

September 17, 2026

27-031

7.002 Federal and Out-of-State Law Enforcement

PREPARED BY: Tamatha Hoyez, College Operations Coordinator

APPROVED BY: Josh Peters-McBride, Associate Vice President, College Operations
Dr. Katy Ho, Interim President

STRATEGIC THEME: Operational Excellence: Efficiency, Effectiveness, and Fiscal Sustainability

REPORT: This proposed Board Policy establishes Portland Community College's governance framework for complying with Oregon House Bill 4138 (2026), which requires public bodies, including community colleges, to adopt policies governing assistance and cooperation with certain federal and out-of-state law enforcement activities. The policy prohibits College employees and authorized representatives from intentionally assisting, cooperating with, or allowing College resources to facilitate certain law enforcement operations when College employees are aware that the operation is intended to identify or impose civil or criminal liability based on protected constitutional activities, membership in a protected class, or political, religious, or social views, associations, or activities, consistent with the exceptions and requirements established by applicable law.

The policy provides clear institutional expectations and establishes roles and responsibilities for implementation while delegating authority to the President to develop Administrative Procedures addressing operational processes. Approval of the policy will ensure PCC meets the state's September 27, 2026 policy adoption requirement and provides a consistent framework for employees and authorized representatives when responding to requests from federal or out-of-state law enforcement agencies.

Impacted: This policy impacts all Portland Community College employees, officers, authorized representatives, volunteers acting on behalf of the College, and other individuals authorized

to act on behalf of the College when responding to requests from federal or out-of-state law enforcement agencies. The policy also establishes institutional responsibilities for Public Safety, Emergency Preparedness, College Operations, Legal Counsel, Risk, PSEC, and other areas involved in implementation.

Implementation: Following Board approval, the President or designee will establish and maintain an Administrative Procedure to implement the policy. College Operations, Public Safety, Emergency Preparedness, Legal Counsel, Risk, PSEC, and other appropriate areas will coordinate implementation and provide guidance regarding employee responsibilities and responses to requests from federal and out-of-state law enforcement agencies. Appropriate communication, guidance, and training will be provided to affected employees and authorized representatives. The policy and related Administrative Procedure will be periodically reviewed to ensure continued compliance with applicable state and federal requirements.

RECOMMENDATION: That the Portland Community College Board of Directors approve and adopt Board Policy 7.002, Federal and Out-of-State Law Enforcement (Oregon HB 4138), as presented, and authorize the President to establish and maintain administrative procedures necessary to implement the policy in accordance with applicable law.

7.002 Federal and Out-of-State Law Enforcement (Oregon HB4138)

PURPOSE

This Board Policy establishes Portland Community College's governance framework for complying with Oregon House Bill 4138 by prohibiting College employees and authorized representatives from intentionally assisting or cooperating with certain federal or out-of-state law enforcement activities except as authorized or required by law. This policy delegates authority to the President to establish administrative procedures necessary to implement these legal requirements.

RACI

- **Responsible:** Associate Vice President, College Operations
- **Accountable:** College President
- **Consulted:** Public Safety, Emergency Preparedness Manager, PSEC, Risk, Government Relations
- **Informed:** Board, President's Cabinet, College Employees, College Community

POLICY/PROCEDURE

A. Scope

This policy applies to all Portland Community College employees, officers, authorized representatives, volunteers acting on behalf of the College, and any other individual authorized to act on behalf of the College when responding to requests from federal or out-of-state law enforcement agencies.

B. General Policy

Portland Community College employees and authorized representatives are prohibited from intentionally assisting or intentionally cooperating with, or intentionally allowing any College time, money, facilities, property, equipment, personnel, or other resources to be used to assist, cooperate with, or facilitate any operation executed, in whole or in part, by a federal law enforcement agency or a law enforcement agency of another state, when the employee or authorized representative is aware that the operation is intended to:

1. Identify, or impose civil or criminal liability upon, any individual, group, association, organization, corporation, business, or partnership based on participation in activities protected under Article I, sections 8 or 26, of the Oregon Constitution, or the First Amendment to the United States Constitution;

2. Identify, or impose civil or criminal liability upon, any individual, group, association, organization, corporation, business, or partnership based on membership in, or support of a person based on the person's membership in, a class protected under the Oregon Constitution, the United States Constitution, or other applicable state or federal law, including classes protected on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, disability, or age; or
3. Identify, or impose civil or criminal liability upon, any individual, group, association, organization, corporation, business, or partnership based on political, religious, or social views, associations, or activities.

