

## IMMIGRATION ENFORCEMENT ACTIVITIES

### I. GATHERING AND HANDLING STUDENT INFORMATION

#### A. Collecting and Retaining Student Information

1. Sensitive information, such as a student's, parent's, or guardian's SSN, any AB 540 determinations, or citizenship status information collected by either Irvine Valley College or Saddleback College (henceforth referred to as "the colleges") or disclosed by the student, shall be maintained for only as long as required by the Records Retention Manual.
2. Information indicating immigration or citizenship status shall not be considered in admissions decisions or providing access to educational courses or degree programs or for refusing campus-wide services that relate to student success.
3. Students may elect not to provide immigration or citizenship status information to the college, and this election shall not impede admissions or enrollment in educational programs or for refusing campus-wide services that relate to student success.
4. District employees shall not create a list of student names linked with immigration status unless the purpose is to provide specialized services to the students.
5. The colleges' police departments shall not inquire into an individual's immigration status for immigration enforcement purposes.
6. The colleges' police departments shall not aid any effort to create a registry containing individuals' country of birth or based on any other protected characteristics of victims, witnesses, or suspects of crimes unless required by law for specified purposes.

### II. RESPONDING TO LAW ENFORCEMENT REQUESTS FOR ACCESS TO CAMPUSES FOR IMMIGRATION ENFORCEMENT PURPOSES

#### A. Responding to Requests for Access for Immigration Enforcement Purposes

1. The District shall provide guidance and offer to District employees training addressing law enforcement access to campus buildings. This guide shall include the following required topics:
  - a. Instructions that law enforcement officers cannot enter campus buildings to make arrests without a judicial warrant, valid consent, imminent life-threatening circumstances, or under the exigent circumstances meeting the legal definition of hot pursuit.
  - b. Instructions that District employees, including campus police, cannot consent to the entry into a campus building for the purpose of a search or arrest, but a judicial

- warrant or imminent life-threatening circumstances may authorize officer entry without consent.
- c. Campus police contact information for District employees to report concerns about the presence of officers engaged in immigration enforcement on any campus property.
  - d. Samples of court-issued, signed judicial warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.
  - e. Sample responses for District employees to use in response to officers seeking access for immigration enforcement purposes that avoids classroom interruptions, and that preserves the peaceful conduct of the college's activities.
2. The District shall advise all students, faculty, and staff to immediately notify the Vice Presidents for Student Services or designees, if they are informed that an officer engaged in immigration enforcement is expected to enter, will enter, or has entered the campus for immigration enforcement purposes. Campus police should also be notified as soon as possible.
  3. No personnel may consent to entry of District facilities or portions thereof for parties engaging in immigration activities.
  4. The District shall advise all students, faculty, and staff responding to or having contact with an officer engaged in immigration enforcement executing an immigration order, to direct the entity or individual to the office of the Vice Presidents for Student Services, or designees, and wait there for purposes of verifying the legality of any warrant, court order, or subpoena.
  5. If the officer declares that exigent circumstances exist and demands immediate access to the campus, District employees should not refuse the officer's orders and immediately contact the Vice President for Student Services and campus police.
  6. The Vice Presidents for Student Services, or designees, have determined what type of authorization is provided to support the officer's request for access based upon the type of document as follows:
    - a. A U.S. Immigrations and Customs Enforcement (ICE) "warrant": Immediate compliance is not required. District employees shall inform the officer that they cannot consent to any request without first consulting with the Vice President for Student Services, or designee. District employees shall provide copy of the warrant to the designated administrator (where possible, in consultation with legal counsel) as soon as possible.
    - b. A federal judicial warrant (search-and-seizure warrant or arrest warrant): Prompt compliance with such a warrant is usually legally required, but where feasible, consult with the Vice President for Student Services, or designee, before responding.
    - c. A subpoena for production of documents or other evidence: Immediate compliance is not required. Inform the officer that the college cannot respond to the subpoena

- until after it has been reviewed by the District Risk Manager. Provide a copy of the subpoena to the District Risk Manager or legal counsel as soon as possible.
- d. A notice to appear: This document is not directed at the District. District employees are under no obligation to deliver or facilitate service of this document to the person named in the document. If you get a copy of the document, give it to the Vice President for Student Services as soon as possible.
7. District employees should not attempt to physically interfere with an officer, even if the officer appears to be acting without consent or exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, District employees shall make a record of the contact (notes, photos, recordings, or video permissible) and forward the information to the office of the Vice President for Student Services.
  8. In making record of the contact with an immigration enforcement officer, District employees shall provide the following information:
    - a. Name of the officer, and, if available, the officer's credentials and contact information;
    - b. Identity of all District employees who communicated with the officer;
    - c. Details of the officer's request;
    - d. Whether the officer presented a warrant, subpoena, or court order to accompany their request, what was requested in the warrant/subpoena/court order, and whether the warrant/subpoena/court order was signed by a judge;
    - e. District employee's response to the officer's request;
    - f. Any further action taken by the immigration officer; and
    - g. Photo or copy of any documents presented by the agent.
  9. District employees shall provide a copy of those notes, and associated documents collected from the officer, as well as videos or photo documentation if it was taken, to the Vice President for Student Services.
  10. In turn, the Vice President for Student Services shall submit a timely report to the Chancellor, college president, and campus police regarding the officer's requests and actions and the response(s).

