

**FAYETTEVILLE STATE UNIVERSITY
DEPARTMENT OF RESIDENCE LIFE
ADMINISTRATIVE ROOM ENTRY AND SEARCH PROCESS**

Fayetteville State University respects its residential students' reasonable expectations of privacy in their rooms and makes every effort to ensure privacy in University residence halls. This right to privacy is balanced by the University's responsibility to protect the health and safety of the University community. Thus, when circumstances warrant it, University employees are authorized to enter and search a student's room to ensure the health or safety of residents or when the University employee has reason to believe that a University policy or state/federal law is being violated. This *Administrative Room Entry and Search Process* is intended to delineate a procedure for this realistic necessity which will preserve as much as possible the integrity of individuals and their rights to privacy.

I. Definitions

- A. Student Residence: The place of abode including the hall room, suite, or apartment occupied by a student or students, and owned or leased by the University.
- B. Reasonable cause: Facts and circumstances sufficiently strong to warrant a reasonable person to believe beyond mere suspicion that the student residence is being used for such purpose.

II. Entry and Search By Consent of the Student

- A. Any authorized University employee may enter a student residence if a student who is a resident gives voluntary consent. The student's consent must be freely given and must not be based on coercion or threats by the University, or the student's fear of reprisal for failure to give consent.
- B. The entry into the student residence by the employee must be limited to scope of the consent given by the student; for example, if the student consents to entry by the employee, the employee is not entitled to search the student's personal belongings without obtaining further consent to do so.
- C. Any student who is a resident of the room, suite, or apartment may consent to entry of the authorized University employee and to the search of that student's personal belongings.

Whenever a student's personal belongings are searched by consent, the *Consent to Search* form is to be completed by the employee conducting the search and signed by the student(s) whose personal belongings are to be searched.

No student may consent to the search of another student's bedroom, closets, locker, suitcases, or other areas under the primary control of another student.

III. Entry without Consent in a Health or Safety Emergency

Any authorized University employee may enter a student residence without consent when the employee has a reasonable cause to believe that such entry is necessary on an emergency basis to protect the health or safety of persons or to make emergency repairs so as to avoid damage to University facilities or student property.

IV. **Entry for Routine Inspections**

Authorized University employees may enter a student's room without the student's consent to conduct general and routine inspections for health, safety, and building maintenance purposes. **Such inspections may be conducted only after the University has posted a notice indicating the purpose of inspection and stating the inspection will take place no sooner than 24 and no later than 72 hours after the notice is posted.**

Such notice shall be signed by the Director of Residence Life or the Director's designee and posted during the indicated time period. The employee authorized to conduct the inspection may not enter the room without first knocking on the door and announcing the purpose for entry.

V. **Entry without Consent on Suspicion of Violation of University Policy or Violation of State or Federal Law**

A. Involvement of Law Enforcement

Where federal, state, or local law enforcement officers, including University campus police, are involved in an investigation of a possible violation of state or federal law, any search of a student residence shall be conducted only by such law enforcement officers and only in accord with legal standards applicable to police searches of private residences, and no University employee or agent other than a University police officer is authorized to conduct a search of a student residence in connection with such investigation.

University officials may, however, cooperate with the law enforcement officers executing a search authorized by an appropriate federal or state judicial officer.

B. No Involvement by Law Enforcement

If no federal, state or local law enforcement officer (including University campus police) is involved in an investigation of a possible violation of state or federal law, and if a University employee (other than a University campus police officer) or student has reason to believe that search of a particular room will yield evidence of violation of a University policy or federal or state law by a particular student, that employee or student should contact the Director of Residence Life or the Director's designee.

If the Director of Residence Life or the Director's designee, after hearing the employee's or student's statements to that effect, believes that a search of a particular student residence will produce evidence of a crime, or a violation of University policies, or evidence the identity of a person participating in such crime or violation, the Director of Residence Life or the Director's designee may approve allowing a Hall Director to conduct a limited administrative search or request approval from the Assistant Vice Chancellor for Student Affairs to allow a full administrative search. The processes for such searches are as follows:

1. Limited Administrative Search. A Hall Director who has reasonable cause to believe that a violation of a University policy or federal or state law by a particular student has occurred may obtain written permission from the Director of Residence Life to search a student residence. The resulting search will be hands-off and limited to what is in plain sight. Any evidence found in a limited administrative search may be used for campus disciplinary purposes.

2. Full Administrative Search. The Director of Residence Life or the Director's designee may apply to the Assistant Vice Chancellor for Student Affairs (or if the Assistant Vice Chancellor is unavailable, to the Vice Chancellor for Student Affairs) requesting that a full administrative search be conducted of a student's residence. The request must be submitted using the *Administrative Search Warrant* form. The Assistant Vice Chancellor or Vice Chancellor for Student Affairs to whom application is made shall review the form and may ask any additional questions of the Director of Residence Life or the Director's designee.

The Assistant Vice Chancellor or Vice Chancellor for Student Affairs shall sign the *Administrative Search Warrant* form only if s/he concludes there is reasonable cause to believe that a violation has or is occurring and that it is in the best interest of the University and its students to conduct an administrative search. Once the administrative search warrant has been granted, the search may be conducted. The search shall be conducted in the presence of two staff members, one of whom must be a full-time professional staff member of the Office of Residence Life.

Students do not have to be present when a search is conducted, but University personnel shall make a good faith effort to contact the student and provide them with written documentation of search authorization either at the time of the search or the next business day.

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ADMINISTRATIVE SEARCH WARRANT

Date of request: _____ Time of request: _____ am / pm

Room/Building to be searched: _____

Area of the room to be searched: _____

Item(s) sought (if any): _____

Reasonable cause for search:

- Report of weapon
- Report of stolen property
- Report of illegal drugs
- Other: _____

Search sought: with student(s) present (if possible), or
 without student(s) present

Student occupant(s) of room: _____

Name and title of Residence Life professional staff members conducting the search:

Request Submitted by: _____
Signature of the Director of Residence Life or Designee

<i>For approval by the Assistant Vice Chancellor for Student Affairs or Vice Chancellor for Student Affairs</i>	
Search authorized by: _____	_____
Signature	Title
Date of approval: _____	Time of approval: _____ am / pm

Distribution of completed form: Student Occupant(s) of Room, Director of Residence Life, Assistant Vice Chancellor for Student Affairs, Vice Chancellor for Student Affairs

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CONSENT TO SEARCH

I voluntarily consent to allow Fayetteville State University's Residence Life Staff to enter into my room in _____Residence Hall for the purpose of conducting a search on _____, 20_____.

I understand that I may not give consent to the search of another student's bedroom, closets, locker, suitcases, or other areas under the primary control of another student, but I may give consent to search common areas used by all students.

In addition, I specifically agree to allow the Residence Life Staff to search the following areas (please initial beside each area a search will be allowed):

_____ my closet, drawers, desk, underneath my bed

_____ my personal belongings

_____ other: _____

I agree that this consent is freely given and not based on coercion or threats by the University, or of a fear of reprisal for failure to give consent.

Signature of Student Resident Date

Printed Name of Student Resident