

REPORT TO BOARD OF TRUSTEES November 27, 2018

Deb Crawford, Director of Education

SUBJECT: Policy Approval – Corporate Services

PREPARED BY: Amy Janssens, Associate Director – Corporate Services & Treasurer

BACKGROUND:

Sec. B Policy – Freedom of Information and Protection of Privacy Act (FIPPA) was presented with no changes to the Board of Trustees for review on October 23, 2018.

Sec. B Policy – Copyright: Fair Dealing Guidelines has been updated and was presented to the Board of Trustees for review on October 23, 2018.

Sec. B Policy – School Generated Funds has been updated and was presented to the Board of Trustees for review on November 13, 2018.

Sec. B Policy – Fundraising has been updated and was presented to the Board of Trustees for review of November 13, 2018.

Sec. C Policy – Video Surveillance has been updated and was presented to the Board of Trustees for review on November 13, 2018.

These updated policies are presented to the Board of Trustees for approval effective November 27, 2018.

RECOMMENDATION:

That the St. Clair Catholic District School Board receive the report: *Policy Approval – Corporate Services*, for information.

That the St. Clair Catholic District School Board approve *Sec. B Policy – Freedom of Information and Protection of Privacy Act (FIPPA)*, effective November 27, 2018.

That the St. Clair Catholic District School Board approve *Sec. B Policy – Copyright: Fair Dealing Guidelines*, effective November 27, 2018.

That the St. Clair Catholic District School Board approve *Sec. B Policy – School Generated Funds*, effective November 27, 2018.

That the St. Clair Catholic District School Board approve *Sec. B Policy – Fundraising*, effective November 27, 2018.

That the St. Clair Catholic District School Board approve *Sec. C Policy – Video Surveillance*, effective November 27, 2018.

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FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FIPPA)	POLICY
EFFECTIVE: 2000 12 01 / 2006 11 21 / 2013 01 22 / 2018 11 27	

POLICY STATEMENT:

The St. Clair Catholic District School Board acknowledges and supports the public's right to receive accurate public information from the Board within reasonable timelines.

POLICY GOAL:

The St. Clair Catholic District School Board will conduct business in an open manner and will provide access to information and records in accordance with legislation.

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COPYRIGHT: FAIR DEALING GUIDELINES	POLICY
EFFECTIVE: 2012 11 13 / 2018 11 27	

POLICY STATEMENT:

The St. Clair Catholic District School Board supports staff in the copying and sharing of published materials within the context of respecting intellectual property and copyright laws.

POLICY GOALS:

1. To comply with the Fair Dealing Guidelines as developed by the Council of Ministers of Education Canada (CMEC) Copyright Consortium.
2. To communicate the Fair Dealing Guidelines to all school locations on an annual basis.
3. To provide direction to all staff to support their understanding of the obligations of the school board in accordance with the Copyright Modernization Act.

DEFINITIONS:

Fair Dealing – A user's right outlined in the Copyright Act that identifies allowable purposes (or dealings) for the use of copyright protected materials without permission or payment of copyright royalties.

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COPYRIGHT: FAIR DEALING GUIDELINES	PROCEDURE
EFFECTIVE: 2012 11 13 / 2018 11 27	

APPLICABLE REFERENCES:

- Policy – Copyright: Fair Dealing Guidelines
- Copyright Modernization Act
- Fair Dealing Guidelines – Council of Ministers of Education Canada (CMEC) Copyright Consortium

ADMINISTRATIVE PROCEDURES:

1.0 Responsibility

- 1.1 The Manager – Information Services or designate will communicate these procedures on an annual basis to all staff.
- 1.2 The Manager – Information Services will provide Fair Dealing Guidelines to be posted in a visible location at each photocopier.

2.0 Expectations

- 2.1 Teachers and staff members may communicate and reproduce, in paper or electronic form, short excerpts from a copyright-protected work for the purposes of research, private study, criticism, review, news reporting, education, satire and parody.
- 2.2 Copying or communicating short excerpts from a copyright-protected work under these procedures for the purpose of news reporting, criticism or review should mention the source and, if given in the source, the name of the author or creator of the work.
- 2.3 A single copy of a short excerpt from a copyright-protected work may be provided or communicated to each student enrolled in a class or course:
 - a. as a class handout;
 - b. as a posting to a learning or course management system that is password protected or otherwise restricted to students of a school or post-secondary educational institution;
 - c. as part of a course pack.
- 2.4 A short excerpt means:
 - a. up to 10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work);
 - b. one chapter from a book;
 - c. a single article from a periodical (including newspapers, magazines and academic journals);

