

# U.S. Courts Rule Arbitrary Dorm Searches Illegal

DENVER (CPS-CUP) --- Even though a Michigan court ruled last year that dorm rooms are constitutionally protected against arbitrary searches by university security officers, most American students who live in dorms are still subject to searches by college officials armed with internal search warrants.

The legality of these university-issued search warrants has not been tested in the courts, but many schools are beginning to scrutinize more carefully their own search and seizure policies in light of the Michigan ruling which gave dorm rooms the same Fourth Amendment protections as an adult's "home, dwelling or lodging."

The Michigan case involved the entry and search of the dorm rooms on two students at Grand Valley State Colleges. The searches were conducted without warrants and no consent had been given. During the searches, marijuana was found in the students' rooms and the university judiciary council suspended the two for one term.

Current search and seizure policy at most universities gives security officers or housing officials the right to enter a student's room without notice if there is "reasonable cause" or "just cause" to be suspicious that the room is being used for the purpose of violating university rules.

In some cases, search warrants are issued if another student, faculty member or staff member suspects that stolen property is in a student's dorm room. At Lehigh University in Pennsylvania, the person with the complaint must obtain a "dean's warrant" which gives them the right to enter and search a student's room and seize the stolen property if they find it.

## Faculty Elected to Senate

The U.P.E.I. Faculty Association recently elected five Senate representatives. Re-elected were: Ninian LeBlanc, Wendell MacIntyre, and Andrew Robb. New members are: Thomas MacLellan, Religious Studies; and Donald Gillis, Engineering. They replace Lothar Zimmerman, Modern Languages and Satadal Dasgupta, Sociology.

Terms for the five will run from September 30, 1976 to September 30, 1979.

The Delaware attorney general's office has begun an investigation into the search and seizure policies at the University of Delaware where dean's warrants are available when someone has "reasonable cause" to believe University rules have been broken. Attorney General Richard Wier said he thinks the deans's warrant is a "blanket warrant (which) may not comport with the Fourth Amendment."

Since violations of university rules which would require a search would also probably violate civil law, Wier said, a dean's search might constitute an inappropriate enforcement of the law.

At the University of North Dakota, dorm resident assistants and head residents can go to the Personnel

Dean for written permission to enter a student's room if they think a "serious violation of university or housing regulations is taking place within the room ..."

The housing contract at Northeast Missouri State University specifies that University officials reserve the right "to enter a student's room when probable cause has been established." The director of safety and security at the Missouri school claimed that "discretion is used at all times when entering a student's room," but probable cause seems to be interpreted loosely.

An example of probable cause, according to the security officer, would be an unidentified telephone caller reporting a stolen

television in a specific room. More generally, the university can enter a student's dorm room for the purpose of determining if the general "order and security" has been violated.

Some legal observers doubt the legality of the internal search warrant even though the Michigan court advised the plaintiff in the case to explore the possibility of using university warrants for searches. An associate professor of law at the University of North Dakota said he was "quite skeptical that the university could or should implement a system of internal authorization based on the Michigan court's opinion. "The whole tenor of the opinion is against administrative officials serving in such a position," he said.

## Six Profs Apply for Tenure

Six Professors at U.P.-E.I. have applied for tenure in the latest round of reviews. The six are: W.A. Bartlett (Music), J.A. MacDougall (Mathematics), Carl Mathis (Music), Terry Pratt (English), Fred Dreger (Political Science), and G.L. Watson (Sociology).

They are presently going through the major portion of

the procedure - application to the university tenure committee. The committee consists of the three deans, five professors and one student. It is chaired by Dr. Madan of the Physics Department.

The recommendations of the committee will be sent to the President - probably next December who will in turn make recommendations to the Board of Governors.

The Board has the final say, although in practice it will rarely deny tenure to someone who has been recommended for it. It will, however, often accept someone who either the Committee or the President has turned down.

In view of the performance of the process over the last few years, it is likely that at least four of the five will be accepted.

## Health Foods Can Be Poisonous

SANTA CLARA (ENS CUP) Health food faddists who advocate eating the pits of cherries, peaches, apricots and other fruits for disease prevention are running the risk of poisoning themselves, according to Dr. Mary Clark of the Public Health Department of Santa Clara, California.

Dr. Clark said this week that chemical components in the pits break down during digestion to form cyanide, a fatal poison.

The warning was issued following the near death of a woman in Palo Alto who was diagnosed as having cyanide poisoning following the eating of apricot pits, which are available in many health food stores.

The public health official said the pits can be safely eaten only if they are first roasted for about ten hours.



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