



Locker and Personal Searches

POLICY STATEMENT 337

Category: Educational Programs and Related Services

POLICY STATEMENT

The Superintendent recognizes that in order to balance the school's responsibility for maintaining order, discipline, and a safe environment on one hand, with that of the student's legitimate rights of freedom and liberty, on the other, it is essential that certain guidelines be established that specify the manner in which searches of persons, possessions, lockers, or desks be conducted.

It is a matter of law that student lockers and desks are school property and remain at all times, under the control of the schools, and in certain circumstances, students have (or will not have any) no expectation of privacy therein.

PURPOSE

Searches of lockers or desks may be undertaken for "just cause", at any time, without notice and without student consent. Students are expected, however, to assume full responsibility for the security of the contents of their lockers and desks.

APPLICATION

- This policy applies to all students.
- The *Education Act* also sets out a principal's responsibility to ensure health and safety at schools. The *Act* allows principals and school boards to ensure that school property is not used to conduct illegal activity or violate any alcohol or drug-related policies.
- The *Education Act* **does not give express authority** for search and seizure, but does give the **statutory responsibility** for maintaining proper order and discipline, attending to the health and comfort of students, and supervising and administering the educational programs of the school.
- The Principal has the responsibility for enforcing this policy by communicating it to students, parents/guardians and staff, providing necessary instructions and guidelines to building administrators, teachers and other staff members.
- The Principal shall inform students and parents in writing that students are only being accorded a personal right (privilege) to use lockers, desks or other storage facilities and not any exclusive rights of possession, and that school authorities retain the right to conduct random, periodic or other searches or inspections, as they deem appropriate.
- School lockers are the school board's property and are provided for student use by the school's authority. The school should inform students of policies related to the search of lockers, removal of locks and their expectation of privacy regarding their locker use.

PROCEDURES

- When there are reasonable grounds to believe that a student has violated or is violating the law, district policy, or administrative regulations and that the search will result in the discovery of evidence, the Principal or designate, in the presence of another employee, may search a student's coat or possessions other than clothing being worn.
- Personal searches **will not** be conducted by school staff. If there are reasonable grounds to believe a personal search is required, the Principal or designate shall notify police and make every reasonable effort to detain the student under close surveillance to prevent the possible destruction or use of evidence.
- The Principal or designate may search a student's desk, locker or other storage facility provided by the school. The Senior Education Officer shall be notified in writing of large-scale searches.
- School officials are obligated to co-operate with civil authorities who allege they have probable cause to conduct a search and when they present a properly executed search warrant.
- The Principal shall inform students and parents/guardians that when a search reveals evidence that is **not admissible for legal proceedings** but is **contrary to school regulations**, students **may** still be subject to **disciplinary action**.
- When a search reveals evidence to be used for legal proceedings the Principal or designate **shall**:
 - 1) secure the area
 - 2) take precautions to not touch the evidence
 - 3) call police
 - 4) call the student's parents.
- The Principal **shall inform** a student's parents/guardians whenever a personal search has been conducted.

RESPONSIBILITY

- The School principal or designee is the responsible authority for this policy.

DEFINITIONS

- Search and seizure: **An inspection is a search, and a taking is a seizure.**
- In schools, students may be searched if they are suspected of violating classroom rules or crimes, such as possessing drugs and/or weapons. Routine searches **may include** searching desks. Other **more serious searches** include locker inspections or searching a student's belongings.
- **"Probable cause"**: in Canadian Law Is the threshold that a peace officer must satisfy before certain powers can be employed, including arrest and searches.
 - Exists when the facts and circumstances within the officers' knowledge are sufficient to warrant a reasonable person's belief that an offense has been or is being committed.
 - Uses the 'reasonable person' standard, which is an objective standard.
- **"Reasonable Suspicion"**: An officer has reasonable suspicion when there are facts or circumstances present which indicate that a [crime has been, is being, or will be committed](#).

NOTE: The standard for **probable cause** is that any *reasonable person* might suspect criminal activity, while **reasonable suspicion** exists if any reasonable *police officer* might suspect it.

REFERENCES

- *Canadian Charter of Rights and Freedoms*, Section 8, Search and Seizure

LEGAL AUTHORITY

- *The Education Act*, s 28(2)(c)

DATE OF REVISION

JULY 2024