



SAN DIEGO COMMUNITY COLLEGE DISTRICT

CITY COLLEGE • MESA COLLEGE • MIRAMAR COLLEGE • CONTINUING EDUCATION

[Date]

Dear Students, Employees, and Members of the Community:

The San Diego Community College District (SDCCD) is an inclusive organization, governed by a supportive Board of Trustees. The District is committed to providing high-quality educational opportunities for all students without regard to race, ethnicity, cultural heritage, national origin, religion, immigration status, age, gender, sexual orientation, gender identity, medical condition, or disability.

The United States Constitution applies to and protects the rights of everyone within the nation, no matter what their citizenship or visa status might be. Certain rights, like the right to remain silent and not answer questions asked by police or immigration authorities, apply to everyone.

There have been recent discussions at the national level about the federal government enlisting local law enforcement agencies to perform federal immigration enforcement functions pursuant to section 287(g) of the Immigration and National Security Act, by deputizing state and local law enforcement officers to perform the duties of federal immigration authorities. We would like to reaffirm that the San Diego Community College District will not be participating in the 287(g) delegated authority program. Any such participation would only detract from, and would not enhance the core values of the District. The primary function of the College Police Department is campus safety and not immigration enforcement.

As a public institution of higher education, the SDCCD works diligently to ensure that all students have full access to City, Mesa, and Miramar colleges, and Continuing Education and are protected from pressures and intrusive actions that would disrupt or impair their education. The District complies with all Federal and State laws governing the privacy of student records including the Family Education Rights and Privacy Act (FERPA), as well as AB 540 and the California Dream Act, which exempt undocumented and out-of-state students who completed high school in California from non-resident tuition.

As part of the District's compliance with Federal and State laws and regulations, please know that the District:

- **Will not** allow federal immigration officials on campus absent legal authority;
- **Will not** act on behalf of federal agencies to enforce immigration laws or aid in deportation;
- **Does not** share student records containing confidential information about students without written consent, a court order or other legal mandate; and
- The College Police officers **will not** participate in any voluntary program of immigration enforcement.

The San Diego Community College District remains deeply committed to providing excellent educational opportunities and will do everything possible to ensure the academic success of our students.

Sincerely,

Constance M. Carroll, Ph.D., Chancellor, San Diego Community College District
Ricky Shabazz, Ed.D., President, San Diego City College
Pamela Luster, Ed.D, President, San Diego Mesa College
Patricia Hsieh, Ed.D., President, San Diego Miramar College
Carlos O. Turner Cortez, Ph.D., President, San Diego Continuing Education



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DISTRICT POLICY AND COLLEGE POLICE PROTOCOL FOR CONTACT WITH FEDERAL IMMIGRATION OFFICIALS

GENERAL POLICY STATEMENT

San Diego Community College District's College Police has as its top priority the protection of students, faculty and staff to support the learning environment. It is the policy of the San Diego Community College District that College Police, regardless of rank, shall not engage in the enforcement of immigration laws, and shall not cooperate with or assist federal immigration officials, including ICE, in the enforcement of federal immigration laws.

PROTOCOL

1. **PRIMARY DUTY OF SAN DIEGO COMMUNITY COLLEGE DISTRICT POLICE.** With regard to any activity related to the enforcement of immigration laws on campus, including encounters with and requests from federal immigration officials such as ICE, the primary duty of College Police shall be to:
 - a. Adhere to the general policy of non-enforcement and non-cooperation as stated in the General Policy Statement, above; and
 - b. Refer all inquiries from federal immigration officials, including ICE, to the Designated District Official, as set forth in Section 2, below.
2. **REFERRAL TO DESIGNATED DISTRICT OFFICIAL.** The District has a Designated District Official ("DDO") who is primarily responsible for dealing and communicating with federal immigration officials, including ICE. Contact information for the DDO is as follows:

Vice Chancellor, Student Services (619-388-6922)

College Police shall immediately refer to the DDO all requests and inquiries from federal immigration officials, including ICE. Whenever College Police receive or are consulted regarding a request from a federal immigration official, College Police shall direct the person making the request to the DDO, and shall explain that only the DDO has authority to respond to the request. When the federal immigration official is physically present on campus, College Police may, if they find it appropriate, accompany the federal official to the

office of the DDO. If the DDO is not available or is absent at the time of the request, College Police shall request the federal immigration official to return when the DDO becomes available.

3. **MAINTENANCE OF RECORDS OF REQUESTS/ENCOUNTERS.** College Police and all other District employees who receive or are consulted regarding a request from federal immigration officials shall do all of the following:

- a. If a request is made orally, request that it be made in writing directly to the DDO; and
- b. Record and maintain a record of:
 - i. the name of the individual making the request,
 - ii. the name of the individual(s) about whom the request is made;
 - iii. the date, time and nature of the request specifically including the information/access that is requested; and
 - iv. the date, time, manner and substance of the response to the request (when and to the extent such information is available).
- c. A copy of the record shall immediately be provided to the DDO in the most expedient manner available.

