

SEARCHES OF PERSONS OR PERSONAL PROPERTY

Background

Individuals have a right to privacy with respect to their personal property; however, privacy rights may be reduced or extinguished to protect the rights and enhance safety and security of all students. The Principal is to follow the procedures set out in this Administrative Procedure with respect to the searching of individuals or their personal property, whether school administration is acting on its own, or in concert with a government authority.

Procedures

1. Subject to this Administrative Procedure, principals shall take reasonable steps to protect a student's right to privacy.
2. Students and their parents shall be informed at the beginning of each school year or semester regarding any Division and school procedures in effect that student property is subject to searches at any time of a general administrative nature for contraband and rule violations as per Administrative Procedure 354 - Appendix.
3. Searches
 - 3.1 Before conducting a search, for any reason other than those described in section 2 above, there must be reasonable grounds for belief that a criminal offense is being committed or has been committed. A search of the person or property in this instance will provide evidence in these matters, or will lead to conclusion that the commission of a criminal offense will occur.
 - 3.2 Reasonable grounds for a search may be found in the following context:
 - 3.2.1 Information received from one student considered to be credible; or
 - 3.2.2 Information received from more than one (1) student; or
 - 3.2.3 A teacher, other staff member or Principal's own observations; or
 - 3.2.4 Information received from another source considered to be credible; or
 - 3.2.5 Any combination of these pieces of information which the relevant school authority considers to be credible.
 - 3.3 The grounds for conducting a search shall be recorded in writing by the Principal and kept on file.
 - 3.4 The student's consent to the search of property shall be sought, wherever reasonably possible.
 - 3.5 The student is to be present during the search, wherever possible.
 - 3.6 At least one (1) witness shall be present wherever reasonably possible when the search takes place.

- 3.7 Parents or guardians of the student shall be informed of the search and the reasons for it, prior to or after the search takes place, as circumstances warrant.
- 3.8 Any search conducted pursuant to this Administrative Procedure shall be carried out in a sensitive manner and with the minimal amount of intrusion.

Adopted/Revised: JUN 2016/NOV 2019

Reference: Section 11, 33, 52, 53, 197, 222 Education Act
Child, Youth and Family Enhancement Act
Controlled Drugs and Substances Act
Youth Criminal Justice Act
Criminal Code (Canada)