Operational Memorandum

Title: Responding to Immigration Customs Enforcement Activity on Campus

Date: January 17, 2025

TO: Michael Gutierrez, Superintendent/President

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PURPOSE:
This memorandum provides guidance to ensure the safety, support, and well-being of undocumented students and campus community members in the event of an immigration enforcement action on or near campus.This guidance also ensures that employees are appropriately prepared to respond to immigration enforcement actions and to protect the rights of all students, including immigrant students. Guidance provided below is based on current law as of January 2025 and is subject to change.

BACKGROUND:
In 2017, the Hartnell College Board of Trustees adopted Resolution 17.3: *In Support of Undocumented Students and Affirming the Privacy of Student Records*. This resolution affirms the values of Hartnell College in supporting undocumented students, and also affirms that the District will protect the privacy of education records for all students regardless of immigration status and consistent with existing laws. The guidance outlined in this Operational Memorandum ensures that we are in compliance with FERPA regulations, state laws and regulations, and Board Policies and Administrative Procedures.

As a public postsecondary institution, a large portion of the Hartnell College district is open to the general public and therefore does not have the authority to prohibit federal immigration enforcement officers from coming onto campus to enforce federal law. However, public access is **limited** in certain areas of Hartnell Community College District sites because of privacy concerns, operational needs or safety considerations. Administrative Policy 3900 designates spaces as public or non-public forums.

Access Categories	Descriptions
Public Forums	Walkways, grassy areas, building lobbies or public meetings
Non-Public Forums	Classrooms, personal offices, or other areas where confidential student or staff records are kept. May also include office lobbies that have been designated as "non-public" by signage.

PROCESS:

Immediate Action Steps

1. **Stay Calm and Gather Information**
    - If immigration enforcement personnel are on campus for the purpose of enforcement, or are rumored to be on campus, **do not panic**.
    - Confirm the presence of Immigration and Customs Enforcement (ICE) or other immigration enforcement agencies.
    - Notify the Office of the Superintendent/President immediately at (831) 755-6900.
    - Campus Security should also be notified of immigration enforcement presence on campus by calling (831) 755-6888.

2. **Know Your Rights**
    - Hartnell College employees are not required to affirmatively assist federal immigration authorities or grant permission to enter non-public spaces such as classrooms when officers do not have a judicial warrant to enter. Be aware of what spaces are public vs. non-public.
    - Be aware that there is a difference between civil and administrative warrants, which **do not authorize** entry without consent, versus a criminal search or arrest warrant, which may authorize entry without consent.

3. **Immediate actions: Legal Compliance and Release of Student Information**
    - If an immigration or law enforcement officer requests entry into a non-public area, take the following actions:
        1. Ask the officer for their name, identification number and agency affiliation.

2. Do not let the officer into a non-public space, such as a classroom, office, or workspace. Instead, step out of the non-public area into a public area to speak with the officer.
3. Ask the officer to provide a copy of the warrant or subpoena.
4. Inform the officer that they will need to contact the Office of the Superintendent/President in Building E, Room 102 in order to verify the legality and accuracy of the warrant, court order, subpoena, or other documentation. Immigration officers at our educational campuses and centers should be directed to call the Office of the Superintendent/President at (831) 755-6900 to begin the verification process.

- Ensure compliance with **FERPA (Family Educational Rights and Privacy Act)** and other applicable laws.
- The Office of the Superintendent/President shall determine whether the authorization being provided supports the officer's request for access and is properly signed. If necessary, this determination may be made in consultation with legal counsel.

Type of Document	**Response/Enforceability**
ICE Administrative "Warrant"	Most typical type used by immigration enforcement officers. Can be issued by any ICE enforcement officer and not issued by a judge or magistrate. Does not grant access to non-public areas of campus or search of school records. Personnel should not physically interfere however, they are not required to assist or consent to search of facilities.
Federal Search-and-Seizure Warrant	Prompt compliance is usually required. However, college personnel should consult with the Office of the Superintendent/President before responding.
Federal Arrest Warrant	Prompt compliance is usually required. However, college personnel should consult with the Office of the Superintendent/President before

	responding.
Administrative Subpoena	Requests the production of documents or other evidence. May be challenged in court before complying. College personnel do not need to immediately comply with an administrative subpoena. Such requests should be directed to the Office of the Superintendent/President.
Federal Judicial Subpoena	Requests the production of documents or other evidence. May be challenged in court before complying. College personnel do not need to immediately comply with an administrative subpoena. Such requests should be directed to the Office of the Superintendent/President.
Court Order	Review with legal counsel and respond accordingly
Notice to Appear	Does not require college or staff action; does not authorize access to nonpublic areas of campus or authorize search of student or school records.

