting in increased ability for undocumented students to attend college. Dulce and Alison both acknowledged prior discussions of the Dream Act, but similar to their response to anti-immigration law, have not acted to support or oppose such initiatives.

Two of the members of Rho Omicron Lambda, Kandy and Lorry, both expressed an interest in the anti-immigration debate. Kandy, a first-generation junior psychology major, stated that her sorority had not done much “as a group like professionally.” Lorry, a first-generation higher education graduate student, stated that their sorority was “more focused on what we are supposed to get done instead of trying to reach out as much.” The size of Lorry’s undergraduate chapter, three active members, may have had an impact as to why her chapter didn’t focus on anti-immigration issues. She suggests that the chapter requirements, either mandated from nationals or on-campus requirements, keep them from addressing issues even though many Latina-based sororities were founded to serve their communities. Their inability to “reach out as much” may be problematic as some of these community concerns could have long term impacts on Latino/a accessibility of higher education.

Lorry found that her chapter was supportive of her individual interests and stated that “if it comes down to issues like this or if we have personal beliefs the sisters are pretty open to supporting you and respecting what you believe in.” Lorry suggested that while the sorority was supportive of the members’ beliefs, the organization doesn’t “take any stances on any of the issues but we try ourselves to be aware of what’s going on.”

Knowledge of anti-immigration law, for the members of ROL, was apparent in their interviews and suggests that although they are not creating events to target these issues they are involved in other organizations that are. Cynthia, an undocumented first-generation Latina junior psychology major, stated that “I think that’s the part that I like about [Latino student association]...that they will bring up stuff like that. For Cynthia the ability to connect to a student organization that was committed to raising awareness about anti-immigration was important. Kandy and Lorry were satisfied with how ROL reacted to immigration law while Cynthia expressed the frustrations she felt in being part of an organization that didn’t address these issues. Cynthia’s frustrations most likely arise from her, and her families, status as undocumented.

Cynthia felt that the main reason why her chapter did not address issues surrounding anti-immigration law was because only one member of the chapter would be affected if they were to be passed. She stated that “they feel it’s such a big issue that it is like, well we can’t really do anything about it and plus it’s only one person who is gonna get affected.” For Cynthia, this lack of attention could be related to a lack of concern or validation of the potential implications that such laws will have on her and a devaluation of her status as a sister within her sorority. The sorority’s lack of focus on anti-immigration issues, or any issues that impact undocumented individuals, may push Cynthia towards other student groups as evidence when she stated “I would go to [Latino Student Association] to, for the awareness.” Anti-immigration law is extremely important for Cynthia because any measures have the potential to impact her ability to stay in the United States or attend college. She argued that “it should be brought up even if our chapter isn’t really, even if only one person in our chapter’s affected.” In this

statement it seems like she is reaffirming her importance within the sorority and recognizing the importance of this debate within the greater community. Cynthia knows that anti-immigration law will “affect my family and...like...I think at that point, when it actually affects me is when they are gonna see that, oh maybe we should talk about it now, when it might be too late, though.” Her sisters may be forced to regret their decision to not act on immigration issues when they were able to. If state initiatives are enacted in their state, than Cynthia, and the members of her sorority, could be adversely affected by such legislation. L.B. 1070, specifically, has a section that makes it “illegal to transport, harbor, or encourage illegal aliens to remain in the United States if the driver knows or recklessly disregards that they are illegal” (F.A.I.R., 2010). This subsection could prove problematic to Latina-based sorority members if enacted and cause potential liability for organizations that are not currently addressing anti-immigration law.

Although, Latina-based sororities are not specifically targeting anti-immigration law, many of their members, may belong to other student organizations that are more political. Kandy, Cynthia and Lorry used student organizations as a way to support, oppose or debate political agendas. Alison, a member of IAL, believes that it is the responsibility of student organizations to be political and not her own sorority. Alison stated that “you don’t want to get too political, too radical but I would like to see some of the student organizations do more of that.” Latina-based sororities may not want to get too political or too radical because it could be detrimental in their recruitment of new members. Additionally, Latina-based sororities may not be political because as Heinenreich (2006) suggested that they were founded with a foundation of service, rather than activism. Identifying as a service organization causes these sororities to separate

themselves from national issues that are not directly impacting the communities that they work with. For this reason, Latina-based sororities will always be responding to the aftermath of such issues rather than working at the forefront of the debate. The separation between activism and service is most evident when you consider that fact that all the participants believed anti-immigration law specifically targeted Latinos, potentially creating race conflict but did little to address these issues.

Creation of Race Conflict

Dulce stated that “the media is promoting that it’s just Latinos but I think it’s because Latinos are the ones who are actually...they are the ones who are getting affected the most.” Having the belief that Latinos are most affected by anti-immigration law are appropriate when one considers that of the estimated 10.3 million living in the United States 81% or 8.4 million are from Latina American countries (MSNBC, 2011). It might also be possible that the participants felt these laws were anti-Latino because of their prior connections and familiarity with Latino communities. They have likely heard stories, either first-hand or through a few people removed, about how different anti-immigration laws affected Latino individuals. Kandy offered another example as to why she believes the laws to be targeting Latinos. She stated that

if it were illegal immigrants why aren’t we seeing them in like Montana or North Dakota along the Canada border. Why aren’t we seeing them in California you know, along Washington, along the coasts, like Florida, you know along the east coast? It’s just the fact that it’s just in Arizona I mean it just sends a really clear picture.

As witnessed in 9500 Liberty and Fremont, Nebraska; anti-immigration laws are likely to arise in states where Latino populations are relatively new and experienced rapid population growth. In Prince William County long time residents were uncomfortable with the influx of Spanish speaking individuals, regardless of status, and resented their presence in their community (9500 Liberty, 2009).

One aspect of anti-immigration law, particularly L.B. 1070, is the reasonable suspicion clause which can quickly turn anti-immigration law to racial profiling. As Kandy indicated “race conflict has always been a big part of the United States and the fact that it’s Latinos and the stereotypes that the police in Arizona can use you know the Spanish music, the driving while brown, the driving while black, those are all things that are part of the United States.” Kandy’s notions of “driving while black” or “driving while brown” highlight the fact that although she sees anti-immigration as anti-Latino it can also be anti-individuals of color if reasonable suspicion clauses exist. Lorry, who suggested that the laws were more anti-white laws, stated that she “would have to carry, you know as a Latina, she would have to carry my documents with me at all times because otherwise they might deport me because they will think that I’m here illegally.” Having to carry documentation that proves one’s right to be present in the United States simply because one is a Latina indicates a clear sign of racial profiling.

All students, regardless of sorority or status, indicated that the Arizona law would create racial profiling and cause problems for individuals who are not white. Lorry asserted that “anyone who doesn’t fit the white profile” because of “the way they talk or their skin color” would be subject to having to prove their status during police stops. Speaking with an accent or having darker skin were taken by Lorry and other participants

to be a sign that police would use to determine your legality to reside in the United States. The need for individuals to carry documentation, solely based on physical characteristics, creates an interesting dilemma for law enforcement agencies within a nation founded on immigrants. The classification of the United States as a melting pot will force law enforcement officers to focus on accent, rather than skin color, as a signifier for status. In a nation where 81% of the undocumented population is Latino (MSNBC, 2011) it is likely that a Spanish accent and classically Latino features (brown skin, dark hair) will be the profile most often used.

The effect of the Arizona law on family or friends, specifically having been pulled over and asked for documentation, was mentioned by three of the participants (Cynthia, Kandy, and Alison). Cynthia said that she knows “a few people that have gone to Arizona from here or from a different state and they get pulled over for whatever made-up reason.” The notion that the police are pulling people over for made up reasons, just to check their documentation, creates a further divide in trust between law enforcement and the Latino community.

