

CONFISCATION AND RETURN OF PERSONAL ITEMS PROCEDURE

RATIONALE:

Hamilton-Wentworth District School Board (HWDSB) is committed to providing a clear and consistent approach for managing the confiscation and return of personal items, including electronic devices and prohibited items, ensuring safety, security, and adherence to school policies.

TERMINOLOGY:

Confiscate: Refers to the act of temporarily or permanently taking possession of personal items by authorized personnel, such as law enforcement or school staff, when these items are in violation of specific rules or regulations.

Personal Items: Items that individuals carry or possess. Examples may include:

- Clothing, accessories, and personal bags.
- Technology: Devices such as mobile phones, laptops, and tablets.
- Documents: Personal identification, permits, and paperwork.
- Miscellaneous: Items like food, drinks, prohibited items or personal care products.

Prohibited Items: May include personal mobile devices where their use violates board procedure or policy, weapons or dangerous items; vapour, tobacco, nicotine and cannabis products; or any other prohibited items that students have brought to school. These items are often confiscated and may be handed over to law enforcement if necessary.

Tobacco or Tobacco Products: Any product containing, made, or derived from tobacco intended for smoking, inhaling, chewing, or snuffing. This includes products such as cigarettes, cigars, cigarillos, pipes, hookahs, smokeless tobacco (e.g., chewing tobacco), and snuff.

Cannabis or Cannabis Products: Cannabis as defined in the Cannabis Act (Canada), which includes any part of the cannabis plant (including phytocannabinoids, but excluding non-viable seeds), or any substance or mixture of substances containing any part of the cannabis plant.

Possession: Refers to having custody or control over any tobacco product, cannabis products or vapour product. Possession includes both actual physical possession and constructive possession (where the person has control or the right to control the item).

Constructive possession: In the context of possession of tobacco or cannabis products under the Smoke-Free Ontario Act, constructive possession means that a person is considered to possess the item if they have:

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- Knowledge: Awareness of the presence and nature of the item.
- Control: The ability to access or direct the use of the item, either personally or through others.

Personal Mobile Device (PMD): As defined in Ontario's Policy/Program Memorandum (PPM) 128, PMDs are electronic devices that can be used for various communication, educational, and entertainment purposes. This includes smartphones, tablets, laptops, smartwatches, and other portable computing devices that can store, access, and transmit data.

Educational Use: Personal mobile devices may be used in the classroom for educational purposes, as directed by the teacher. This includes accessing educational resources, collaborating on assignments, and other activities that support learning objectives.

Non-Educational Use: The use of personal mobile devices for non-educational purposes during instructional time is generally prohibited. This includes texting, social media, gaming, and other activities not related to learning.

PROCEDURES:

1.0 Purpose

- 1.1 This procedure outlines HWDSB's approach to how schools manage the confiscation and return of prohibited items, such as drugs or weapons, and personal electronic devices that are used inappropriately.
- 1.2 This procedure establishes a framework for progressive discipline and support for students found in violation of the Code of Conduct, Modern Learning or related policies and procedures.

2.0 Confiscation of Personal and Prohibited Items

- 2.1 HWDSB Code of Conduct Policy and related procedures prohibit certain items on school property to ensure a safe and secure environment for students and staff. Other personal items may be confiscated as part of an incident investigation.
- 2.2 Items including weapons, drugs, alcohol, vapour, nicotine or tobacco products and other contraband are strictly prohibited on school property.
- 2.3 If a student is found with prohibited items, school staff are required to confiscate these items from the student's possession.

