



ADMINISTRATIVE ROOM ENTRY AND SEARCH PROCEDURE

A body of law emanating from the Fourth Amendment to the United States Constitution protects the rights of individuals to security and privacy in their “persons, houses, papers, and effects”. That law limits the authority of the University and its employees to enter and to search student residences.

The purpose of this procedure is 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 UNC Charlotte 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.

I. Definitions

- A. Student Residence: The residence hall room, suite, or apartment occupied by a student or students, and owned by the University.
- B. Period of Occupancy: The period of time during which a student has been permitted to reside in a student residence by written agreement with UNC Charlotte, 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.

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, and must not be occasioned by a student’s fear of reprisal for failure to give consent.
- 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. 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. However, 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. Whenever a student’s area or belongings are searched by consent, a consent to search form is to be completed by the staff member making the search and signed by the student (s) whose belongings are to be searched.

III. Entry without Consent in a Health or Safety Emergency

Any authorized University employee 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.

IV. Entry for Routine Inspections

Authorized University personnel may enter student's rooms without student 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 a designated substitute 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 Regulations or Violation of State or Federal Law

- A. Where federal, state, or local law enforcement officers, including UNC Charlotte 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, and no University employee or agent other than a UNC Charlotte police officer is authorized to conduct a search of a student residence in connection with such investigation. UNC Charlotte officials may, however, cooperate with the law enforcement officers executing a search authorized by an appropriate federal or state judicial officer.
- B. If no federal, state or local law enforcement officer (including UNC Charlotte campus police) is involved in an investigation of a possible violation of state or federal law, and if a UNC Charlotte employee (other than a UNC Charlotte campus police officer) or student has reason to believe that search of a particular room will yield evidence of violation of a University regulation or federal or state law by a particular student, that employee or student should contact the Director of Residence Life or designee. If the Director of Residence Life or 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 regulations, or evidence the identity of a person participating in such crime or violation, the Director of Residence Life or designee may apply to the Vice Chancellor for Student Affairs (or if that Vice Chancellor is unavailable, to the Chancellor or any other Vice Chancellor) for an administrative search warrant, using the application form attached. The Chancellor or Vice Chancellor to whom application is made shall review the application and may ask any additional questions of the Director of Residence Life or designee, or of the additional applicants. The Vice Chancellor or Chancellor shall sign the student residence search warrant (form attached) only if he/she concludes there is reasonable cause to believe that the property described in the application and related to the commission of the crime or violation is located as described in the application, and that it is in the best interest of the University and its students to conduct an administrative search. Once the administrative warrant has been granted the search will be conducted only by a full-time professional staff member.