

<b>Kettle and Stony Point First Nation EDUCATION POLICIES</b>	NO 200 - 06
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SUBJECT:  <b>Search and Seizure</b>	EFFECTIVE DATE:
	APPROVAL DATE: 08/12/2010 Motion: 20 Year/Month: 08/2010

## **POLICY**

It is the policy of Kettle and Stony Point First Nation Education Committee to empower the Hillside Principal or designate to conduct reasonable searches and seizures on Education property or during school sponsored activities.

Any search will be done with due regard for the law, rules of evidence and respect for the rights of the individual.

### **Rationale**

It is essential that the safety of the students be ensured. An orderly environment is necessary to encourage learning. Reasonable rules of conduct must be in place and enforced in schools.

The Kettle and Stony Point First Nation Education Committee supports its administrative staff in the maintenance of law, order and decorum on the premises of its school and facilities.

The Kettle and Stony Point First Nation Education Committee is entrusted with the care and education of students and it is essential that the KSPFN Education Committee be able to react swiftly and effectively when faced with a situation that could unreasonably disrupt the school environment or jeopardize the safety of the students. Schools must be able to respond to grave and difficult problems such as possession of weapons and illicit drugs.

The principal has the obligation to provide a safe, orderly environment for students and staff. On occasion students may be suspected of having illegal or unsafe materials such as drugs, alcohol, weapons or stolen property in their possession. In such cases, a principal must have flexibility to use reasonable searches to maintain a safe school.

The Kettle and Stony Point First Nation Education Committee also has a duty to foster the respect for the treaty and constitutional rights of all members of society including students. Learning respect for treaty and constitutional rights is part of the education of our students and is best taught by example.

## Regulations:

1. Principals and their designates must have reasonable grounds to believe that there has been a breach of school regulations or discipline and that a search of any specific individual or any individual's property will reveal evidence of that breach. Education staff are in the best position to assess information given to them and relate it to the situation existing in their school.

The following are examples of what may constitute reasonable grounds:

- information received from one student who is considered to be credible
- information received from more than one student
- a teacher's or principal's own observations
- any combination of these pieces of information which the relevant school authority considers to be credible.

In addition, the search must be reasonable in accordance with the following criteria: -

- a) The search itself must be carried out in a reasonable manner. It should be conducted in a sensitive manner and be minimally intrusive bearing in mind the student's age and gender.
  - b) In order to determine whether a search is reasonable, all the surrounding circumstances will have to be considered.
2. The principal or designate shall contact the police immediately if the search reveals that a student is in possession of any illegal material.
  3. The principal or designate shall notify the parents or guardians immediately.
  4. Search of Property
    - a) The locker is the property of Hillside School and the KSPFN Education Program and may be searched by the principal or designate at any time.
    - b) Although, under the Criminal Code, the police may conduct a locker search either with or without a search warrant, the police will communicate with school administration under the guidance of the Police and School Board Response Protocol should a search occur.
    - c) Vehicles on the premises of the KSPFN Education Program are subject to the Program's policy and procedures and a condition of bringing any private vehicle onto school property is that such vehicle is subject to search with reasonable cause by the principal or designate.

5. Search of a Person (students, staff, visitors)
  - a) A search of person by the principal would be limited to searches within the bounds of common decorum.
  - b) Any search conducted at the school must have a principal or designate, as well as an adult witness present.
  - c) The principal shall not conduct a total strip search. If such a search is considered advisable it must be referred to the police.
  
6. The Chairperson of the KSPFN Education Committee or designate should be advised that a search is to be conducted in advance, where possible and appropriate. If not, the Chairperson of the KSPFN Education Committee or designate must be advised of any search as soon as possible thereafter.