



### **Administrative Room Entry And Search Procedure**

The Fourth Amendment to the United States Constitution protects the rights of individuals to security and privacy in their “persons, houses, papers, and effects” and 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 to enter, or to grant to other persons permission to enter, residence hall rooms/suites/apartments under control of UNC Charlotte while being occupied 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.

#### **II. Entry for Routine Inspections and Maintenance**

- A. Authorized University personnel may enter a student residence without student consent to conduct general and routine inspections for health, safety, and building maintenance purposes.
- B. Scheduled inspections may be conducted only after the University has notified the student(s) of the inspection’s purpose and stating the inspection will take place no sooner than 24 and no later than 72 hours after the notice is provided. The employee(s) authorized to conduct the inspection may not enter the room without first knocking on the door and announcing the purpose for entry.
- C. Routine or requested maintenance may be conducted without notice as is necessary or requested. Requesting service (e.g. completion of a maintenance request) authorizes University personnel and/or contractors to enter the identified unit.
- D. Follow-up inspections may be performed to ensure completion of projects or adherence to staff requests as outlined in the initial inspection or process.

#### **III. 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, verbal 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 entry and search by the employee must be limited to scope of the consent given by the student. For example, if the student consents to entry of the room 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.

IV. Entry without Consent in a Health or Safety Emergency

- A. 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 to University facilities and/or avoid damage to University or student property.

V. Entry without Consent on Suspicion of University Policy or State, Local, or Federal Law Violations

- A. Where federal, state, or local law enforcement officers, including UNC Charlotte campus police, are involved in an investigation of possible violation of 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 by request and in compliance with all situations as permitted by law.
- B. If no federal, state or local law enforcement officer, including UNC Charlotte campus police, are involved in an investigation of a possible violation of law, and if a UNC Charlotte employee has reason to believe that search of a particular room will yield evidence of violation of law or University policy, an administrative search may be requested by an authorized University employee. If the UNC Charlotte employee is not a UNC Charlotte campus police officer, that employee should contact the Director of Residence Life or designee. If the Director of Residence Life or designee believes a search of a particular student residence will produce evidence of a crime or University policy violation, or identify a person participating in a crime or violation, then the Director of Residence Life or designee may apply to the Associate Vice Chancellor for Housing and Residence Life (AVC-HRL) for an administrative search. The AVC-HRL shall review the request and ask any additional questions of the Director of Residence Life or designee. The AVC-HRL shall approve a search of a student residence only if they conclude there is reasonable cause to believe that the property or persons described in the request are related to the commission of a crime or violation, the items or persons are located in the described student residence, and that it is in the best interest of the University and its students to conduct an administrative search. Once the administrative search has been granted, the search will be conducted only by a full-time professional staff member only within the scope as approved by the AVC-HRL. At any point in the process, UNC Charlotte campus police may be invited to assist or lead the administrative search process. However, no evidence obtained during an administrative search may be used in a criminal case but rather to ensure regulatory compliance.