Nothing in this policy prohibits assistance when required by state or federal law, a judicial subpoena or court order, or in any other circumstance authorized by applicable law.

The President, or designee, shall establish and maintain Administrative Procedures for implementing this policy. Such procedures shall be consistent with existing College processes for evaluating and responding to requests for information, access, or assistance from governmental agencies and other external entities.

C. Definitions

For the purposes of this policy and related policy documents, the following definitions apply:

1. **Federal Law Enforcement Agency:** Any agency, department, or officer of the United States government authorized to investigate, apprehend, detain, or arrest individuals.
2. **Out-of-State Law Enforcement Agency:** Any law enforcement agency or officer acting under the authority of a state other than Oregon.
3. **Assist or Cooperate:** Providing information, access, personnel, facilities, equipment, funding, services, or any other College resource in support of a law enforcement operation.
4. **Applicable Law:** Federal and state constitutions, statutes, regulations, judicial orders, subpoenas, or other legally binding requirements governing the College's responsibilities.
5. **College Resources:** Any College-owned, leased, or controlled facilities, property, equipment, technology, information, records, personnel time, funding, or other assets used in conducting College operations.
6. **Operation:** An investigation, enforcement action, search, apprehension, arrest, detention, or other law enforcement activity conducted in whole or in part by a federal law enforcement agency or an out-of-state law enforcement agency.

7. **Protected Class:** A group of individuals protected from discrimination under the Oregon Constitution, the United States Constitution, or applicable federal or state law, including but not limited to classifications based on race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, disability, or age.
8. **Employee:** Any individual employed by Portland Community College, whether full-time, part-time, temporary, or student employee.
9. **Authorized Representative:** An individual or entity authorized to act on behalf of Portland Community College, including contractors, consultants, volunteers, and other persons acting within the scope of a written agreement or delegated authority.
10. **Intentional:** Acting knowingly and deliberately, rather than inadvertently or accidentally.

D. Roles and Responsibilities

1. **Board of Directors** - Establishes policy and delegates implementation authority.
2. **President** - Ensures institutional compliance with this policy and applicable laws; delegates authority for implementation to appropriate College officials.
3. **President's Cabinet** - Provides executive oversight; reviews proposed policy updates and forwards recommendations to the President.
4. **Associate Vice President of College Operations** - Serves as Policy Administrator and oversees implementation and periodic review of procedures.
5. **Legal Counsel** - Provides legal guidance regarding requests for assistance and interpretation of applicable law(s).
6. **Risk** - Advises on regulatory compliance, monitors risk exposure; supports policy development and audits.
7. **People Strategy, Equity & Culture (PSEC)** - Administers employee-related procedures; provides guidance and training; and supports employee awareness.
8. **College Employee** - Comply with this policy and applicable administrative procedures when responding to requests from law enforcement agencies.

E. Authoritative References

1. [Oregon House Bill 4138 \(2026\)](#)
2. [Oregon Constitution](#)
3. [United States Constitution](#)

F. Administrative Details and Document Governance

1. **Policy Advisor:** Tamatha Hoyez, College Operations
2. **Related Policy:**
 - a. [Board Policy 2410 - Board Policies and Administrative Procedures](#)
 - b. [Public Safety Policies](#)
 - c. [Lane Community College BP 7610](#)
 - d. Applicable Operation Procedure: OP XXXX Federal and

Out-of-State Law Enforcement (Draft not yet available)

3. **Review:** This Board Policy will be reviewed every three years by the Associate Vice President of Operations, Director of Public Safety and Emergency Preparedness Manager, in consultation with the Legal Counsel, Risk, and PSEC, with revisions forwarded to the Office of the President through the President's Cabinet.
4. **Latest Approval Date:** Not Applicable
5. **Past Revision:** Not Applicable; initial adoption to implement Oregon House Bill 4138.