Two of the women referred to situations with family or friends that related to the way in which the law in Arizona racially profiles individuals who are non-white. Alison jokingly said “my mom is Mexican and she looks like it. And she’s a little bit more brown than I am. So she like sent me a text message, just joking around like “officer, officer I’m legal.” Although recognizing the anti-Latino aspects of Arizona law Alison and her mother still joke about its possible effects. This comment is significant because it relays the often, flippant way in which documented individuals treat anti-immigration law and highlights the role that skin color plays in this debate.

Kandy's experience was more serious and involved two of her friends who currently live in Arizona.

I have a friend who lives in Arizona and right when this law came out you know I texted him and jokingly said you know if I come to visit you and I get stopped will you, you know, get me out of jail or whatever, and he was like oh, you're not going to get stopped. And I guess he, they don't really take it seriously. But then I had another friend who lives in Arizona too and she is Mexican and she has been stopped and asked for her papers, and she is lighter skinned than I am but she still clearly looks Mexican.

Kandy further said that these laws "perpetuate the stereotype that like what is white is good" and that they "send a message to Latinos saying you know we don't want you here." Cops ability to select those who are suspected of being undocumented make situations difficult for families that have both lighter skinned and darker skinned family members. Kandy felt that her sisters who were lighter skinned put in effort to maintain their fairer complexion by using sun screen and dying their hair lighter. If Arizona-like anti-immigration laws were enacted Kandy felt that subconsciously Latinos/as would start to make themselves appear white.

Kandy also noted that "it would be even more apparent that it would be racial profiling to a certain extent than it would be in Arizona where, like, the majority is Mexican." Lorry had a similar response when she stated that "primarily at the universities since it's mostly Caucasian, the people who go to universities and you might more likely be um, profiled and say you're not from here cause you don't look like everybody else". Clearly Lorry is convinced that students of color who attend a

predominately white institution are more likely to be racially profiled because they don't look like the other individuals on campus. This perception, and if it becomes reality, could have a huge impact on the experiences of students of color, specifically Latinos/as.

Anticipated Changes in Experience

It was clear from the interviews that a larger change in experience was expected by Cynthia than any of the other women in the study. Cynthia indicated that both Arizona and/or Fremont-like laws would really impede her ability to go to college and potentially her ability to reside in the United States.

it would just be a problem because they don't really know the different situations which would be like, say for example, in my situation, I'm in college, I was here...I came here when I was two, and I would just be lost if I was...if I were just sent back or anything. I wouldn't know what to do...I haven't lived there [Mexico]

Having lived nineteen of her twenty-one years in the United States has made Cynthia identify more as Mexican American than strictly Mexican. A request to recognize the different situations that bring undocumented individuals to the United States is an important part of the immigration debate. Cynthia is a college student, has never been arrested, and works hard in her sorority and other student groups. Anti immigration law, that doesn't take into effect the different circumstances, would not only remove her from college but also send her back to a country that is completely foreign to her.

Cynthia fears the implementation of anti-immigration law "because I have so much to learn yet from college, from the sorority, that.....not getting the opportunity would just...kind of....kill my goals that I worked for." Her inability to acquire legal

status has affected her coursework and the motivation she has to continue in college.

Cynthia doesn't:

feel a passion for school at all anymore just because I was thinking four years is gonna go by so fast and by that time, am I gonna have anything? Am I gonna be able to get a job with this? Am I gonna be able to do anything with this? Probably not, so, at that point is when I just felt like, I didn't feel like putting as much effort or as much time into what I was doing because it wasn't part of my goals anymore.

After years of trying to achieve a legal status Cynthia is beginning to see a marked decrease in her desire to continue with her education. The inability to use her college degree, once she obtains one, is causing her to lose interest in working towards that goal. Fremont's ordinance, which restricts the employment options of undocumented individuals, may work to decrease undocumented students' motivation to do well in college. Clearly, Cynthia's expectations of how anti-immigration law will impact her college experience are more definite than the other participants of this study.

Kandy said that anti-immigration law "would have somewhat of an impact but she didn't think it would have as big of an impact on her" while Lorry felt that "by going from your house to the university you would be...you know like, maybe I'm gonna make it to my next class; kind of thing." Documented Latinas would be inconvenienced by reasonable suspicion clauses in anti-immigration law but not directly affected in any other way. Some of the women felt that Latinos who were here legally would also have to be sure to always have their documents with them to avoid deportation. This fear of deportation, even for documented participants, was common.

Alison indicated that in “Arizona I know they just kind of look at you and determine and I feel like it wouldn’t but personally I would have a problem with that so it would affect me.” Although Alison, as a lighter skinned tri-racial individual, admits that she would be unlikely to be pulled over she says that she would still be impacted by such laws. The effects that individuals, such as Alison, would experience may be identified as indirect effects that arise from knowing someone who is directly affected by anti-immigration law. Racial profiling that arises from reasonable suspicion clauses has the potential to affect those who are racially profiled and those who aren’t.

Undocumented students have the greatest chance to be impacted by anti-immigration law but documented students are also affected. The effects for documented students may be direct (being racially profiled) or indirect (living in an environment where friends and family are being directly affected). In order to ensure a better transition and retention universities will need to address some of the effects that anti-immigration laws may have on college students.

University Responsibility

The perceptions of how anti-immigration law will influence the experiences of the women in this study represent dilemmas for institutions of higher education. When students were asked “what do you think the universities role should be in this debate?” their answers varied significantly. Lorry stated that:

universities will have to take that extra step on educating them
[prospective students] you know, letting them [prospective students] know
these are the laws that are currently in [state] that might affect you and you
will have to have your passport or whatever legal document.

Her vision of university responsibility is really two-fold. First off, universities will need to identify whether to educate all students, international students, or select students about anti-immigration law and secondly, institutions will have to determine how they keep students informed of these laws. Although, Lorry believed universities should raise awareness, Kandy asserted that institutions should assist students in being more culturally competent, that universities should “offer more classes or make it more, make the requirement more than just one class, kind of like a diversity training in all careers.” For Kandy, it appeared that the institutions responsibility in the anti-immigration debate would be to assist students in gaining cultural competency. This higher level of cultural competency would assist students in understanding the issues surrounding the immigration debate and not solely rely on group think when voting for such measures.

A separation from group think could occur if institutions took Cynthia’s suggestion and “invite speakers to campus to discuss anti-immigration issues.” If universities were to follow Cynthia’s suggestion, the larger campus population may have a better understanding of both sides of the issue. Alison mentioned that “if people make an informed decision then it’s their choice but I feel like a lot of people don’t read up on stuff.” Not making an informed decision was a common complaint from the participants when discussing the passage of anti-immigration law. Kandy expressed that “their support of a bill without them actually knowing what’s going on let’s bill makers and law makers kind of like make their own decisions.” Kandy, who is studying to be an immigration lawyer, was particularly troubled by this aspect of anti-immigration law. Citizens vote for these initiatives because of media perceptions of illegal aliens and don’t research the implications that may arise from the way in which they vote. Surprisingly,

only one participant felt that universities should do more than just raise awareness (Dulce).

Dulce hoped that institutions would do all that they could to assist undocumented students but felt that it would be difficult because “this law also prohibits them to be able to pro,...be able to be there because, they get fined and they get punished.” Dulce questions the institutions ability to do anything for undocumented students but says they need to promote organizations and opportunities on campus for Latinos students. She said, despite the law, institutions would need to promote “that there is Latinos here and that you would feel, that you would be welcomed if you were to come” which could be difficult within a state that has such strict laws against illegal immigrants.