### III. RESPONDING TO LAW ENFORCEMENT REQUESTS TO ACCESS STUDENT RECORDS FOR IMMIGRATION ENFORCEMENT PURPOSES

- A. Responding to Request for Access to Student Records for Immigration Enforcement Purposes
  1. The colleges must obtain a student's written consent before disclosing educational records, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information for immigration enforcement purposes; no student information shall be disclosed for immigration enforcement purposes without a court order or signed judicial warrant. Without a court order or a signed judicial warrant, written consent must be signed and dated by the student, or (if the student is a minor) by the student's parent(s) or

- guardian(s), before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made. If desired by the student, the colleges must provide a copy of the records to be released. The party to whom the information is disclosed may not redisclose the information to any other party without the prior consent of the student, or the student's parent(s) or guardian(s) if the student is a minor, or subsequent court order.
2. The colleges shall develop a written protocol for interactions with immigration authorities seeking to review student records. At minimum, such protocols shall include the following information:
    - a. Contact information [name, title, e-mail addresses, and phone numbers] for the correct person to review and respond to a request for student records.
    - b. Access to sample court-issued, signed judicial warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.
  3. In addition to notifying the Vice President for Student Services, District employees shall take the following action steps in response to an officer other than campus police requesting access to student records:
    - a. Ask for the officer's name, identification number, and agency affiliation;
    - b. Record or copy this information;
    - c. Ask for a copy of any warrants;
    - d. Inform the officer that you are not obstructing their efforts but that you need to contact a campus administrator or campus counsel for assistance.
  4. Campus police shall not provide personal information about an individual for immigration enforcement purposes, unless that information is publicly available, or required by a court order or court issued, signed judicial warrant. "Personal information" is defined as any information that identifies or describes an individual, and includes but is not limited to, a student's physical description, home or work address, telephone number, education, financial matters, medical or employment history, and statements made by, or attributed to, the individual. This restriction does not apply to information regarding the immigration or citizenship status of an individual.
  5. Unless the District is served with a judicial subpoena or court order that by its terms prohibits disclosure to the student, the student must be notified of any judicial order or subpoena before the institution complies with the order in accordance with FERPA.

#### IV. RESPONDING TO IMMIGRATION ACTIONS AGAINST STUDENTS, FAMILY MEMBERS, OR DISTRICT EMPLOYEES

##### A. Responding to Immigration Actions Against Students or Family Members

1. If there is reason to suspect that a student, faculty member, or staff person has been taken into custody as the result of an immigration action, the District shall notify the person's emergency contact that the person may have been taken into custody.
2. The District has designated the Vice Presidents for Student Services as a point of contact for any student, and the Vice Chancellor of Human Resources as the point of contact for any employee, who may or could be subject to an immigration order or inquiry.
3. District employees shall not discuss the personal information, including immigration status information, of any student, faculty member, or staff person with anyone, or reveal the personal information to anyone, unless disclosing this information is permitted by federal and state law.
4. The Vice Presidents for Student Services shall maintain a contact list of legal service providers who provide legal immigration representation and provide this list free of charge to any student who requests it. At minimum, the list shall include the legal service provider's name and contact number, e-mail address, and office address.
5. If a student is detained or deported, or is unable to attend to their academic requirements because of an immigration order, the Vice Presidents for Student Services shall make all reasonable efforts to assist the student in retaining any eligibility for financial aid, exemption from nonresident tuition fees, or other benefits the student has been awarded or received subject to and in compliance with its policy.
6. The colleges shall permit a student who is subject to an immigration order to reenroll if and when the student is able to return to the college, subject to and in compliance with its policies and will make reasonable and good-faith efforts to provide for a seamless transition in the student's reenrollment and reacquisition of campus services and support.
7. The Vice Presidents for Student Services shall be available to assist any student, faculty, and staff who may be subject to an immigration order or inquiry, or who may face similar issues, and whose education or employment is at risk because of immigration enforcement actions.

*References:*

*Education Code Sections 66093 and 66093.3*