



Nelson College Boarding

Surrender & Retention of Property and Searches' Procedure

This procedure is designed to assist Nelson College Boarding deal with situations where the safety of students, staff or the school is compromised.

- Boarding is required to provide a safe physical and emotional environment for students and staff
- Parents, students, and the public will have a legitimate expectation that the boarding environment will be free from drugs, weapons, alcohol, and cyber bullying
- Everyone has the right to be secure against unreasonable search or seizure
- Boarding must be able to justify their actions as reasonable and necessary to maintain a safe environment
- Parents will be informed if surrender or search of items has taken place

KEY FEATURES

- Likely to endanger the safety of others
- Likely to detrimentally affect the learning environment
- **Harmful** by posing an immediate threat to the physical or emotional safety of any person

Device – something electronic

Item – everything else

Surrender of Items & Devices

- If any of the key features are compromised, then requiring students to produce, reveal & surrender items in their possession is reasonable
- If a student refuses to show or surrender an item on their person, that is **harmful**, and/or likely to endanger safety or detrimentally affect the learning environment, then boarding's usual disciplinary process may apply
- If a student refuses to show or surrender an item not on their person, that is **harmful**, and/or likely to endanger safety or detrimentally affect the learning environment, then a search can be conducted and boarding's usual disciplinary process may apply

Search for Items & Devices

- If there is a belief that a student has something that is **harmful**, then a search is reasonable
- A robust investigation process is important
- A search should be conducted by a Housemaster or a member of the SLT
- A search should be conducted by two members of staff
- Staff **MUST** require the student to remove outer clothing or surrender a bag or other belongings in which they believe the device is being stored
- Staff may **NOT** search clothing while it is still being worn by a student
- If a student refuses to remove the outer clothing or surrender a bag or other belongings, then boarding's usual disciplinary process may apply
- A search of a student's belongings within the boarding environment should be conducted with the student(s) present
- Blanket searches of any kind are not permitted

There is a clear distinction between boarding property and a student's property. Boarding can search any part of its own property (including its own digital property)

- At any time
- For any reason
- By any means (if it acts professionally and is reasonable)

Boarding property/environment includes:

- Storage receptacles
- All buildings used for Boarding
- Boarding grounds
- Vehicles owned by Boarding

Boarding can search any property within the boarding environment belonging to students if any of the key features are compromised/there are reasonable grounds.

Retention/Disposal of Items & Devices

- If an item is surrendered, or found during a search, then staff may retain and/or dispose of it with parent(s) permission
- If a device is surrendered, or found during a search, staff may retain it but cannot dispose of it
- Items & devices retained must be stored appropriately
- After a reasonable period of retention, items & devices must be returned to the student, passed on to parent(s) or police.

Discipline Process

- Boarding can always act on good information
- Staff do not need to have recovered an item or catch a student red-handed to decide what to do

- Boarding can rely on other evidence (circumstantial & witness statements) to take disciplinary action
- If staff have a belief on reasonable grounds that a certain situation exists, then it is valid
- High value theft should be reported to police

Based on MOE Guidelines for the surrender and retention of property and searches January 2014.