4. **COMPLIANCE WITH STATE LAW.** State laws, and specifically the TRUST ACT and the TRUTH ACT, limit the extent and manner in which state and local law enforcement agencies may cooperate with federal immigration officials in the enforcement of immigration laws. Because District policy, as set forth above, does not allow College Police to engage in, cooperate with or assist federal immigration officials in the enforcement of immigration laws, College Police will generally not be required to consider or implement the specific requirements of the TRUST ACT and the TRUTH ACT. Nonetheless, in the unlikely event that these laws may nonetheless be applicable in a given situation, College Police officers should review and familiarize themselves with these laws.

A full copy of the TRUST ACT is attached as **Appendix A**. Forms that may be required for compliance with the TRUST ACT are attached as **Appendix A-1**.

A full copy of the TRUTH ACT is attached as **Appendix B**. Forms that may be required for compliance with the TRUTH ACT are attached as **Appendix B-1**.

5. **ACCESS TO LOCATIONS NOT OPEN TO PUBLIC, STUDENT RECORDS.** Federal immigration officials, including ICE, need a facially valid warrant or subpoena, signed by a federal judge,

in order to access school locations that are not open to the public, or student records and confidential student information. Any College Police officer or other employee of the College Police who is presented with or consulted regarding a request to access non-public locations and student records, with or without a warrant or subpoena, shall refer the requesting federal agent to the DDO, in accordance with Section 2, above.

6. **PROVISION OF PAMPHLET.** College Police shall provide the "Know Your Rights" pamphlet, attached as **Appendix C**, to any student or other individual who is the subject of an inquiry by federal immigration officials, including ICE, while the individual is otherwise lawfully present on campus; or who is engaged in an encounter with federal immigration agents while the individual is otherwise lawfully on campus. Any other student or person who requests a copy of the pamphlet shall be provided a copy.
7. **DISRUPTION ON CAMPUS.** College Police shall request that federal immigration officials, including ICE, cease any activity on campus that has or appears likely to cause a disturbance; interferes with regular campus activities or the orderly administration of District business; or has or appears likely to result in harm to persons or property otherwise lawfully present on campus. If the federal immigration officials refuse to cease their lawful activity, College Police shall not take any action to prevent such activity but shall, to the fullest extent practicable and allowed by law, protect persons and property otherwise lawfully on campus, and shall report to the DDO the refusal of federal immigration officials to cease their activity.
8. **LEGAL ADVICE PROHIBITED.** Neither College Police nor the DDO shall provide any legal advice regarding anyone's immigration status, or legal rights and obligations in connection therewith. When any such legal advice is requested, the responding officer or employee should state that he or she is prohibited from providing legal advice by the District's applicable protocol, and refer the person to the DDO. In addition to the above, the responding officer, employee or DDO may advise the person to seek legal advice from an attorney of his or her choice, but may not refer the person to any specific attorney.
9. **COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS.** Notwithstanding anything to the contrary above, in no event shall any College Police peace officer or any other employee of the District violate any state or federal law or regulation, or jeopardize the safety of any federal agent, in order to carry out any of the provisions of this protocol.
10. **INTERPRETATION AND COMPLIANCE.** Any questions regarding the meaning of any of the provisions of this protocol, their application in a given circumstance, or potential conflicts with other laws and legal requirements should be referred to a supervisor and escalated as appropriate, including in consultation with the District's legal counsel when necessary.

11. **MANDATORY DUTY TO DISSEMINATE PROTOCOL.** It shall be the duty of the Chief of the College Police, which may be delegated to a designee, to provide a copy of this protocol to all sworn peace officers employed by the College Police and all other District employees who are assigned to the College Police, and to every new officer or employee who is hired into or assigned to the College Police.



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Frequently Asked Questions Regarding Immigration Enforcement on Campus

Information for Students

Q: How does the District handle requests from ICE and other federal immigration enforcement agents?

- A:**
- The District refers all requests from federal immigration agents, including ICE, to the District office at 3375 Camino Del Rio South, Room 100. Such requests are not handled at the campus level.
 - At the District level, there is a Designated District Official (DDO) who is in charge of following a strict protocol to assure that only such information as the District is required by law is provided, and that affected individuals are notified when circumstances permit.
 - Contact information for the DDO is as follows: Vice Chancellor, Student Services at 619-388-6922.

Q: Does the District assist ICE, or other federal immigration enforcement agents, to arrest students or their family members on campus?

