

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Entry, Search and Seizure

NUMBER: 3.4.4

The rights of students to be secure in their person, living quarters, papers and possessions against unreasonable entry, searches and seizures shall be assured. Entry, search and seizure by civil officers upon warrant shall be governed by civil law. Institutions are delegated authority and responsibility to establish and publish reasonable administrative entry, search and seizure procedures necessary for the enforcement of institutional regulations, to protect and to maintain institutional property, and to aid in the basic responsibility of the university regarding discipline and maintenance of an educational atmosphere.

1. These procedures shall provide for entry into university-owned student residences when:
 - A. Maintenance requested by the occupant(s) is being performed;
 - B. Routine inspection of rooms for safety, health and general upkeep purposes of maintenance performed upon institutional initiative is preceded by at least twenty-four (24) hours written or posted notice to the occupant(s);
 - C. There is imminent danger to safety, health or property of occupant(s) or to institutional property;
 - D. Conduct or conditions in the residence immediately and seriously disrupt the discipline and educational atmosphere of the residence facility; or
 - E. The entry is conducted by institution officials pursuant to an administrative entry/search permit signed by a designee of the president. Such a permit shall be issued when there is reasonable cause to believe that a student is using his or her residence in a way that is illegal or a violation of the institution's regulations. The permit must state:
 1. the room(s) to be searched;
 2. the regulation(s) allegedly being violated;
 3. the basis for the belief that the regulation(s) is (are) being violated;
 4. the item(s) being sought (if applicable);
 5. the names of those authorized to enter.

The entry/search permit does not authorize a search by institution officials that is conducted as part of a joint investigation with law enforcement agencies or at the request or under the supervision of law enforcement personnel. Entry, search and seizure in those circumstances are governed by warrant requirements generally applicable to law enforcement agencies.

2. These procedures shall provide for a search of an institution locker, carrel or similar furnishing when:
 - A. Routine inspection of lockers for safety, health and general upkeep purposes is necessary;
 - B. There is imminent danger to the safety, health or property of the student user or other individuals, or to institutional property;
 - C. The search is conducted by institution officials with reasonable cause to believe that a student is using his or her locker in a way that is illegal or violates the institution's regulations.
3. Entry, search and seizure of student vehicles shall be governed by warrant requirements generally applicable to law enforcement agencies.
4. Unless institution policies regarding items in student residences or institution lockers apply, search and seizure of student personal effects shall also be governed by warrant requirements generally applicable to law enforcement agencies.
5. To achieve efficient and proper operation of the institution, the university reserves the right to enter and search a student employee's workplace when the university has reasonable grounds for suspecting that a search is necessary for a legitimate, non-investigatory purpose, such as retrieval of work-related materials, or that the search shall turn up evidence of the employee's violation of workplace rules. The scope of the search shall be reasonably related to the necessity of the work-related purpose or the nature of the suspected employee misconduct.

SOURCE:
BOR, March 1993; October 2023 (Clerical)