Inspection & Seizure Policy

Policy

In order to provide a safe academic and living environment, a Colby-Sawyer College authorized college official has the right to inspect halls at any time for the proper operation of the facility; for reasons of health, safety or security; and if they have reason to believe that a violation of college policy or state or federal law is occurring. Normal, requested and emergency maintenance will be accomplished from time to time without prior notification.

Scope and General Policies

This policy applies to inspection of students', employees', guests', contractors' and/or visitors' persons, possessions, desks and storage containers by authorized college officials.

An authorized college official has the right to inspect rooms at any time for the proper operation of the hall; for reasons of health, safety or security; and if they have reason to believe that a violation of college policy, state law or federal law is occurring in the room.

Normal, requested and emergency maintenance will be accomplished from time to time without prior notification. Desks, lockers, closets, bureaus and other materials or equipment loaned by the college remain the property of the college and may be opened by college officials for cleaning, maintenance and emergencies. Pursuant to this policy, they may also be inspected.

Definitions

As used in this policy:

“Authorized college official” (ACO) means any person employed by the college whose employment responsibilities include the enforcement of the Code of Community Responsibility and/or college workplace policy (including but not limited to Senior Leadership Team, Campus Safety, Residential Education, Citizenship Education and Human Resources).

"College property inspection" means the inspection of rooms, hallways, offices, desks, lockers and other equipment or supplies owned or leased by the college.

"Contraband" means weapons, drugs and other illegal substances and other materials for which possession violates state or federal law or college policy.

"Individual" means any person on Colby-Sawyer College grounds or properties owned and/or leased by the college.

“Inspection” means the activity of looking thoroughly in order to find something or someone.

"Personal inspection" means an inspection of an individual's person and may require that person to pull out pockets and loosen or remove outer clothing.

“Plain view” is evidence of criminal activity or the product of a crime which can be seen without entry or inspection. A plain view discovery is reasonable cause to enter the space and conduct an inspection.

"Possessions inspection" means an inspection of an individual's bags, backpacks, trunks, boxes, packages, safes, purses and other movable possessions.

“Reasonable suspicion” is a legal standard in United States law that a person has been, is, or is about to be, engaged in criminal activity based on specific and articulable facts and inferences. Reasonable suspicion is evaluated using the "reasonable person" or "reasonable officer" standard, in which said person in the same circumstances could reasonably believe a person has been, is, or is about to be engaged in criminal activity; such suspicion is not a mere hunch.

Purpose

The purpose of this policy is to establish procedures governing inspections to which students, employees, guests and visitors may be subject. A primary consideration is balancing an individual's right to privacy with the college's need to enforce applicable employment policies and the Code of Community Responsibility. Concern for the well-being and safety of individuals and the college community, as well as reasonable protection of privacy rights, should govern all decisions regarding inspections.

Areas and Property Subject to Inspection

Any area or property located at Colby-Sawyer College is subject to inspection. Included in this definition are (1) college-owned buildings and residences, (2) motor vehicles located on college premises, and (3) any personal property located or contained in these structures or vehicles. Student housing contracts issued by the Office of Residential Education reserve to the college the right to enter and inspect residential space at any time for maintenance needs or for reasons of health and safety. These contracts also permit the college to enter and inspect any residence hall space in an emergency or if there is reasonable cause to believe a violation of college policy or local, state or federal law is occurring.

Justification for Inspection

Any inspection conducted by Colby-Sawyer College personnel must be based upon one or more of the following grounds: emergency, health and safety considerations, or suspected violation of college policy or local, state or federal law. An inspection may be authorized under the following conditions:

A. Voluntary Consent. In most circumstances, it is desirable to obtain the prior voluntary consent of the person having control or custody of the area or property to be inspected. While the student housing contract reserves broad authority for an inspection by college personnel, consent normally is to be sought prior to initiating an inspection. Consent by one roommate to the inspection of jointly occupied residential space is adequate even if other roommates are absent.

B. Reasonable Suspicion. It is the responsibility of the Department of Campus Safety to decide if there is a substantial likelihood that evidence of unauthorized activity will be located in the place to be inspected; this decision may be made in concert with the applicable authorized college official. This decision may be based on any credible information developed during ongoing investigations, received through indirect means, or reported by faculty, Residential Education personnel or other college students or employees. The Department of Campus Safety will evaluate all information for reliability and relevancy prior to conducting an inspection.

C. Plain view. Evidence of a violation of either college policy or local, state or federal law, or which indicates health and safety concerns, may sometimes be observed in plain view within a residential space, administrative building or vehicle. Evidence which is seen in plain view may be seized and will justify an inspection of the area in which the evidence is located.

D. Emergency. Immediate entry without an individual's consent is appropriate in emergency situations where pressing necessity or urgency require prompt action. In such a situation, delay might jeopardize the health and safety of a person or result in concealment, disposal or destruction of evidence or unauthorized activity. Emergency conditions may justify the means of an inspection of an individual's person and may require that person to pull out pockets or loosen or remove outer clothing. If the individual refuses, the officer is authorized to contact New London Police Department for their assistance with the incident. The campus safety officer will complete a full report articulating the exact circumstances surrounding the situation.

E. Vehicle Inspections. By parking on Colby-Sawyer College grounds, the owner/operator consents to an inspection of the vehicle if there is reasonable suspicion that there is substantial likelihood that contraband or evidence of activity that violates a college policy or local, state or federal law is inside the vehicle. If the owner/operator refuses to honor consent for this inspection, parking privileges will immediately be revoked for the remainder of the academic year. The owner/operator of the vehicle will be directed to remove it from campus immediately and will be informed not to bring it back onto campus or it will be towed at their expense. Refusal to honor consent will be weighed as evidence in a pending disciplinary hearing.

Inspections by Colby-Sawyer College Personnel

Inspections shall normally be conducted by Campus Safety personnel. However, when a campus safety officer is not reasonably available or cannot perform an inspection within a reasonable time, another authorized college official (i.e., area coordinator in the case of students or Human Resources in the case of employees) may perform an inspection.

A written report describing justification, conduct and results of an inspection will be provided to the vice president of student development and the director of campus safety within 24 hours of the inspection.

Searches by Law Enforcement Agencies

A search may be made by a municipal or state police officer, sheriff or federal law enforcement officer only pursuant to warrant or under circumstances in which a search without a warrant is legally

permissible. No Colby-Sawyer College personnel will assist in the search, but a campus safety officer will accompany the searching law enforcement officer. The campus safety officer is responsible for notifying the vice president for student development and dean of students as soon as possible and informing them that the search has occurred.

Seizure of Property

Items that constitute evidence that are discovered during an inspection may be seized for use in college disciplinary proceedings and/or local, state or federal criminal proceedings. All seized items will be logged by the responding campus safety officer, tagged and secured in the Department of Campus Safety evidence closet.

Policy Development Sources:

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Purpura, Philip. Security and Loss Prevention. MA: Butterworth-Heinemann, 1983.

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