- A:**
- The District has a policy against assisting federal immigration officials with immigration enforcement activities, which includes any activity designed solely to determine immigration status of persons present on campus.
 - We encourage all students and staff to report any on-campus federal immigration enforcement activity to the Designated District Official (DDO) at 619-388-6922 or to campus police.

Q: Can ICE, or other federal immigration enforcement agents, access my student records to assess my immigration status?

- A:**
- The District does not allow access to student records for law enforcement purposes, including federal immigration enforcement, unless it is presented with a proper subpoena or warrant.
 - If federal immigration officials, including ICE, request access to your student records and they have a proper subpoena or warrant, the District is required by law to grant access in

6

accordance with the subpoena or warrant. However, in such an event the District will attempt to notify you that your records have been requested and will provide you a copy of the warrant or subpoena, as circumstances permit.

Q: If I have a question about on-campus immigration enforcement generally, or as to me individually, to whom should I direct my question(s)?

A:

- The Immigration Legal Resource Center (<https://www.ilrc.org/>) can provide basic information.
- Specific questions may be directed to the DDO at 619-388-6922.

Q: What other information should I know with regard to immigration enforcement and my status?

A:

- **Consult with an experienced immigration attorney or accredited representative to understand your legal options.**
 - Find low-cost immigration legal services: <https://www.immigrationlawhelp.org>.
- **Avoid fraudulent service providers:** confirm their credentials, ask for a written contract and a receipt for any payments, and if you have doubts, get a second opinion.
 - For more information, go to: <https://www.ilrc.org/anti-fraud-flyers>.
- **Avoid negative contact with law enforcement.** Any arrest, charge, or conviction, especially related to gangs, drugs or a DUI can have a negative impact on your immigration situation.
- **If you have a criminal record, consult an expert.** Certain convictions can be changed to lessen the impact on a future immigration case you may have.

KNOW YOUR RIGHTS

Everyone, regardless of their immigration status, has constitutional rights before the immigration authorities.

Remain Silent

- Don't respond to the questions of an immigration agent or provide any personal information. They may continue to ask you in a forceful, harassing or intimidating manner. You still have the right to remain silent.

Do Not Open Your Door

- If agents come to your home, ask that a search warrant be passed under your door or shown through a window. Do not open the door for them if they cannot show you a warrant ***signed by a judge***. You lose certain rights by allowing agents into your home.

Do Not Sign Anything

- Do not sign any document. Ask to speak with an attorney and for a hearing in immigration court before signing away any of your rights.

Disclaimer: This is being provided for information only. Please consult with legal counsel.



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Frequently Asked Questions Regarding Immigration Enforcement on Campus

Information for District Employees

Q: If I am contacted by ICE or other federal immigration enforcement agents in my capacity as a District employee, what should I do?

A:

- All requests from federal immigration enforcement agents, including ICE, must be reported immediately to the Designated District Official (DDO), who is in charge of handling all such requests for the District and its employees. Contact information for the DDO is as follows:

Vice Chancellor, Student Services (619-388-6922)

- You should not provide information directly to federal immigration enforcement agents, including ICE. You should explain that the District has a strict policy that requires you to refer any such request to the DDO.
- Even if federal immigration enforcement agents, including ICE, have what looks like a valid warrant or subpoena, they need to be directed to the DDO. You should explain that, pursuant to the District's established policy, only the DDO is permitted to receive or respond to subpoenas and warrants (or less formal requests, as explained above).
- If the federal immigration enforcement agents, including ICE, persist in asking you to provide information directly and you are unable to reach the DDO immediately, you should call campus police to assist you.

Q: Should students be concerned that ICE, or other federal immigration enforcement agents, will access their student records to assess immigration status?

A:

- The District does not allow access to student records for law enforcement purposes, including federal immigration enforcement, unless it is presented with a proper subpoena or warrant to the DDO.
- If federal immigration officials, including ICE, request access to your student records and they have a proper subpoena or warrant, the District is required by law to grant access in accordance with the subpoena or warrant through the DDO. However, in such an event the District will attempt to notify student that their records have been requested and will provide them a copy of the warrant or subpoena, as circumstances permit.

- In the past, the District has not been asked to provide access to student records to federal immigration officials for the sole purpose of determining immigration status, and doing so is against District policy.

Q: Does the District assist ICE, or other federal immigration enforcement agents, to arrest students or their family members on campus?

A:

- The District has a policy against assisting federal immigration officials with immigration enforcement activities, which includes any activity designed solely to determine immigration status of persons present on campus.
- The District is not aware of any time in the past when federal immigration officials were conducting random immigration checks on any campus, with or without advanced notice to the District.
- We encourage all students and staff to report any on-campus federal immigration enforcement activity to the DDO at 619-388-6922 or to campus police.



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Frequently Asked Questions Regarding Deferred Action for Childhood Arrivals (DACA)

Information for Students and Employees

Q: I currently have DACA status, is there anything I need to do?

