

GOVERNANCE AND POLICY COMMITTEE

REGULAR MEETING Public Session

AGENDA

JANUARY 18, 2017

Nancy Crawford, Chair
Trustee Ward 12

Ann Andrachuk, Vice Chair
Trustee Ward 2

Jo-Ann Davis
Trustee Ward 9

Maria Rizzo
Trustee Ward 5

Angela Kennedy
Ex-Officio

Frank D'Amico
Ex-Officio



*The Toronto Catholic District School Board is an inclusive learning community rooted in the love of Christ.
We educate students to grow in grace and knowledge and to lead lives of faith, hope and charity.*

VISION

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Recording Secretary: Sophia Harris 416-222-8282 Ext. 2293
Asst. Recording Secretary: 416-222-8282 Ext. 2298

Angela Gauthier
Director of Education

Angela Kennedy
Chair of the Board

TERMS OF REFERENCE FOR GOVERNANCE AND POLICY COMMITTEE

The Governance Framework Committee is responsible for:

- A. Ensuring that governance structures, policies, protocols, processes and performance metrics:**
 - a. advance the vision of the TCDSB, rooted in Catholic values and teachings.**
 - b. support the achievement of our Multi-Year Plan.**
 - c. conform to best practices.**
 - d. provide strategic cohesion and consistency.**
 - e. comply with the Education Act and other pertinent legislation.**
- B. Providing a meta policy framework to ensure all policy formation, monitoring and evaluation follow a standard process that reflects exemplary practices in policy development.**
- C. Carrying out a continuous review of the roster of existing policy to ensure conformity and advancement of (A) above.**
- D. Identifying the supports (e.g. capacity training) needed to implement the governance framework.**
- E. Ensuring ongoing governance reviews of the Board.**
- F. Ensuring that the TCDSB by-laws and the Trustee Code of Conduct reflect the vision and mission of the Board and adhere to good governance practices, the Education Act and other pertinent legislation.**

OUR MISSION

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AGENDA THE REGULAR MEETING OF THE GOVERNANCE AND POLICY COMMITTEE

PUBLIC SESSION

Nancy Crawford, Chair

Ann Andrachuk, Vice Chair

Wednesday, January 18, 2017

7:00 P.M.

	Pages
1. Call to Order	
2. Opening Prayer	
3. Roll Call & Apologies	
4. Approval of the Agenda	
5. Declarations of Interest	
6. Approval & Signing of the Minutes of the Meeting held November 8, 2016 for Public Session.	1 - 8
7. Delegations	
8. Presentation	
9. Notices of Motion	
10. Consent and Review	
11. Unfinished Business	
12. Matters referred or deferred	
13. Staff Reports	

13.a	Update to Opening and Closing Exercises Policy (S.S.02)	9 - 19
13.b	Review of Policy Register Categories (Update)	20 - 24
13.c	Update to Real Property Policies (R.01; R.04; R.05; R.07; R.08; R.09; R.10)	25 - 57
13.d	Update to Donation Policy F.F.02	58 - 68
13.e	Update to Sponsorship Policy F.F.26	69 - 81
14.	Listing of Communications	
15.	Inquiries and Miscellaneous	
16.	Updating of Pending List	
17.	Adjournment	

**MINUTES OF THE REGULAR MEETING OF THE
GOVERNANCE AND POLICY COMMITTEE
TUESDAY, NOVEMBER 8, 2016**

PUBLIC SESSION

PRESENT:

Trustees: N. Crawford, Chair
J.A. Davis – by teleconference
A. Kennedy
A. Andrachuk – by teleconference

A. Gauthier
P. Matthews
C. Kavanagh
M. Puccetti
S. Corey

L. Fernandes, Recording Secretary
S. Harris, Assistant Recording Secretary

Prayers were offered for Trustee Rizzo who is very ill.

MOVED by Trustee Kennedy, seconded by Trustee Davis, that the agenda, as amended, be approved.

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
Davis
Kennedy

The motion to approve the agenda, as amended, was declared

CARRIED

MOVED by Trustee Davis, seconded by Trustee Kennedy, that the Minutes of the Regular Meetings held June 2, 2016 and September 13, 2016 for PUBLIC SESSIONS be approved.

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
Davis
Kennedy

The Motion was declared

CARRIED

MOVED by Trustee Kennedy, seconded by Trustee Davis, that the Verbal Update by Stacey Corey, Senior Manager of Partnership Development, on the Sponsorship Policy be received.

CARRIED

MOVED by Trustee Davis, seconded by Trustee Kennedy, that item 13d) be adopted as follows:

13d) B.G.01 Playground Equipment Revised Policy – received and that the Outdoor Play Environment policy B.G.01 be approved as amended and proposed in Appendix B.

MOVED in AMENDMENT by Trustee Davis, seconded by Trustee Kennedy, that Regulation 1 be amended to read “Funding for the purchase and installation of outdoor activity equipment may be through non-Facilities sources, such as the Catholic School Parents Council (CSPC), fund-raising or municipal development funds, other external grants or other funding sources identified by the Board.

MOVED in AMENDMENT to the AMENDMENT by Trustee Davis, seconded by Trustee Kennedy, that Regulation 11 be revised to read “choice of surface materials shall comply with CSA standards. Further details could be found @ the hyperlink.

On the vote being taken, on the Amendment to the Amendment, as follows:

In favour

Opposed

Trustees Crawford
Davis
Kennedy

CARRIED

On the vote being taken, on the Amendment as follows:

In favour

Opposed

Trustees Crawford
Davis
Kennedy

The Amendment was declared

CARRIED

MOVED in AMENDMENT Trustee Kennedy, seconded by Trustee Davis to delete #1 and replace with

1. That the safety of the outdoor play environment be monitored by the Risk Management Department
2. That feedback be obtained from parents on the usefulness of the policy.

On the vote being taken, on the Amendment as follows:

In favour

Opposed

Trustees Crawford
Kennedy

Trustee Davis

The Amendment was declared

CARRIED

On the vote being taken, on the Motion, as Amended, as follows:

In favour

Opposed

Trustees Crawford
Davis
Kennedy

The Motion, as Amended, was declared

CARRIED

MOVED by Trustee Davis, seconded by Trustee Kennedy, that item 13a) be adopted as follows:

13a) Review of Policy Register Categories

1. That the categories used to organize our TCDSB policy register be revised as follows for greater clarity and ease of reference by all:
 - Governance / Board
 - Director's Office & System Information
 - Mission / Vision
 - Special Education & Professional Student Supports
 - Student Health, Safety & Medical Matters
 - Information Technology
 - Programming & Curriculum
 - Human Resources, Employee Services, Staff Health & Safety
 - Parents, Community & Partnerships
 - Communications, Public Affairs & Conflict Resolution
 - School Operations, Admissions, Facilities, Permits and Space
 - Budget, Finance and Purchasing
 - Transportation & Busing
 - Procedures.
2. Further, where appropriate (e.g. Pupil Accommodation Review Policy) policies will be cross-referenced in all relevant categories (e.g. Students, Community & Partnerships, School Operations) for ease of reference by all.

MOVED by Trustee Kennedy, seconded by Trustee Davis, that the whole policy be referred back to staff and brought back to the January 2017 meeting of the Governance and Policy Committee, taking into consideration the comments made by the Director and whether we would be able to explore using students or volunteers.

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
Davis
Kennedy

The Motion to refer was declared

CARRIED

MOVED by Trustee Davis, seconded by Trustee Kennedy, that Item 13b) be adopted as follows:

13b) Non-Union Policies – received and

1. That the following policies be rescinded from the policy register:
 - a. Job Evaluation: Non-Union Administrative/Clerical Jobs H.C.01
 - b. Job Change: Non-Union Administrative/Clerical Jobs H.C.02
 - c. Job Evaluation Appeal: Non-Union Administrative/Clerical Jobs H.C.03
 - d. Department Reorganization: Non-Union Administrative/Clerical Jobs H.C.04
 - e. Probationary Period (Non-Union) H.C.05
 - f. Compassionate Leave (Non-Union) H.M.03
 - g. Sick Leave Plan (Non-Union) H.M.06

- h. Vacation for Non-Union Administrative/Clerical Employees
H.M.22
 - i. Benefits For Non-Union Administrative/Clerical Employees
H.M.29
 - j. Overtime For Non-Union Administrative/Clerical Employees
H.S.07
 - k. Group Life Insurance I.02
2. That once the policies are rescinded from the policy register, they be updated and consolidated into an employee handbook.

MOVED in AMENDMENT by Trustee Davis, seconded by Trustee Kennedy, that the Non-Union Policy be rescinded and replaced with one policy called the Non-Union Employee Policy with a hyperlink to the Non-Union Employee Handbook and placed in the Human Resources Policy Category.

On the vote being taken, on the Amendment as follows:

In favour

Opposed

Trustees Crawford
Kennedy
Davis

The Amendment was declared

CARRIED

On the vote being taken, on the Motion, as Amended, as follows:

In favour

Opposed

Trustees Crawford
Davis
Kennedy

The Motion, as Amended, was declared

CARRIED

MOVED by Trustee Kennedy, seconded by Trustee Davis, that Item 13c) be adopted as follows:

13c) Update to Resource Materials Acquisition in Schools Policy (S.M.06) – received and that the Selection of Learning Materials policy (S.M.06) provided in APPENDIX A be adopted.

On the vote being taken, as follows:

In favour

Opposed

Trustees Crawford
Davis
Kennedy

The Motion, was declared

CARRIED

MOVED by Trustee Kennedy, seconded by Trustee Davis, that the meeting adjourn.

CARRIED

SECRETARY

CHAIR



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

UPDATE TO OPENING AND CLOSING EXERCISES POLICY (S.S.02)

*Do not be anxious about anything, but in everything by prayer and supplication with thanksgiving let your requests be made known to God.
Philippians 4:6*

Created, Draft	First Tabling	Review
November 14, 2016	December 5, 2016	
Caitlin Kavanagh, Sr. Manager Employee Relations & Policy Development		
RECOMMENDATION REPORT		

Vision:

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R. McGuckin

Associate Director of Academic Affairs

A. Sangiorgio

Associate Director of Planning and Facilities

C. Jackson

Executive Superintendent of Business Services and Chief Financial Officer

Angela Gauthier

Director of Education

A. EXECUTIVE SUMMARY

This report recommends updating the Opening and Closing Exercises policy (S.S.02) to include daily recognition in school opening and closing exercises that we live, work, play and learn on indigenous lands.

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance and Policy Committee as it recommends a policy revision.

