ST STITHIANS COLLEGE

POLICY: SEARCH AND SEIZURE

(September 2025)

1. DEFINITIONS

In this Policy, unless the context clearly indicates otherwise, the following words and phrases bear the meanings set out below:

1.1 **"College Premises"** means the physical premises upon which the College and/or any of its facilities are situated.

1.2 **"The College"** means St Stithians, collectively consisting of all of the schools within the St Stithians College group of schools.

1.3 **"The Constitution"** shall mean the Constitution of the Republic of South Africa, 1996.

1.4 **"Dangerous Object"** means:

1.4.1 any explosive material or device;

1.4.2 any firearm or gas weapon;

1.4.3 any article, object or instrument that may be employed to cause bodily harm to a person or damage to property, or to render a person temporarily paralysed or unconscious; or

1.4.4 any other object that may be declared to be a dangerous object for the purpose of the Act.

1.5 **"Head of School"** shall mean the head of St Stithians, whether that be in relation to the Boys' College, Girls' College, Boys' Preparatory, Girls' Preparatory or Junior Preparatory.

1.6 **"Illegal Activity"** means the wilful possession of an Illegal Drug, cannabis and/or any derivative and/or by-product of any such substances, alcohol, Dangerous Object/s or stolen item/s, including the cultivation of cannabis or similar substances on the School Premises.

1.7 **"Illegal Drug"** means any drug defined in the Drugs and Drug Trafficking Act 140 of 1992, that is used or possessed in contravention of section 4 of this Act.

1.8 **"Parent"** means a parent or parents or legal guardian of the Students enrolled at the School.

1.9 **"Pat-Down Body Search"** means a physical search undertaken by the Head of School or their delegate, such delegate being of the same gender as the Student concerned, in terms of which the Student's outer and primary layer of clothing is patted down with an open hand in a manner consistent with discovering anything that may have been concealed.

1.10 **"Personal Effects"** means personal items belonging to, and in possession of, a Student whilst they are on School Premises and/or attending a School Activity.

1.11 **"Policy"** means this Search and Seizure Policy.

1.12 **"Prohibited Item"** means any Illegal Drug, Prohibited Substance, Dangerous Object or stolen item.

1.13 **"Prohibited Substance"** means any substance which has the potential of being abused which includes but is not limited to Illegal Drugs, alcohol, tobacco products, e-cigarettes/vapes and/or similar products, anabolic steroids and cannabis and/or any derivative and/or paraphernalia associated with these substances and/or products.

1.14 **"Property"** includes but is not limited to bags, cars, motorbikes, book bags and sports bags.

1.15 **"Reasonable Suspicion"** means any suspicion created by, without limitation, any of the following circumstances:

1.15.1 a whistle-blower's informing the Head of School of an Illegal Activity;

1.15.2 a report or reports from Parents/Guardians and/or other school stakeholders;

1.15.3 closed-circuit television (CCTV) footage that suggests Illegal Activity;

1.15.4 reasonably substantiated rumours that a Student is participating in any Illegal Activity, is in possession of any Prohibited Item or is using a Prohibited Substance;

1.15.5 the discovery of Illegal Drugs, Prohibited Substances and/or Prohibited Items on the College Premises;

1.15.6 the knowledge of or receipt of threats pertaining to the use of Dangerous Objects or Prohibited Items against other Students or members of staff;

1.15.7 injury caused by Dangerous Objects; or

1.15.8 any other reasonable indication related to, inter alia, Illegal Activities, Dangerous Objects, Prohibited Substances and/or Prohibited Items.

1.16 **"SAPS"** means the South African Police Service;

1.17 **"School Activity"** means any educational, cultural, recreational sporting or social activity of the College within or outside the College Premises, including virtual and/or online College-related activities;

1.18 **"Schools Act"** means the South African Schools Act 84 of 1996;

1.19 **"Strip Search"** means a more extensive search of a Student's person, which may entail the removal of clothing. Such search may be undertaken only by the South African Police Service ("SAPS"), if, as a result of a Pat-Down Body Search or Reasonable Suspicion, the Head of School has good reason to believe that any Prohibited Items are concealed on the body or person of the Student concerned; and

1.20 **"Student"** means a Student enrolled at the College.

2. PURPOSE AND AIM OF THIS POLICY

2.1 The purpose of this Policy is to provide the College with standardised procedures to search Students and seize certain items found in their possession. This is aimed at curtailing incidents of violence and substance abuse, thereby ensuring a safe and positive learning environment at the College.

2.2 This Policy is principally guided by the legislative guidelines set out in the Schools Act and shall be implemented with due regard to the rights enshrined in the Constitution.

3. PROHIBITION

No Student may:

3.1.1 bring any Prohibited Item or allow such item to be brought onto the College Premises or to a School Activity;

3.1.2 carry or store any Prohibited Item on the School Premises or on any premises at which a School Activity is carried out; or

3.1.3 possess any Prohibited Item and/or be under the influence of any Prohibited Substance.

