

ADMINISTRATIVE ROOM
ENTRY AND SEARCH
PROCEDURE

ORIGINATOR: Student Affairs
DATE: October, 2005 (revised)
POLICY #86-1

PURPOSE:

To inform resident students and University staff of the limitations upon authority of University employees to enter, or to grant to other persons permission to enter, residence hall rooms, suites and apartments under the control of URI during the period of occupancy by students. University officials and employees are not permitted to enter or to search student residences during the period of occupancy except in accord with these procedures.

APPLICABLE TO:

Resident students and University staff.

DEFINITIONS:

Student Residence: The residence hall room, suite, or apartment occupied by a student or students, and owned by the University.

Period of Occupancy: The period of time during which a student has been permitted to reside in a student residence by written agreement with URI, specifically excluding designated University holidays or between semester breaks during which the residence hall, apartment, or suite is officially closed and not available for residency by students.

POLICY:

1. 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, and must not be occasioned by a student's fear of reprisal for failure to give consent. In situations where the student refuses consent search procedures described below may be implemented.
 - b. The intrusion 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 belongings without obtaining further consent to do so.
 - c. A resident student can give consent to an authorized University employee to enter his/her room, apartment or shared bathroom. The resident

student can give consent only to the search of his/her belongings, and of shared areas that are not under the primary control of another student. For example a student may give consent to a search of a shared refrigerator but not to any closed containers therein that are the property of another student. No student may consent to the search of another student's bedroom, closets, locker, suitcases, backpacks, or other areas under the primary control of another student.

2. Entry Without Consent in a Health or Safety Emergency

The Director of Security, Director of Safety and Risk Management or his/her designee, the Director or Assistant Director of Residential Life, a Hall Director or Assistant Hall Director or Security Officer may enter a student room 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 to University facilities to avoid damage to University or student property.

3. Entry For Routine Inspections

The Director of Residential Life or his/her designee may enter student rooms without student consent to conduct general and routine inspections for health, safety, and building maintenance purposes. In the case of fraternity or sorority rooms, the Vice President for Student Affairs or his/her designee may enter for such inspections and maintenance. 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. 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.

4. Entry Without Consent on Suspicion of Violation of University Regulations or Federal or State Law

In the following section, "concrete information" is something known from direct observation or information from a reliable source. For example, a resident assistant reports hearing a drinking game; a resident assistant sees alcohol being brought into the room of an underage student; there is the smell of marijuana, a towel under the door, the window is open and a fan is on; a credible message is received about a suicide threat.

A Hall Director or Assistant Hall Director or someone of higher authority may use master keys for entry only under the following circumstances.

- health and safety crisis
- search warrant from court
- verbal permission has been given for a limited administrative search
- written permission has been given for a full administrative search

- a. Limited Administrative Search. A Hall Director or Assistant Hall Director who has concrete information of a violation of community standards must get verbal permission from a Director or Assistant Director of Housing and Residential Life to open the door of a non-responsive student. The

resulting search will be hands-off and limited to what is in plain sight, and refrigerator contents and a quick look under and around surfaces. Any evidence found in a limited administrative search may be used for campus disciplinary procedures.

- b. Full Administrative Search. If federal, state, or local law enforcement officers (including URI campus police) are not involved in an investigation of possible criminal activity, and if a staff or student provides concrete information that the search of a particular room will yield evidence of a serious violation of community standards by a particular student, the Director of Housing and Residential Life, the Dean of Students, or the Vice President for Student Affairs or his/her designee may issue a written administrative search warrant. Once the administrative warrant has been granted, the Director of Housing and Residential Life, Vice President for Student Affairs or their designee will conduct the search. Any evidence found in the administrative search may be used for campus disciplinary procedures.
- c. Where federal, state, or local law enforcement officers, including URI campus police, are involved in an investigation of 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. Only law enforcement officers are authorized to conduct a search of a student residence. University staff may accompany officers. Evidence found may be used in criminal proceedings and/or in campus disciplinary proceedings.