

INSPECTIONS AND SEARCHES OF PERSONS OR PROPERTY

Background

The Division requires that searching of individuals or inspections/searches of their personal property follow due process by school officials, whether they are acting on their own, or in concert with other authorities.

As inspections of school property may be necessary from time to time, guidelines and procedures shall be followed. The school may work with other agencies to ensure student safety and may cooperate with other agencies with respect to search of school property. School lockers as part of school property are subject to search.

Guidelines

1. There is no general right to search the person or private property of a student. However, the Supreme Court of Canada has stated that students in the school environment must operate under a “diminished expectation of privacy”. Within that framework school officials shall make reasonable attempts to protect the students’ privacy and refrain from searches unless they have a reasonable and informed basis for doing so.
2. School lockers are provided for student use but are not to be considered the students’ private property. They remain the property of the Division, and should school officials deem it necessary, the locker can be searched at any time, without prior notice to student or parent. The locker agreement between the school and the student shall include a lock provided by the school and the combination or duplicate key kept in the schools possession. If a non- school lock is cut from the locker in the process of the search then the school will pay for the replacement of the lock.
3. Parents and students shall be made aware of the provision for locker searches in all reasonable manners of communication. This could include, but is not limited to the following: locker agreements, school agenda handbooks, newsletters, and first assemblies of the school year or School Council meetings.

Procedures

Searches of Personal Property

1. Searches of students shall only be conducted on the basis of reasonable and probable grounds existing for the search. Mere suspicion is not sufficient reason of itself.
2. A search may be undertaken where school personnel believe that the safety and security of students and/or staff may be compromised if an immediate search is not conducted.
3. The parents/guardians of the student may be informed of the search and the reasons for it prior to it being undertaken.
4. A third party must be present in all searches of personal property.
5. Full details of the search shall be recorded in writing and signed by the searcher and witness.
6. Under no circumstances shall body searches (e.g. "strip searches") be conducted by school personnel.

Inspections or Searches of Division Property

1. Where school personnel believe they have reasonable information to justify searching a locker or desk, they are authorized to do so. The reasons for conducting the search shall be recorded in writing by the Principal, and kept on file.
2. At least one witness shall be present when the search takes place, in addition to the school officials.
3. If the proposed search revolves around a suspicion of criminal activity, the police shall be informed, and a proper search warrant obtained prior to the search.
4. The Principal must decide prior to the search if any evidence or contraband material found during the search is to be dealt with as a school matter or by way of criminal prosecution. If the matter is to be dealt with as a criminal matter, procedure 5 below will apply. If the matter is to be dealt with as a discipline matter, all statutes, policies and procedures regarding student conduct shall apply.
5. When the search of a locker reveals evidence of suspected criminal activity, the Principal or designate shall make the decision as to contacting the RCMP, parents or guardians, and the securing of the locker with a different lock, the combination which or key to which is solely in possession of school personnel.
6. Only when it is deemed appropriate by those conducting the search, the student, parents and/or guardians of the student shall be informed of the search, and the reasons for it, prior to it being undertaken.

Reference: Section 20, 60, 61, School Act