

# Public Schools Branch

## OPERATIONAL POLICY

<b>STUDENT INVESTIGATION AND SEARCH</b>	
<i>Policy Section</i> <b>Programs and Services</b>	<i>Policy Number</i> <b>409</b>
<i>Pages</i> <b>2</b>	<i>Approved Date</i>
<i>Reviewed Date</i>	<i>Effective Date</i>
<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 maintain order and discipline in our educational environments to protect the safety and welfare of students and staff.

### 2.0 DEFINITIONS

- 2.1 Investigation – an inquiry or examination conducted in relation to a potential breach of the law or a Public Schools Branch policy or procedure and may include a search.
- 2.2 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.)
- 2.3 School bus – a school bus or other vehicle that is under the management of an education authority and used primarily for the conveyance of students.
- 2.4 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.
- 2.5 School property – any property owned by the school which may be provided to a student for their use including but not limited to, desk, locker, cubby.
- 2.6 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.
- 2.7 Search – an investigation of a student and an examination of a student’s personal belongings or school property provided for a student’s use.
- 2.8 Student personal belongings – items such as a mobile phone or other personally-owned device, backpack, 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 In the interest of good order, discipline, 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.

- 3.3 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 suspicion that a student is concealing something which is in violation of the law or Public Schools Branch policies or procedures.
- 3.4 All students have the right to equal treatment without discrimination based on race, nationality, ethnic origin, colour, religion, gender, age, mental or physical barriers.
- 3.5 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 *Youth Criminal Justice Act*