

AZUSA PACIFIC UNIVERSITY

POLICIES AND PROCEDURES

Title: Access to Higher Education for Every Student Policy
Policy Number: PO2017044
Replacing Policy Number: No prior policy
Effective Date: December 19, 2017
Issuing Authority: Office of the President
Responsible Office(s): Office of the General Counsel and
Student Center for Reconciliation and Diversity

Policy Statement

It is the policy of Azusa Pacific University to provide a learning, working, and living environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of immigration status. APU, in accordance with California law, will uphold all education codes as outlined in Assembly Bill 21 (2017) in support of immigrant members of the APU community as it pertains to access to education, safeguarding sensitive information and intentional care for immigrants facing significant transitions.

Reason For Policy

APU aligns with California legislation to protect and ensure the well-being of its immigrant community members as a means of carrying out the Christian value of loving our neighbor.

Definitions

“Immigration officer” or “immigration agent” means any state, local, or federal law enforcement officer who is seeking to enforce immigration law.

Policy Implementation

In accordance with California law enacted through AB 21 (2017), it is the policy of Azusa Pacific University to do all of the following to the fullest extent consistent with state and federal law:

- (a) Employees may not disclose personal information about students, faculty, and staff except:
 - (1) with the consent of the person identified, or if the person is under 18 years of age, with the consent of the parent or guardian of the person identified;
 - (2) as may legally be disclosed under state and federal privacy laws;
 - (3) for the programmatic purpose for which the information was

obtained; (4) as part of a directory that does not include residence addresses or individual persons' course schedules and that the person has not elected to opt out of; or (5) in response to a judicial warrant, court order, or subpoena.

Except for the narrow limitation in part (a)(4), nothing in this policy or California law prevents the University from sharing students' education records in a manner that is either required or permitted by the Family Educational Rights and Privacy Act of 1974 and its implementing regulations, including with other school officials who have a legitimate educational interest.

(b) Employees must notify the Office of General Counsel at 626-387-5763 as soon as possible, if he or she is advised that an immigration officer is expected to enter, will enter, or has entered the campus to execute a federal immigration order. Students are advised to notify the Associate Director at the Student Center for Reconciliation and Diversity at 626-815-6000 ext. 3720, as soon as possible, if he or she is advised that an immigration officer is expected to enter, will enter, or has entered the campus to execute a federal immigration order.

(c) If there is reason to suspect that a student, faculty, or staff person has been taken into custody as a result of an immigration enforcement action, APU will, as soon as possible, notify the person's emergency contact that the person has been taken into custody. Emergency contact notification will be handled for employees by Human Resources, for graduate and professional students by Graduate and Professional Student Affairs, and for undergraduate students by the office of Student Life.

(d) APU will comply with a request from an immigration officer for access to nonpublic areas of the campus only upon presentation of a judicial warrant or in order to comply with an immigration officer's request for access or information related to the operation of international student, staff, or faculty programs, employment verification efforts, or other nonenforcement activities.

(e) Employees responding to or having contact with a an immigration officer executing a federal immigration order must refer the entity or individual to the Office of General Counsel for purposes of verifying the legality of any warrant, court order, or subpoena. Students responding to or having contact with a an immigration officer executing a federal immigration order must refer the entity or individual to the Associate Director of the Student Center for Reconciliation and Diversity, who will contact the Office of General Counsel for purposes of verifying the legality of any warrant, court order, or subpoena.

(f) The Office of General Counsel is the point of contact for any employee who may or could be subject to an immigration order or inquiry on campus. Unless the disclosure is permitted by state and federal education privacy law, employees are prohibited from discussing the personal information, including immigration status information, of any student, faculty, or staff person

with anyone, or revealing that personal information to anyone. The Associate Director of the Student Center for Reconciliation and Diversity is the point of contact for any student who may or could be subject to an immigration order or inquiry on campus.

(g) APU shall maintain a contact list of legal services providers (including name or organization, contact number, email address and office address) that provide legal immigration representation, and provide it free of charge to any and all students who request it. The list can be obtained by contacting the Associate Director at the Student Center for Reconciliation and Diversity at 626-815-6000 ext. 3720 or by accessing it at www.apu.edu.

(h) This policy shall be posted on APU's website in a conspicuous location at www.apu.edu, and it will be provided via email each semester to all students, faculty, and staff. The website will be updated as often as is necessary to reflect any pertinent changes to federal and state immigration laws and university or college policies and procedures.

(i) In the event that an undocumented student is subject to a federal immigration order, APU will ensure that both of the following occur:

(1) In the event that an undocumented student is detained, deported, or is unable to attend to his or her academic requirements due to the actions of an immigration officer in relation to a federal immigration order, APU 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, housing stipends or services, or other benefits he or she has been awarded or received, and permit the student to be reenrolled if and when the student is able to return to APU.

(2) That staff is available to assist, in a sensitive manner, undocumented students, and other students, faculty, and staff who may be subject to a federal immigration order or inquiry, or who may face similar issues, and whose education or employment is at risk because of federal immigration actions.

Cross References:

- *Employee Handbook Sections 3.7 and 3.11*
- *AB 21 (2017) and AB 450 (2017)*