



Ohio Administrative Code

Rule 3342-4-05.1 Administrative policy and procedures regarding room entry and search in campus residence halls.

Effective: August 27, 2018

(A) Policy and intent. The university is not only concerned with the intellectual development of students but with their security and well-being. Occasionally, in order to maintain the general security and enforce regulations, room entry and room search become necessary in campus residence halls. The following policy is intended to outline a procedure for this realistic necessity while preserving as much as possible the integrity of individuals and their rights to privacy. These procedures follow accepted methods and are supported by many professional and student organizations. It should be clearly understood that the guidelines outlined are for internal protection and control; however, nothing herein can limit the ability of bona fide law enforcement or judicial agencies from seeking and obtaining legal search warrants for use on the university campus. The university and its members are not immune from normal citizenship requirements.

(B) Definitions. For the purposes of this policy, the following definitions shall apply:

(1) "Room entry" is to be defined as entrance to a student's room to fulfill the duties of authorized personnel.

(2) "Room search" is to be defined as a formal seeking out of evidence to reflect reasonable cause to believe that one of the conditions for room search has been violated.

(C) Conditions for room entry. Rooms can be entered only with reasonable cause to believe that one of the conditions for entry is satisfied. Occupants will be notified of the reason for any room entry. The following are the guidelines for room entry.

(1) A clear indication that established conduct standards or health and safety regulations are being violated. This requires the utmost care and sensitivity to the issue of maintaining privacy for the students in the residence hall setting. It is recognized that fruitless room entry can quickly destroy staff-student relationships.



(2) Periodic environmental health inspections are conducted by the environmental health and safety office and residence halls staff. The spirit of these inspections is for preventive and corrective action and is in no way designed to include room search.

(3) A student's room may be entered to ensure maintenance and general repair within the student's living area.

(4) A student's room may be entered in cases of imminent danger to health or safety.

(5) When fire drills are in progress, the residence halls staff, will inspect rooms to ensure that the hall is vacated.

(D) Procedure for room entry.

(1) No student room should be entered without knocking. Entry, following the knock, shall be preceded by a time lapse of sufficient duration to provide an occupant(s) with opportunity to open the door. This requirement shall also apply to maintenance personnel.

(2) A room should be entered in the absence of an occupant(s) only when an emergency exists or to provide maintenance or repair service.

(3) If it should be necessary under the conditions outlined for authorized university personnel or their agents to enter a room when an occupant is not present, the occupant(s) will be notified of the entry and the reason for the entry. Where entry is sought to make improvements or repairs, notice should be given the occupant(s) not less than twenty-four hours in advance. In emergency situations where imminent danger to life, safety, health or property is reasonably feared, entry should be made without advance notice.

(4) The privacy of an occupant(s) with respect to other students should be maintained when university personnel enter a student's room. Other students should not be permitted to enter the room in the absence of the occupant(s).

(5) Students feeling aggrieved by this policy may appeal directly to the executive director of



residence services. The appeal should be in writing and presented to the executive director of residence services within ten business days of actual occurrence.

(6) The following personnel shall be authorized to enter residence hall student rooms under the conditions prescribed:

(a) Full-time professional staff members of the residence halls, excluding clerical personnel;

(b) Residence hall directors, and assistant directors;

(c) Full-time members of the residence halls maintenance staff;

(d) Full-time members of university facilities management; and

(e) Nonuniversity personnel contracted to perform maintenance or repair services on behalf of the residence halls agents. In the absence of the residence hall director, a resident assistant may act in cases of immediate and clear emergency regarding health and safety. Other cases should be referred to the executive director of residence services.

(f) Police services personnel who may be requested to assist the above-mentioned authorized personnel to lawfully take custody and possession of any contraband seized during a search. Police services personnel shall not initiate or actively participate in a search as described above without a court-ordered search warrant.

(E) Conditions for room search. Rooms will be searched only with reasonable cause, and the occupant(s) will be informed of the reason for any room search. A formal search permit will be required from the executive director of residence services. There are two basic situations which may precipitate administrative room search.

(1) A clear indication that the established code of student conduct or health and safety regulations is being violated.

(2) An emergency which makes it necessary for a staff member to search a room for a particular



item, such as a discarded sleeping pill bottle or a particular telephone number or address. In emergency situations, word-of-mouth approval will suffice and a formal search permit will not be necessary.

(F) Procedure for room search.

- (1) All room searches by residence halls personnel must be cleared with the executive director of residence services, except in the case of an immediate and clear emergency or danger to safety and health.
- (2) In cases of clear violation of university policies, the executive director of residence services will submit a search permit to be presented by the authorized staff member entering an occupant's room.
- (3) For internal operations not anticipating civil or criminal prosecution, the individual(s) or agency concerned must secure a search permit from the executive director of residence services. In cases of possible civil or criminal prosecution, it is the policy of police services to secure a legal search warrant, in accordance with the Ohio Revised Code requirements.
- (4) When it is necessary for authorized university personnel or their agents to search a student's room when an occupant is not present, two qualified members of the residence halls staff must observe the search.
- (5) The occupant should be given the opportunity to open drawers, luggage, etc., as required, during the room search.
- (6) In the absence of reasonable cause for such action, a general search or a search of a number of rooms in a given area is prohibited.
- (7) A student who believes this policy to have been violated may appeal directly to the executive director of residence services. The appeal should be in written form and should be presented within ten business days of the actual occurrence. In the absence of the executive director of residence services, the vice president for student affairs will receive the appeal.