



Lesson Plans - Law

Thinking About our Rights and Freedoms

You Be The Judge

Updated June 15, 1998

The Locker Search

Facts: Rajiv was offended by Harvey's "paki" jokes and claimed Harvey was a racist. Later, a fight developed after Harvey told another joke and called Rajiv a "dumb raghead". Rajiv punched Harvey three times, hard. The fight was broken up by teachers and both boys were suspended for three days. Harvey's father met with the principal and complained that he was afraid for his son's life - noting that Rajiv wore a kirpan. Students at the school were choosing sides, based partly on skin color. The principal responded to the increasing tensions at school by searching student lockers where she suspected there might be weapons, alcohol, or drugs. Under the province's *Education Act*, the principal has a legal duty to maintain order and discipline in the school.

Suppose one of the students whose locker was searched complained that the locker search was against the law.

Issue: Whether or not the locker search was justifiable in these circumstances.

Decision: (with reasons):

Prohibiting Kirpans

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Harvey three times, hard. The fight was broken up by teachers and both boys were suspended for three days. Harvey's father met with the principal and complained that he was afraid for his son's life - noting that Rajiv wore a kirpan. Students at the school were choosing sides, based partly on skin color. The principal phoned Rajiv's home and told his parents that he could not come back to school wearing his kirpan. She told them she was relying on a government regulation which allows school officials to prohibit students from wearing kirpans on school grounds.

Suppose Rajiv's parents think the principal's order is against the law.

Issue: Whether or not the government regulation unjustifiably interferes with Rajiv's fundamental freedom to practice the Sikh religion.

Decision (with reasons):

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