C. BACKGROUND

1. The Opening and Closing Exercises policy S.S.02 was approved on September 6, 2001 and last amended August 27, 2015.

D. EVIDENCE/RESEARCH/ANALYSIS

1. On June 9, 2016, Bill 207, *An Act to proclaim Treaties Recognition Week*, received Royal Assent.
2. The Ministry of Indigenous Relations and Reconciliation (MIRR) announced that Ontario has designated November 6 to 12, 2016 as Treaties Recognition Week in order to promote public education and awareness about treaties and treaty relationships.
3. All TCDSB students, both Indigenous and non-Indigenous, are enriched by learning about the histories, cultures, contributions and perspectives of First Nation, Métis and Inuit peoples in Canada. Treaties Recognition Week is designed to provide an ongoing opportunity for our school communities to link this learning to our everyday lives through our programs and activities.
4. The TCDSB stands in solidarity with Indigenous peoples in Canada and asks all principals to incorporate a daily acknowledgement in their school's Opening Exercises that we live, work, play, and learn on Indigenous lands.

E. METRICS AND ACCOUNTABILITY

1. Recommendations in this report will be monitored by policy development staff.
2. Further reports to Board will be brought as necessary

F. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

Updates to the policy will be communicated to all principals to enact in their schools.

G. STAFF RECOMMENDATION

Staff recommend that the Opening and Closing Exercises policy (s.S.02) provided in APPENDIX A be adopted.



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: OPENING AND CLOSING EXERCISES

POLICY NO: S.S. 02

Date Approved: September 6, 2001	Date of Review: December 2019	Dates of Amendment: Sept. 6, 2001; November 14, 2002; August 27, 2015; December 15, 2016
<p>Cross Reference: Ministry of Ontario Regulation 298 Operation of Schools Ministry of Ontario Regulation 435/00 Opening or Closing Exercises TCDSB Policy S. 23 Prayer in Schools TCDSB Policy S. 22 Religious Accommodation TCDSB Policy H. M. 24 Catholic Equity and Inclusive Education Policy Ontario Ministry of Education PPM 119, Developing and Implementing Equity and Inclusive Education Policies in Ontario Bill 207, An Act to proclaim Treaties Recognition Week</p> <p>Attachments: Appendix A: Exemption Request Form: Parent Appendix B: Exemption Request Form: Student</p>		

Purpose:

This Policy provides direction on opening and closing exercises in schools in the Toronto Catholic District School Board which are reflective of the board's commitment to Living Our Values and developing school communities formed by Catholic beliefs and traditions.



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: OPENING AND CLOSING EXERCISES

POLICY NO: S.S. 02

Scope and Responsibility:

The policy governs all schools within the TCDSB. The Director of Education is responsible for this policy.

Alignment with MYSP:

Living Our Catholic Values

Fostering Student Achievement and Well Being

Strengthening Public Confidence

Policy

The Toronto Catholic District School Board is committed to living the values of our Catholic faith and to supporting the development of school communities formed by Catholic beliefs and traditions, while also fostering national pride. Each principal of a school within the Toronto Catholic District School Board will ensure that daily opening and closing exercises include public prayer and the singing of O Canada.

Regulations:

1. The principal shall, in annual consultation with the Catholic School Parent Council, establish procedures for opening and closing exercises. These procedures will be reviewed at the beginning of each school year.
2. In respect of the national anthem, students will sing O Canada a cappella.



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: OPENING AND CLOSING EXERCISES

POLICY NO: S.S. 02

3. Consistent with the Board's Multi Year Strategic Plan and the Ontario Catholic School Graduate Expectations, and Board policy S. 23, *Prayer in Schools*, prayers and/or scriptural readings will form an integral part of each opening or closing exercise.
4. The principal may decide, after consultation with the school council, to include the Pledge of Citizenship *in the opening or closing exercise*. The version recited will be the one set out in regulation as follows:
"I affirm that I will be faithful and bear true allegiance to her Majesty Queen Elizabeth the Second, Queen of Canada, and to her heirs and successors, and that I will faithfully observe the laws of Canada and fulfill my duties as a Canadian Citizen."
5. A pupil is not required to sing O Canada or recite the pledge of citizenship in the following circumstances:
 - a. In the case of a pupil who is less than 18 year old, if the pupil's parent or guardian applies in writing to the principal to be exempted from doing so. (Appendix A)
 - b. In the case of a pupil who is at least 18 years old, if the pupil applies in writing to the principal to be exempted from doing so. (Appendix B)
6. Any pupil exempted under regulation 5, will follow locally established school procedures for respecting the a cappella singing of O Canada and/or the recitation of the Pledge of Citizenship; for example: stop, stand respectfully, remove hat, etcetera.
7. Consistent with S. 22, Prayer in Schools, TCDSB will, at all times, seek to accommodate an individual's right to freedom of religion in a manner that



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: OPENING AND CLOSING EXERCISES

POLICY NO: S.S. 02

not only respects the individual's beliefs, but the principles of the Catholic Church.

8. It is understood that all students registered in TCDSB schools acknowledge that the school community proclaims, celebrates and cherishes its Catholic identity and traditions and that staff will teach the curriculum from a Catholic perspective. At the same time, the school is enriched and is committed to providing an environment that is inclusive, safe and free of barriers based on religion.
9. In respect of religious accommodation, TCDSB acknowledges that all students, in accordance with what the Catholic Church offers in its teachings and reflective practice, are entitled to their rights and responsibilities under the Ontario Human Rights Code.

10. **The TCDSB stands in solidarity with Indigenous peoples of Canada and acknowledges that all stakeholders live, work, play and learn on Indigenous lands. The following daily acknowledgement will be incorporated into each school's Opening Exercises:**

Out of our deep respect for our Indigenous heritage, we acknowledge <insert your school name> is situated upon traditional territories. The territories include the Wendat, Anishinabek (A-ni-shna-bek) Nation, the Haudenosaunee (hoh-DEE-noh-Shoh-nee) Confederacy, the Mississaugas of the New Credit First Nations, and the Métis Nation. We also recognize the enduring presence of Aboriginal Peoples on this land.

11. Prior to the commencement of classes in September, the principal shall communicate to all classroom teachers in writing the local expectations congruent with the Policy regarding the scheduling of Opening Exercises.



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: OPENING AND CLOSING EXERCISES

POLICY NO: S.S. 02

Definitions:

Accommodation

An adjustment made to policies, programs, guidelines, or practices, including adjustments to physical settings and various types of criteria, that enables individuals to benefit from and take part in the provision of services equally and to participate equally and perform to the best of their ability in the workplace or an educational setting. Accommodations are provided so that individuals are not disadvantaged or discriminated against on the basis of the prohibited grounds.

Religious Accommodation

An obligation under the Ontario Human Rights Code to provide reasonable accommodation for students and employees who wish to observe the tenets or practices of their faith, as well as for those who wish not to participate in any form of religious observance.

Ontario Human Rights Code, Section 19

While the Human Rights Code prohibits discrimination and provides equal treatment for all people in Ontario with respect to a number of categories, Section 19 recognizes that the Code will not be construed to adversely affect any right or privilege respecting separate schools enjoyed by separate school boards or their supporters under the constitution Act, 1867 and the Education Act.



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: OPENING AND CLOSING EXERCISES

POLICY NO: S.S. 02

Evaluation and Metrics:

1. Implementation of the Opening and Closing Exercises policy is the responsibility of the school principal, in consultation with the Area Superintendent.
2. The consistent application of religious accommodation requests will be monitored and reported in an annual report to the Board of Trustees.



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: OPENING AND CLOSING EXERCISES

POLICY NO: S.S. 02

APPENDIX A: EXEMPTION REQUEST FORM: PARENT

The principal will exempt students from the singing of "O Canada" and the recitation of the Pledge of Citizenship upon annual application, if the parent/guardian of a student under 18 years of age applies in writing to the principal for an exemption; or a student who is at least 18 years of age, applies in writing to the Principal to be exempted.

Please be advised I am requesting that my child, a student less than 18 years of age:

Name: _____

Date of Birth: _____

Be exempt from:

- ☐ The singing of O Canada
- ☐ The Recitation of the Pledge of Citizenship

For the current school year.

Parent signature

Month: _____ Day: _____ Year: _____



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: OPENING AND CLOSING EXERCISES

POLICY NO: S.S. 02

APPENDIX B: EXEMPTION REQUEST FORM: STUDENT

The principal will exempt students from the singing of "O Canada" and the recitation of the Pledge of Citizenship upon annual application, if the parent/guardian of a student under 18 years of age applies in writing to the principal for an exemption; or a student who is at least 18 years of age, applies in writing to the Principal to be exempted.

Please be advised I am student at least 18 years of age.

Name: _____

Date of Birth: _____

I am requesting that I be exempt from:

- ☐ The singing of O Canada
 - ☐ The Recitation of the Pledge of Citizenship
- For the current school year.

Signature

Month: _____ Day: _____ Year: _____



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

REVIEW OF POLICY REGISTER CATEGORIES (UPDATE)

*But all things should be done decently and in order.
1 Corinthians 14:40*

Created, Draft	First Tabling	Review
January 10, 2017	January 18, 2017	
Caitlin Kavanagh, Coordinator, Employee Relations & Policy Development		
RECOMMENDATION REPORT		

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Associate Director of Academic Affairs

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Associate Director of Planning and Facilities

C. Jackson

Executive Superintendent of Business Services and Chief Financial Officer

Angela Gauthier

Director of Education

A. EXECUTIVE SUMMARY

This report reviews the current policy register categories and makes recommendations for clarity and ease of reference by the public including considerations discussed at the November 8, 2016 Governance and Policy meeting.

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance and Policy Committee by Trustee request through approved motion on November 8, 2016:

MOVED by Trustee Kennedy, seconded by Trustee Davis, that the whole policy be referred back to staff and brought back to the January 2017 meeting of the Governance and Policy Committee, taking into consideration the comments made by the Director and whether we would be able to explore using students or volunteers.

C. BACKGROUND

1. On November 8, 2016, staff recommended maintaining the current categorization on the policy register and re-categorizing certain policies for clarity.
2. During the meeting, Trustees suggested using the following categories:
 - Governance / Board
 - Director's Office & System Information
 - Mission / Vision
 - Special Education & Professional Student Supports
 - Student Health, Safety & Medical Matters
 - Information Technology
 - Programming & Curriculum
 - Human Resources, Employee Services, Staff Health & Safety
 - Parents, Community & Partnerships
 - Communications, Public Affairs & Conflict Resolution
 - School Operations, Admissions, Facilities, Permits and Space
 - Budget, Finance and Purchasing
 - Transportation & Busing
 - Procedures

3. Trustees also suggested that where appropriate (e.g. Pupil Accommodation Review Policy) policies will be cross-referenced in all categories (e.g. Students, Community & Partnerships, School Operations) for ease of reference by all.
4. There was also discussion regarding the search engine ability.
5. Staff were to take away ideas discussed and assess what needs to be done, how long it would take and how much it would cost.

