

Background

Gwynne Valley Rural Academy's (GVRA) Board permits the reasonable search of students, their belongings, lockers, and desks by school administration and the expropriation of evidence discovered as a result.

When there is reasonable and probable grounds for belief that the student is committing or has committed a criminal offense, or that a search of the student will afford evidence of those matters or will lead to the conclusion that the commission of a criminal offense will occur, the aid of the police must be sought and proper legal process respecting the Canadian Charter of Rights and Freedoms must be followed.

Procedures

1. GVRA officials shall attempt to protect students' right to privacy.
2. GVRA officials shall have reasonable grounds to believe that evidence pertaining to the breach of the law or a rule of the Academy or Academy jurisdiction may be found in the place to be searched.
 - 2.1 The reasonable grounds are based on a credibly-based probability that replaces mere suspicion or hunch; and
 - 2.2 The scope of the search is not excessively intrusive in light of the nature of the infraction and the age and gender of the student.
3. The Academy shall publicize its locker procedures through normal school communications.
4. GVRA shall require students wishing to use lockers to acknowledge and accept by signature the school procedures governing locker use and supervision. (See App A: Locker Use Agreement)
5. Reasonable and probable grounds for conducting a search shall be recorded in writing.
6. It is preferable that the student's consent to the search be obtained, in the interests of harmonious student/administrative relations.
7. The student should be present during the search.
8. When school officials conduct the search, a third party of their choice must be present as a witness.
9. If the proposed search involves a suspicion of criminal activity, then the police should be contacted and the case turned over to them.
10. If the police wish to search a student's person, personal property, or locker, and if they possess a search warrant, the school officials must not intervene. If the police do not possess a search warrant, they may be permitted to proceed at the school's discretion.
11. The principal shall report to the Superintendent any concerns about the procedures used.

Reference: Sections 11, 32, 33, 36, 52, 53, 197, and 222 Education Act
Child, Youth and Family Enhancement Act
Child First Act
Controlled Drugs and Substances Act
Youth Criminal Justice Act
Criminal Code (Canada)