Summary

The findings in this study emerged as four overarching themes that highlight the implications of anti-immigration law. The first theme in the beginning of this chapter Service over Activism, focuses on the lack of attention that Latina-based sororities give to major political issues. The foundation of Latino-Greek lettered organizations as service organizations created a tradition of service that dissociates from the activism seen in Chicano groups of the 70’s and 80’s (Heidenreich, 2006). All of the participants, with the exception of Cynthia, felt that political activism was the responsibility of student organizations rather than sororities and those individual sorority members could join such groups if interested. The second theme of this study, Creation of Race Conflict, highlights the anti-Latino nature of anti-immigration law and the potential for racial profiling that exists when “reasonable suspicion” clauses are impeded into such laws. All of the participants in this study noted that individuals of color, but Latinos specifically,

would be racially profiled based on skin color or accent and required to provide documentation or risk deportation. Consequences of racial profiling caused many of the women to Anticipate Changes in Experience if anti-immigration law were introduced in their state. Most of these women felt that they would be routinely asked to prove their legal status or indirectly affected by anti-immigration law because they would have friends or family directly impacted. Cynthia, as an undocumented student, identified real, direct effects that would arise if anti-immigration law were to be introduced in the state. Her ability to continue living in the United States or attending college would be jeopardized if she were ever asked for documentation to prove she was her legally. University Responsibility was identified to be two-fold by the participants in this study. The university should raise awareness to issues surrounding illegal immigration and increase the cultural competency of their students by requiring a greater number of diversity based courses. Raising the awareness of illegal immigration issues via debates, speakers or presentations would allow voters to make educated decisions to support or oppose anti-immigration initiatives. Universities will also be responsible for keeping prospective students, particularly out-of-state and international students, informed of the anti-immigration laws that are enacted in their state. Implications from these findings significant to institutions, and the larger field of higher education, will be addressed in the following chapter. Also addressed will be how this study compares to current research in the field of higher education thus providing a rationale for the need for additional research that targets the interaction between anti-immigration law and college experience.

Chapter 5

Discussion

A growing focus on immigration issues, both national and statewide, led to the question for this study: what effect, if any, does anti-immigration law have on the experiences of college students? Although, anti-immigration law is external to the college campus the effects of such state laws have the ability to cross campus-community lines. In states, such as Arizona, where strict anti-immigration law is introduced, college students, regardless of status, may be adversely affected. The purpose of this study was to determine if Latina-based sorority members anticipated, with the passage of anti-immigration law, any changes in the way they experience college even if they are not currently residing in Arizona or a state where such a law was passed. Additionally, student perception of anti-immigration law, the universities responsibility to such laws and the role of Latina-based sororities in college experience were also explored. I chose Latina-based sorority members because of their accessibility on a college campus and because of their majority Latina membership. Although anti-immigration law is not meant to target Latinos; may have come to view such initiatives as anti-Latino because of the proportion of undocumented individuals who are Latino (Drachman, 2006; Flores & Chapa, 2009).

This study was conducted using qualitative case-study research methods as highlighted in (Merriam, 2009). Participants were selectively chosen based on their membership in Latina-based sororities and their enrollment at Chavez University. CU's Director of Greek Life, sent out recruitment emails asking women to contact me if interested in participating in this study. Five women emailed me with their interest and

became the participants. Semi-structured interviews, with an average time of 38:29 minutes (with a range of 22:50-59:31 minutes) were conducted on CU's campus in either the Greek Life office or sororities on-campus office space. I analyzed the interviews using basic-inductive research methods to identify Latina-based sorority members' perceptions of these initiatives.

Summary of Findings

The students in this study anticipated changes to their experience if anti-immigration law were enacted in their state. Even documented students, those in the United States as citizens or legally, thought that they would be affected by anti-immigration law because of "reasonable suspicion" clauses in Arizona-like initiatives or indirectly affected when family or friends are detained by such laws. Many of the women expressed frustrations with police ability to question the immigration status, by asking for documentation, from any individual they believe to be here illegally. Problems of "driving while brown" or "driving while black" were common to the women of this study and Lorry, specifically, feared what would happen if they were to forget necessary documentation. Lorry also indicated that these types of laws would "instigate some fear on people if it was to be here in [state]." The undocumented student in my study also feared anti-immigration law and anticipates an inability to continue going to college if such measures are enacted in her state. All of the women highlighted "Latino" or "non-white" traits as the signifiers to illegal status thus highlighting the importance of "acting white" to avoid potentially harmful interactions with law enforcement.

Another aspect many of the women talked about was a lack of awareness surrounding immigration issues by the majority of their peers. These students felt that

individuals had misconceptions of the role of undocumented individuals in their communities and what public assistance they were or weren't getting. Themes of "their here to steal our jobs" or "they only send money back to Mexico" or "they don't pay taxes" were central as to why Kandy perceived that non-Latino people had negative perceptions against "illegal aliens." A lack of awareness was another reason many of the participants felt that voters would support such laws. Participants, in this study, noted that a lack of awareness also lead to majority support of anti-immigration law. Lorry specifically noted that "it is important for you to read it yourself and understand what you are voting for." Those who were unaware of the facts, surrounding immigration, voted in support of these laws without having looked at the pros and cons of such initiatives.

All of the women agreed about the negatives effects that such laws could have on their or their friend's lives. With these anticipated effects it is imperative that universities begin thinking about what their role is in this debate. The participants asserted that that their institutions role should be two-fold. Institutions should raise awareness of the facts surrounding anti-immigration law to ensure that all students and community members are aware of the facts behind such laws and vote based upon these facts. Institutions will also need to inform perspective students of color, both foreign and domestic, about state laws that could have an impact on them. For instance, international students will need to be informed of the importance of carrying documents that establish their legal ability to reside in the state or face deportation. Implications for international students, particularly those who allow their visas to expire, will also need to be addressed by universities.

Although, Latina-based sorority members found universities responsibility to react against anti-immigration law to be two-fold, their own response isn't necessary.

The findings from this study parallel Heidenreich (2006) assertion that Latina-based sororities were founded on community service and are not likely to be actively fighting issues that impact the Latino community.

Significance of the Study

There are many factors surrounding anti-immigration law and college experience that need to be addressed. This study is dissimilar to both those studies in the field surrounding Latina-based sororities and those surrounding immigration laws. Research surrounding Latina-based sororities has focused on ethnic identity development (Nuñez, 2004), campus integration (Patterson, 1998), provide support networks (Mejia, 1994) and work towards academic excellence (Stuart, 2008) whereas this study looked at Latina-based sorority member's perception of anti-immigration law. The effects of anti-immigration law on college experience are important because students have the potential to be affected by societal factors that are external to the campus environment. This aspect of experience is currently lacking attention from both institutions of higher education and Latina-based sororities which serve their communities.

Similar to Heidenreich (2006), the women in this study display a lack of focus, or action, on political activism and voluntarily chose to take a step back from the immigration debate. Although, the sororities as a whole do not take a stance on immigration law, members reported that it was supportive of member's individual interest. Three of the women who were active used other undergraduate experiences or community connections to focus on raising awareness of anti-immigration law.

In regards to anti-immigration law this article did not study the impacts of such law on enrollment of undocumented students. Studies that currently target anti-

immigration law focus on how the Dream Act or other state initiatives affect the college access of “illegal aliens” (Drachman, 2006; Flores & Chapa, 2009). This study did not look at access but rather whether student experience would be affected by the implantation of state initiatives similar to Arizona’s L.B. 1070 or the ordinance passed in Fremont, Nebraska. From this study it was evident that Latina-based sorority members ascertain that anti-immigration law would create a discriminatory environment where individuals of color, particularly Latinos, would be subject to racial profiling.

Perceived discrimination was the sociological framework that served as the foundation for this study. Perceived discrimination has been found to affect ethnic identity (Umaña-Taylor & Guiond, 2010), mental health (Araújo & Borrell, 2006), self-esteem (Eccleston & Major, 2006) and substance abuse (Okamoto et al, 2009) in Latino adolescents. Rarely has perceived discrimination been studied with Latinos in higher education. Perceived discrimination has never been studied with college students in relation to anti-immigration law. The purpose of this study was to determine if students perceived anti-immigration law to be discriminatory towards Latinos to such an extent that it would affect their college experience. The responses of the participants in this study suggest that Latina-based sorority members perceive anti-immigration law to be discriminatory towards Latinos and that it will affect their college experiences. If other students anticipate similar affects than anti-immigration law will need to be studied beyond enrollment numbers. From this study it is clear that continued work on anti-immigration law and college experiences is important.