D. EVIDENCE/RESEARCH/ANALYSIS

1. In assessing whether all of the policies can be re-categorized, re-lettered and re-numbered, it was clear that this would require large amounts of time from staff in addition to many TCDSB documents, websites and other communications to be revised Board-wide. At this time, the Board does not have the funds or resources to devote to such an undertaking.
2. However, to address Trustees suggestions for re-categorization, in discussions with Technical Services staff, it is possible to add a second tier category to organize policies under. For example:
 - the current Trustees (T.) policies could also be labelled under the “Governance / Board” category suggested by trustees.
 - The current Safe Schools (S.S.) policies, recommended Schools-Health (S.H.) policies could also be labelled under “Student Health, Safety & Medical Matters”
3. Adding a second-tier of categorization would require time from staff to: (1) designate each policy and procedure with the new second tier category; (2) add the new categories to the policy register; and (3) update each policy on the policy register to fall under the new second tier category.
4. After discussion with Technical Services staff regarding Trustees’ concerns regarding ease of reference by the public, the policy register online was updated to “Show Help” at all times to help users better understand how to use the policy register. The policies were updated to be in alphabetical order rather than number/section order. These changes should create a more “user-friendly” experience on the policy register.
5. Discussions regarding keyword search were also had with Technical Services staff. Each policy has a limited amount of designated keywords

associated with it. There is a possibility to add to the keywords to make searching for topics easier.

6. Updating keywords will require policy development staff analysing every policy and identifying keywords to attach to the policies. This information will then be forwarded to Technical Staff who would update each policy on the register with the new identifying keywords.
7. In regard to using students or volunteers, they could potentially be used in the capacity of assisting in identifying keywords and second-tier categories for each policy. However, students and volunteers could not be used for the work of inputting this information by Technical Services staff.

E. METRICS AND ACCOUNTABILITY

1. Recommendations in this report be monitored by policy development staff.
2. Further reports to Board will be brought as necessary.

F. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

1. Policies will be re-categorized as recommended on the policy register.
2. The changes will be communicated to relevant stakeholders as necessary

G. STAFF RECOMMENDATION

1. Staff recommends that the policy register remain status quo given the funding and resource limitations on the Board at this time.
2. Staff recommend the following updates to policies for ease of reference and categorization:
 - a. Concussion Policy (S. 26), Mental Health and Well Being (S. 03), Anaphylaxis (S.M. 15) and Asthma (S.M. 16) be re-categorized to Schools-Health (S.H.) as follows:
 - i. Concussion Policy (S.H. 01)
 - ii. Mental Health and Well Being (S.H. 02)
 - iii. Anaphylaxis (S.H. 03)
 - iv. Asthma (S.H. 04)

- b. Fundraising in Schools (S.M. 04), Selection of Learning Materials (S.M. 06) and Cafeterias- Secondary Schools (S.M. 13) be re-categorized under Schools (S.) as follows:
 - i. Fundraising in Schools (S. 27)
 - ii. Selection of Learning Materials (S. 28)
 - iii. Cafeterias- Secondary Schools (S. 29)
- c. Fire Emergency Procedures (S.M. 07) be re-categorized under Administration (A.) as follows:
 - i. Fire Emergency Procedures (A. 04)



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

UPDATE TO REAL PROPERTY POLICIES (R.01; R.04; R.05; R.07; R.08; R.09; R.10)

Let the wise hear and increase in learning, and the one who understands obtain guidance Proverbs 1:5

Created, Draft	First Tabling	Review
November 28, 2016	January 18, 2017	Click here to enter a date.
Jonathan Howley, Officer Development & Analysis Lisa Gallagher, Sr. Manager Real Property Michael Loberto, Sr. Coordinator Development Services Mario J. Silva, Comptroller Planning & Development		
RECOMMENDATION REPORT		

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Executive Superintendent of Business Services and Chief Financial Officer

Angela Gauthier

Director of Education

A. EXECUTIVE SUMMARY

This report recommends that the existing *Sharing R.01*, *Site Acquisition R.04*, and *School Sites Expansion R.05* policies be rescinded (*Appendix 'A'*); that the *Expropriation of Real Property R.07*, *Disposal of Surplus Real Property R.08*, *School Sites – Operating Budget Surplus R.10* policies be amended and consolidated into new policy *Real Property R.01* (*Appendix 'B'*); and *Alternative Arrangements for School Facilities R.09* be updated in meta policy format (*Appendix 'C'*) to reflect updated legislation and operational procedures.

The cumulative staff time dedicated to developing this report was 33 hours.

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance and Policy Committee as it recommends policies to be rescinded, consolidated and a policy be updated in meta policy format.

C. BACKGROUND

1. The Toronto Catholic District School Board (TCDSB) approved the following seven Real Property policies:

Policy #	Policy Title	Board Approval and/or Last Revision Date
R.01	Sharing	June 1986
R.04	Site Acquisition	January 1987
R.05	School Sites Expansion	September 1968
R.07	Expropriation of Real Property	August 1968
R.08	Disposal of Surplus Real Property	January 1980
R.09	Alternative Arrangements for School Facilities	January 2000
R.10	School Sites – Operating Budget Surplus	January 2000

For more detail on the policies listed above, refer to *Appendix 'A'*.

2. Due primarily to education legislative and funding changes since the time of policy approvals, particularly to *Ontario Regulation. 444/98: Disposition of Surplus Real Property* and the Board approved TCDSB EDC By-law, as well as, the reality that most of these policies have not been amended in approximately 30 years, Development Services is of the opinion that the *Sharing R.01*, *Site Acquisition R.04*, *School Sites Expansion R.05* policies are obsolete and that the *Expropriation of Real Property R.07*, *Disposal of Surplus Real Property R.08*, and *School Sites – Operating Budget Surplus R.10* will require an amendment and consolidation into a new policy; and that *Alternative Arrangements for School Facilities R.09* be amended to reflect current legislation and operational procedures.

D. EVIDENCE/RESEARCH/ANALYSIS

Sharing R.01:

1. The *Sharing* policy approved in January 1986, permits the Board to lease, from another school board, a distinct viable unit of a school, separate wing or floor, of an existing operating school to provide pupil accommodation in a shared arrangement.

Staff recommends that this policy be rescinded based on the following reasons:

- All Board lease agreements, shared or otherwise, are dealt with on a case-by-case basis and subject to Board approval.
- The policy defines the lease term (minimum 5 years) of a shared lease arrangement as well as the renewal option. These terms are typically subject to negotiations based on the needs and approvals of both school boards involved in a shared lease arrangement and should not be limited by its definition in a policy.
- The leasing of school space between district school boards is governed by *Ontario Regulation 444/98; Disposition of Surplus Real Property*; Made under the *Education Act*.

Site Acquisition R.04:

2. The *Site Acquisition* policy approved in January 1987, defines the process through which the Board will acquire school sites and specifies the minimum elementary and secondary school site sizes.

Staff recommends that this policy be rescinded based on the following reasons:

- The Board's Educational Development Charges By-law and Background Study, identifies the needs with respect to site acquisition and eligibility based on geographic area.
- The Board identifies site acquisition needs through the Board approved Long Term Accommodation Plan and Site Acquisition Strategy.
- All Board site acquisitions are dealt with on a case-by-case basis and are subject to Board approval.

School Sites Expansion R.05:

3. The *School Sites Expansion* policy approved in 1968, defines the minimum site size and playable area per pupil for "urban" and "suburban" schools. The policy directs the position of Deputy Director, Business Services to acquire, on the open market, properties offered to TCDSB in order to expand the school site in order to increase "playable" area per pupil to the specific measure.

Staff recommends that this policy be rescinded based on the following reasons:

- The terms "urban" and "suburban" TCDSB schools, as well as the term "playable" area per pupil are not defined or measurable.
- The Board approved Educational Development Charges By-law and Background Study, identifies the Board's needs with respect to site expansion.

- The Board approved Long Term Accommodation Plan and Site Acquisition Strategy outlines the requirements for schools site expansions in the future.
- Board approval is required prior to site expansions.

Expropriation of Real Property R.07:

4. The *Expropriation of Real Property* policy is not so much a policy statement with respect to site acquisition by expropriation, but a detailed step-by-step process including the appointment of an appraiser, reports required, authority provided to certain Board staff positions/Ad-Hoc Committees, amounts of compensation to be paid, as well as specified amounts to be paid for appraisal, broker and agent fees.

Staff recommends that this policy be amended based on the following reasons:

- Subsequent legislation, The *Expropriations Act, R.S.O., 1990, C.E.26* defines the process requirements a school board, as an expropriating authority, must adhere to.
- The procedure for hiring of consultants (appraisers, surveyors, and real estate agents/brokers) follow the Board's Material Management procurement *Purchasing Policy FP01*, to ensure transparency and accountability.
- All expropriations are subject to Board approval.

Disposal of Surplus Real Property R.08:

5. The *Disposal of Surplus Real Property* policy revised in January 1980, states that the TCDSB shall dispose of surplus real properties after having been previously declared surplus by public offering and in such a manner as to obtain the maximum benefit to the Board in terms of financial benefit, or other equally significant consideration.

Staff recommends that this policy be amended based on the following reason:

- The TCDSB shall approve the method of disposition, sale or lease, and issue a proposal in accordance with *Ontario Regulation 444/98; Disposition of Surplus Property*, made under the *Education Act*.
- Should no offers in compliance with the *Ontario Regulation 444/98; Disposition of Surplus Property* be received, and subject to Ministry of Education approval, the TCDSB may proceed with the disposition of the property, at fair market value, to any other body or persons.
- All Purchase and Sale Agreements and/or Lease Agreements are subject to Board approval.

Alternative Arrangements for School Facilities R.09:

6. The *Alternative Arrangements for School Facilities* policy approved in January 2000, stipulates that a number of legislative provisions encourage school Boards to consider alternate arrangements for the accommodation of elementary and secondary school pupils to the usual arrangement under which a school site is acquired and a stand-alone school is built on it.
7. *Ontario Regulation 20/98*, as amended regarding Education Development Charges requires that the Board have a statement of the Board's policy concerning possible arrangements with municipalities, school boards, or other persons or bodies in the public or private sector, including arrangements of a long-term or co-operative nature, which would provide accommodation for the new elementary school pupils and new secondary school pupils estimated under paragraph 3 of section 7, without imposing education development charges, or with a reduction in such charges.
8. The *Alternative Arrangements for School Facilities* policy remains a statutory requirement. However, staff recommends that this policy be amended to remove paragraph 3 in Background, referencing *Regulation 446/98 (Reserve Funds)*, which was revoked on September 15, 2010 and

replace Regulations (2) reference to “Ministry of Education and Training” to “Ministry of Education”.

School Sites – Operating Budget Surplus R.10:

9. *School Sites – Operating Budget Surplus* policy approved in January 2000, states where there has been or it appears that there will be surplus in the non-classroom part of the estimates of the TCDSB in a fiscal year, the Board shall determine whether all, part, or none of the surplus will be designated as available for the purpose of acquiring school sites by purchase, lease or otherwise.
10. *Ontario Regulation 20/98*, as amended regarding Education Development Charges requires that the Board have a policy in place to address the potential use of surplus operating funds as a means of offsetting/reducing the total Growth Related Net Education Land Cost which is a component of the calculation of an Education Development Charge.
11. The *School Sites – Operating Budget Surplus R.10* policy remains a statutory requirement under the EDC Regulation. Staff recommend that Paragraph 3 of the policy referencing “General Legislative Grants Regulation” be updated to “Grants for Student Needs”.

