

Dorm rooms usually private, but...

# RA sometimes has right to enter

By KAREN CORNELISON  
"It's the RA, let me in!" the resident adviser said after knocking loudly on the dorm room door at 1:40 a.m. When the student didn't answer, the RA announced her entrance and used her pass key. "Are you in here alone?" she asked the sleepy student.  
"You can look around if you like," replied the student.  
"This is just a routine room check," explained the RA, who looked in the bathroom, in the adjoining dorm room and the room across the hall.  
Resident advisers entering students' rooms is not uncommon in Texas A&M dormitories.  
The resident adviser was within her rights, as listed in the Texas A&M University Residence Hall Staff Manual, because the student gave her permission to enter and search.  
But an RA who uses such methods of rule enforcement is probably alienating himself from his wing or floor residents, making it difficult for him to perform his main job as an adviser.  
Privacy rights of a dorm student are a touchy issue, said Chris Kling, student legal adviser. "It depends on who's doing the searching," he said. "Dorm rooms are state property, therefore, the University officials have the right to enter at reasonable times for reasonable reasons. They have a right to see that state property is not being destroyed," said Chris Kling.

"Police cannot enter a room without a warrant unless under certain conditions."  
If the student gives his consent, or if the police are pursuing someone and have reason to believe he is in a dorm room, they can enter, Kling said.  
"If the police enter lawfully, even if they're pursuing someone, and they see a kilo of marijuana sitting on the desk, the student can be arrested because the police have a lawful right to be in the room," Kling said.  
If an RA demands to search a room, and finds the same kilo of marijuana, it can be confiscated, Kling said. The student can be disciplined according to University regulations, but the marijuana cannot be used to prosecute in court.  
The Texas A&M Residence Hall Staff Manual goes even further to protect a student's privacy rights. According to the manual, no student's room should be entered by a staff member unless one or more of the following circumstances exists:  
• an invitation is extended by one or more of the room's occupants  
• an emergency exists or is believed to exist  
• the staff member has cause to believe that violation of University rules and regulations is occurring  
• entry is necessary to provide room cleaning or maintenance.

standards or health and safety regulations are being violated" involves a value judgment.  
"It is hoped that abuse will be controlled by the recognition that staff-student relationships can quickly be destroyed by such actions," the manual says.  
The manual also explicitly prohibits general room searches unless in extreme situations as determined by the Office of Student Affairs.  
Ann Marie Landis, an RA in Mosher Hall, said she follows the guidelines in the RA manual strictly. "If you don't follow the rules, the University won't back you up," she said.  
She also said the other RAs in Mosher try to stick to the manual.  
An RA in Dunn Hall, who has lived there for several semesters, said there has never been any trouble in Dunn that he knows of with RAs abusing their rights.  
"The female RAs, generally speaking, are more strict," he said. "They seem to play more policemen than advisers."  
Sue Hodge, area coordinator for the Commons, urges students to come to her or their head resident if an RA is overstepping his bounds.  
"I would want to know about it immediately," she said. "If we know about it, we can do something about it."  
Hodge said that if a complaint is made against an RA, she will listen

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to the RA's side in the presence of the head resident.  
"In defense of the RA," she said, "they have a real hard job to do. From the RA's perspective, an entirely different thing could have happened."  
The University will usually back up the RA, Hodge said, unless the RA's conduct was very unfair or an invasion of privacy.  
The definition of a student's privacy rights are ambiguous, at best. There are many value judgments left up to the RAs and other staff members.  
"The U.S. Supreme Court has not given us the benefit of any decision on the search of a dorm room," Chris Kling said. "We really don't know what the status is. My own belief is a trend toward granting dorm students the same rights as apartment students. An apartment manager doesn't have the right to come in and search your apartment. Hopefully, in the not-too-distant future, the Supreme Court will make a decision."

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RAs, as University employees, have this right. But "reasonable" is a subjective word.  
"If an RA says he wants to search a room," Kling said, "he has a legal right."

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