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- 2.4 Confiscated items are handled safely, appropriately and immediately removed to a secure location. This may involve notifying law enforcement as required by the Police Protocol.
- 2.5 Record details of the confiscation, including the nature of the item, the reason for confiscation, and any involved parties.
- 2.6 Refusal to relinquish prohibited items will be considered failure to follow direction from staff and will be dealt with accordingly using HWDSB's Progressive and Bias-Free Discipline Policy.
- 2.7 Inform the student's parents/caregivers of the confiscation and the next steps.
- 2.8 Enter investigation notes and the record of communication with families/caregivers/FOS SOSA into Log Notes in PowerSchool.
- 2.9 Staff have the legal duty to ensure the safety of students and themselves. This duty includes taking reasonable steps to prevent harm and responding appropriately when incidents occur.
 - 2.9.1 Faced with a situation where a student refuses to relinquish a prohibited item, and this situation poses a threat to their safety or well-being, balance the need for immediate safety.
 - 2.9.2 Avoid direct confrontation with the student if it jeopardizes their safety or the safety of others. The primary goal is to de-escalate the situation safely.
 - 2.9.3 Ensure that students and others are moved to a safe area away from the immediate threat. This may involve initiating lockdown procedures if necessary.
 - 2.9.4 If a student refuses to relinquish the weapon, staff are expected to immediately contact emergency services and the immediate supervisor (e.g. Principal, Vice-Principal, or Superintendent).
- 2.10 All confiscated items should be stored securely to prevent loss or damage.
- 2.11 Handle all items with care, following safety protocols to avoid any potential hazards.

3.0 Confiscation of Personal Mobile Devices

- 3.1 Restricting the use of personal mobile devices during instructional time helps to minimize distractions, allowing students to focus on learning activities. This contributes to a positive and productive learning environment.

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- 3.2 HWDSB has a Personal Mobile Device Procedure which defines the appropriate use of personal mobile devices (PMDs) such as smartphones, tablets, and laptops.
- 3.3 Schools will enforce the procedure for using personal mobile devices. Violations of the procedure may result in consequences, which can include confiscation of the device, communication with parents/caregivers, and other disciplinary actions as outlined in the related HWDSB policies.
- 3.4 If a student uses an electronic device inappropriately or in violation of school procedure, staff may confiscate the device. This includes instances where the device disrupts the learning environment or is used in ways that contravene the HWDSB Code of Conduct Policy.
- 3.5 If a device is confiscated:
 - 3.5.1 Record details of the device, including the student's name, the reason for the confiscation and the time and date.
 - 3.5.2 Keep the device in a secure location.
 - 3.5.3 Inform the student's parents/caregivers of the confiscation and the next steps.
 - 3.5.4 Parent/caregivers may be required to pick up the device, depending on the school's specific procedures, especially if the infraction is repeated or significant.
 - 3.5.5 Enter investigation notes and the record of communication with families/caregivers/FOS SOSA into Log Notes in PowerSchool.
- 3.6 In all cases:
 - 3.6.1 The student is responsible for their personal mobile device (PMD), how they use it and the consequences of not following HWDSB's procedure on personal mobile device use.
 - 3.6.2 Students have the option to store them in lockers or not bring them to school.
- 3.7 Refusal to relinquish personal mobile devices will be considered failure to follow direction from staff and will be dealt with accordingly using HWDSB's Progressive and Bias-Free Discipline Policy.

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4.0 Return of Confiscated Items

4.1 Return or Management of Prohibited Items

4.1.1 Confiscated prohibited items will not be returned. Items related to legal issues, such as drugs or weapons, will be handed over to law enforcement as per the Police Protocol.

4.1.2 Enter investigation notes and the record of communication with families/caregivers/FOS SOSA into Log Notes in PowerSchool.

4.2 Return of Personal Mobile Devices

4.2.1 Confiscated electronic devices are generally returned to students or their parents/guardians following a meeting with the school Principal/Vice-Principal. The return may be contingent on discussions about the violation, legal issues, and any required disciplinary actions as per HWDSB's Personal Mobile Device Procedure.

4.2.2 Enter investigation notes and the record of communication with families/caregivers/FOS SOSA into Log Notes in PowerSchool.

5.0 Progressive Discipline

5.1 When personal items are confiscated, schools will apply the principles of progressive discipline, while considering mitigating factors, up to and including suspension/expulsion.

*Revision
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