**Protocol for Responding to Immigration Issues**

**Ventura College’s Commitment to All Students’ Privacy Rights Regardless of Immigration Status**

All Ventura College employees are expected to uphold the Federal Educational Rights and Privacy Act as a condition of employment.

 In accordance with FERPA, VCCCD Board Policy and Administrative Procedure 5040 outlines that “no District representative shall release the contents of a student record to any member of the public without the prior written consent of the student, other than directory information as defined in this policy and information sought pursuant to a court order or lawfully issued subpoena, or as otherwise authorized by applicable federal and state laws.

Ventura College is committed to supporting all its students, regardless of immigration status, who seek to receive a quality education. We understand that the actual and perceived threats of immigration enforcement proceeding against our community’s undocumented students and their families could adversely affect our students’ sense of well-being and ability to learn. Ventura College is focused on creating and maintaining a supportive environment for all students, families, community members, and employees.

**Federal Immigration Officials Seeking Campus Access to Conduct an Enforcement Action**

Federal immigration enforcement officials who seek to apprehend and remove/deport individuals unlawfully present in the United States are most often officers of U.S. Immigration and Customs Enforcement (ICE), who are part of the agency’s Enforcement and Removal Operations (ERO). U.S. Customs and Border Protection (CBP) officers could also seek to apprehend and remove individuals found on College grounds. These ICE and CBP officers work for the Department of Homeland Security (DHS) and they are typically acting on civil, not criminal, authority. The warrants these officers carry to apprehend individuals are generally administrative warrants that do not authorize these federal immigration enforcement officials to enter or search limited access areas, such as areas that are under lock and key or require a an electronic keycard for access, or labeled “authorized personnel.” This includes classrooms where only registered students receive instruction or where a college ID is required for access.

Ventura College is a public institution and a large portion of the campus is open to the general public. The College does not have authority to prohibit federal immigration enforcement officials from coming on campus. The areas on campus open to the general public are also open to federal immigration enforcement officials.

**Reasons Federal Immigrations Officers May be On Campus – International Student Program**

ICE and CBP officers may appear on campus for reasons unrelated to apprehending and removing an individual they believe is unlawfully present in the United States. For example, many international students participate in the U.S. State Department’s Student and Exchange Visitor Program (SEVP). The District is required to report certain information about SEVP students to ICE, and ICE may come to our facilities and grounds to meet with SEVP students and/or District staff that have responsibilities under the SEVP. ICE and CBP may also come on campus in connection with regulations that do not involve alleged immigration violations.

It is a mistake to assume that any ICE employee visiting campus is present to apprehend or remove a member of the District community. False rumors about immigration enforcement actions on campus can spread anxiety and panic. If you observe a federal immigration enforcement official on campus and have concerns about his or her activities, contact Campus Police and the President’s office as specified in the below guidelines.

**Immigration and Enforcement Actions are Generally Avoided at Community Colleges**

Current ICE policies provide that enforcement actions at or focused on sensitive locations such as schools, places of worship, and hospitals, should generally be avoided, and that such actions may only take place when (a) prior approval is obtained from an appropriate supervisory official, or (b) there are exigent circumstances necessitating immediate action without supervisor approval. Under the policy guidance, sensitive locations include, but are not be limited to:

• Schools, such as known and licensed daycares, pre-schools and other early learning programs; primary schools; secondary schools; post-secondary schools up to and including colleges and universities; as well as scholastic or education-related activities or events, and school bus stops that are marked and/or known to the officer, during periods when school children are present at the stop

• Medical treatment and health care facilities, such as hospitals, doctors’ offices, accredited health clinics, and emergent or urgent care facilities

• Places of worship, such as churches, synagogues, mosques, and temples

• Religious or civil ceremonies or observances, such as funerals and weddings; and during public demonstration, such as a march, rally, or parade. Enforcement actions under this federal policy guidance are arrests, interviews, searches, and, for immigration enforcement purposes, surveillance. Compliance and related actions taken und

**Federal Immigrations Officers and Campus Police**

When deemed appropriate, the Office of the President or designee will contact Campus Police to act as a liaison with federal immigration enforcement officials. However, Campus Police is not required to and, accordingly, will not enforce federal immigration laws—a responsibility that rests with the federal government.