4. **Post Immigration Enforcement Activity**
    - 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 Office of the Superintendent/President or designee will notify the person's emergency contact that the person may have been taken into custody.
    - The Office of the Superintendent/President 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.
    - College 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.
    - If a student is detained or deported, or is unable to attend to their academic requirements because of an immigration order, college personnel shall make make all reasonable efforts to assist the student in retaining any eligibility for financial

aid, fellowship stipends, exemption from nonresident tuition fees, housing stipends or services, or any other benefits the student has been awarded or received subject to and in compliance with its policy.

- College 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 Hartnell College 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.
- College personnel 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.

Additional Guidance for Offices to Support Undocumented Students

Admissions & Records

- Maintain confidentiality of all student records according to FERPA and local policies.
- If contacted by law enforcement, inform them of the legal requirement for a subpoena or warrant before providing access to records.
- Immediately inform the Office of the Superintendent/President of immigration enforcement officer's presence on campus.

Financial Aid Office

- Reassure students that financial aid eligibility will not be affected by any immigration actions.
- Direct students to resources such as scholarships and emergency aid funds available to undocumented individuals.
- Maintain confidentiality of all student records according to FERPA and local policies.

Counseling and Student Support Services

- Provide emotional and mental health support to affected students.
- Maintain confidentiality of all student records according to FERPA and local policies.
- Host safe spaces or group counseling sessions for students to process and cope with the situation.
- Connect students with external legal resources, such as immigrant rights organizations.

Faculty and Academic Departments

- Maintain normal classroom operations while supporting affected students.
- Ensure that all faculty, deans, and academic staff know what to do if an immigration or law enforcement officer requests to enter their classroom, office, or workstation and/or requests information about students.

- Offer compassionate accommodations (e.g., extensions, alternative assignments) to students impacted by enforcement activity, keeping in mind that even if students are not directly affected, their family members may be.
- Maintain confidentiality of all student records according to FERPA and local policies.

Campus Safety Office

- Do not provide assistance to law enforcement or immigration officers (e.g. remove a student from class or detain them from leaving campus).
- Immediately inform the Office of the Superintendent/President of immigration enforcement officer's presence on campus.
- Limit access to non-public areas to authorized personnel only.
- If there is a legitimate threat or disruption to students or employees, Campus Safety will issue communications through our established channels, such as Titan alerts.

Executive Leadership Team/President's Cabinet

- Ensure that all Cabinet members are trained to act as the Administrator in Charge, and know how to respond to immigration and law enforcement activity. This includes knowing who to contact to verify the legality of documentation provided by the officer, as well as communicating with the emergency contact of affected students or employees if necessary.

Conclusion

The college is committed to ensuring that all students, regardless of immigration status, feel safe and supported on campus. Adhering to these protocols will protect our students' rights and uphold our institution's values.

For questions regarding student records and privacy, contact Maria Ceja, Dean Student Affairs Enrollment Services at maceja@hartnell.edu or (831) 755-6714.

For questions regarding free immigration legal services available to students, staff, and faculty, contact Mario Flores, Director of Basic Needs at mario.flores@hartnell.edu or (831) 770-6179.

For questions regarding student support services available to undocumented students, contact Mi Casa: Undocuscholar Resource Center at micasa@hartnell.edu or (831) 755-6723.

Additional resources and educational materials can be found on the Hartnell College Community Care website.

Attachments:

1. What Employers Can Do if Immigration Comes to a Workplace
2. Promoting a Safe and Secure Campus for All - Guidance and Model Policies to Assist California's Colleges and Universities in Responding to Immigration Issues (see page 40-46 for sample warrants/subpoenas)
3. 8 Tips Reference Sheet