



POLICY STATEMENT

Residence Hall Room and Apartment Entry Policy

SU Policy Number: 301-004.0

ORIGINATING OFFICE

Office of the Dean of Students

PURPOSE

To define the parameters under which University personnel may enter a residence hall room or campus apartment.

SCOPE

The policy affects all students who live in on-campus housing.

OBJECTIVE

The purpose of this policy is to provide objective criteria consistent with case law that guides University personnel when making decisions about entering a room or apartment for maintenance or the enforcement of law or University rules, regulations, or policies.

DEFINITIONS

Administrative Search Warrant: A document completed by a University staff member seeking permission to enter a residence hall room or campus apartment for the sake of enforcing laws or University rules, regulations, or policies. The document must be signed by an authorized University official.

POLICY

Shippensburg University is committed to the protection of students' right to privacy within the confines of their assigned residence hall rooms or campus apartments. This right to privacy is balanced by a responsibility to protect the health and safety of the University community. The University also has an obligation to protect its property, service functions, and educational mission from damage or disruption caused by violations of university regulations or criminal law. It is within this context that the following guidelines were established.

University staff members shall generally enter a residence hall room or campus apartment within the following parameters:

1. Under conditions of serious threat to the safety or well-being of persons or property. Such conditions must be above and beyond the routine responsibilities of the staff members.

2. To eliminate disturbing noise emanating from an electronic device (e.g., alarm clocks, stereos) in a room or apartment with no occupants present. The staff members may enter the room, disable the device, and immediately leave.
3. To perform routine maintenance, complete repairs, or to conduct regular room and apartment inspections. Room or apartment inspections are generally for assessing compliance with fire safety regulations, damage, health conditions, maintenance needs, and cleanliness. Such inspections are generally announced at least twenty-four hours in advance. Residents need not be present during the room or apartment inspection.
4. When instructed to by an authorized police officer.
5. With the permission of an assigned resident.
6. Upon the issuance of an administrative search warrant.

Upon entering a room or apartment according the aforementioned guidelines, staff members may confiscate and document items that constitute violations of law or University rules, regulations, and policies. These items must be in plain, unobstructed view of the staff member. Police personnel may also be called when appropriate. Confiscated items (e.g., cooking appliances) not in violation of local, state, and federal laws will be returned to the owner when appropriate. Additionally, University staff members will not routinely admit a third party to another person's assigned room or apartment without the consent of an occupant.

State and federal law governs the protocol for entry into and/or search of campus rooms and apartments when enforcing criminal statutes. Such entry is normally the responsibility of police personnel.

The issuance of an administrative search warrant is typically based on probable cause. Probable or reasonable cause is less than certainty and more than mere suspicion that the search of a particular dwelling will disclose specific evidence. Absent exigent circumstances, administrative searches must have the advance approval of the President, or the Vice President for Student Affairs, or the Dean of Students, or a designee. Once approval is received, persons entering a dwelling should announce themselves and their purpose. A lack of response from within the dwelling in a reasonable amount of time may justify the use of a master key to enter the premises. The search for evidence justifies intrusion only into the areas of the dwelling where such items may be found. Violations discovered during this administrative action will be subject to adjudication within the University judicial system.

RESPONSIBILITIES

Outlined in the policy section.

PROCEDURES

Outlined in the policy section.

RECISSION

The previous policy as published in the 1998-99 version of the Swataney.

APPROVALS

Legal Counsel: March 3, 1999

Student Affairs Committee: April 28, 1999

Cabinet: May 13, 1999

FILENAME:

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DATE:

April 1999

DISTRIBUTION:

Public