I conducted this study using qualitative methodology so it is important to remember that these findings are specific to this institution and cannot be statistically or

theoretically generalizable. However, a national trend towards state initiated anti-immigration law and growing populations of Latino communities suggest that the findings from this study are theoretically transferable. The following implications, for future research and for practice, represent ways to address issues surrounding anti-immigration law and student experience.

Implications for Future Research

This study did not highlight “actual” changes to experience but rather looked at what perceived changes Latina-based sorority members would anticipate if anti-immigration law were introduced to their state. Future research will need to be planned in such a way that the real effects of anti-immigration law on college student experience can be captured. Latino communities are most likely to be affected by anti-immigration laws and there is no reason to assume that college students will not be equally as affected. These effects can be either direct or indirect. Indirect effects could result from knowing family or friends who have been impacted by such laws while direct effects could include being racially profiled. Looking at the enrollment trends of undocumented students is important; however, the experience that undocumented, and documented, students are having as a result of anti-immigration law is of equal importance. Future research, either quantitatively or qualitatively, addressing the differences in experience following anti-immigration law, Latino student experience in comparison to their peers, and whether these laws impact international students will all need to be addressed.

In states where anti-immigration law and anti-Latino sentiments are the norm students are being asked to leave their families and enroll in institutions that might be doing little to provide them with any types of support. Future research needs to addresses

the real responsibility that institutions should have to these students in assisting with their retention. Fremont-like ordinances, initiatives that place restrictions on housing and employment opportunities, introduced at the state level may cause greater problems for institutions that don't have on-campus housing available. Simply, research needs to be done that addresses the effects of anti-immigration law that extends beyond enrollment.

Additional information is needed on Latina-based sororities that highlight the organizational role in dealing with anti-immigration law. Further information of why these organizations don't take political stances or address major Latino issues will also need to be researched. If Latinos are perceiving discrimination because of their language (for those who are Spanish speaking), their music, their customs or beliefs to fit into the "American" mold then what does that mean for the diversity that Americans often pride themselves on? What do these trends for our growing number of Latinos mean? How can they be provided with support to develop into future leaders if they are told they must adopt a singular way of life?

This topic, anti-immigration law and its effects on college experience, is very large and is one that will need to be further researched. Despite the limitations, sample size and researcher experience, this thesis serves as the starting place for student experience within the context of anti-immigration law.

Implications for Practice

Implications from this study suggest that universities could play a role in assisting students with any effects caused by anti-immigration law. According to this data institutions will need to develop better ways to work with international students, out-of-state students, and students of color who may be perceiving discrimination in their state

or local community. Fostering student engagement, both inside and outside of the classroom, will be challenging for institutions as students may become disconnected to a culture that recognizes a singular way of looking American.

The findings from this study highlight the need for institutions to raise awareness about anti-immigration law and the effects that such laws could have on college students. Admissions offices, both at the undergraduate and graduate level, will need to develop recruitment practices for out-of-state and international students that address the possible implications of these laws. Informing students about reasonable suspicion clauses and the need for them to carry proper documentation will become a real issue for institutions that have a high percentage of international students.

This data suggest that student support services offices or multicultural services offices that serve underrepresented students may have to develop programming to assist students to handle the stress of attending college with the threat of possible deportation, either their own or family members. Professionals, in these offices, will need to develop a working knowledge of anti-immigration law and skills necessary to work with students who may be indirectly affected by them. Based upon Lorry's interview it would appear that student transportation services, such as public buses, may become of even greater importance as students worry about the possibility of getting pulled over and asked for documentation.

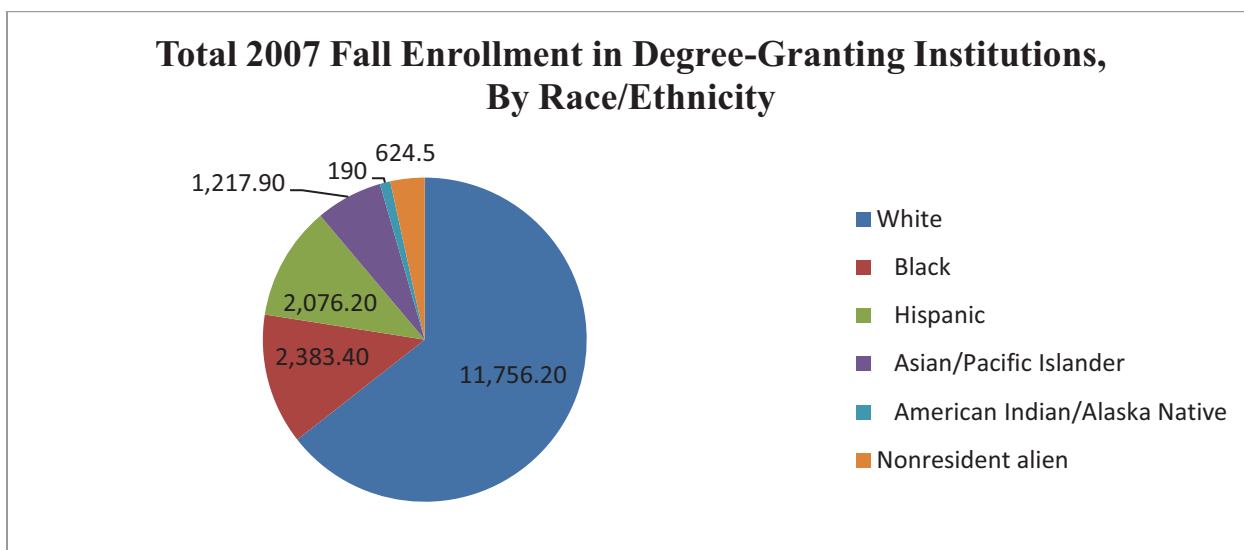
University housing is another aspect of university life that may be affected by anti-immigration law according to the findings from this study. Fremont-like initiatives only make the exception for college housing so undocumented students would be forced to live on campus in states that adopted a similar law. University housing may need to

adapt to a larger number of students who are interested in living on campus to avoid the need to purchase residency license that are unavailable to them.

Conclusion

The purpose of this study was exploratory and meant to highlight a need for additional research that addresses the role that anti-immigration law can play in college experience. As political interests continue to drive national debate anti-immigration law will persist as an area of interest. Our goal, as higher education professionals, will be to create avenues of support for students most affected by these laws. This study highlights perceptions that Latina-based sorority members have on anti-immigration law and addresses the fact that they perceive them to be anti-Latino. The perception of the discriminatory nature of anti-immigration law did not lead Latina-based sororities to address issues surrounding these laws. The women in this study felt that it was the universities responsibility and that of other student organizations to respond in the current immigration debate. The implications of anti-immigration law, on student experience, will continue to be an important aspect of higher education research because it begins the question of how outside societal forces can negatively impact experiences of college students.

Appendix 1: Latinas in Higher Education



Adapted from: U.S. Department of Education, National Center for Education Statistics. (2009).
Digest of Education Statistics, 2008 (NCES 2009-020)

Appendix 2: Recruitment Email

Latina-Based Sorority Members,

My name is Tegra Straight and I am a current graduate student at the University of Nebraska-Lincoln. I am conducting a study about the perceptions of student experience directly following the introduction and/or passage of state/city anti-immigration law. You were selected as a possible participant because you are currently enrolled at Chavez University and a member of a Latina-based sorority.

Your participation in this research project is essential to help higher education professionals understand the role that anti-immigration law plays on the college student experience. Your involvement in this study is completely voluntary. Participation in this study involves a 30-90 minute interview. After interviews have been completed, participants will be emailed transcripts to review responses for accuracy. If you would like to assist me in my research efforts simply email me your name, email address and phone number.