E. METRICS AND ACCOUNTABILITY

1. Recommendations in this report will be monitored jointly by Policy Development and Development Services staff.
2. Further reports to Board regarding recommended changes or updates to the policy will be brought as necessary.

F. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

The proposed rescinded, amended and consolidated policies will be communicated to all affected staff and departments.

G. STAFF RECOMMENDATION

1. That the Board rescind the following Real Property policies:
 - a. *Sharing (R.01)*
 - b. *Site Acquisition (R.04)*
 - c. *School Sites Expansion (R.05)*
2. That the consolidated policy *Real Property (R.01)* be approved.
3. That the updated policy *Alternative Arrangements for School Facilities (R.09)* be approved.

TCDSB Policy Register – Current Policy

Sharing R.01

Policy

The TCDSB may lease a distinct viable unit of a school - a floor or a wing - on a shared basis where student accommodation needs are beyond those which can be provided by the Board and where an entire school building is not available for purchase or lease.

Regulations:

1. The lease for the sharing arrangement shall be for a minimum of five years, renewable for an additional five years.
2. The shared school shall have a separate entrance with the Catholic school name on the exterior of the school easily visible from the street.
3. The rental fee as determined by the lease/rental formula of the MET shall apply to the shared facility.
4. The sharing of the facility shall allow for the preservation of the milieu and integrity of the Catholic school.
5. A long term plan shall be worked out which will lead to a permanent solution to remove the landlord-tenant arrangement.

BM p 126, 19 Jun 86; BM, May 72.

Site Acquisition R.04

Policy

The Toronto Catholic District School Board shall develop annually a site acquisition program.

Regulations:

1. The site acquisition program will be developed annually through the Capital Expenditure Forecast process which is submitted to the Ontario Ministry of Education in the fall of each year.
2. Size of Sites:
 - a) Elementary school sites will be:
 - 1) a minimum of five acres in size, or
 - 2) a minimum of three acres where it is adjacent to a public park and there is municipal agreement to use the park as a playing campus.

3) a minimum of four acres if adjacent to a proposed church where part of the site will be severed and sold.

b) Secondary school sites will be:

1) a minimum of ten acres in size, or

2) a minimum of six acres where it is adjacent to a public park and there is municipal agreement to use the park as a playing campus.

c) where a school site in a suitable location becomes available which is less than the sizes referred to in a) and b), prior Board of Trustees approval is required before acquisition may be initiated.

3. The Toronto Catholic District School Board will cooperate with the Roman Catholic Episcopal Corporation in locating potential combined school/church sites.

4. The location and suitability of a site will be approved by the Board of Trustees.

5. The Toronto Catholic District School Board will proceed in accordance with the Education Act and the appropriate regulations of the Ontario Ministry of Education.

6. The cost of a school site will be approved by the Toronto Catholic District School Board before a purchase is finalized.

7. The Toronto Catholic District School Board may also acquire school sites through the process of expropriation if required.

BM p 34, 22 Jan 87; BM p 964, Jun 71.

School Sites Expansion R.05

SITE ACQUISITION AND EXPANSION - PLAY AREAS 1403

Policy

It is the policy of the Toronto Catholic District School Board that all schools have adequate play area to service the needs of the school community.

SITES - SIZE 1701

Policy

School sites owned by the Board, whether occupied by a school or not, shall not be reduced to less than five acres.

URBAN SITES - MINIMUM PLAY AREAS AND EXPANSION 1702

Policy

All schools located in the urban areas of the City of Toronto shall be expanded, where feasible, to a minimum standard of 65 square feet of playable area per pupil, provided the total footage does not exceed 1-1/2 acres.

SUBURBAN SITES - AREAS AND EXPANSION 1703

Policy

(1) The Deputy Director, Business Services, in accordance with the site purchasing policy of the Toronto Catholic District School Board shall acquire on the open market, properties offered to the Toronto Catholic District School Board provided:

- (a) the property will increase the playable area to the minimum of 175 square feet per pupil and/or,
- (b) the property will enhance the shape and/or condition of the Board's site and/or,
- (c) if an addition to the existing school is contemplated within two years and the said addition will reduce the playable area below the minimum of 175 square feet per pupil,
- (d) each site will not exceed four acres of playable area.

2. Where a school site is less than 175 square feet per pupil playable area, before an addition is placed on the site, additional property shall be obtained where possible, so that the site shall contain no less than the existing playable area.

BM p 1145, Sept 68., BM p 1028, Aug 68., BM p 165, Feb 68.

Expropriation of Real Property R.07

Site Acquisition- By Expropriation 1501

Policy

(1) The Administrative and Corporate Services Committee shall submit to the Board for approval:

- (a) the Committee's choice of site location, size and boundaries, number of rooms and other facilities to be provided;
- (b) an estimate of the cost to be incurred;
- (c) the name of the surveyor proposed, in accordance with the memorandum of policy related to appointment;
- (d) the name of the Appraiser, Agent and/or Consultants to be retained, and alternates, in accordance with the memorandum of policy related to appointment;
- (e) after consultation with the Administrative and Corporate Services Committee in respect of demolition and site clearance, plan preparation and construction time, the date upon which possession of all properties on the site will be required.

(2) Upon the receipt of all appraisal reports in respect of the properties on the site, the Deputy Director, shall report to the Administrative and Corporate Services Committee the anticipated

total budget requirements for the site, by adding to the aggregate of the appraisal figures an amount of not less than 10%. The figure approved by the Board for the site shall be known as the total budget.

(3) The Deputy Director, upon receipt of the appraisal reports, shall send one copy to the Solicitor, instructing the Solicitor to give the required notice under the Expropriation Procedures Act offering to pay compensation to the owners in an amount equal to the appraisal price for the individual property.

(4) The Deputy Director shall be authorized to settle the amount of compensation to be paid to the individual owners of expropriated properties

(a) without any prior approval or consent, if the settled amount does not exceed 110% of the appraised value of the property;

(b) with the approval of the Administrative and Corporate Services Committee if the settled amount, although exceeding 110% of the appraised value of the property, will not cause the total budget to be exceeded;

(c) with the approval of the Ad Hoc Committee if the settled amount, although exceeding 110% of the appraised value of the property will not cause the total budget to be exceeded by more than 5% provided the claim for compensation for the property has, at that time, been referred to the Board of Negotiation;

The Ad Hoc Committee shall be composed of the Chair of the Board, the Chair of the Administrative and Corporate Services Committee, and one member of the Administrative and Corporate Services Committee.

(d) with the approval of the Ad Hoc Committee if the settled amount, although exceeding 110% of the appraised value of the property will not cause the total budget to be exceeded by more than 8% (in addition to the 5% increase set out in paragraph 4(c) of this memorandum), provided the claim for compensation for the property has, at that time, been submitted to arbitration; and to pay the owner's legal and appraisal fees where requested.

(5) The Board, irrespective of settlement of compensation, shall offer to the owners, prior to taking possession, an amount equal to 75% of his/her equity based on the value established by the Board's appraisal, and further offer to discharge encumbrances.

(6) Upon settlement of compensation by the Ad Hoc Committee at Board of Negotiation or Arbitration, the Board shall receive a full report of the settlement, setting out the appraisal report, the number of offers and counter offers submitted by the Agent, a report from the Coordinator of Facilities Management and/or the Deputy Director, and the Solicitor for the Board.

(7) Where compensation has not been settled but vacant possession has been delivered to the Board, the Deputy Director may order an inspection by any accredited appraiser for the purpose of obtaining evidence for arbitration.

(8) No specific procedure can be laid down in respect of possession where no agreement is made with the owner in this regard. The Board is required to give ten days' notice of possession, but in practice in the past has usually given more. The Board is entitled to take possession after the time set out in the notice.

The act provides that where resistance or opposition is encountered by the Board in taking possession, the Board may apply to a Judge for a warrant to put down the resistance, i.e., put the owner on the street. Since there could be a great deal of unfavourable publicity involved, each situation should be dealt with on its own merits.

BM p 908, July 68.

Expropriation- Payment of Legal and/or Appraisal Fees 1502

Policy

With Respect to properties in which the Board indicates an interest and wishes to acquire through expropriation:

- (1) the Board may pay the legal fees of the vendor for the transfer of said property, reserving the Board's right to have any solicitor's bill taxed;
- (2) the Board shall produce an initial objective appraisal of the property which should be made available to the vendor, and the vendor shall be apprised of his/her right to an independent appraisal;
- (3) the Board may pay for an appraisal where requested by the vendor, and staff shall be empowered to settle any expropriation action within the limits of the Board's initial objective appraisal plus 10% for forceful taking, and all other offers outside these figures shall be presented to the Committee for a recommendation to the Board.

BM p 1564, Nov 67.

Expropriation- Use of Real Estate Agents 1503

Policy

Qualified real estate persons shall be retained to negotiate the compensation to be paid to expropriated owners of properties for the Board; except those properties which will be negotiated by the Board or its own staff. Where the negotiations of expropriated properties are to be carried out by staff personnel, the properties shall be appraised by qualified appraisers on the basis of "Market Value".

- (1) The brokers and/or agents of the Board shall be designated appropriate brokers of property to be suitably appraised at no cost to the Board, and thereby enter into negotiations with the principals in view of successfully concluding sales that are satisfactory to the Board.
- (2) The appraisal fee on individual property negotiations (including a written appraisal) shall be \$500, based on an acceptable purchase price.

(3) If, for any reason, a negotiation to the ending property by the agent or broker is unsuccessful, only the payment of a fee of \$150 per property will be paid for a qualified written appraisal.

(4) The broker and/or agent shall be subject to appearance at any official Board of Arbitration to substantiate his/her appraisal at no cost to the Board.

(5) The appointment of retaining broker-agents in these negotiations shall be the consideration of the Administrative and Corporate Services Committee to be approved by the Board. The broker-agents shall be appointed, with Board approval, by letter with suitable solicitor's terms of reference.

All appraisals shall be submitted within 14 days to the responsible staff official for deliberation. The appraisals, with suitable staff comment, shall be presented to the committee for procedural approval. Secondary negotiations, subject to staff and committee appraisals, shall be fully completed by October 31st, 1967. An extension period of not more than two weeks shall be allowable for properties requiring special attention.

BM p 980-1, Aug 67.

Expropriation- Appraisals 1504

Policy

Appraisals shall not be presented to expropriated owners at the time of the initial presentation of an offer by the Board's agent.

BM p 206 Feb 69.

Expropriation- Payment 1505

Policy

The Board shall offer 75% of the equity of expropriated owners as payment prior to taking possession of the property, as recommended by the Deputy Director, Business Services.

BM p 814, Jun 68.

