



Q & A

GORDON THOMAS,
Executive Secretary

Searching Student Lockers

Q: I am the principal of a school. Do I have the right to search student lockers?

A: A student attending school has a reasonable expectation of privacy as per section 8 of the *Charter*. However, the principal and teachers are charged under the *School Act* with providing a safe environment for students and staff and for maintaining the order and discipline in the school. Although the reasonable

expectation of privacy would exclude random searches, Justice Cory, in the 1998 Supreme Court case of *R v. M.R.M.*, reasoned that “they [students] must know that this may sometimes require searches of students and their personal effects and the seizure of prohibited items. It would not be reasonable for a student to expect to be free from such searches. A student’s reasonable expectation of privacy in the school environment is therefore significantly diminished.” A search by school officials of a student under their authority may be undertaken if there are reasonable grounds to believe that a school rule has been or is being violated, and that evidence of the violation will be found in the location or on the person of the student searched. Further, school lockers are the property of the school board and are used by the students only with the permission of the school. School authorities should inform their students of the school’s right to search lockers and to remove locks. School authorities should have appropriate policies in place to communicate that there is a reduced expectation of privacy for students.