

Procedure: 6.4.2p. (V.Q.1.)

Residence Hall Room Entry and Search

Revised: January 22, 2019; November 7, 2012

Last Reviewed: January 22, 2019

Adopted: June 1, 2006



I. PURPOSE:

It is the policy of the Technical College System of Georgia that colleges with residence halls provide a planned and organized housing program that supports the formal instruction and educational programs of the technical college. To this end, certain regulations are necessary to protect the rights of individuals participating in these housing programs and to ensure the health and safety of all students.

Staff and students are expected to follow the procedures established below when entering, granting permission to enter or searching student residences under the control of the technical college during periods of occupancy.

II. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board

O.C.G.A. § 20-4-14 – TCSG Powers and Duties

State Board POLICY: 6.4.3. Student Housing

III. APPLICABILITY:

All work units and technical colleges associated with the Technical College System of Georgia.

IV. DEFINITIONS:

Student Residence: The residence hall room occupied by a student or students, and owned or operated by the technical college.

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

V. ATTACHMENTS: N/A

VI. PROCEDURE:

A. Entry and Search by Consent of the Student

1. Any authorized technical college employee may enter a student residence if a student, who is a resident, gives voluntary consent. The student's consent must be freely given, must not be based on coercion or threats by the technical college, and must not be occasioned by a student's fear of reprisal for failure to give consent.
2. The intrusion, by the employee, must be limited to the 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.
3. Any student who is a resident of the room may consent to entry by the authorized technical college employee and to the search of that student's personal belongings. However, no student may consent to the search of another student's closets, locker, suitcases, or other areas under the primary control of another student.
 - a. 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.

B. Entry without Consent in a Health or Safety Emergency

1. The Head Resident, Student Housing Officer, Vice President of Student Support Services, or anyone specifically designated by the President, may enter a student's room without consent when that person has a reason 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 technical college facilities to avoid damage to technical college or student property.

C. Entry for Routine Inspections

1. The Student Housing Officer or designee may enter student rooms without student consent to conduct general and routine inspections for health, safety, and building maintenance purposes.
 - a. Such inspections may be conducted only after the technical college 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.

D. Entry without Consent on Suspicion of Violation of Technical College Regulations or Federal or State Law.

1. Where federal, state, or local law enforcement officers, including campus security, are involved in an investigation of a 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 accordance with legal standards applicable to police searches of private residences, and no technical college employee or agent other than a technical college security officer is authorized to conduct a search of a student

- residence in connection with such investigation. Technical college officials may, however, cooperate with the law enforcement officers executing a search authorized by an appropriate federal or state officer.
2. If there is no involvement of a federal or state law enforcement officer (including campus security) in an investigation of a possible violation of a technical college policy, and if a technical college employee (other than a technical college campus security officer) or student has reason to believe that a search of a particular room will yield evidence of a violation of a technical college regulation by a particular student:
 - a. that employee or student should contact the Head Resident or Student Housing Officer
 - b. If the Head Resident or Student Housing Officer, after hearing the employee's or student's statements, believes that a search of a particular student residence may produce evidence of a violation of technical college regulations or evidence of the identity of a person committing such a violation, the Head Resident or Student Housing Officer may apply to an appropriate Vice President for an administrative search warrant.
 - i. The Vice President shall sign the student residence search warrant only if there is a reason to believe that the item(s) described in the application, and related to the commission of a violation, is located as described in the application, and that it is in the best interest of the technical college and its students to conduct an administrative search. Evidence found in the administrative search that indicates a violation of technical college policy may be used for internal technical college proceedings.

VII. RECORD RETENTION:

Any documentation regarding a search of a student's room should be maintained for three years or until settlement of all claims relating to such search.