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- d. an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works, not an entire stand-alone image;
 - e. an entire single poem or musical score from a copyright-protected work containing other poems or musical scores
 - f. an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work
- 2.5 You can reproduce an entire work from the Internet (e.g. website content such as an image or text) and communicate it to your students as long as you are not breaking a technological protection measure and there is no “clearly visible notice” prohibiting copying.
- 2.6 Copying or communicating multiple short excerpts from the same copyright-protected work, with the intention of copying or communicating substantially the entire work, is prohibited.
- 2.6 Copying or communicating that exceeds the limits in these procedures shall be referred to a supervisor (i.e. Superintendent, Principal, and Manager). An evaluation of whether the proposed copying or communication is permitted under fair dealing will be made based on all relevant circumstances.
- 2.7 Any fee charged for communicating or copying a short excerpt from a copyright-protected work must be intended to cover only the costs of the institution, including overhead costs.

3.0 Additional Information

- 3.1 The St. Clair Catholic District School Board is committed to the principles of equity and inclusive education, consistent with our Catholic teachings, which value and promote human rights and social justice in all Board policies, programs, guidelines, operations and practices.

DEFINITIONS:

Fair Dealing – A user’s right outlined in the Copyright Act that identifies allowable purposes (or dealings) for the use of copyright protected materials without permission or payment of copyright royalties.

Technological protection measure – a system put in place by the owner of a piece of copyright material which can be used to restrict access to the piece of copyright material. (Examples include passwords and regional encoding.)

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SCHOOL GENERATED FUNDS	POLICY
EFFECTIVE: 2000 12 01 / 2015 04 28 / 2018 11 27	

POLICY STATEMENT:

The St. Clair Catholic District School Board requires accountability for school generated funds bank accounts, a system for reporting on the use of school generated funds and procedures for the planning, collection, accounting and management of school generated funds.

POLICY GOALS:

1. To promote financial integrity, accountability and transparency.
2. To ensure that school generated funds are adequately safeguarded, deposited and used to enhance student learning and well-being.
3. To ensure that reporting mechanisms are in place for full disclosure of the source and use of school generated funds.
4. To provide guidance, authority and protection to school staff and fundraising volunteers by providing a specific directive for administration of school generated funds.

DEFINITIONS:

School Generated Funds – All funds collected in the name of a school or by the school for other charitable organizations.

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SCHOOL GENERATED FUNDS	PROCEDURE
EFFECTIVE: 2000 12 01 / 2015 04 28 / 2018 11 27	

APPLICABLE REFERENCES:

- Policy – School Generated Funds
- Policy and Procedures – Purchasing
- Policy and Procedures – Fundraising
- Policy and Procedures – Student Fees
- Policy and Procedures – Catholic School Community Council

ADMINISTRATIVE PROCEDURES:

1.0 Responsibility

- 1.1 The Treasurer of the Board will be responsible for the implementation of this policy and procedure.
- 1.2 The Manager – Financial Services and the Manager – Planning and School Business Support Services will be jointly responsible for developing and maintaining School Generated Funds guidelines.
- 1.3 The Principal will be responsible for ensuring that all individuals involved in the planning, collection, accounting, management and reporting of school generated funds understand and abide by this procedure and the School Generated Funds guidelines.

2.0 Expectations

- 2.1 School generated funds and the related expenditures must have a purpose that falls within the overall strategic direction of the Board, reflects the needs of the School Improvement Plan and enhances student learning and well-being.
- 2.2 All school generated funds activities must comply with Board Policy and Procedures: Purchasing, Fundraising, Student Fees and Catholic School Community Council.
- 2.3 School Generated Funds guidelines for the collection, accounting and management of school generated funds must be developed, maintained and posted for use by school Principals and Secretaries on the Board’s internal web-site.
- 2.4 The Financial Services Department must complete an internal review of school generated funds for each school at least once every four (4) years. A review may be performed at any time and is likely to be requested when a Principal transfers between schools, retires or transfers from the Board. Risks and/or control weaknesses that are identified during reviews must be reported to the Treasurer of

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the Board. The Treasurer of the Board may request a plan to mitigate the risks or improve controls.

3.0 Additional Information

- 3.1 The St. Clair Catholic District School Board is committed to the principles of equity and inclusive education, consistent with our Catholic teachings, which value and promote human rights and social justice in all Board policies, programs, guidelines, operations and practices.

DEFINITIONS:

School Generated Funds – All funds collected in the name of a school or by the school for other charitable organizations.