If you have any questions, comments, concerns or would simply like to know more about my research project please feel free to reach me at tstraight@unlnotes.unl.edu or (cell).

Thanks,

Tegra Straight
University of Nebraska-Lincoln
Educational Administration

Appendix 3: Informed Consent

Anti-Immigration Law: College Experience of Latina-Based Sorority Members

I am conducting a study about the perceptions of student experience surrounding current anti-immigration laws. I invite you to participate in this research. You were selected as a possible participant because of your membership in a Latina-based sorority and currently enrolled at [Chavez University] Please read this form and ask any questions you may have before agreeing to be in the study.

This study is being conducted by: Tegra Straight, primary researcher, with the assistance of her adviser Dr. Rachelle Winkle-Wagner through the Department of Educational Administration at the University of Nebraska-Lincoln.

Background Information:

The purpose of this study is to address the lack of knowledge surrounding the Latina college student experience by identifying what effects, if any, the passage of an anti-immigration bill has on the experiences of college students who are active participants of Latina-based sororities. Participants of this study will help identify concerns that higher education professionals will need to address surrounding anti-immigration laws. Research interests in this study include:

- Whether perceptions of campus climate have changed?
- Does the bill have an impact on student and family relations or family life?
- What do students perceive to be the university response to this bill?
- What role does Latina based student organizations have in this experience?
- How the participants understand and define this bill?

Procedures:

If you agree to be in this study you are agreeing to being interviewed by the primary researcher in a private, on-campus interview. All participants will be given the opportunity to deny any research question and asked during the interview to read a portion of the bill. After reading the bill participants will be asked for their perceptions and experiences as they relate to specific sections of the bill. Interviews will vary in length and should be expected to last 30-90 minutes.

Risks and Benefits of Being in the Study:

The study has no direct risks to the researcher, participant, or institution. Participation in this research project will not affect your standing with the university or the Office of Greek Affairs and all information provided will be kept confidential. Due to the nature of this study some questions answered may provide some discomfort to participants and counseling information will be given to those students who request it. The risk of discomfort has been reduced by the participant's ability to skip any interview questions. A risk to participants could present itself if participants choose to self-disclose an undocumented immigration status. The researcher will minimize this risk by keeping all participant information private and reporting all findings using pseudonyms.

There are no direct benefits for participating in this research project.

Confidentiality:

The records of this study will be kept confidential. In any report published by the primary researcher, information that will make it possible to identify you in any way will not be included.

The types of records will include audio recordings of interviews, interview transcripts, master list of participants, and computer records. Electronic files will be kept on the personal computer of the primary researcher while physical data will be kept in a locked desk drawer. Access to all records will be limited to the primary researcher and her adviser. All private information, including interview tapes, will be destroyed after a time frame of 5 years.

Voluntary Nature of the Study:

Your participation in this study is entirely voluntary. Your decision whether or not to participate will not affect your current or future relations with your sorority, Greek Affairs Office or the [Chavez University]. If you decide to participate, you are free to withdraw at any time up to and until the completion of your interview. If you decide to withdraw data collected about you, including your personal contact information will be deleted and you will not be contacted again by the primary researcher in regards to this study. You are also free to skip any questions I may ask during the interview without affecting your standing in this research project.

Contacts and Questions

My name is Tegra M. Straight. If you have questions, you may contact me at 402-617-8516. You may also contact my adviser, Dr. Rachelle Winkle-Wagner at 402-472-2380. You may also contact the University of Nebraska-Lincoln Institutional Review Board at 402-472-6965 with any questions or concerns.

You will be given a copy of this form to keep for your records.

Statement of Consent:

I have read the above information. My questions have been answered to my satisfaction. I consent to participate in the study. I am at least 19 years of age. I also consent to the audio recording of my interviews by the primary researcher and agree that I will maintain the confidentiality of other participants if I participate in the focus group.

Signature of Study Participant

Date

Print Name of Study Participant

Signature of Researcher

Date

Appendix 4: Interview Protocol

Question 1:	
Topic Domain:	Will hand them sections from the bill and they will give me their interpretations of it.
Follow Up Questions:	
	<ol style="list-style-type: none"> 1. What does this mean for you? 2. Does this have the same meaning for your family? How so? 3. Do you see these same implications for your peers? How so?
Question 2:	
Topic Domain:	You're a member of a Latina based sorority, explain this experience to me
Follow Up Questions:	
	<ol style="list-style-type: none"> 1. Are you involved in other similar groups on campus, which ones? 2. Do you and your sorority sisters ever discuss this bill, what do you discuss? 3. Has it helped to discuss these experiences with your sorority sisters? How? 4. Have you discussed these concerns/experiences with administration or staff at your college?
Question 3:	
Topic Domain:	Campus Climate/Typical Student at this University
Follow Up Questions:	
	<ol style="list-style-type: none"> 1. Prior to Senate Bill 1070 if asked how to describe the campus over the phone how would you describe it? 2. Has this description changed since Senate Bill 1070 was passed? How so? 3. Would you describe the campus different for a white versus a Latino potential student?

Appendix 5: Participant Demographics

Participant	Major	Ethnicity/Race	Level of Education	Joined Sorority	Sorority
Lorry	Educational Administration	Latina	Graduate Student	Spring 2009	ROL
Kandy	Psychology/Ethnic Studies	Latina	Undergraduate	Spring 2010	ROL
Cynthia	Psychology	Latina	Undergraduate	Fall 2009	ROL
Alison	Psychology	Tri-Racial	Undergraduate	Fall 2010	IAL
Dulce	Accounting	Mexican American	Undergraduate	Fall 2010	IAL

Appendix 6: Validation Techniques

Validation Technique
Member Checks
Interviews-Low Level Coding
Peer Review
Meaning Fields
Audit Trail
All Data Sources
Rich, Thick Descriptions
All Data Sources
Researchers Position & Reflexivity

Appendix 7: Data Analysis

Cynthia Interview

C: um.....*nope, not really to be honest* (In response to whether she and her sorority sisters ever discussed anti-immigration law). *I sat down with someone and they wanted to talk about all the laws and whatever, but...um, in general we never, I mean even if I tried to bring that up it's not really....like I think that's the part that I like about Latino Student Association, that they will bring up stuff like that. But the sorority normally, they don't want to get into that, even though...to me, it should be brought up even if our chapter isn't really, even if only one person in our chapter is affected like, we should realize that there's a lot of chapters that we have heard of...that you know....here and there; where this and that would happen or whatever. So, I think it's something we should probably talk about*

Low-level codes:

1. **Text:** *nope, not really to be honest*
 - a. **Low-level Code:** *nope, not really*
2. **Text:** *I mean even if I tried to bring that up it's not really....like I think that's the part that I like about Latino Student Association, that they will bring up stuff like that*
 - a. **Low-Level Code:** *they will bring up stuff like that*
3. **Text:** *the sorority normally, they don't want to get into that*
 - a. **Low-Level Code:** *don't want to get into that*
4. **Text:** *only one person in our chapter is affected*
 - a. **Low-Level Code:** *one person affected*

Cynthia Interview

C: Well I think I would.....*I would go to Latino Student Association for the awareness or whatever but I think I would probably.....I think, in the sorority, they don't really want to talk about it now because it's not completely affecting me now and because I'll probably, hopefully get all that stuff fixed and it won't affect me as much. But, ah, but it will affect my family and....like....I think at that point, when it actually affects me is when they are gonna see that, oh maybe we should talk about it now, when it might be too late, though*

Meaning Field Analysis:

Text: *But, ah, but it will affect my family and....like....I think at that point, when it actually affects me is when they are gonna see that, oh maybe we should talk about it now, when it might be too late, though*

Possible Meanings:

Her family will be affected which will have an effect on her (explicit); the effect on her will be occur regardless of her status (implicit); anti-immigration law in [state] isn't currently enacted and therefore not affecting her status (explicit); sorority will regret not addressing anti-immigration law (explicit); effects of such law will be great enough to cause an effect on her or her family's life (explicit); she does not doubt that anti-immigration law will be enacted in her state (implicit); sorority does not validate her concerns because the fail to address these issues (implicit)

Appendix 8: F.A.I.R. Summary of L.B. 1070

Support Our Law Enforcement and Safe Neighborhoods Act

Summary of Arizona SB 1070 as Enacted

April 27, 2010

Arizona Governor Jan Brewer signed SB 1070 into law on April 23, 2010. The legislative intent of the bill, set forth in Section 1, states that there is a compelling interest in the cooperative enforcement of federal immigration laws throughout all of Arizona, and declares that the intent of the law is to make attrition through enforcement the public policy of all state and local government agencies in Arizona. The provisions of the law are intended to work together to discourage and deter “the unlawful entry and presence of illegal aliens and economic activity by illegal aliens in the United States.” The following is a summary of the main provisions of the bill.