- A:**
- DACA should continue to provide you the same benefits — protection from deportation, work authorization and more. However, even if you have DACA status, immigration authorities may detain you and terminate your DACA status if you, after receiving a DACA grant:
 - are **arrested or convicted** for any criminal offense,
 - **admit to any criminal offense**,
 - are determined to pose a **threat** to public safety or national security,
 - admit to **fraud** in connection with a government agency (such as use of a false social security number), or
 - admit to **gang affiliation**.
 - According to Department of Homeland Security, if you disclosed the above information in previous DACA applications and your case was approved, you will continue to hold DACA status. If you failed to disclose any criminal history in your application or experience new criminal issues after receiving DACA, you should speak to an attorney as you may be at risk.

Q: I am not currently DACA, and may be eligible. Should I apply?

- A:**
- Applying for DACA for the first time presents both benefits and risks. You should only apply after consulting with an attorney and considering the risks and benefits of your case. Be sure to have an attorney help you prepare your application.
 - Prior criminal, immigration, fraud or gang issues could be particularly risky. Be sure to consult an expert before applying if you have:
 - previous **criminal arrests or charges** (even without a conviction);
 - **any type of criminal conviction** (including either misdemeanors or felonies);
 - any history of **fraud related to a government agency** (such as **use of a false social security number**); or
 - been **deported** or have been ordered to be deported from the United States before.
 - Initial applications may take anywhere from a few weeks to several months to be processed. If a new application is not approved before the DACA program is changed or terminated, you may lose the \$495 application fee. Furthermore, you risk exposure to immigration authorities by sending them your personal data.

Q: Should I renew my DACA status?

- A:
- If you currently have DACA status and want to renew it, you should first consult with an experienced immigration attorney or accredited representative to determine if you should renew your status.
 - DACA renewal applications are still being accepted and approved which means you may receive a new work permit valid for another two years. The main risk is that the DACA program could be changed or terminated suddenly. If your renewal application is not approved before the program is terminated, you may lose the \$495 application fee.
 - You may qualify for a loan or other help with the application costs. Check with your local DACA service providers for information, or your nearest Mexican Consulate or other nationality consulate that would be applicable to your status.
 - If you have **any prior or new immigration or criminal issues**, do not apply to renew your DACA status until you **first consult with a trusted legal service provider** to assess your case. Some past criminal or immigration issues could impact your renewal application now even if you were approved for DACA status in the past.

Q: If I have DACA status, should I travel outside the United States?

- A:
- Do not apply for or travel under advance parole through DACA at this time.
 - If you have already been approved for travel outside the United States with advance parole or you need to request emergency advance parole (in person at a United States Citizenship and Immigration Services office), do so only after consultation with an experienced immigration attorney or accredited representative.
 - You should not travel with parole of any type if you have:
 - previous **criminal arrests or charges** (even without a conviction); **any type of criminal conviction** (including either misdemeanors or felonies)
 - any history of **fraud related to a government agency** (such as use of a false social security number); or
 - been **deported** or been ordered to be deported from the United States before.

WARNING: Individuals with citizenship or travel documents from the following countries should not, under any circumstances, travel on advance parole because you may not be let back into the country in accordance with President Trump's ongoing executive orders barring individuals from these countries: **Iran, Syria, Yemen, Sudan, Libya and Somalia** (list of countries subject to change).

Q: Are there other options for immigration benefits other than DACA?

- A:
- Consult with an experienced immigration attorney or accredited representative to understand your legal options and if you might be eligible for a safer, more permanent immigration benefit.
 - Find low-cost immigration legal services: <https://www.immigrationlawhelp.org>.
 - Avoid fraudulent service providers: confirm their credentials, ask for a written contract and a receipt for any payments, and if you have doubts, get a second opinion.
 - For more information, go to: <https://www.ilrc.org/anti-fraud-flyers>.
 - **Avoid negative contact with law enforcement.** Any arrest, charge, or conviction, especially related to gangs, drugs or a DUI can have a negative impact on your immigration situation.
 - **If you have a criminal record, consult an expert.** Certain convictions can be changed to lessen the impact on a future immigration case you may have.
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Immigration Information Distribution Plan

Students

Email to students before start of Fall semester; post on Student Web Services:

- Cover Letter from Chancellor and Presidents
- FAQs regarding DACA – Information for Students and Employees
- FAQs regarding Immigration Enforcement on Campus – Information for Students

Employees

Email to all employees before start of Fall semester; post on Faculty Web Services:

- Cover Letter from Chancellor and Presidents
- FAQs regarding Immigration Enforcement on Campus – Information for District Employees
- FAQs regarding DACA – Information for Students and Employees

College Police Department Employees

Distribute to all College Police Department Employees:

- District Policy and College Police Protocol for Contact with Federal Immigration Officials