



RHODES UNIVERSITY
Where leaders learn

STUDENT PROTOCOL FOR SEARCH AND SEIZURE ON THE RHODES UNIVERSITY CAMPUS

Policy Particulars

DATE OF APPROVAL BY RELEVANT COMMITTEE STRUCTURES
DATE OF APPROVAL BY TOP MANAGEMENT: 14 AUGUST 2012
DATE OF APPROVAL BY ALF: 3 October 2012
DATE OF APPROVAL BY HALL WARDENS: 30 NOVEMBER 2012
DATE OF APPROVAL BY ALF: 6 FEBRUARY 2013
DATE OF APPROVAL BY DISCIPLINARY COMMITTEE: 18 April 2013
DATE OF APPROVAL BY HALL WARDENS: 6 May 2013
DATE OF APPROVAL BY BOARD OF RESIDENCES: 9 May 2013
DATE OF APPROVAL BY SENATE: 21 June 2013
DATE OF APPROVAL BY COUNCIL: 29 July 2013
DATE OF APPROVAL BY DISCIPLINARY COMMITTEE: 25 September 2014
DATE OF APPROVAL SENATE 24 October 2014
DATE OF APPROVAL BY COUNCIL 4 December 2014

COMMENCEMENT DATE: 1 JANUARY 2015 (following revision)

REVISION HISTORY:

REVIEW DATE: 2018

POLICY LEVEL: COUNCIL

RESPONSIBILITY: REGISTRAR'S DIVISION

IMPLEMENTATION & MONITORING: OFFICE OF THE VICE-CHANCELLOR; COUNCIL and
REGISTRARS DIVISION

REPORTING STRUCTURE: DISCIPLINARY COMMITTEE → SENATE → COUNCIL

Introduction

The Constitution of the Republic of South Africa protects the right to privacy. In keeping with this constitutional principle, the right to engage in search and seizure on University premises, and on any student thereon, needs to be carefully managed.

This Protocol shall govern when, how and by whom, University premises and students may be searched and evidence seized.

Limited situations where a search and seizure might apply:

There must be a **reasonable suspicion** to believe that evidence that may be relevant to a breach of the law or the Student Disciplinary Code will be found. This must not be a “fishing” expedition, since that constitutes an intrusion into the private life and activities of the persons being searched.

Principles

1. The power to search and seize should be undertaken with circumspection and with due regard to the rights of privacy of the individual.
2. The search shall not be more intrusive than is necessary for the purposes of locating evidence.
3. Where possible, any search and seizure should be undertaken with the consent of the student concerned.

Procedure to be followed by University officials

1. The Student Disciplinary Code permits search and seizure by certain officials of the University. These officials are a Hall/House Warden (excluding the Oppidan Warden) who is lawfully in charge of any University premises, the Campus Protection Unit, the University Prosecutors: Student Discipline, or the Vice-Chancellor or his/her nominee, who reasonably suspects the breach of any law or any offence in the Student Disciplinary Code.
2. Where a University official, excluding the Vice-Chancellor or his/her nominee, has a reasonable suspicion that a breach of the law or the Student Disciplinary Code has occurred, and that a search and seizure is necessary in order to preserve evidence, that official shall consult with a Prosecutor: Student Discipline or with the Head: Campus Protection Unit or if in the residence system, the Hall Warden. If the Hall Warden is uncertain as to whether the circumstances warrant a search and seizure, he / she should consult with a Prosecutor: Student Discipline.
3. If the Prosecutor: Student Discipline, the Head: Campus Protection Unit or Hall Warden concurs that a reasonable suspicion exists, permission will be granted to proceed with the search and seizure as outlined below.
4. At the outset, the student should be told what is being sought and be given an opportunity to produce the goods. If the student does not consent to the search and seizure and/or is

not prepared to voluntarily produce the goods, the search and seizure may continue – preferably with the student present.

5. The search and seizure must be conducted by a minimum of two people. One of these people must be any Hall's Warden or House Warden or a Campus Protection Official or a Prosecutor: Student Discipline.
6. One of the people conducting the search and seizure must be of the same gender as the student whose room is being searched.
7. A student may only be physically searched by a person of the same gender.
8. Any evidence seized during the search shall be kept in safe keeping by the Prosecutor/s: Student Discipline or the Hall Warden. At the discretion of the Prosecutors: Student Discipline, evidence may be handed to the South African Police.
9. The student must be given a written receipt at the time of the seizure specifying the goods seized.
10. A written report, signed by the persons conducting the search and seizure should be completed upon concluding the search and seizure. This report shall be sent to the Registrar for his/her records.
11. Should a prosecution in terms of the Student Disciplinary Code not take place, or in the event of an acquittal or there being no valid ground to retain the goods, they must be returned to the student within a reasonable period of time, unless the goods are in the possession of the South African Police.

Procedure to be followed in summoning the South African Police in student disciplinary matters

12. If it is the opinion of the Prosecutors: Student Discipline that the matter may more properly be dealt with by the South African Police they shall consult with the Vice-Chancellor or his/her nominee.
13. If it is the opinion of the Prosecutors: Student Discipline that the assistance of the South African Police and sniffer dogs be sought in dealing with the possession and/or sale of narcotic substances, they shall consult with the Dean of Students or his/her nominee and the Vice-Chancellor or his/her nominee. The final decision to summon the South African Police and sniffer dogs shall be that of the Vice-Chancellor or his/her nominee.

Checklist for Search and Seizure

		Tick ✓
1.	Does the university official have reasonable suspicion that a breach of the law or the student disciplinary code has occurred?	
2.	Is a search and seizure necessary in order to preserve evidence?	
3.	Hall or house wardens who are uncertain as to whether the circumstances warrant a search and seizure should consult with a prosecutor: student discipline.	
4.	University officials other than hall or house wardens or CPU officials must consult a prosecutor: student discipline.	
5.	The student must be told what is being sought and be given an opportunity to produce the evidence. The search may continue regardless.	
6.	There must be a minimum of two people conducting a search.	
7.	One of those conducting the search must be of the same gender as the student.	
8.	Evidence seized during a search must be kept in safe-keeping and the student must be given a receipt.	