4. SEARCH AND SEIZURE AUTHORITY

4.1 The Head of School or their delegate may, at random and without a warrant, search any Student or the property (including the vehicle) of a Student for any Prohibited Items if he/she has a Reasonable Suspicion that:

4.1.1 a Prohibited Item may be found on the School Premises or during a School Activity; or

4.1.2 one or more Students on the School Premises or engaged in a School Activity are in possession of a Prohibited Item.

4.2 The Head of School or his/her delegate may, without a warrant, seize any Prohibited Item found on the School Premises or during a School Activity, or found on any person who is on the School Premises or engaged in a School Activity.

4.3 The Head of School or their delegate may conduct a search in these circumstances only after taking into account all relevant factors, including but not limited to:

4.3.1 the best interests of the Student(s) in question or any other Student at the College;

4.3.2 the health and safety of the Student(s) in question or of any other Student at the College;

4.3.3 reasonable evidence, which may include rumours with supporting evidence, of a Prohibited Item or Illegal Activity; and

4.3.4 Reasonable Suspicion.

5. THE PROCEDURE FOR CONDUCTING A SEARCH

5.1 General

5.1.1 All searches contemplated in this Policy will be conducted in a manner that is reasonable and proportional in the context of the prevailing circumstances and suspected Illegal Activity or possession of a Prohibited Item.

5.1.2 The Parent/Guardian of a Student below the age of 12 (twelve) years old must give their permission before any physical search of the Student may be

conducted. The Parent/s of the Student concerned are entitled to be present during the physical search and in such cases they may conduct the search themselves.

5.2 The Use of "Sniffer Dogs"

The College may from time to time use "sniffer dogs" for the purposes of locating any Prohibited Items, particularly when there is Reasonable Suspicion that any such Prohibited Item has been concealed or disposed of on the College Premises.

5.3 Pat-Down Body Search

5.3.1 A Pat-Down Body Search will be conducted in a private area and not in view of any other Student.

5.3.2 The Student will be requested to place loose items from pockets and clothing on a table or desk for inspection. To facilitate this search, the Student will further be requested to remove "outer clothing" such as blazers, sweaters, jerseys and/or head coverings.

5.3.3 The person conducting the search will, wherever possible, wear latex gloves and use an open hand to pat down the primary layer of clothing of the Student in a manner as is consistent with discovering anything that may have been concealed.

5.3.4 Only the Head of School, Deputy Head of School or his/her delegate may conduct the search, and only if they are of the same gender as the Student. A second member of staff of the School must be present to witness the Pat-Down Body Search.

5.4 Strip Search of a Student

If, as a result of a Reasonable Suspicion or a Pat-Down Body Search, the Head of School or his/her delegate has good reason to believe that any Prohibited Item is concealed on the body or person of a particular Student, the Head of School may request a member of SAPS to conduct a more extensive search of the Student's person, which may entail the removal of clothing. The Head of School or their delegate must inform the Parent/s of the Student before requesting the SAPS.

5.5 Refusal by Student

5.5.1 Should a Student refuse to be subjected to a search of their person, the Head of School must contact the Parent/s of the Student concerned and inform them that the Student is unwilling to cooperate in a lawful search and seizure procedure as provided for in the Schools Act and set out in this Policy.

5.5.2 If the Parent instructs the Student to cooperate, then the search may proceed. However, if the Parent and the Student refuse to cooperate, the matter and the Student may be handed over to the SAPS in order for a search to take place in terms of the Criminal Procedure Act 51 of 1977.

6. THE PROCEDURE FOR THE SEIZURE OF PROHIBITED ITEMS

6.1 The Head of School or his/her delegate will label any Prohibited Items that they seize with full particulars, including:

6.1.1 the name of the Student in whose possession it was found;

6.1.2 the time and date of the search and seizure;

6.1.3 an incident reference number;

6.1.4 the name of the person who searched the Student;

6.1.5 the name of the witness, i.e. second member of staff present at the search; and

6.1.6 any other details that may be necessary to identify the item and the incident.

6.2 If the Head of School or their delegate seizes a Prohibited Item, they will record this information in an email to the Student's Parent/s. Depending on the nature of the Prohibited Item and whether it could be subject to a SAPS investigation, the College may hand the item over to the SAPS. In the event that a stolen item is recovered, and no criminal charge is contemplated against the Student concerned, the stolen item will be returned to its rightful owner.

6.3 To the extent that a Student's possession of a Prohibited Item is not deemed to be illegal and/or coupled with a legal obligation on the College to report the Prohibited Item to SAPS, a Student may be subjected to internal disciplinary proceedings, as set out in the College's Code of Conduct: Students and Disciplinary Policy Procedure. The Head of School or his/her delegate has the sole discretion to choose whether to bring disciplinary proceedings against the Student.

Adopted by College Executive Committee: 29 September 2008
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