Disposal of Surplus Real Property R.08

Policy

1. The Toronto Catholic District School Board shall dispose of surplus real properties after having been previously declared surplus by public offering and in such a manner as to obtain the maximum benefit to the Board in terms of financial benefit, or other equally significant consideration.

2. The disposal of all surplus real properties shall be in accordance with all relevant Statutes, Regulations and Ontario Ministry of Education Memoranda.

3. The Toronto Catholic District School Board shall utilize the most appropriate method, usually by sale, to dispose of surplus real properties in order to give due consideration to the unique nature of the specific real property.

4. The Toronto Catholic District School Board shall approve the method of sale to be used for the disposal of each specific real property prior to marketing, usually one of the following:

- a) Buyer Proposal Call;
- b) Negotiated Sale Call;
- c) Listed Sale Call

5. Where:

- a) a trustee of the Toronto Catholic District School Board has, and
- b) an employee of the Toronto Catholic District School Board, if a trustee, would have an obligation pursuant to the Municipal Conflict of Interest Act to disclose an interest in any offer, proposal, contract or other type of disposition of surplus real property of the Toronto Catholic District School Board, every such trustee, in addition to the statutory obligations, and employee, shall give written notice upon becoming aware of such interest, to the Secretary of the Toronto Catholic District School Board.

6. Where the Board established and approves a confidential reserve bid, as required by the Listed Sale Call Method of Disposal, the Deputy Director of Education shall have the authority to accept an offer to purchase provided that the offer to purchase is no less than the confidential reserve bid.

7. In the event of any conflict between the provision of this policy and the provisions of any other Board Policy, this Policy shall supersede.

Regulations:

1. Definition of Terms

a) **A Sale** shall mean any of the following:

- i) Transfer of freehold title upon payment of the total purchase price on closing;
- ii) Transfer of title with part payment in cash and the balance by mortgage;
- iii) By agreement, with part payment in cash and the balance due at a later date prior to transfer of freehold title;
- iv) Conveyance of real property by long term lease with, or without, an option to obtain freehold title upon payment of a price previously established, or to be negotiated;
- v) Exchange of real property.

b) **Real Property** shall mean block land, building lots, relocatable schools, administration buildings and all other forms of real estate, and shall include all rights which flow from its ownership.

c) **Public Offering** shall mean a public offering of real properties which shall be advertised in:

i) A local public newspaper (i.e., one or more of the Toronto Star, the Sun, or the Globe and Mail); and ii) A daily newspaper of the Canadian Construction Industry (i.e., the Daily Commercial News); iii) Other appropriate advertising media.

d) **Buyer Proposal Call** shall mean a publicly advertised indication of the Board's intent to sell, soliciting submissions for the purchase of specific real properties at prices and terms to be negotiated.

e) **Negotiated Sale Call** shall mean a publicly advertised offer requesting submissions to purchase specific real properties. An asking price and terms shall be stipulated, which may be negotiated.

f) **Listed Sale Call** shall mean a publicly advertised listing, either open or exclusive, of a specific property through a Real Estate Board Multiple Listing Service, or an individual registered real estate broker. The asking price and terms shall be specified and may be negotiated, subject to a confidential reserve price previously established by the Board.

g) **Other** shall mean any other method of disposing of real properties which the Board may choose to use from time to time upon the recommendation of the Administrative and Corporate Services Committee.

2. The Board's solicitor shall prepare a title search of the subject lands to verify the legal description and site dimensions, and to ensure that the title is free from any restrictions and to confirm that the Board is able to convey clear marketable title.

3. All Ontario Ministry of Education disposal procedures shall be initiated.

4. Where deemed appropriate, the Board may appoint a planning consultant to determine the development potential of the surplus property.

5. The Board shall appoint an accredited appraiser to determine the fair market value of the property. The appraisal report shall take into account the planning consultant's report, if applicable.

6. The Board may appoint other specialized consultants, if deemed necessary. These may include, but not be limited to, surveyors, financial consultants and engineers.

7. The Board shall request the approval of the Ministry of Education to dispose of surplus real property.

8. The Board shall request the Ministry of Education to waive the negative grant on the proceeds of the sale. In the event that the Ministry of Education does not waive the negative grant, a report shall be submitted to the Board prior to any further action being taken respecting the surplus real property.

9. Regulations 2 through 8 shall be completed prior to the Board entering into an agreement to dispose of the real property.

10. The method of sale to be used in the disposition of the surplus real property shall be recommended by staff and approved by the Board.

11. If the method of sale is to be other than a Listed Sale Call, Negotiated Sale Call, or a Buyer Proposal Call, staff will prepare a report for the Administrative and Corporate Services Committee detailing the alternative method and requesting approval for such. The method employed will give due consideration to the nature of the asset and the existing, as well as anticipated, market conditions.

12. Where the Listed Sale Call method is used to dispose of surplus real property, the Board shall establish a confidential reserve bid based on information contained in the appropriate consultant's reports.

13. A prospectus shall be prepared on each real property offered for sale. The prospectus shall be forwarded to each trustee and made available to all interested persons. The prospectus shall contain:

- a) Location and description of the real property concerned;
- b) An area map and site plan of the real property concerned;
- c) Instructions to potential purchasers on the procedures to be followed;
- d) Terms and conditions which may be acceptable to the Board;
- e) Current zoning;
- f) Current official plan designation;
- g) Potential development schemes based on a planner's analysis, if applicable, and dates for the last day for receipt of offer;
- h) The following statements:
 - i) that the real property shall be accepted in its present condition, which implies a knowledge of contours and subsoil conditions,
 - ii) that the onus is on the prospective purchaser to verify the accuracy of information provided,
 - iii) that the Board is not required to provide a survey,
 - iv) that when offers are received through registered real estate brokers, the Board will not pay real estate commissions until such time as the transaction is closed, or an agreement for sale is completed,
 - v) that the deposit amount of the successful proponent shall be forfeited to the Board if, through the fault of the bidder, the transaction is not completed,
 - vi) that the highest, or any, offer shall not necessarily be accepted,

vii) that a disclosure of principals shall be required to be submitted with the offer.

14. When the Board is utilizing a local newspaper for marketing a property, the advertisement shall be published not less than fifteen working days prior to the closing date, if any, and shall include:

- a) The method of sale;
- b) Location of the real property;
- c) A general description of the real property being offered for sale;
- d) The location and person to whom the proponent must submit his/her offer;
- e) The closing date and time, if applicable;
- f) Instructions for obtaining further information and/or a prospectus.

15. Where the Board specifies the closing date and time for the receipt of offers, all offers received shall be opened in public in the presence of no less than two of the following persons:

- a) Director of Education;
- b) Deputy Director of Business Services;
- c) Deputy Director of Education;
- d) The Chair of the Administrative and Corporate Services Committee, or delegate;
- e) Superintendent of Planning and Facilities;
- f) Coordinator of Planning and Facilities.

16. All offers received shall be reviewed by the Board's solicitor.

17. Prior to the presentation of offers to the Board, circulation of offers and reports thereon shall be limited to:

- a) Director of Education;
- b) Deputy Director of Business Services;
- c) Deputy Director of Education;
- d) Superintendent of Planning and Facilities;
- e) Coordinator of Planning and Facilities;
- f) Recording Secretary of the Board;
- g) Consultants as required.

18. Reports presented to the Board for consideration will contain a detailed analysis of each offer including the following information:

- a) Purchaser's Name;
- b) Agent;
- c) Terms and Conditions of Offer;
- d) Financial Considerations.

19. Original copies of each offer will only be available for inspection, upon request by individual trustees, as follows:

- a) At the Administrative and Corporate Services Committee meeting;
- b) In the Director of Education's office after the Administrative and Corporate Services Committee meeting and prior to the Board meeting.

20. Reports dealing with the sale of surplus real property will be dealt with at a special meeting of the Administrative and Corporate Services Committee which is no more than four days prior to any special or regular meeting of the Board at which the sale is to be considered.

21. Where the Board has established a date and time for the final receipt of offers, that date and time shall be a minimum of two days and a maximum of four days prior to the forty-eight-hour requirement for the receipt of agendas by trustees.

22. Procedures Governing Disposal by Buyer Proposal Call

- a) Real properties, which have been declared surplus by the Board shall be advertised in appropriate newspapers at an appropriate date which shall be no later than fifteen working days prior to the final date for the receipt of offers.
- b) In addition to the general information, the advertisement shall include:
 - i) The closing date, time, location and person to whom the proponent must submit his/her sealed offer to purchase;
 - ii) The date, time and location for the opening of offers to purchase;
 - iii) A statement that all offers shall remain irrevocable until 12:00 midnight the day following the regular or special meeting of the Board at which all offers will be considered.
 - iv) Directions for obtaining further information;

23. Procedures Governing Disposal By Negotiated Sale Call

- a) Real properties, which have been declared surplus by the Board, shall be advertised in appropriate newspapers at an appropriate date which shall be no later than fifteen working days prior to the final date for receipt of offers to purchase.
- b) In addition to the general information, the prospectus shall contain:
 - i) The asking price for the property concerned;

- ii) The closing date, time, location and person to whom the proponent must submit his/her sealed offer to purchase;
- iii) The date, time and location for the opening of offers to purchase;
- iv) A statement that all offers shall remain irrevocable until 12:00 midnight the day following the regular or special meeting of the Board at which all offers will be considered;
- v) Directions for obtaining further information.

24. Procedures Governing Disposal By Listed Sale Call

a) Real properties which have been declared surplus by the Board shall be offered for sale directly through the Real Estate Board Multiple Listing Service with the Board performing the functions of the listing broker or through a registered real estate broker.

b) When the Board utilizes the services of a registered real estate broker, the listing agreement can be either:

- i) Multiple Listing Agreement;
- ii) Exclusive Listing Agreement.

c) In addition to marketing the property through the Multiple Listing Service, the following methods of advertising can be used, when considered appropriate, to market the property:

- i) Real Estate News newspaper;
- ii) Local newspapers;
- iii) Direct Mail Solicitation;
- iv) Any other means of advertising considered appropriate.

d) Sufficient copies of the prospectus shall be supplied to real estate brokers and in addition to the general information, the prospectus shall include:

- i) The asking price for the property concerned;
- ii) Availability of possession in the case of a tenanted property;
- iii) Directions for obtaining further information.

25. Procedures For Disposal By Other Means

a) The Board may wish to dispose of real property in a manner other than

- i) Buyer Proposal Call;
- ii) Negotiated Sale Call;
- iii) Listed Sale Call;

b) A detailed report shall be submitted through the Administrative and Corporate Services Committee to the Board for approval. The detailed report shall contain:

- i) The reason(s) for recommending the particular method of sale;
- ii) The procedures to be followed.

BM, 18 Oct 84; BM p 108, Jan 80.

Alternative Arrangements for School Facilities R.09

Date Approved: January 20, 2000 – Board Meeting	Dates of Amendment:
Cross Reference:	

Background

(1) A number of legislative provisions encourage school boards to consider alternate arrangements for the accommodation of elementary and secondary school pupils to the usual arrangement under which a school site is acquired and a stand-alone school is built on it.

