



INTERVIEWING STUDENTS

Background

Board Policy 1: Board Mandate, Mission, Vision, Values and Goals indicates our schools are called to provide a welcoming, safe, and accepting sanctuary for all. The Principal or a member of the school staff may have to question a student regarding a breach of the school rules or an incident that occurred within the school. Searches of divisional or student property /student searches may also be required as per *Administrative Procedure 321*. It is recognized that members of outside agencies, such as police officers and social workers may also have a need to interview a student at school during the school day.

School staff are expected to cooperate with the police or other appropriate civilian authorities in the execution of their duties. However, staff also have a responsibility to function in the place of the parent/guardian during school hours, if the parent/guardian cannot be reached.

Procedures

1. The Principal is responsible for protecting the individual rights of the student which includes informing the student of the right to have a parent/guardian and/or counsel present during questioning.
2. Interviews and searches shall be conducted in a manner which ensures that the rights of the student are protected.
3. No person except the custodial parent/guardian, law enforcement officer, or social worker may interview a student at the school.
4. In the case of law enforcement officers wishing to interview a student at school, the following shall apply:
 - 4.1 When authorized persons find it necessary to visit a school to interview a student, they shall be required to report to the main office, provide appropriate identification of themselves and make known the purpose of their visit.
 - 4.2 Attempts should be made to contact the parents/guardians, if possible, parents or guardians should be present at the interview, except in cases where the investigation allegedly has to do with child abuse by the parent/guardian. Should the parent/guardian be able to come to the school, the law enforcement officers shall be required to wait until the parent/guardian arrives to begin the interview.
 - 4.3 If the child is under 12 years of age and the parent/guardian cannot be present, the Principal or another staff member can sit in during the interview, to represent the child.

- 4.4 If the parent/guardian cannot be present, for students who are 12 and under the age of 18, the Principal or designate does not automatically have the right to be present at interviews. The student has the right to select his/her own counsel.
 - 4.5 The law enforcement officer is responsible for informing the student (ages 12 to 17) that:
 - 4.5.1 The student is under no obligation to give a statement.
 - 4.5.2 Any statement given by the student may be used as evidence in proceedings against him/her.
 - 4.5.3 The student has the right to consult with legal counsel or a parent/guardian; or, in the absence of a parent/guardian or adult relative, any other appropriate adult (over 18) of his/her choice.
 - 4.5.4 Any statement made by the student must be made in the presence of the person consulted unless the student expressly waives that right in writing.
 - 4.6 If a police officer wishes to remove a student from the school, then the Principal or designate shall require the police officer to contact the student's parent/guardian and advise them of the action being taken. If the parent/guardian cannot be contacted, then the Principal shall immediately notify the Superintendent's office.
5. In the case of a requested interview by a social worker, the following shall apply:
- 5.1 When social workers find it necessary to visit a school to interview a student, they shall be required to report to the main office, provide appropriate identification, and indicate why the interview must be conducted.
 - 5.2 If the matter is urgent and there is a need to conduct the interview during school hours, the Principal or designate shall facilitate access to the child.
 - 5.3 Interviews are to be permitted on school premises in cases of suspected neglect or suspected physical/sexual abuse.
 - 5.4 The Principal or designate is to receive assurance from the social worker that the parent or legal guardian will be informed about the investigation if it involves students under 18 years of age.
 - 5.5 The responsibility for notifying the parent/guardian about an investigation rests with the social worker.
 - 5.6 The Principal or designate should clarify with the social worker as to when contact with the parent/guardian will be made.
 - 5.7 The Principal or designate, following consultation with the student and the social worker will determine whether or not it is in the best interest of the student to have a staff member sit in on the interview.
 - 5.8 Social service agencies have the power to apprehend a child where there is sufficient evidence to suggest the child requires protection.
 - 5.9 Social workers are not authorized to take a student from the school unless they have a Court Apprehension Order or the child is under their

Guardianship.

- 5.10 The Principal or designate shall ensure that a written record of the identity of the social worker, the date and time of the interview and the name of the student

References **Sections 52, 53, 197 *Education Act***
 Child, Youth and Family Enhancement Act
 Children First Act
 Controlled Drugs and Substances Act (Canada)
 Youth Criminal Justice Act (Canada)
 Criminal Code (Canada)