

CODE: HGA.AR

EFFECTIVE DATE: (14-09-2023)

TOPIC: Student Searches and Police Investigation
Involving Students

ISSUE DATE: (14-09-2023)

REVIEW YEAR: (2030)

OBJECTIVE

To provide guidance and expectations for school staff regarding investigations relating to student behaviour, including searches of students, and communicating with law enforcement.

BACKGROUND

The *Education Act* outlines the shared responsibility of students, parents and the Division to support a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging. Where necessary, investigations are conducted into allegations of student misconduct. There are circumstances where, in the interest of school and public safety, these investigations may include searches of students and their property, police requests for information and/or police investigation of students. With respect to the circumstances in which school officials may conduct searches in relation to a student(s), this regulation reflects the Supreme Court of Canada decision in the case of *R. v. M. (M.R.)*.

RESPONSIBILITY

Students, parents and Division staff have a shared responsibility for ensuring a welcoming, caring, respectful and safe learning and working environment that respects diversity and fosters a sense of belonging.

Principals are responsible for providing a welcoming, caring, respectful and safe learning environment for maintaining order and discipline in the school, on school grounds and during activities sponsored by the Division. In circumstances where a student's conduct, whether or not it occurs within the school building or during the school day, causes concern for the safety or wellbeing of the student or others in the school community, the principal or designate will investigate and respond in alignment with this regulation.

REGULATION

A. General

1. A student's individual right to privacy is balanced with the collective rights of all students to a safe and orderly learning environment. As such, a student, the student's belongings and school property used by the student, are subject to search in accordance with this regulation.
2. When investigating or responding to incidents or allegations of unacceptable student conduct, there is an expectation that reasonable and practicable efforts are made to protect the dignity and privacy of the student. The student's age, gender, religious beliefs and any other related circumstances will be considered when conducting searches.
3. Unless there is an imminent safety threat, searches will be conducted without intentionally touching the student's person.

4. School approaches to ensuring positive student conduct must not include any form of entrapment intended to entice a student to commit an act which constitutes a breach of student expectations as outlined in Board Policy HG.BP Student Behaviour and Conduct, Administrative Regulation HG.AR Student Behaviour and Conduct or the school's Rights and Responsibilities document.

B. Searches of Students

1. Reasonable grounds for a search
 - a. A search may be conducted by the principal or designate when there are reasonable grounds to believe that there has been a breach of rules as set out in Board Policy HG.BP Student Behaviour and Conduct, Administrative Regulation HG.AR Student Behaviour and Conduct or the school's Right and Responsibilities Document and that the search will reveal evidence of the violation.
 - b. The following may constitute reasonable grounds for a search:
 - i. information received from one or more student(s) or another source of information considered to be credible;
 - ii. direct observations by a staff member; or
 - iii. a combination of any of the above considered to be credible.
2. Scope of Searches
 - a. Where reasonable grounds exist, the principal or designate has the authority to search a student, the student's belongings, a vehicle on school property, as well as any Division property used by a student, provided it reasonably relates to the grounds of the search.
 - b. Searches involving students will be conducted in a manner that is as reasonable and minimally intrusive as possible based on the circumstances, by the principal or designate, in the presence of another Division employee or partner.
 - i. A student who is the subject of a search will be given the opportunity to produce the item or information they are suspected of possessing, or to reveal the contents of their clothing or belongings (e.g., the student may be requested to turn out their pockets, remove their shoes or open their bag or wallet).
 - c. It is not required to notify the student's parent before a search of the student or their belongings is conducted, but the principal or designate is expected to inform the parent about the search of the student as soon as practicable.
 - d. In the event that the student refuses a search, the principal or designate will make reasonable efforts to enlist the support of the student's parent(s) and may confiscate the student's belongings, and/or contact police where reasonable in the circumstances.
3. Search of Electronic Information and Devices
 - a. Subject to the requirements outlined in this regulation, a principal or designate may search electronic resources and devices whether they be in the custody or control of the Division or the student, including, but not limited to, a student's cell phone.
 - b. In the case of a search of electronic devices, the principal or designate will only search the aspects of the device that reasonably relate to the grounds of the search.

C. Police Requests for Information

1. Personal information in the custody or control of the Division may be shared with police by the principal or designate or Division Support Services personnel, upon receipt of a completed Law Enforcement Disclosure Form.
2. If there is an imminent threat to school or public safety, personal information in the custody or control of the Division may be shared with police by the principal or designate or Division Support Services personnel without the completion of a Law Enforcement Disclosure Form.

D. Police Investigation of Students

1. When contacted by police to assist with an investigation of a student, principals or designates will, where reasonable, encourage the investigating officer to conduct their investigation of students away from the school in a manner that is minimally intrusive to the operation of the school.
2. If police deem it necessary to interview a student at the school, the following will apply:
 - a. Subject to a direction by police to not make contact, the principal or designate will immediately attempt to contact the parent of any student under 18 years of age whom police request to interview.
 - b. The principal or designate will bring the student to a private space where the interview will take place in the presence of the principal or designate if the student is under 18 years of age or if a student 18 years of age or older requests the presence of the principal or designate.

REFERENCES

[AB.BP - Appeals](#)

[AE.BP Welcoming, Inclusive, Safe, and Healthy Learning and Working Environments](#)

[DCA.AR -Video Surveillance Systems](#)

[DKB.AR -Appropriate Use of Division Technology](#)

[EM.BP -Alcohol, Tobacco and Cannabis on and in Division Property and at Division Functions](#)

[GICA.AR - Field Trips](#)

[HG.BP - Student Behaviour and Conduct](#)

[HG.AR- Student Behaviour and Conduct](#)

[HGD.BP - Student Suspension and Expulsion](#)

[HGD.AR - Student Suspension and Expulsion](#)

[IGD.AR - Alcohol, Tobacco and Cannabis on and in Division Property and at Division Functions](#)

Education Act s. 31, 32, 33, 197