Arizona SB 1070

- Declares attrition through enforcement to be the official policy of state and local government agencies in Arizona. (§ 1, page 1).
- Prohibits local police agencies from adopting sanctuary-type policies that limit or restrict enforcement of federal immigration laws. (§ 2(A), page 1).
- During a lawful stop, directs law enforcement officers to determine immigration status of individuals who they reasonably suspect to be illegal aliens, and for all persons who are arrested. (§ 2(B), page 1).
- Provides that persons who present any federal, state or local identification documents that require verification of lawful status (e.g., an Arizona driver’s license) when issued are presumed to be lawfully present. (§ 2(B), page 1).
- Authorizes law enforcement agencies to securely transfer verified illegal aliens into federal custody. (§ 2(D), page 2).
- Prohibits state officials and agencies from imposing bans or restrictions on sending, receiving, or maintaining information relating to an individual’s immigration status, or exchanging it with any other federal, state, or local governmental entity for these purposes (§ 2(E), page 2): Determining eligibility for any public benefit, service, or license provided by the state. Verifying a claim of residence or domicile if such determination is mandated by law or judicial order. Confirming the identity of any person who is detained. Determining whether an alien is in compliance with federal registration laws under the INA (Title II, Chapter 7).
- Allows legal residents of Arizona to sue if they feel a government agency adopts a policy that limits or restricts the enforcement of federal immigration laws. (§ 2(G), page 2).
- Mirrors federal alien registration laws; provides that illegal aliens who violate federal alien registration laws (8 U.S.C. 1304(e) and 8 U.S.C. 1306(a), which require aliens to register and carry their documents with them at all times) are now subject to arrest and penalties under the Arizona criminal code. (§ 3, page 3 – 4).
- Prohibits people who are hiring and/or picking up day laborers, and day laborers soliciting work, from impeding traffic. (§ 5, page 5 – 6).

- Prohibits illegal aliens without work authorization from applying for work, soliciting work in a public place, or performing work in the state. (§ 5(C), page 5).
- Makes it illegal to transport, harbor, or encourage illegal aliens to remain in the United States if the driver knows or recklessly disregards that they are illegal (as under federal law). Provides exemptions for child care providers and first responders. (§ 5, page 6).
- Authorizes law enforcement officers to arrest an individual without a warrant if they have probable cause to believe the individual has committed any public offense that makes him/her removable from the U.S. (§ 6(A), page 6 – 7).
- Requires employers to maintain a record of an employee's E-Verify eligibility verification for either (a) the duration of employment or (b) at least three years. (§ 9(A), page 15).
- Authorizes the impoundment or forfeiture of vehicles driven by illegal aliens, or used to unlawfully transport them. (§ 10, page 16).
- Establishes the Gang and Immigration Intelligence Team Enforcement Mission Fund to use fines and penalties for gang and immigration enforcement and for county jail reimbursement costs relating to illegal immigration. (§ 11, page 17).

Appendix 9: Ordinance No. 5165

ORDINANCE NO. 5165

AN ORDINANCE OF THE CITY OF FREMONT, NEBRASKA, AMENDING THE FREMONT MUNICIPAL CODE, ORDINANCE NO. 3139 TO PROHIBIT THE HARBORING OF ILLEGAL ALIENS OR HIRING OF UNAUTHORIZED ALIENS, PROVIDING DEFINITIONS, MAKING PROVISION FOR OCCUPANCY LICENSES, PROVIDING JUDICIAL PROCESS, REPEALING CONFLICTING PROVISIONS, AND ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, Federal law requires that certain conditions be met before an alien may be authorized to be lawfully present in the United States. Those conditions are found principally at United States Code Title 8, Section 1101, et. seq., and;

WHEREAS, United States Code Title 8, Section 1324(a)(1)(A) prohibits the harboring of illegal aliens. The provision of housing to illegal aliens is a fundamental component of the federal immigration crime of harboring, and;

WHEREAS, United States Code Title 8, Section 1324a prohibits the knowing employment of unauthorized aliens; and United States Code Title 8, Section 1324a(h)(2) permits state and local governments to suspend the business licenses of those who employ unauthorized aliens, and;

WHEREAS, The presence of illegal aliens places a fiscal burden on the City, increasing the demand for, and cost of, public benefits and services, and;

WHEREAS, Crimes committed by illegal aliens in the City harm the health, safety and welfare of U.S. citizens and aliens lawfully present in the United States, and;

WHEREAS, The employment of unauthorized aliens in the City displaces authorized United States workers and adversely affects their wages, and;

WHEREAS, In 1996 Congress amended the Immigration and Nationality Act to require the federal government to verify the immigration status of any alien upon the request of a state, county, or municipality, for any purpose authorized by law. United States Code Title 8, Section 1373(c). The federal government has established several systems to accomplish this obligation, including the Systematic Alien Verification for Entitlements (SAVE) Program and the Law Enforcement Support Center (LESC), and;

WHEREAS, This Ordinance is in harmony with the congressional objectives of prohibiting the knowing harboring of illegal aliens and prohibiting the knowing employment of unauthorized aliens, and;

WHEREAS, The Secretary of the U.S. Department of Homeland Security has specifically praised and encouraged those states and localities that require employers to participate in the E-Verify Program, and;

WHEREAS, The City of Fremont shall not construe this ordinance to prohibit the rendering of emergency medical care, emergency assistance, or legal assistance to any person.

BE IT THEREFORE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FREMONT, NEBRASKA:

SECTION 1. That a new section §6-428 be added to the Fremont Municipal Code Ordinance No. 3139 to provide as follows:

§6-428 Harboring or Hiring Illegal Aliens, Prohibited.

1. DEFINITIONS: For the purposes of this Ordinance, the following terms and phrases shall have the meanings ascribed to them herein, and shall be construed so as to be consistent with state and federal law, including federal immigration law:

- A. **Illegal alien** means an alien who is not lawfully present in the United States, according to the terms of United States Code Title 8, Section 1101 et seq. The City shall not conclude that an individual is an illegal alien unless and until an authorized representative of the City has verified with the federal government, pursuant to United States Code Title 8, Section 1373(c), such individual's immigration status.
- B. **Unlawfully present in the United States** means unlawfully present in the United States according to the terms of United States Code Title 8, Section 1101 et seq. The City shall not conclude that an alien is unlawfully present in the United States unless and until an authorized representative of the City has verified with the federal government, pursuant to United States Code Title 8, Section 1373 (c), such alien's immigration status.
- C. **Dwelling unit** means a single residential unit with living facilities for one or more persons, including space for living, sleeping, eating, cooking, bathing and sanitation, whether furnished or unfurnished, that is let or rented for valuable consideration. There may be more than one rental unit on a premise. In a multifamily residence or apartment building, each residential unit or apartment constitutes a separate dwelling unit. The term dwelling unit does not include a dormitory room at a postsecondary educational institution, a room at a shelter for the homeless or the abused, or a hotel room.
- D. **Lessor** means a person who leases or rents a dwelling unit as, or on behalf of, a landlord.
- E. **Occupant** means a person, age 18 or older, who resides at a dwelling unit. A temporary guest of an occupant is not an occupant for the purposes of this ordinance.
- F. **Unauthorized alien** means an alien who does not have authorization of employment in the United States, as defined by United States Code Title 8, Section 1324a(h)(3). The City shall not conclude that an individual is an unauthorized alien unless and until an authorized representative of the City has verified with the federal government, pursuant to United States Code Title 8, Section 1373(c), such individual's lack of authorization of employment in the United States.
- G. **Business entity** means any person, group of persons, partnership or corporation that engages in any activity, enterprise, profession or occupation for financial gain, benefit, or livelihood, and shall include all such activities, enterprises, professions, or occupations, whether preformed in one or more establishments by one or more corporate or other organizational units, including departments or establishments operated through leasing arrangements, whether for profit or not-for-profit. The term business entity shall include but not be limited to contractors, subcontractors, self-employed individuals, partnerships, and corporations. The term business entity shall include both business entities that are required to obtain a license or permit to conduct business in the City of Fremont, and businesses that are not required to obtain a license or permit to conduct business in the City of Fremont.
- H. **Work** means any job, task, employment, labor, personal services, or any other activity for which compensation is provided, expected, or due, including but not limited to all activities conducted by business entities.

- I. **E-Verify Program** means the electronic verification of employment authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, P.L. 104-208, United States Code Title 8, Section 1324a, and operated by the United States Department of Homeland Security (or a successor program established by the federal government).
- J. **Systematic Alien Verification for Entitlements (SAVE) Program** means the electronic program created pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P.L. 104193, which enables a federal, state, or local government entity to confirm with the United States Department of Homeland Security an alien's immigration status (or a successor program or method of confirmation of immigration status established by the federal government).
- K. **Business license** means any license, permit, occupation tax registration, business registration, or registration certification issued to a business entity by the City, including but not limited to all such licenses and permits described under the Fremont Municipal Code, Ordinance No. 3139.
- L. **City** means the City of Fremont, Nebraska.

2. HARBORING ILLEGAL ALIENS:

- A. It is unlawful for any person or business entity that owns a dwelling unit in the City to harbor an illegal alien in the dwelling unit, knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, unless such harboring is otherwise expressly permitted by federal law.
 - 1. For the purpose of this section, to let, lease, or rent a dwelling unit to an illegal alien, knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, shall be deemed to constitute harboring. To suffer or permit the occupancy of the dwelling unit by an illegal alien, knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, shall also be deemed to constitute harboring.
 - 2. Condition of lease. An occupant may not enter into a contract for the rental or lease of a dwelling unit in the City unless the occupant is either a U.S. citizen or national, or an alien lawfully present in the United States according to the terms of United States Code Title 8, Section 1101 et seq. An occupant who is neither a U.S. citizen or national, nor an alien lawfully present in the United States, who enters into such a contract shall be deemed to have breached a condition of the lease. An occupant who is an alien who subsequent to the beginning of his lease becomes unlawfully present in the United States shall be deemed to have breached a condition of the lease.
 - 3. Prospective Application Only. This Ordinance shall apply only to contracts to let, lease, or rent dwelling units that are entered into and tenancies that begin after the date that the Ordinance becomes effective.
 - 4. The legal obligations imposed by this Section shall be enforced through the process described in Provisions 3 and 4 of this Ordinance, below.

3. ISSUANCE OF OCCUPANCY LICENSES:

- A. Prior to occupying any leased or rented dwelling unit, each occupant, age 18 or older, must obtain an occupancy license.
- B. It is the occupant's responsibility to submit an occupancy license application to the Fremont Police Department, pay a fee of \$5 to the City, and obtain an occupancy license. If there are multiple occupants seeking to occupy a single rental unit, each occupant must obtain his or her own license. An applicant for an occupancy license may designate the owner or manager of the dwelling unit as his agent to collect the required information and submit the required application form(s), signed by the applicant, to the Fremont Police Department on the applicant's behalf. The City may establish a procedure whereby an applicant (or designated owner or agent) may submit the required application form(s), signed by the applicant, via facsimile or website portal.
- C. The owner or manager of any dwelling unit must notify each prospective occupant of this requirement and shall not permit occupancy of a dwelling unit unless the occupant first obtains an occupancy license.
- D. Each occupancy license is valid only for the occupant for as long as the occupant continues to occupy the dwelling unit for which such license was applied. Any relocation to a different dwelling unit requires a new occupancy license.
- E. Applications for occupancy licenses shall be made upon forms furnished by the City for such purposes and shall require the following information:
- (1) Full legal name of occupant;
 - (2) Mailing address of occupant;
 - (3) Address of dwelling unit for which occupant is applying, if different from mailing address;
 - (4) Name and business address of dwelling unit owner or manager;
 - (5) Date of lease commencement;
 - (6) Date of birth of occupant;
 - (7) Occupant's country or citizenship;
 - (8) Full legal name and date of birth of each minor dependent residing with occupant;
 - (9) (a) *in cases in which the applicant is a United States citizen or national, a signed declaration that the applicant is a United States citizen or national on a form provided by the City, which notifies the applicant that knowingly making any false statement or claim that he or she is, or at any time has been, a citizen or national of the United States, with the intent to obtain a state benefit or service is a crime under United States Code Title 18, Section 1015(e);*
or
(b) *in cases in which the applicant is not a United States citizen or national, an identification number assigned by the federal government that the occupant believes establishes his lawful presence in the United States (examples include, but are not limited to: resident alien card number, visa number, "A" number, I-94 registration number, employment authorization number, or any other number on a document issued by the U.S. Government). If the alien does not know of any such number, he shall so declare. Such a declaration shall be sufficient to satisfy this requirement.*
- F. Upon receipt of a complete signed application and the payment of the application fee as set forth above, the City shall immediately issue an occupancy license. The City shall not deny an occupancy license to any occupant who submits a completed application and pays the application fee.

- G. All information contained in occupancy license applications shall be maintained as confidential by the City, except that the information provided on an application may be disclosed to other government entities where authorized by law, pursuant to United States Code Title 8, Section 1373.
- H. It shall be a violation of this section for a lessor to lease or rent a dwelling unit without obtaining and retaining a copy of the occupancy license of every known occupant of the dwelling unit.
- I. It shall be a violation of this section for a lessor to lease a dwelling unit without including in the terms of the lease a provision stating that occupancy of the premises by a person, age 18 or older, who does not hold a valid occupancy license constitutes an event of default under the lease.
- J. It shall be a violation of this section for a landlord or any agent of a landlord with authority to initiate proceedings to terminate a lease or tenancy to knowingly permit an occupant to occupy a dwelling unit without a valid occupancy license. It is a defense to a prosecution under this paragraph that the landlord or agent has commenced and diligently pursued such steps as may be required under the applicable law and lease provisions to terminate the lease or tenancy.
- K. Any person who violates this section shall be subject to a fine of \$100 for each such violation, upon conviction in the County Court for Dodge County.
- L. The lease or rental of a dwelling unit without obtaining and retaining a copy of the occupancy license of every known occupant, age 18 or older, shall be a separate violation for each occupant in a dwelling unit for which no license is obtained and retained, and for each day of such occupancy, beginning on the 46th day after the date of a revocation notice under Section 5.

4. ENFORCEMENT OF HARBORING AND OCCUPANCY PROVISIONS

Notwithstanding any other provision of this Ordinance, the Fremont Police Department (Hereinafter "Department") shall enforce the requirements of this Ordinance as follows.