(2) Ontario Regulation 20/98 provides that the education development charge background study contain:

6. A statement of the board's policy concerning possible arrangements with municipalities, school boards or other persons or bodies in the public or private sector, including arrangements of a long-term or co-operative nature, which would provide accommodation for the new elementary school pupils and new secondary school pupils estimated under paragraph 3 of section 7, without imposing education development charges, or with a reduction in such charges.

7. If a previous education development charge background study completed by the board included a statement under paragraph 6, a statement of how the policy referred to in the statement was implemented and, if it was not implemented, an explanation of why it was not implemented.

(3) Regulation 446/98 (Reserve Funds) permits a school board to utilize proceeds in the Pupil Accommodation Allocation Reserve Fund for the acquisition of "school sites that are acquired as part of transactions under which the board also acquires school buildings on the school sites".

(4) Section 210.1 of the *Municipal Act* authorizes municipalities and school boards to enter into arrangements under which they can provide for exemptions from taxation for municipal and school purposes of land or a portion of it that is “entirely occupied and used or intended for use for a service or function that may be provided by a “school board” or municipality”. It also authorizes an exemption to be given from municipal and education development charges in certain circumstances.

(5) The TCDSB recognizes that alternative arrangements can provide an opportunity to improve service delivery and peak enrolment capacity, reduce duplication of public facilities, maximize the effective use of available dollars, and reduce site size requirements. These include a variety of acquisition strategies such as forward buying, options, purchases, lease buy-back, sites exchanges and joint venture partnerships.

(6) The TCDSB’s record demonstrates this commitment:

	<u>AGENCIES INVOLVED</u>
· Humberwood Centre	<ul style="list-style-type: none"> - TCDSB(elementary school) - TDSB (elementary school) - City of Toronto (community centre) - Library Board (library branch)
· Mary Ward Catholic Secondary School	<ul style="list-style-type: none"> - TCDSB (secondary school) - City of Toronto (community centre)
· Lakeshore Grounds Campus (future school(s)/recreation centre/park campus)	<ul style="list-style-type: none"> - TCDSB (secondary & if necessary, elementary school) - Humber College (Lakeshore Campus) - City of Toronto (recreation centre and park)
· Railway Lands (future schools/park/ community centre campus)	<ul style="list-style-type: none"> - TCDSB (elementary school) - TDSB (elementary school) - City of Toronto (community centre and park)
· Port Union Village (future schools/park campus)	<ul style="list-style-type: none"> - TCDSB (elementary school) - TDSB (elementary school) - City of Toronto (park)

Policy

The TCDSB will consider possible arrangements with municipalities, school boards or other persons or bodies in the public or private sector, including arrangements of a long-term or cooperative nature, which would provide accommodation for the new elementary school pupils and new secondary school pupils who are resident pupils of the Board, subject to the Regulations set out below.

Regulations

- (1) The arrangement must be cost effective and advantageous for the TCDSB compared to other possible arrangements including an acquisition of a school site and the construction of a free standing building.
- (2) The arrangement shall comply with any guidelines issued by the Ministry of Education and Training.
- (3) The TCDSB may enter into lease arrangements respecting school facilities intended to be used to accommodate peak enrolment, but shall not enter into such arrangements respecting school facilities that are necessary to accommodate long-term enrolment unless the arrangements could result in ownership at the Board's discretion.
- (4) The TCDSB shall retain sufficient governance authority over the facility to ensure that it is able to deliver the appropriate educational program to its pupils, and to ensure that its identity, ambience and integrity are preserved.
- (5) The facility shall have a separate entrance with the school name on the exterior of the school easily visible from the street."

School Sites - Operating Budget Surplus R.10

Background

(1) Section 9(1) paragraph 8 of O. Reg 20/98 (Education Development Charges - General) provides that an education development background charge study must contain:

8. A statement from the board stating that it has reviewed its operating budget for savings that could be applied to reduce growth-related net education land costs, and the amount of any savings which it proposes to apply, if any.

(2) It is therefore necessary that the review referred to in section 9(1) paragraph 8 be conducted annually as part of the process of setting the estimates.

(3) Under the General Legislative Grant Regulation, only a surplus from the non-classroom part of the estimates is eligible to be used to acquire school sites, thereby reducing the "growth related net education land cost" and the education development charge that may be levied by the TCDSB.

Policy

Where there has been or it appears that there will be surplus in the non-classroom part of the estimates of the TCDSB in a fiscal year, the Board shall determine whether all, part, or none of the surplus will be designated as available for the purpose of acquiring school sites by purchase, lease or otherwise.

Regulations

(1) If there is, or it appears that there will be a surplus in the operating budget, the Board shall pass a motion substantially as follows:

Whereas it appears that there has been or that there will be a surplus in the non-classroom part of the budget;

Moved that:

(i) The Board may designate an amount as available for the purpose of acquiring school sites by purchase, lease or otherwise;

(ii) The Board's reasons for so deciding are as follows:

[The Board may choose to direct some funds to the purchase of school sites or may decline to do so. Reasons for the decision should be included which indicate where the board will be directing the funds and its basic reasons for doing so. The purpose for this part of the motion is to ensure that a clear record of the board's decision and its reasons are available as part of the public record for inclusion in the education development charge background study. This is particularly necessary as evidence for the Ontario Municipal Board in the event of an appeal of the by-law.]

(2) If there is no surplus, or it appears that there will not be a surplus in the operating budget, no further action is required with respect to this Policy."

BM p. 20 Jan 2000



POLICY SECTION: REAL PROPERTY

SUB-SECTION:

POLICY NAME: Real Property

POLICY NO: R. 01

Date Approved: January 26 2017	Date of Next Review: January 2022	Dates of Amendments:
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Cross References:

Amending and Consolidating: R. 07 Expropriation of Real Property, R. 08

Disposal of Surplus Real Property, R. 10 School Sites—Operating Budget Surplus

Purpose:

This policy is intended to provide guidance to the Board with respect to the expropriation, disposition and leasing of Real Property.

Scope and Responsibility:

This policy applies to all school sites and other TCDSB property as well as TCDSB's ability to acquire additional property. The Director of Education is responsible for this policy with the support of the Planning and Development Services.

Alignment with MYSP:

Strengthening Public Confidence

Providing Stewardship of Resources

Policy:

The TCDSB is committed to ensuring planning for school sites and other TCDSB property is developed in accordance with relevant legislation and in conjunction with the plans of municipal councils, other school boards and other authorities to achieve maximum service to the community.



POLICY SECTION: REAL PROPERTY

SUB-SECTION:

POLICY NAME: Real Property

POLICY NO: R. 01

Regulations:

1. Expropriation of Real Property:

- a. The Expropriations Act, R.S.O., 1990, C.E.26 defines the process requirements a school Board, as an expropriating authority, must adhere to.
- b. All expropriations are subject to Board approval.
- c. The procedure for hiring of consultants for expropriation such appraisers, surveyors, and real estate brokers follow the Board's Material Management procurement *Purchasing Policy FP01*.

2. Disposal of Surplus Real Property:

- a. The TCDSB shall dispose of surplus real properties in accordance with the requirements of section 194(3) of the *Education Act*.
- b. The TCDSB shall approve the method of disposition, sale or lease, and issue a proposal in accordance with *Ontario Regulation 444/98; Disposition of Surplus Property*, made under the Education Act.
- c. Should no offers in compliance with the *Ontario Regulation 444/98; Disposition of Surplus Property* be received, and subject to Ministry of Education approval, the TCDSB may proceed with the disposition of the property, at fair market value, to any other body or persons.
- d. All Purchase and Sale Agreements and/or Lease Agreements are subject to Board approval.



POLICY SECTION: REAL PROPERTY

SUB-SECTION:

POLICY NAME: Real Property

POLICY NO: R. 01

3. School Sites - Operating Budget Surplus:

- a. Section 9(1) paragraph 8 of O. Reg 20/98 (Education Development Charges - General) provides that an education development background charge study must contain:

A statement from the board stating that it has reviewed its operating budget for savings that could be applied to reduce growth-related net education land costs, and the amount of any savings which it proposes to apply, if any.

It is therefore necessary that the review referred to in section 9(1) paragraph 8 be conducted annually as part of the process of setting the estimates.

Under the **Grants for Student Needs**, only a surplus from the non-classroom part of the estimates is eligible to be used to acquire school sites, thereby reducing the "growth related net education land cost" and the education development charge that may be levied by the TCDSB.

- b. Where there has been or it appears that there will be surplus in the non-classroom part of the estimates of the TCDSB in a fiscal year, the Board shall determine whether all, part, or none of the surplus will be designated as available for the purpose of acquiring school sites by purchase, lease or otherwise.
- c. If there is, or it appears that there will be a surplus in the operating budget, the Board shall pass a motion substantially as follows:

Whereas it appears that there has been or that there will be a surplus in the non-classroom part of the budget;



POLICY SECTION: REAL PROPERTY

SUB-SECTION:

POLICY NAME: Real Property

POLICY NO: R. 01

d. Moved that:

(i) The Board may designate an amount as available for the purpose of acquiring school sites by purchase, lease or otherwise;

(ii) The Board's reasons for so deciding are as follows:

[The Board may choose to direct some funds to the purchase of school sites or may decline to do so. Reasons for the decision should be included which indicate where the board will be directing the funds and its basic reasons for doing so. The purpose for this part of the motion is to ensure that a clear record of the board's decision and its reasons are available as part of the public record for inclusion in the education development charge background study. This is particularly necessary as evidence for the Ontario Municipal Board in the event of an appeal of the by-law.]

c. If there is no surplus, or it appears that there will not be a surplus in the operating budget, no further action is required with respect to this Policy."

Definitions:

Real Property shall mean block land, building lots, relocatable schools, administration buildings and all other forms of real estate, and shall include all rights which flow from its ownership.

A Sale shall mean any of the following:

i) Transfer of freehold title upon payment of the total purchase price on closing;

ii) Transfer of title with part payment in cash and the balance by mortgage;

iii) By agreement, with part payment in cash and the balance due at a later date prior to transfer of freehold title;



POLICY SECTION: REAL PROPERTY

SUB-SECTION:

POLICY NAME: Real Property

POLICY NO: R. 01

iv) Conveyance of real property by long term lease with, or without, an option to obtain freehold title upon payment of a price previously established, or to be negotiated;

v) Exchange of real property.

Expropriation is the forced purchase of land by a public authority from a private owner.

Disposition is the act of disposing; transferring to the care or possession of another. The parting with, alienation of, or giving up of property.

Evaluation and Metrics:

The effectiveness of the policy will be determined by measuring the following:

Development Services will continue to monitor and review the policy to ensure compliance with current Statutory and Regulatory requirements with respect to Real Property.