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FUNDRAISING	POLICY
EFFECTIVE: 2013 04 23 / 2018 11 27	

POLICY STATEMENT:

The St. Clair Catholic District School Board recognizes that fundraising should reflect the mission of Catholic education and the values and expectations of the school community, including those of parents, students, staff and parish.

POLICY GOALS:

1. To promote that fundraising must have a designated purpose and that the proceeds are used for the intended purpose.
2. To promote that input must be sought from the school community when fundraising.

DEFINITIONS:

Fundraising - Any activity, permitted under a school board's policy, to raise money or other resources, that is approved by the school principal, in consultation with, and upon the advice of the school council, and/or a school fundraising organization operating in the name of the school, and for which the school provides the administrative processes for collection. Such activities may take place on or off school property.

School Community - Refers to students, parents, guardians, school councils, trustees, school administrators, staff, members of the broader community and partners, as well as others, who support the local school and student achievement.

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FUNDRAISING	PROCEDURE
EFFECTIVE: 2013 04 23 / 2018 11 27	

APPLICABLE REFERENCES:

- Policy - Fundraising
- Policy, Procedure, and Guidelines – School Generated Funds
- Policy and Procedures – Purchasing
- Policy and Procedures – Student Fees
- Policy and Procedures – Catholic School Community Council
- Facility Services Procedural Guidelines
- Information Services Procedural Guidelines

ADMINISTRATIVE PROCEDURES:

1.0 Responsibility

- 1.1 The Treasurer of the Board will be responsible for the implementation of this policy and procedure.
- 1.2 The Manager – Financial Services and the Manager – Planning and School Business Support Services will be jointly responsible for developing and maintaining fundraising guidelines.
- 1.3 The Principal will inform all individuals involved in fundraising activities, of this procedure and the applicable fundraising guidelines.
- 1.4 The Principal will approve all school fundraising activities in the school.
- 1.5 The Director of Education will approve all Board wide fundraising activities.

2.0 Expectations

- 2.1 Fundraising must have a designated purpose and the proceeds shall be used for that purpose.
- 2.2 Funds that are raised for school purposes shall be used to complement, not replace, public funding for education.
- 2.3 The purposes for which funds are collected shall be consistent with the school board's mission of Catholic education and values.
- 2.4 Participation in fundraising activities is strictly voluntary. No individual should feel compelled to participate in any fundraising activity, nor should they be subject to penalties or be denied any benefits, if they choose not to participate.

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- 2.5 The school community is welcome to provide input, support and participate in approved fundraising activities in collaboration with the Principal.
- 2.6 Privacy must be respected. The personal information of staff, students or other individuals is not shared for the purposes of fundraising without prior consent and in accordance with the Board's Privacy Policy and Procedures. (The use of personal information by school boards is governed by the *Municipal Freedom of Information and Protection of Privacy Act*).
- 2.7 The safety of students is a primary consideration in all fundraising activities. Canvassing by students requires a heightened level of consideration for student safety and must be approved by the Principal.
- 2.8 A fundraising activity shall not result in any person, including school board staff or volunteers, benefiting materially or financially from the activity.
- 2.13 Fundraising activities must be compliant with municipal, provincial, and federal legislation and Ministry of Education guidelines and policies.
- 2.14 All fundraising activities must comply with Board Policy, Procedures and Guidelines: Purchasing, School Generated Funds, Student Fees, Catholic School Community Council, Facility Services Procedural Guidelines; and Information Services Procedural Guidelines.
- 2.15 Fundraising guidelines must be developed, maintained and posted for use by Principals and Secretaries on the Board's internal web-site. The guidelines will include:
- (i) Examples of acceptable and unacceptable uses of fundraising proceeds;
 - (ii) Best practices related to fundraising activities; and
 - (iii) Accountability and reporting requirements for fundraising.

3.0 Additional Information

- 3.1 The St. Clair Catholic District School Board is committed to the principles of equity and inclusive education, consistent with our Catholic teachings, which value and promote human rights and social justice in all Board policies, programs, guidelines, operations and practices.

DEFINITIONS:

Canvassing – The act of going door-to-door and soliciting support for a cause.

Fundraising - Any activity, permitted under a school board's policy, to raise money or other resources, that is approved by the school principal, in consultation with, and upon the advice of the school council, and/or a school fundraising organization operating in the name of the school, and for which the school provides the administrative processes for collection. Such activities may take place on or off school property.

School Community - Refers to students, parents, guardians, school councils, trustees, school administrators, staff, members of the broader community and partners, as well as others, who support the local school and student achievement.

