

Wednesday, September 25, 2019

Dear Pirate Colleagues,

Like many of you, I have grown concerned about a recent uptick in news reports raising the prospect of increased enforcement activity by the Office of Immigration and Customs Enforcement (ICE) in and around institutions of higher learning.

Please be assured that Ventura College and the Ventura County Community College District remain committed to guaranteeing access to public education, to protecting our students, and to creating an environment free from discrimination, based upon any of the following protected classes: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation.

State officials in California advise community colleges like ours to prepare for the possibility that enforcement activity may occur on our campus or within our communities. That being the case, and in the spirit of promoting a safe and secure campus for any undocumented students, it is important that college employees understand these timely issues, as well as their rights and responsibilities.

**Access to Campus.** Owing to the fact that ICE maintains a “sensitive locations” policy, it would be surprising and disappointing if ICE agents do seek to conduct enforcement activity on any school campus under the VCCCD umbrella; not least because post-secondary schools are “sensitive locations” at which immigration enforcement should generally not occur, with certain specified exceptions. Nevertheless, California’s Office of the Attorney General has formally directed all schools to prepare for the possibility that ICE policies may change in the near future.

As current law stands, the Office of the Attorney General (OAG) has advised that the Fourth Amendment of the U.S. Constitution prohibits a law enforcement officer from detaining any of our students by preventing them from leaving campus or taking them out of class, if done so solely for the purpose of investigating non-criminal immigration violations. Furthermore, in the same guidance document, the OAG has advised that colleges can take certain limited steps to ensure ICE activity does not interfere with classroom learning.

In the interest of providing clarity to school personnel, no staff member, teacher, or student is authorized to consent on behalf of the college if officers ever seek your consent to engage in immigration enforcement activity on campus. **If you encounter or receive a request from an ICE official or an outside law enforcement professional while on campus, please take no action other than to contact campus police and the President’s office immediately.** This is not a situation that you should address without our support.

**Access to Student Records.** As with access to spaces on campus, access to a student’s records are likewise protected by federal laws. The Family Educational Rights and Privacy Act (FERPA) protects certain privacy interests of students who attend institutions receiving federal funds under the U.S. Department of Education. California’s Education Code and California’s Government Code apply overlapping and additional restrictions. As such, the Office of the Attorney General has instructed that colleges are restricted from releasing certain private student information without a student’s prior consent, irrespective of status. Unless the college is served with a judicial warrant, court order, or judicial subpoena, the Office of the Attorney General has advised that there are no separate requirements under federal or state law to provide information to the Department of Homeland Security, ICE, or any other agency for immigration enforcement purposes. Again, **if you receive a request or encounter an ICE or an outside law enforcement professional on campus, please contact campus police and the President’s office immediately.** This is not a situation that you should address without our support.

To be absolutely clear, if an ICE officer appears to be acting without consent and is demanding entrance into a college facility, employees ***should not*** attempt to physically interfere, resist, or otherwise try to stop them. Simply notify campus police and the President’s Office immediately and, if it is safe to do so, document the circumstances as appropriate.

It is my sincere hope that we never have to encounter or witness any enforcement activity at Ventura College – our focus is on student success—but if we do, we will work together to operate within the law and to protect our students.

Sincerely,



Kim Hoffmans, RN, Ed.D  
President, Ventura College

References:

National Constitution Center. (Dec. 15, 1791). Amendment IV Search and Seizure. Retrieved from <https://constitutioncenter.org/interactive-constitution/amendments/amendment-iv>

(U.S. Department of Education. (Oct. 01, 2018). Family Education Rights and Privacy Act (FERPA). Retrieved from <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Becerra, X. (2018). Promoting a Safe and Secure Campus for All: Guidance and Model Policies to Assist California’s Colleges and Universities in Responding to Immigration Issues. CCCCO Chancellor’s Cabinet 07-22-2019