POLICY SECTION: REAL PROPERTY

SUB-SECTION:

POLICY NAME: ALTERNATIVE ARRANGEMENTS FOR SCHOOL FACILITIES

POLICY NO: R. 09

Date Approved: January 20, 2000- Board	Date of Next Review: January 2022	Dates of Amendments: January 26 2017
Cross References: <i>Real Property, R. 01</i>		

Purpose:

The purpose of this policy is to guide Senior Administration in the identification of partnerships that support Board priorities, within the specified requirements outlined in this policy.

Scope and Responsibility:

This policy applies to all school sites and other TCDSB property. The Director of Education is responsible for this property with the support of Planning and Development Services.

Alignment with MYSP:

Strengthening Public Confidence

Fostering Student Achievement and Well-Being

Providing Stewardship of Resources

Policy:

Legislative provisions encourage school boards to consider alternate arrangements for the accommodation of elementary and secondary school pupils to the usual arrangement under which a school site is acquired and a stand-alone school is built on it.



POLICY SECTION: REAL PROPERTY

SUB-SECTION:

POLICY NAME: ALTERNATIVE ARRANGEMENTS FOR SCHOOL FACILITIES

POLICY NO: R. 09

Regulations

1. Ontario Regulation 20/98 provides that the education development charge background study contain:

6. A statement of the board's policy concerning possible arrangements with municipalities, school boards or other persons or bodies in the public or private sector, including arrangements of a long-term or co-operative nature, which would provide accommodation for the new elementary school pupils and new secondary school pupils estimated under paragraph 3 of section 7, without imposing education development charges, or with a reduction in such charges.

7. If a previous education development charge background study completed by the board included a statement under paragraph 6, a statement of how the policy referred to in the statement was implemented and, if it was not implemented, an explanation of why it was not implemented.

~~Paragraph referencing Regulation 446/98 (Reserve Funds) removed as it was revoked on September 15, 2010.~~

2. Section 210.1 of the *Municipal Act* authorizes municipalities and school boards to enter into arrangements under which they can provide for exemptions from taxation for municipal and school purposes of land or a portion of it that is "entirely occupied and used or intended for use for a service or function that may be provided by a "school board" or municipality". It also authorizes an exemption to be given from municipal and education development charges in certain circumstances.
3. The TCDSB recognizes that alternative arrangements can provide an opportunity to improve service delivery and peak enrolment capacity, reduce duplication of public facilities, maximize the effective use of available dollars, and reduce site size requirements. These include a variety of acquisition strategies such as



POLICY SECTION: REAL PROPERTY

SUB-SECTION:

POLICY NAME: ALTERNATIVE ARRANGEMENTS FOR SCHOOL FACILITIES

POLICY NO: R. 09

forward buying, options, purchases, lease buy-back, sites exchanges and joint venture partnerships.

4. The TCDSB's record demonstrates this commitment:

	<u>AGENCIES INVOLVED</u>
· Humberwood Centre	<ul style="list-style-type: none"> - TCDSB(elementary school) - TDSB (elementary school) - City of Toronto (community centre) - Library Board (library branch)
· Mary Ward Catholic Secondary School	<ul style="list-style-type: none"> - TCDSB (secondary school) - City of Toronto (community centre)
· Lakeshore Grounds Campus (future school(s)/recreation centre/park campus)	<ul style="list-style-type: none"> - TCDSB (secondary & if necessary, elementary school) - Humber College (Lakeshore Campus) - City of Toronto (recreation centre and park)
· Railway Lands (future schools/park/ community centre campus)	<ul style="list-style-type: none"> - TCDSB (elementary school) - TDSB (elementary school) - City of Toronto (community centre and park)
· Port Union Village (future schools/park campus)	<ul style="list-style-type: none"> - TCDSB (elementary school) - TDSB (elementary school) - City of Toronto (park)

5. The TCDSB will consider possible arrangements with municipalities, school boards or other persons or bodies in the public or private sector, including arrangements of a long-term or cooperative nature, which would provide accommodation for the new elementary school pupils and new secondary school pupils who are resident pupils of the Board, subject to the procedures set out below.



POLICY SECTION: REAL PROPERTY

SUB-SECTION:

POLICY NAME: ALTERNATIVE ARRANGEMENTS FOR SCHOOL FACILITIES

POLICY NO: R. 09

- a. The arrangement must be cost effective and advantageous for the TCDSB compared to other possible arrangements including an acquisition of a school site and the construction of a freestanding building.
- b. The arrangement shall comply with any guidelines issued by the **Ministry of Education**. The TCDSB may enter into lease arrangements respecting school facilities intended to be used to accommodate peak enrolment, but shall not enter into such arrangements respecting school facilities that are necessary to accommodate long-term enrolment unless the arrangements could result in ownership at the Board's discretion.
- c. The TCDSB shall retain sufficient governance authority over the facility to ensure that it is able to deliver the appropriate educational program to its pupils, and to ensure that its identity, ambience and integrity are preserved.
- d. The facility shall have a separate entrance with the school name on the exterior of the school easily visible from the street."

Evaluation and Metrics:

The effectiveness of the policy will be determined by measuring the following:
Development Services will continue to monitor and review the policy to ensure compliance with current Statutory and Regulatory requirements with respect to Real Property.



REPORT TO

GOVERNANCE AND POLICY
COMMITTEE

UPDATE TO DONATION POLICY F.F.02

And looking at them Jesus said to them, "With people this is impossible,
but with God all things are possible."

Matthew 19:26

Created, Draft	First Tabling	Review
November 28, 2016	January 18, 2017	Click here to enter a date.
S. Coray, Sr. Manager, Partnership Development C. Kavanagh, Sr. Manager, Employee Relations and Policy Development M. Loberto, Senior Coordinator of Development M. Silva, Comptroller of Planning and Development Services		
RECOMMENDATION REPORT		

Vision:

*At Toronto Catholic we transform the world
through witness, faith, innovation and action.*

Mission:

*The Toronto Catholic District School Board is an
inclusive learning community uniting home, parish
and school and rooted in the love of Christ.*

*We educate students to grow in grace and
knowledge to lead lives of faith, hope and charity.*



R. McGuckin

Associate Director of Academic Affairs

A. Sangiorgio

Associate Director of Planning and
Facilities

C. Jackson

Executive Superintendent of Business
Services and Chief Financial Officer

Angela Gauthier

Director of Education

A. EXECUTIVE SUMMARY

In order to provide parameters and clarify the process required for school donations, staff recommend updating the current Donation policy (F.F.02) and adding Appendix B to the policy “Terms of Reference for Gifts.” An update of the policy in meta format is attached as Appendix A.

The cumulative staff time dedicated to developing this report was 38 hours.

B. PURPOSE

The purpose of this report is to recommend Board approval of a revised Donation policy.

C. BACKGROUND

1. The Donation policy was approved at Board on August 26, 2010 and has not been reviewed since.
2. At the November 8, 2016 meeting of the Governance and Policy Committee, staff provided a verbal update regarding the Sponsorship policy to the Committee. During that update by staff, the Trustees discussed a donation process for schools and stakeholders to reference.
3. Arising from the discussion, a final revised draft is being recommended for approval by the Trustees.

D. EVIDENCE/RESEARCH/ANALYSIS

1. The current process to receive donations at schools is not consistent across the system, despite the existing protocol which is partially reflected in the attached Appendix B.
2. Although the protocol and revised Donation policy are distinct from the Sponsorship policy, the two policies can be seen as companion pieces.

3. Donations are site specific and unconditional whereas sponsorships are an arrangement to exchange advertising for the responsibility of funding an event or entity with a view to promoting name, trade mark, image, activity or product.
4. Given the need for clarity and permissions in terms of acceptance of donations by schools, the policy has been updated to include Operational Procedures outlining the “Terms of Reference for Gifts to be used as a reference for principals and stakeholders.” (see Appendix B).

E. METRICS AND ACCOUNTABILITY

1. The effectiveness of the policy will be determined by measuring the following:
 - on-going incremental donations received;
 - its support of the goals in the TCDSB Multi-Year Strategic Plan;
 - engagement of schools and community groups.
2. Further reports to Board will be brought as necessary.

F. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

1. Implementation will include updating the policy on the TCDSB policy register.
2. The updates will be communicated to all schools and stakeholders to ensure compliance.

G. STAFF RECOMMENDATION

Staff recommends that the updated Donation policy (F.F.02) provided in Appendix A be adopted.



POLICY SECTION: FINANCE
SUB-SECTION: FUNDS AND FOUNDATION
POLICY NAME: DONATION
POLICY NO: F.F.02

Date Approved: August 26, 2010	Date of Next Review: December 2021	Dates of Amendments: December 2016
Cross References: S.S.04 Access to Students in Schools S. 16 Access to Pupil Information S.M.04 Fundraising in Schools F.F.26 Sponsorship Education Act, Reg. 298, Sec. 24 Advertising and Announcements Education Act, Reg. 474/00 Access to School Premises		
Operational Procedures: Terms of Reference for Gifts		

Purpose:

To provide parameters and clarify procedures for the acceptance and/or approval of donations at the Board and/or school level.

Scope and Responsibility:

This Policy extends to all persons, groups, communities and business entities and organizations. The Director of Education is responsible for this policy.

Alignment with MYSP:

Living Our Catholic values
Strengthening Public Confidence
Fostering Student Achievement and Well-Being
Achieving Excellence in Governance
Providing Stewardship of Resources
Inspiring and Motivating Employees



POLICY SECTION: FINANCE
SUB-SECTION: FUNDS AND FOUNDATION
POLICY NAME: DONATION
POLICY NO: F.F.02

Policy:

~~It is the purpose of the Toronto Catholic District School Board to accept donations (gifts) that~~ In support of the Mission, Vision and Goals of the **Toronto Catholic District School Board**, **acceptance of donations (gifts) will be considered to enhance** ~~for the purposes of enhancing~~ learning opportunities for students.

The donation (gift) cannot revert back to an organization or individual outside of the Toronto Catholic District School Board (e.g. **Parent Councils** CSAC, Alumni Associations, etc.).

All donations (gifts) shall be related to charitable, humanitarian, educational, or service activities consistent with the tenets of Catholicism.