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VIDEO SURVEILLANCE	POLICY
EFFECTIVE: 2005 09 01 / 2013 03 05 / 2018 11 27	

POLICY STATEMENT:

The St. Clair Catholic District School Board is lawfully authorized to operate a school under the *Education Act* and, in doing so, must take reasonable steps to ensure the safety and security of students and property. The Board approves the use of video surveillance as an additional resource to support a safe working and learning environment for students, staff and community members, while respecting legislated rights to privacy of personal information.

POLICY GOAL:

1. To support video surveillance for the purpose of enhancing the safety of students, staff and community members and to protect property against theft or vandalism.
2. To confirm that video surveillance involves only the appropriate collection, retention, use and disclosure of personal information and must be compliant with the *Municipal Freedom of Information and Protection of Privacy Act*.

DEFINITIONS:

Video Surveillance - For this policy, video surveillance refers to video, physical or other mechanical, electronic or digital surveillance system or device that enables continuous or periodic video recording, observing or monitoring of individuals in Board buildings and premises. It includes audio devices, thermal imaging technology or any other component associated with recording the image of an individual.

Property – Includes school buildings, grounds and facilities under the jurisdiction of the Board.

Personal Information – For this policy, personal Information means recorded information about an identifiable individual, which includes, but is not limited to, information relating to an individual's race, colour, national or ethnic origin, sex, age and disabilities. Any image on video surveillance that is clear enough to identify a person or the activities in which he or she is engaged in, is "personal information".

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VIDEO SURVEILLANCE	PROCEDURE
EFFECTIVE: 2005 09 01 / 2013 03 05 / 2018 11 27	

APPLICABLE REFERENCES:

- Policy – Video Surveillance
- Education Act
- The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)
- Guidelines for the Use of Video Surveillance, Information and Privacy Commissioner of Ontario

ADMINISTRATIVE PROCEDURES:

A school board is lawfully authorized to operate a school under the Education Act and in doing so it must take reasonable steps to ensure the safety of students and property while respecting legislated rights to privacy of personal information.

1.0 Responsibility

- 1.1 The Treasurer of the Board will be responsible for the implementation of this policy and procedure.
- 1.2 Where applicable and appropriate the Privacy Officer will ensure that these procedures will be incorporated into training and orientation programs for staff and service providers.
- 1.3 The Principal or a building supervisor, as applicable, will be responsible for understanding and abiding by these procedures.

2.0 Expectations

2.1 Installation and Maintenance of Video Surveillance

- 2.1.1 The use of video surveillance must be approved by the Treasurer of the Board and will be considered where circumstances have shown it is necessary for the purposes of providing for the safety of students, staff and community members, or for the deterrence of destructive acts. Before deciding if a property warrants video surveillance, the following may be taken into consideration:
 - 2.1.1.1 Whether less intrusive means of deterrence, such as increased monitoring by staff, have been shown or are believed to be ineffective or unworkable;
 - 2.1.1.2 The history of incidents occurring in the specific building and whether video surveillance would be effective in dealing with or preventing future incidents of the type that have already occurred or may occur;
 - 2.1.1.3 Whether video surveillance as an additional resource is required given the physical layout of the building and/or property; and

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- 2.1.1.4 Whether consultation with relevant stakeholders provides information of the necessity of video surveillance.
- 2.1.2 Every five years, the Treasurer of the Board shall review these procedures with respect to the use of video surveillance, and whether deployment continues to be justified.
- 2.1.3 Video surveillance will be installed only in public areas such as entrances, exits, general work areas, hallways, classrooms, labs, shops, offices, receiving and reception and will not be installed in washrooms or change rooms. The equipment will operate up to 24 hours a day/seven days a week, within the limitations of system capabilities, power disruptions and serviceability.
- 2.1.4 Video surveillance will be installed so that the field of view avoids adjacent buildings which are not on Board property.
- 2.1.5 The Manager of Facility Services will ensure that notice signs are installed at all properties with video surveillance, in accordance with the notification requirements of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). Signs will be prominently displayed at the perimeter of the video surveillance areas so that the public has reasonable and adequate warning that video surveillance is or may be in operation before entering any area under video surveillance. The sign will provide a contact and a telephone number.
- 2.1.6 Reception equipment and video monitors will be situated in a controlled access location outside of public view. Only designated personnel will have access to these locations.
- 2.1.7 Periodic maintenance of video surveillance equipment will be jointly completed by the Manager of Information Services (or designate) and the Manager of Facility Services (or designate), according to a schedule that will ensure efficient operation.
- 2.1.8 The installation of fake or dummy video surveillance is prohibited.
- 2.2 Collection, Retention, Use and Disclosure of Records**
- 2.2.1 Records will be stored in a controlled access location and access to this material is limited to designated authorized personnel as approved by the Privacy Officer. Review of records is limited to circumstances where it is required to investigate a serious incident that has been reported or observed or to investigate a potential crime or a significant safety concern. Video surveillance is not to be used to monitor student behaviour or staff performance. The problem to be addressed by video surveillance must be real, substantial and pressing.
- 2.2.2 Any agreements between the Board and service providers should state that records dealt with while delivering a video surveillance are under the Board's control and are subject to MFIPPA, and that a failure to comply with this requirement may be considered to be a breach of contract.
- 2.2.3 Records that have not been requested or viewed will be maintained only for the minimum amount of time necessary for the stated purposes and the Board shall retain it only for the intended purpose. If a record has been viewed as part of an investigation or disclosed, it will be retained for at least one year.

