

## ADMINISTRATIVE PROCEDURE NO. 311

# INTERVIEWING OF STUDENTS – INVESTIGATION OF OFFENCES

### Background

It is recognized that, from time to time, it will be necessary for the principal or a member of the school staff to question a student regarding a breach of the school rules or an incident that occurred within the school. It is also recognized that members of outside agencies, such as the Royal Canadian Mounted Police (to be referred to as RCMP) or Child and Family Services Authority workers (to be referred to as CFSA), may wish to interview a student, or students, at school during the school day.

### Procedures

1. The Board strongly encourages investigating officers and officials to conduct their investigation of students away from the school, unless they deem such interviews essential to proper investigation.
2. Interviews and searches will be conducted in a manner that ensures students' individual rights are protected.
3. In the case of investigations into internal school matters, the following shall apply:
  - a. The classroom teacher and the principal shall have the right and responsibility to question students in private regarding minor breaches of classroom or school rules;
  - b. The principal shall notify the parents immediately in those cases where the principal deems the matter under investigation to be serious and warranting punishment that would be other than routine.
4. Interviews with CFSA:
  - a. When CFSA personnel find it necessary to visit a school to interview a student, they shall report to the principal, provide appropriate identification of themselves, and the purpose of their visit as a child intervention visit prior to the principal allowing access to the child.
  - b. The principal shall facilitate access to the student.

- c. The principal shall seek assurance from the CFSA worker that the parents will be informed about the investigation if it involves students under the age of 18 and seek information as to when that might occur.
- d. During an investigation, CFSA workers have the power to apprehend a child where there is sufficient evidence to suggest the child is in need of protection (evidence includes legal documents, court orders and similar documents).

5. Interviews with RCMP:

- a. The principal is responsible for protecting the individual rights of the student, which includes informing the student of the right to have parents and/or counsel present during questioning. The student must be informed of the right to decline to be interviewed or to make a statement.
- b. The principal shall notify students who are 12 years of age or older of their right to have their parents, or other adult counsel, present during any RCMP questioning.
- c. The principal shall insist that the parents of a student, who is under the age of 12, be present for any questioning taking place by RCMP. If the parents are unavailable, the principal shall stand IN LOCO PARENTIS and sit in on the interview

5.1 SUSPECTED CRIMINAL ACTIVITY - In the case of investigations into suspected criminal activities, the following shall apply:

- a. The principal shall question the investigating police officers or officials of other agencies as to the urgency of the matter and if not deemed urgent they should be advised that they are to deal with the matter at the student's residence and outside of school hours.
- b. The principal must immediately attempt to contact the parents of any student whom the police wish to interview.
- c. The principal shall bring the student to the office where the interview will take place in the presence of an adult.
- d. If the student is 18 years of age or older, the right to have parents or counsel present may be waived. In these cases, the principal shall have the student sign the waiver form in the presence of the principal and another adult witness.

- e. Before removing a student from the school the police officer should communicate with parents and inform them of the course of action taken.
  - f. In the event that a school staff member is to be questioned about a student in regards to an RCMP investigation, the principal shall require the interviewer to provide appropriate identification and advise as to the nature of the interview. The principal will determine if the interviewer has authority to receive information about a student (i.e., FOIP). The principal and/or staff member will inquire with the investigating person when the student's parent(s) will be notified. While the school realizes that notification of the parents is the responsibility of the interviewer, the school shall do all possible to ensure the student and family is informed.
6. Principals, teachers, counselors and other school staff are under no legal obligation to give police officers information which has been given to them by a student regarding an offence.
7. The proceedings of an RCMP interview should be carefully documented with particular attention given to the following:
- Date;
  - Time;
  - Names of persons present;
  - Information provided regarding informing of rights;
  - Digest of the conversation;
  - Time of conclusion; and
  - Disposition – action to be taken.
8. Any unusual circumstances must be reported to the Superintendent whether this involves an internal school matter, interview with CFSA or RCMP investigation.