- A. Promptly after issuance of an occupancy license to any occupant who has not declared himself or herself to be either a citizen or a national of the United States, the Department shall, pursuant to Title 8, United States Code, Section 1373(c), request the federal government to ascertain whether the occupant is an alien lawfully present in the United States. The Department shall submit to the federal government the identity and immigration status information contained on the application for the occupancy license, along with any other information requested by the federal government. The Department may enter into a memorandum of understanding to use the Systematic Alien Verification for Entitlements (SAVE) Program operated by the U.S. Department of Homeland Security, or utilize any other process or system designated by the federal government.
- B. If the federal government reports that the occupant is not lawfully present in the United States, the Department shall send a deficiency notice to the occupant, at the address of the dwelling unit shown on the application for occupancy license. The deficiency notice shall state that on or before the 60th day following the date of the notice, the occupant may seek to obtain a correction of the federal government's records and/or provide additional information establishing that the occupant is lawfully present in the United States. If the occupant provides such additional information, the Department shall promptly submit that information to the federal government. The occupant may also submit information directly to the federal government.

- C. If the federal government notifies the Department that it is unable to conclusively ascertain the immigration status of the occupant, or that the federal government's ascertainment of immigration status is tentative, the Department shall take no further action until final ascertainment of the immigration status of the occupant is received from the federal government. The Department shall not attempt to make an independent determination of any occupant's immigration status. If the federal government notifies the Department that more information is required before the federal government can issue a final ascertainment of the occupant's immigration status, or that the occupant may contest the federal government's ascertainment of status, the Department shall notify the occupant accordingly.
- D. No earlier than the 61st day after a deficiency notice has been sent to an occupant, the Department shall again make an inquiry to the federal government seeking to ascertain the immigration status of the occupant. If the federal government reports that the occupant is an alien who is not lawfully present in the United States, the Department shall send a revocation notice to both the occupant and the lessor. The revocation notice shall revoke the occupant's occupancy license effective 45 days after the date of the revocation notice.
- E. The terms of this section shall be applied uniformly, and enforcement procedures shall not differ based on a person's race, ethnicity, religion, or national origin.
- F. Judicial review shall also be available as follows:
 - 1. Any landlord or occupant who has received a deficiency notice or a revocation notice may seek pre-deprivation or post-deprivation judicial review of the notice by filing suit against the City in a court of competent jurisdiction.
 - 2. In the event that such a suit is filed prior to or within fifteen days after the date of the relevant revocation notice, if any, revocation shall be automatically stayed until final conclusion of judicial review.
 - 3. The landlord or occupant may seek judicial review of the question of whether the Department complied with the provisions of this Ordinance or other relevant provisions of federal, state, or City law, or the question of whether the occupant is an alien not lawfully present in the United States, or of both such questions.
 - 4. In a suit for judicial review in which the question of whether the occupant is an alien not lawfully present in the United States is to be decided, that question shall be determined under federal law. In answering the question, the court shall defer to any conclusive ascertainment of immigration status by the federal government.
 - 5. The court may take judicial notice of any ascertainment of the immigration status of the occupant previously provided by the federal government. The court may, either sua sponte or at the request of a party, request the federal government to provide, in automated, documentary, or testimonial form, a new ascertainment of the immigration status of the occupant pursuant to United States Code Title 8, Section 1373(c). The most recent ascertainment of the immigration status of an individual by the federal government shall create a rebuttable presumption as to the individual's immigration status.

5. BUSINESS LICENSES, CONTRACTS OR GRANTS; THE E-VERIFY PROGRAM.

- A. It is the policy of the City to discourage business entities from knowingly recruiting, hiring for employment, or continuing to employ any person who is an unauthorized alien to perform work within the City.

- B. This Section shall not apply to the hiring of an independent contractor by a business entity, or to the intermittent hiring of casual labor for domestic tasks customarily performed by the residents of a dwelling. Such independent contractors or laborers are not employees within the meaning of this Section. This Section shall be interpreted to be fully consistent with United States Code Title 8, Section 1324a, and with all other applicable provisions of federal law.
- C. An authorized representative of any business entity that applies for any business license or permit in the City, or is awarded a contract for work to be performed in the City, or applies for any grant or loan from the City shall be required to execute an affidavit to the effect that the business entity does not knowingly employ any person who is an unauthorized alien. The business entity shall also provide documentation confirming that the business entity has registered in the E-Verify Program. Compliance with this section shall be a condition of any license or permit granted by the City, any contract awarded by the City and of any grant or loan given by the City.
- D. All agencies of the City shall register in the E-Verify Program and use the E-Verify Program to verify the authorization of employment in the United States of each employee hired after such registration.
- E. Every business entity employing one or more employees and performing work within the City shall register in the E-Verify Program within 60 days after the effective date of this Ordinance, and shall use the E-Verify Program to verify the authorization of employment in the United States of each employee hired after such registration.
- F. Any business entity employing one or more employees that begins performing work within the City later than 60 days after the effective date of this Ordinance shall register in the E-Verify Program prior to commencing any work within the City, and shall use the E-Verify Program to verify the authorization of employment in the United States of each employee hired after such registration.
- G. In the enforcement of this Section, at no point shall any City official attempt to make an independent determination of the authorization of employment in the United States of any individual employed by a private business entity in the City.
- H. This Section shall be enforced by the City Attorney as follows:
 - 1. If a business entity possesses a license, permit, contract, loan, or grant issued by the City and violates this Section, by failing to register in the E-Verify Program and verify the authorization of employment in the United States of each employee hired after such registration, the business entity shall be tried at a public hearing before the City Council. Due process, including notice, the opportunity to present evidence and to be heard, and the right to appeal to the District Court of Dodge County, shall be accorded to all parties. If the City Council determines that a person or business entity has violated this Section, it may, according to the terms of such license, permit, contract, loan or grant, revoke the license, cancel the contract, recall the grant or accelerate the loan and institute an action to collect any sums due.
 - 2. The City Attorney may bring a civil action against any business entity suspected of violating this section, by failing to register in the E-Verify Program and verify the authorization of employment in the United States of each employee hired after such registration, in a court of competent jurisdiction in Dodge County. The City Attorney may seek injunctive relief compelling the business entity to comply with this section.
- I. The following judicial review shall also be available:

1. Any business entity that is subjected to enforcement under this Ordinance may seek pre-deprivation or post-deprivation judicial review of the enforcement of this Ordinance with respect to such business entity in any court of competent jurisdiction. While such judicial review is occurring, any actions by the City to revoke a license, permit, contract, loan, or grant issued by the City shall be stayed.
2. Any business entity or employee subject to the terms of this Ordinance may seek judicial review of the question of whether the City has complied with the provisions of this Ordinance or other relevant provisions of federal, state, or City law in the County Court for Dodge County, or in any other court of competent jurisdiction.

SECTION 2. CONSTRUCTION AND SEVERABILITY:

- A. The requirements and obligations of this section shall be implemented in a manner fully consistent with federal law regulating immigration and protecting the civil rights of all citizens, nationals, and aliens.
- B. If any part or provision of this Ordinance is in conflict or inconsistent with applicable provisions of federal or state statutes, or is otherwise held to be invalid or unenforceable by any court of competent jurisdiction, such part or provision shall be suspended and superseded by such applicable laws or regulations, and the remainder of this Chapter shall not be affected thereby.

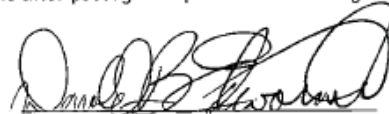
SECTION 3. REPEAL:

Any ordinance or parts of ordinances of the City of Fremont in conflict herewith are hereby repealed.

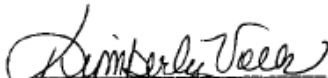
SECTION 4. EFFECTIVE DATE:

This Ordinance shall be in full force and effect from and after passage and publication according to law.

PASSED JUNE 21, 2010


Donald B. Edwards, Mayor

ATTEST:


Kimberly Volk, MMC, City Clerk



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