

Public Schools Branch

OPERATIONAL POLICY

STUDENT INVESTIGATION AND SEARCH	
<i>Policy Section</i> Programs and Services	<i>Policy Number</i> 409
<i>Pages</i> 2	<i>Approved Date</i> July 21, 2021
<i>Reviewed Date</i>	<i>Effective Date</i> July 21, 2021
<i>Replaces:</i> PSB Policy 409 Student Investigations and Searches, June 26, 2019 PSB Policy 703 Policy Relations with Law Enforcement and Child Protection Authorities, June 26, 2019	

1.0 PURPOSE

- 1.1 The purpose of this policy is to establish expectations, responsibilities and procedures related to a student Investigation and Search, ensure the safety of students and staff and to maintain order in our educational environments. The purpose of this policy is also to ensure that students have the right to be secure against an unreasonable search and seizure.

2.0 DEFINITIONS

- 2.1 Body Search – (also known as a strip search) refers to a search where most or all clothing is removed in order to conduct a visual inspection of the body or all of the clothing. A body search is different from a Search of a student by school personnel, which is defined in 2.8.
- 2.2 Investigation – an inquiry or examination conducted by school personnel, in relation to a potential breach of the law or a Public Schools Branch policy or procedure and may or may not include a Search.
- 2.3 Pat-down – the act of passing the hands over a person’s clothing to detect a concealed item such as a weapon or illegal substance.
- 2.4 Reasonable Grounds – information that an average person may rely on in considering whether there is reason to believe that it more likely than not that something has occurred or will occur. A mere suspicion is not reasonable grounds but definite proof is not necessary. (See section 3.0 of the Student Investigations and Searches procedure for more information on reasonable grounds.)
- 2.5 School Premises – a building or property under the management or operation of an education authority that is used in whole or in part for the instruction of students, and includes a School Bus as defined in the Student Transportation Regulations.
- 2.6 School Property – any property owned by the school which may be provided to a student for their use including but not limited to, technology, desk, locker, cubby.
- 2.7 School-sponsored Activity – any activity, whether conducted on or off school premises, that is sponsored, recognized, or authorized by a principal or the Public Schools Branch.

- 2.8 Search – an Investigation of a student and an examination of a Student’s Personal Belongings or School Property provided for a student’s use, by the school principal or person designated by the principal. A search does not include a Body Search or Pat-down. (See section 5.0 and 6.0 of the Student Investigations and Searches procedure – 409-1.)
- 2.9 Student Personal Belongings – items such as a mobile phone or other personally-owned device, backpack, outer clothing, vehicle, item/object, etc.

3.0 POLICY STATEMENT

- 3.1 The Public Schools Branch is committed to ensuring that students and staff have a safe and caring learning and working environment. In order to maintain such an environment, it may be necessary to conduct a student Investigation or Search.
- 3.2 Although the principal or designate has the right to proceed with a Search, a student’s rights to privacy is not extinguished by virtue of being on school premises. The Public Schools Branch recognizes that the student’s rights need to be balanced with the school personnel’s responsibility to maintain a safety and orderly learning and working environment.
- 3.3 In the interest of good order, safety and security on School Premises, and during School-sponsored Activities, a Search may be conducted where there are Reasonable Grounds and in accordance with the applicable laws and Public Schools Branch policies and procedures.
- 3.4 In accordance with the Canadian Charter of Rights and Freedoms and the *Youth Criminal Justice Act* (Canada), students have the right to be secure against unreasonable Search and seizure. Searches may be conducted where there is Reasonable Grounds that a student is concealing something which is in violation of the law or Public Schools Branch policies or procedures.
- 3.5 All students have the right to equal treatment without discrimination based on race, nationality, ethnic origin, colour, religion, gender, age, and mental or physical barriers.
- 3.6 The Public Schools Branch will cooperate with policing authorities in accordance with applicable laws in cases where students are subject to Investigations by police.

4.0 CROSS REFERENCE

- 4.1 PSB Operational Procedure 409.1 - Student Investigations and Searches
- 4.2 PSB Operational Policy 605 Safe and Caring Learning Environments
- 4.3 PSB Operational Policy 606.1 Alcohol and Drugs
- 4.4 *Education Act*
- 4.5 Canadian Charter of Rights and Freedoms
- 4.6 United Nations Convention on the Rights of the Child
- 4.7 *Youth Criminal Justice Act*

~ ~ ~