Specifically, Campus Police will neither contact, detain, question, or arrest any individual on the sole basis of suspected undocumented status nor work in concert with federal immigration officials for immigration enforcement purposes. There are other reasons why Campus Police will work in cooperation with other federal, state and local law enforcement authorities and personnel. For example, Federal Bureau of Investigation (FBI) or Drug Enforcement Administration (DEA) agents may have reason to pursue criminal suspects on campus. Campus Police may cooperate with those efforts to enforce criminal laws.

**Guidelines for Employees**

Ventura College employees are not required to affirmatively assist or grant permission to enter limited access spaces when officers do not have a valid judicial warrant to enter a specific area.

*Access to Facilities or Personnel*

If a federal immigration enforcement official, such as an ICE agent, requests access to a College facility, college administrators, faculty, classified professionals, including Campus Police; or limited access area immediately refer the federal official and his/her related request for access to the Office of the President. You should inform the federal immigration enforcement official that you are not trying to impede his/her activities, but instead simply adhering to established District protocol to address such requests. The Office of the President will, in turn, work with the District’s legal counsel to make a final determination as to whether the request for such access is lawful and respond accordingly.

*Access to Records*

If a federal immigration enforcement official, such as an ICE agent, requests information or documents from you about a student or another individual, immediately refer the federal official and his/her related request to the Office of the Registrar. The Office of the Registrar will work with the District’s legal counsel to make a final determination on whether the request is consistent with and otherwise lawful under the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g, and related privacy protections afforded under the law. Under no circumstance should a student’s education record be disclosed without the consent of the affected District student, absent a lawfully issued subpoena or judicial order.

Lawfully issued subpoenas or judicial orders will be directed to the Office of the Registrar, who will work with the District’s legal counsel prior to releasing student information/record.

*Requests for International Students Information*

Colleges are required to exchange data with federal immigration agencies on the status of international students on F-1, J-1 or M visas through use of a government database named “SEVIS,” which is part of the SEVP as referenced above. In addition, certain information about international students on these visas is required to be retained and produced by the District upon request from DHS and ICE.

According to the U.S. Department of Education, FERPA permits institutions of higher education to comply with information requests from DHS in order to comply with the requirements of the SEVP. However, this does NOT create a blanket waiver of an international student’s FERPA rights. First, the information that can be disclosed is limited to the categories listed in DHS regulations. Second, a request must be made to a campus Designated School Official (DSO) - the International Student Specialist and/or Dean of Students. Other information about international students is entitled to the same FERPA protections that otherwise govern student records.

If you are not a DSO, you should refer any ICE/DHS request for information about an international student to the DSO – International Students Specialist and/or Dean of Students. Note that AB540 and DACA students are not categorized as international students, and, as a result, SEVP requests made by DHS do not affect them.

**Practical Points for Employees**

1. Inform the federal immigration officials that you are not obstructing their process but need to refer their questions to the appropriate office for advice and assistance.
	1. Direct all federal immigration officials’ request for access to facilities and personnel to the Office of the President.
	2. Direct all federal immigration officials’ request for access to student records to the Office of the Registrar.
2. If you see a federal immigration official on campus and have concerns, please contact Campus Police at (805) 289-6486 to make a report. Do not confront the federal official.
3. If a federal immigration official refuses to follow the college guideline, immediately contact Campus Police at (805) 289-6486. Do not confront the federal official.

**Recommendations for Implementation**

1. Submission to the Academic Senate, Classified Senate, and Associated Students of Ventura College for review.
2. Forwarding of the document to the College Planning Committee for review and voting for recommendation to the College President.
3. Forwarding of the recommendation to the College President for inclusion in the college catalog and college website.
4. Campus wide communication of the document is sent out from the Executive Team.
5. The document is posted to venturacollege.edu/dreamers.
6. The document is included as an Appendix in the next college catalog.
7. Policy recommendations are taken to DTRW-SS with the recommendation that AP 5040 is updated to clearly state that “Student records or information shall not be released to federal immigration officials without the consent of the affected District student, absent a lawfully issued subpoena or judicial order.

**Notes:**

These policies are largely based on the California General’s, October 2018 guidance, “Promoting a Safe and Secure Campus for All – Guidance and Model Policies to Assist California’s Colleges and Universities in Responding to Immigration Issues. The college’s policies are intended to be interpreted in a manner similar to any subsequent interpretation given with respect to the Attorney General’s Office guidance.