

AP 3415 Immigration Enforcement Activities

Reference:

Education Code Sections 66093 and 66093.3

- 1.0 **Responding to Requests for Access for Immigration Enforcement Activities:** District/campus personnel shall provide guidance and offer to employees training addressing law enforcement access to campus buildings. This guide shall include the following required topics:
 - 1.1 Campus safety contact information to report concerns about the presence of officers engaged in immigration enforcement on any campus property.
 - 1.2 Samples of warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.
 - 1.3 Sample responses for District/campus 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 District's activities.
- 2.0 District/campus personnel shall advise all students, faculty, and staff to immediately notify Campus Safety if they are advised that an officer engaged in immigration enforcement is expected to enter, will enter, or has entered the campus for immigration enforcement purposes. Campus safety will notify appropriate Vice President's Office and/or the Vice Chancellor of Administrative Services as soon as possible.
- 3.0 No personnel may consent to entry of non-public District facilities or portions thereof (e.g., classrooms and areas restricted to staff and students such as private offices) for parties engaging in immigration enforcement activities.
- 4.0 District/campus personnel shall advise all students, faculty, and staff responding to or having contact with an officer engaged in immigration enforcement executing an immigration order, to refer the entity or individual to Campus Safety for purposes of verifying the legality of any warrant, court order, or subpoena.
- 5.0 If the officer declares that exigent circumstances exist and demands immediate access to the campus, District/campus personnel should not refuse the officer's orders and immediately contact the Vice President of Student Services or the Vice Chancellor of Administrative Services.
 - 5.1 Exigent circumstances are defined as circumstances that would cause a reasonable person to believe that entry (or other relevant prompt action) was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of the suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.
- 6.0 Campus Safety shall determine what type of authorization is being provided to support the officer's request for access in consultation with the appropriate Vice President's Office and/or Vice Chancellor of Administrative Services:

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- 6.1 **A U.S. Immigrations and Customs Enforcement (ICE) “warrant.”** Immediate compliance is not required. District/campus personnel shall inform the officer that they cannot consent to any request without first consulting with the appropriate Vice President’s Office and/or the Vice Chancellor of Administrative Services. Provide a copy of the warrant to the designated administrator (where possible, in consultation with legal counsel) as soon as possible.
- 6.2 **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 appropriate Vice President’s Office and/or the Vice Chancellor of Administrative Services before responding.
- 6.3 **A subpoena for production of documents or other evidence:** Immediate compliance is not required. Inform the officer that the District/campus cannot respond to the subpoena until after it has been reviewed by a designated administrator. All subpoenas should be delivered to the Office of the Vice Chancellor of Administrative Services at the Anaheim Campus as soon as possible.
- 6.4 **A notice to appear:** This document is not directed at the District. District/campus personnel are under no obligation to deliver or facilitate service of this document to the person named in the document. If a copy of the document is received, it must be given to a designated administrator as soon as possible.
- 7.0 District/campus personnel 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/campus personnel shall make a record of the contact and forward the information to Campus Safety.
- 8.0 In making record of the contact with an immigration enforcement officer, District/campus personnel shall provide the following information:
- 8.1 Name of the officer, and, if available, the officer’s credentials and contact information;
- 8.2 Identity of all District/campus personnel who communicated with the officer;
- 8.3 Details of the officer’s request;
- 8.4 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;
- 8.5 District personnel’s response to the officer’s request;
- 8.6 Any further action taken by the immigration officer; and
- 8.7 Photo or copy of any documents presented by the agent.

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- 9.0 District/campus personnel shall provide a copy of those notes, and associated documents collected from the officer, to the appropriate Vice President's Office and/or the Office of the Vice Chancellor of Administrative Services.
- 10.0 In turn, the office receiving the notes shall submit a timely report to the Chancellor, Vice Chancellor of Administrative Services, and the campus public safety office regarding the officer's requests and actions and the District's response(s).
- 11.0 **Notification upon Confirmed Immigration Enforcement Presence:** District/campus personnel shall notify all students, faculty, staff, and other campus community members who work on campus when the presence of immigration enforcement is confirmed on campus, to the fullest extent consistent with state and federal law.
- 11.1 The notice shall include all of the following information:
- 11.1.1 The date and time the immigration enforcement was confirmed;
 - 11.1.2 The location of the confirmed immigration enforcement; and
 - 11.1.3 A hyperlink to additional resources.
- 11.2 The notice shall not include any personally identifiable information.
- 12.0 **Responding to Immigration Acts:** 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, District/campus personnel shall notify the person's emergency contact that the person may have been taken into custody.
- 12.1 District/campus personnel 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.
- 12.2 **Responding to Immigration Action Against Students:** Campus personnel shall designate an employee staff person as a point of contact for any student who may or could be subject to an immigration order or inquiry.
- 12.2.1 If a student is detained or deported, or is unable to attend to their academic requirements because of an immigration order, the District shall make all reasonable efforts to assist the student in retaining any eligibility for financial aid, fellowship stipends, exemption from nonresident tuition fees, funding for research or other educational projects, housing stipends or services, or other benefits the student has been awarded or received subject to and in compliance with its policy.
 - 12.2.2 District/campus personnel shall permit a student who is subject to an immigration order to re-enroll if and when the student is able to return to the District, subject to and in compliance with its policy and will make reasonable and good-faith efforts to provide for a seamless transition in the student's re-enrollment and reacquisition of campus services and support.

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- 12.3 **Responding to Immigration Action Against Employees:** The Vice Chancellor of Human Resources, or their designee, shall serve as the point of contact for any employee who may or could be subject to an immigration order or inquiry.
- 13.0 The appropriate Vice President's Office and the District Director of Diversity, Equity, and Inclusion 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.
- 14.0 The appropriate Vice President and/or the Vice Chancellor of Human Resources, or their designee, 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.

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