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- 2.2.4 Records which may contain elements of proof will be stored in a locked, secure location to ensure integrity of information, should police authorities request them.
- 2.2.5 Recorded material on storage devices must be securely disposed of in such a way that the personal information cannot be reconstructed or retrieved, in accordance with Records Information Management protocols.
- 2.2.6 The Principal (or designate) or a building supervisor, in consultation with the Privacy Officer, may approve the release of records in accordance with the MFIPPA when police services request to view, or to take a copy. Reference to the *Protocol between the Police Services, School Boards and Children's Services* will be used as a guideline. In all cases when records are released, a log must be completed, and the Board shall maintain a copy of the log for a period of one year. The log will be provided by the Manager – Information Services (or designate).
- 2.2.7 Whenever a record is used as part of an investigation or disciplinary action involving a student, the student and his/her parent/guardian may be permitted to view the record in question with the Principal (or designate) in accordance with MFIPPA. However, the confidentiality of others must be protected by blurring images. The cost will be incurred by the requester.
- 2.2.8 Any student, staff member or member of the public who has been recorded by video surveillance has a general right of access to his or her personal information under section 36 of MFIPPA. This right is recognized. One exemption that may apply is contained in subsection 38(b) of MFIPPA, which grants the heads of institutions the discretionary power to refuse access where disclosure would constitute an unjustified invasion of another individual's privacy.
- 2.2.9 Access to an individual's own personal information may depend upon whether affected third parties consent to the disclosure, or whether any exempt information can be severed from the record. The Board's Privacy Officer will be contacted when third party consent is required.
- 2.2.10 For any inadvertent disclosures of personal information, the Board's Privacy Policy and Procedures must be followed.

2.3 Covert Surveillance

- 2.3.1 Time limited and case specific covert surveillance may be installed in any location (with the exception of change rooms and washrooms), without notice, as part of a specific investigation where criminal activity is suspected.
- 2.3.2 Prior to the use of covert surveillance, a case must be presented to the Privacy Officer on the grounds that covert surveillance is essential to the success of a possible criminal investigation and the benefits outweigh the privacy of the persons likely to be observed. Approval to proceed is required by the Director of Education and the Treasurer of the Board.

3.0 Additional Information

- 3.1 The St. Clair Catholic District School Board is committed to the principals of equity and inclusive education, consistent with our Catholic teachings, which value and promote human rights and social justice in all Board policies, programs, guidelines, operations and practices.

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DEFINITIONS:

Property – Includes school buildings, grounds and facilities under the jurisdiction of the Board.

Video Surveillance – For these procedures, video surveillance refers to video, physical or other mechanical, electronic or digital surveillance system or device that enables continuous or periodic video recording, observing or monitoring of individuals in Board buildings and premises. It includes audio devices, thermal imaging technology or any other component associated with recording the image of an individual.

Personal Information – For these procedures, personal Information means recorded information about an identifiable individual, which includes, but is not limited to, information relating to an individual's race, colour, national or ethnic origin, sex, age and disabilities. Any image on video surveillance that is clear enough to identify a person or the activities in which he or she is engaged in, is "personal information".

Record – For these procedures, record means any information, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes but is not limited to: a photograph, a film, microfilm, a videotape, a machine readable record and a record that is capable of being produced from a machine readable record.

Reception Equipment – For these procedures, reception equipment means the equipment or device used to receive or record the personal information collected through video surveillance, including a camera or video monitor or any other video, audio, physical or mechanical, electronic or digital device.

Storage Device – For these procedures, storage device refers to a computer disc or drive, CD-ROM, computer chip or other device used to store the recorded data of visual, audio or other images captured by video surveillance.

Covert Surveillance – The secret, continuous, or periodic observations of persons, vehicles, places or objects to obtain information concerning the activities of individuals, which is then recorded in material form, including notes and photographs.