



CENTER FOR
STUDENT LEGAL SERVICES

Presents...

A Guide to Life in the Dorms:

- 1** **You have the right to close your doors, and to keep them closed unless you are presented with a search warrant by a police officer.** Ohio Law and the United States Constitution protect the rights of students living in residence halls. You are not required to open your door to discuss “matters” with police officers, resident directors, or resident assistants. By refusing entry, you may save yourself and your guests a \$200 per person fine and fee from OU’s disciplinary office of Community Standards if the matter is alcohol or drug related.
- 2** **Even if you legally deny entry to police officers or RAs, the University may call you in for a disciplinary meeting.** The Ohio University Student Code of Conduct considers it a D5 offense for disruptive conduct if a student “fail[s] to comply” with the directions of “university officials” or police. You may also face a D16 charge of violating a Residential Housing policy. It is also a violation to fail to identify yourself. Thus, a student may lawfully refuse admittance to their room, or to answer questions, but may find that charges have been filed against them with the Office of Community Standards. These charges can be denied through their process, and you have the right to assistance from a representative for that process. We recommend scheduling an appointment with Students Defending Students, who can represent you in university judiciary matters.
- 3** **Usually, there must be some real evidence of misconduct on the part of a student for a RA or police officer to pursue the matter.** It is not unusual for the officer to justify his demand for entry upon the basis that he smells marijuana, or has heard the popping of cans. This may give him a ‘reason to investigate’ but it certainly does not give him “probable cause” to obtain a search warrant. The student must therefore decide if he should open the door and consent to an officer searching the room and perhaps finding alcohol or pot.
- 4** **Sometimes the right course of actions is to ignore the threats of police officers!** Sometimes police officers will threaten to charge you with “obstruction of justice” unless you open your door (so that they can see the evidence), claiming they just want to talk to you. Remember, an officer can *charge* you with anything, but that is not the same as a conviction. Furthermore, it is not “obstruction” to refuse to open your door, unless they have a warrant.

5 **Always give a police officer your name and address, but do not provide your date of birth if the matter is alcohol-related.** The United States Supreme Court has ruled that persons are required to “identify” themselves upon request of a police officer. In addition, the Student Code of Conduct requires that students provide their identity to police or University officials (i.e. RAs) upon request. Usually the law does not require that you produce an ID if you have told the officer your name, address and date of birth. If you are under the age of 21 and being charged with an underage alcohol offense, you are not required to tell the officer your date of birth because of the 5th Amendment protection against being a “witness against yourself.” You should probably offer to present your OU ID, since it has neither your social security number nor date of birth. The law does not require that you reveal your birth date, age, or social security number if you have identified yourself already—though OUPD will be able to trace your birth date from just a name.

6 **Police officers’ actions can be difficult to predict** and they are not required to keep their promises to you. Some officers will say that if you let them into your room they will not charge you with anything. However, a police officer can agree not to file criminal charges and then lie to you. In doing so, the officer will merely risk damaging his reputation for honesty, which is very important for police officers but won’t alter the outcome in your case. Remember to always be polite and respectful to the police and your RAs. Do not argue with police or university officials. However, just because you are *respectful* does not mean that you should feel intimidated, admit guilt, or waive your constitutional rights.

The information posted on this website is offered for informational purposes only, therefore, this information should not be construed as legal advice. Please be advised that you should not act or rely upon this information without first consulting with an attorney. This information is not intended to create an attorney-client relationship between you and The Center for Student Legal Services. The creation of an attorney-client relationship would require direct, personal contact between you and CSLS. It would also require the signing of an Agreement for Legal Services, which would confirm that an attorney-client relationship has been established, and define the terms of said relationship. We do not offer legal advice, nor do we schedule appointments, via email. We also do not take walk-ins. If you would like to schedule an appointment with CSLS, please call or stop by our office during regular business hours to schedule a consultation with one of our attorneys.