



AP 3415 Immigration Enforcement Activities

References: Education Code Sections 66093 and 66093.3

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Last Reviewed:

Butte College provides a safe and welcoming environment for all students and staff regardless of their immigration status. District personnel do not participate in federal enforcement of national immigration regulations unless compelled to by state or federal law.

Responding to Requests for Access for Immigration Enforcement Activities

Students, faculty, and staff will immediately notify the Butte College Police Department and the Office of the President 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.

No personnel may consent to entry of an officer engaged in immigration enforcement activities into District facilities or portions thereof that are not open to the public, such as classrooms, private offices, or restricted access areas.

Students, faculty, and staff responding to or having contact with an officer engaged in immigration enforcement executing an immigration order will refer the entity or individual to the Butte College Police Department for purposes of verifying the legality of any warrant, court order, or subpoena.

If the officer engaged in immigration enforcement declares that exigent circumstances exist and demands immediate access to the campus, District personnel should not refuse the officer's orders and should immediately contact the Butte College Campus Police Department.

District 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 personnel will notify the Butte College Police Department as soon as possible and if feasible make a record of the contact and forward the information to the Office of the President.

A record of the contact with an immigration enforcement officer should include:

- Name of the officer, and, if available, the officer's credentials and contact information;
- Identity of all school personnel who communicated with the officer;
- Details of the officer's request;

- 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;
- District personnel's response to the officer's request;
- Any further action taken by the immigration officer; and
- Photo or copy of any documents presented by the agent.

District personnel will provide a copy of those notes and associated documents collected from the officer to the Office of the President.

The Butte College Campus Police Department, in consultation with the Office of the President, will determine what type of authorization is being provided to support the immigration enforcement officer's request for access:

- **A U.S. Immigrations and Customs Enforcement (ICE) "warrant:"** Immediate compliance is not required. Campus police will inform the officer that they cannot consent to any request without first consulting with the Office of the President. Campus police will provide copy of the warrant to the Office of the President for review (where possible, in consultation with legal counsel) as soon as possible.
- **A federal judicial warrant (search-and-seizure warrant or arrest warrant):** Prompt compliance with such a warrant is usually legally required, but where feasible, campus police will consult with the Office of the President before responding.
- **A subpoena for production of documents or other evidence:** Immediate compliance is not required. Campus police will inform the officer that the District cannot respond to the subpoena until after it has been reviewed by the Office of the President. Campus police will provide a copy of the subpoena to the Office of the President as soon as possible.
- **A notice to appear:** This document is not directed at the District. District 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 the Office of the President as soon as possible.

The Office of the President will submit a timely report to the District's governing board regarding the officer's requests and actions and the District's response(s).

Notification upon Confirmed Immigration Enforcement Presence

The District will 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.

The notice will include all of the following information:

- The date and time the immigration enforcement was confirmed;
- The location of the confirmed immigration enforcement; and
- A hyperlink to additional resources.

The notice will not include any personally identifiable information.

Training for Responding to Requests for Access for Immigration Enforcement Activities

District personnel will provide guidance and offer appropriate training to all campus employees addressing law enforcement access to campus buildings. This training will include the following required topics:

- Instructions that law enforcement officers cannot enter campus buildings to make arrests without a judicial warrant, valid consent, or exigent circumstances.
- Instructions that District personnel, including campus police, cannot consent to the entry into a campus building for the purpose of an immigration search or arrest, but a judicial warrant or exigent circumstances may authorize officer entry without consent.
- Campus police contact information to report concerns about the presence of officers engaged in immigration enforcement on any campus property.
- 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.
- Sample responses for personnel to use in response to officers seeking access for immigration enforcement purposes that avoids classroom interruptions, and that preserves the peaceful conduct of the school's activities.

Responding to Immigration Acts Against Students, Faculty Members, or Staff

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 at district facilities, District personnel will notify the person's emergency contact, if possible, that the person may have been taken into custody.

District personnel will designate a staff person as a point of contact for any student, faculty member, or staff person who may or could be subject to an immigration order or inquiry.

District personnel will 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.

District personnel will 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 will include the legal service provider's name and contact number, email address, and office address.

If a student is detained or deported, or is unable to attend to their academic requirements because of an immigration order, the District will 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, or other benefits the student has been awarded or received subject to and in compliance with its policy. The student may utilize the excused withdrawal policy contained in AP 4230 Grading and Academic Record Symbols to alleviate impacts to grade point average and course repetition if detained, deported, or otherwise unable to complete their academic requirements during an active term of enrollment.

District personnel will 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.

District personnel will 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.