Definitions

Donation (Gift)

~~A donation (gift) is a voluntary transfer of property without valuable consideration. Generally, a donation (gift) is made if all three of the conditions listed below are satisfied:-~~

- ~~-Some property usually cash is transferred by a donor to a registered charity;~~
- ~~-The transfer is voluntary; and~~
- ~~-The transfer is made without expectation of return, and there is no benefit of any kind that may be provided to the donor or to anyone designated by the donor.~~

Gift in Kind

~~A gift in kind is a gift of property other than cash. It can be real property (e.g. real estate, securities), personal property (e.g. art, jewelry) or intangible property (e.g. patents, license). However, a gift of service is not a gift in kind that is eligible for a charitable tax receipt. Gifts in kind may be retained by the TCDSB and used for purposes consistent with its objectives or may be liquidated, if not contrary to the donor's explicit wishes.~~



POLICY SECTION:	FINANCE
SUB-SECTION:	FUNDS AND FOUNDATION
POLICY NAME:	DONATION
POLICY NO:	F.F.02

Regulations

1. The Toronto Catholic District School Board will encourage donations from persons, groups, communities and business entities and organizations which are consistent with the goals **and objectives** of the Board, **Donations** will not compromise or exploit students or staff, and will strive to ~~balance~~ **enhance** educational opportunities for students.
2. The Board shall encourage donations from donors whose ~~ethical and political values correspond to the common good as defined in~~ **are consistent with** Ontario Catholic Education, and the Corporate Sector published by the Institute for Catholic Education: "the common good balances harmoniously the recognition, respect, and interests of the human person with the needs and expectations of the community".
3. Donations are to fall under the auspices of the Partnership Development Department, and under its guidance, administrative staff are to develop guidelines with specific terms of reference.
4. The responsibility for implementation of this Policy and any supporting procedure shall be with the Director of Education and the Associate Director of Business Services.

Procedures

1. The TCDSB will work with all donors and recipients to ensure that the terms of reference for all gifts can be satisfied. The TCDSB will ensure relevant information is received prior to gift acceptance and take into consideration costs of on going support and maintenance, recognition and stewardship activities.
2. ~~The TCDSB has set forth the signing authorities required to accept gifts. While the TCDSB will make every effort to accept all gifts, it retains the right to refuse the offer of any gift. The refusal may be the result of difficulties in administering~~



POLICY SECTION: FINANCE
SUB-SECTION: FUNDS AND FOUNDATION
POLICY NAME: DONATION
POLICY NO: F.F.02

~~the gift in accordance to the donor's wishes, special storage requirements, the inability to obtain a cost effective objective appraisal, environmental issues associated with the gift, the illegal nature, or other factors that deem the gift unacceptable. The TCDSB may also refuse a gift if its acceptance is incompatible with its mission, image and values; limits or imposes conditions on academic freedom; or compromises the autonomy of the institution.~~

Donors are required to complete and submit a letter outlining the terms of reference for all gifts in accordance with Operational Procedures, Terms of Reference for Gifts.

~~3. The TCDSB follows the regulations set out by the CRA governing the valuation of gifts in kind. A charitable tax receipt is issued for the fair market value of the gift at the date the ownership is transferred to the TCDSB. In most cases, this will require some pre-advice and planning with TCDSB Business Services.~~

The letter outlining the terms of reference for all gifts from the donor can be addressed to the school or TCDSB and forwarded to the Partnership Development Department.

~~4. Gifts will qualify for current calendar year charitable tax receipts if they are post marked in the current year or officially received at the TCDSB in the current year.~~
While the TCDSB will make every effort to accept all gifts, it retains the right to refuse the offer of any gift.

~~5. Donations require an "arms length" relationship between the donor and the beneficiary when a charitable tax receipt is to be issued. Where no "arms length" relationship exists or, where the donor controls the use or specifies a person or family to receive the funds (e.g. private benevolence), no receipt will be issued. Business receipts, not charitable tax receipts, are provided for corporate sponsorships and private benevolence.~~

Schools may enter into written contractual arrangements regarding donations subject to a central review of the contractual documents. This review will be facilitated through the Partnership Development Department.



POLICY SECTION: FINANCE
SUB-SECTION: FUNDS AND FOUNDATION
POLICY NAME: DONATION
POLICY NO: F.F.02

~~6. The TCDSB will work with all donors and recipients to ensure that the terms of reference for all gifts can be satisfied. The TCDSB will ensure relevant parties are consulted prior to gift acceptance in the light of donor stipulations, fund matching possibilities, ongoing costs including insurance coverage, and other implications.~~
The TCDSB follows the regulations set out by the CRA governing the valuation of gifts-in-kind. A charitable tax receipt is issued for the fair market value of the gift at the date the ownership is transferred to the TCDSB. In most cases, this will require some pre-advice and planning with TCDSB Business Services.

~~7. The TCDSB welcomes donations made by will, gift annuity, life income agreement, living trust or life insurance. The TCDSB will provide guidance to individuals who are considering a planned gift. Prospective donors are always encouraged to retain their own, independent advice.~~
Gifts will qualify for current calendar year charitable tax receipts if they are post marked in the current year or officially received at the TCDSB in the current year.

~~8. Where events or information available subsequent to gift acceptance occurs, which constitutes a significant and continuing challenge to the TCDSB's reputation, the TCDSB will seek legal counsel to resolve the issue within the law.~~
Donations require an "arms length" relationship between the donor and the beneficiary when a charitable tax receipt is to be issued. Where no "arms length" relationship exists or, where the donor controls the use or specifies a person or family to receive the funds (e.g. private benevolence), no receipt will be issued. Business receipts, not charitable tax receipts, are provided for corporate sponsorships and private benevolence.

~~9. All of the above needs to comply with the TCDSB Trustee Services and Expenditures Policy T.17 and TCDSB Policy Sweatshop Free Purchasing Policy F.P.04, and where necessary, requirements of the OFSAA Uniform Sponsorship Policy.~~

The TCDSB welcomes donations made by will, gift annuity, life income agreement, living trust or life insurance. The TCDSB will provide guidance to



POLICY SECTION: FINANCE
SUB-SECTION: FUNDS AND FOUNDATION
POLICY NAME: DONATION
POLICY NO: F.F.02

individuals who are considering a planned gift. Prospective donors are always encouraged to retain their own, independent advice.

10. All of the above needs to comply with the TCDSB Trustee Services and Expenditures Policy T.17 and TCDSB Policy Sweatshop Free Purchasing Policy F.P.04, and where necessary, requirements of the OFSAA Uniform Sponsorship Policy.

Definitions:

Donation (Gift)

A donation (gift) is a voluntary transfer of property without valuable consideration. Generally, a donation (gift) is made if all three of the conditions listed below are satisfied:

- Some property-usually cash-is transferred by a donor to a registered charity;
- The transfer is voluntary; and
- The transfer is made without expectation of return, and there is no benefit of any kind that may be provided to the donor or to anyone designated by the donor.

Gift-in-Kind

A gift-in-kind is a gift of property other than cash. It can be real property (e.g. real estate, securities), personal property (e.g. art, jewelry) or intangible property (e.g. patents, license). A gift of service is not a gift-in-kind that is eligible for a charitable tax receipt. Gifts-in-kind may be retained by the TCDSB and used for purposes consistent with its objectives or may be liquidated, if not contrary to the donor's explicit wishes.

Evaluation and Metrics:

The effectiveness of the policy will be determined by measuring the following:



POLICY SECTION: FINANCE
SUB-SECTION: FUNDS AND FOUNDATION
POLICY NAME: DONATION
POLICY NO: F.F.02

- on-going incremental donations received;
- support of the goals in the TCDSB Multi-Year Strategic Plan;
- engagement of schools and community groups.

APPENDIX A

Operational Procedures: Terms of Reference for Gifts

Terms of Reference for Gifts

The donor to submit a letter outlining the donation and terms of reference for the gift:

- description of the gift
- details of cash and/or in-kind (i.e. installation services) portions
- information regarding costs of on-going support and maintenance, if any
- recognition and stewardship activities, if any
- timing
- any other requirements by the donor in terms of satisfying the gift
- confirmation that “the transfer is made without expectation of return, and there is no benefit of any kind that may be provided to the donor or to anyone designated by the donor”
- if a charitable tax receipt is to be issued, confirmation that this donation is an “arms length” relationship between the donor and TCDSB
- any other information that the donor may feel is pertinent to ensuring the gift can be satisfied

Since school sites are the property of and owned by TCDSB, the letter from the donor can be addressed to the school or TCDSB.



REPORT TO

GOVERNANCE AND POLICY
COMMITTEE

UPDATE TO SPONSORSHIP POLICY F.F.26

*And looking at them Jesus said to them, "With people this is impossible,
but with God all things are possible."
Matthew 19:26*

Created, Draft	First Tabling	Review
November 28, 2016	January 18, 2017	Click here to enter a date.
S. Coray, Sr. Manager, Partnership Development C. Kavanagh, Sr. Manager, Employee Relations and Policy Development M. Loberto, Senior Coordinator of Development M. Silva, Comptroller of Planning and Development Services		
RECOMMENDATION REPORT		

Vision:

*At Toronto Catholic we transform the world
through witness, faith, innovation and action.*

Mission:

*The Toronto Catholic District School Board is an
inclusive learning community uniting home, parish
and school and rooted in the love of Christ.*

*We educate students to grow in grace and
knowledge to lead lives of faith, hope and charity.*



R. McGuckin

Associate Director of Academic Affairs

A. Sangiorgio

Associate Director of Planning and
Facilities

C. Jackson

Executive Superintendent of Business
Services and Chief Financial Officer

Angela Gauthier

Director of Education

A. EXECUTIVE SUMMARY

In order to provide parameters and clarify the process required for school sponsorships, staff recommend updating the current Sponsorship Policy F.F.26 and adding Appendix B to the policy “Determining Whether to Have a Sponsorship—The Sponsorship Process.” An update of the policy in meta format is attached as Appendix A.

The cumulative staff time dedicated to developing this report was 36 hours.

B. PURPOSE

1. The purpose of this report is to recommend Board approval of a revised sponsorship policy.
2. This Recommendation Report arises from a Trustee request through an approved motion on September 13, 2016:

That the Committee recommends to Board that the Sponsorship Policy F.F.26 be added as high priority review for the Governance and Policy Committee.

C. BACKGROUND

1. The Sponsorship policy was approved at Board on August 26, 2010 and has not been reviewed since.
2. At the November 8, 2016 meeting of the Governance and Policy Committee, staff provided a verbal update regarding the Sponsorship policy to the Committee. Arising from the Board discussion, staff were requested to report back to a subsequent meeting of the Governance and Policy Committee with a final revised draft of the Sponsorship policy.

D. EVIDENCE/RESEARCH/ANALYSIS

1. The current process to engage in sponsorships is not clear nor consistent across the system despite the existing protocol which is reflected in the current policy.
2. Although the protocol and revised Sponsorship policy are distinct from the Donation policy, the two policies can be seen as companion pieces.
3. Donations are site specific and unconditional whereas sponsorships are an arrangement to exchange advertising for the responsibility of funding an event or entity with a view to promoting name, trade mark, image, activity or product.
4. Given the need for clarity and permissions in terms of school sponsorship, the policy has been updated to include Operational Procedures outlining the sponsorship process as a reference for principals and stakeholders (see Appendix B).

E. METRICS AND ACCOUNTABILITY

1. The effectiveness of the policy will be determined by measuring the following:
 - on-going incremental revenues generated;
 - its support of the goals in the TCDSB Multi-Year Strategic Plan;
 - engagement of schools and community groups.
2. Further reports to Board will be brought as necessary.

F. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

1. Implementation will include updating the policy on the TCDSB policy register.

2. This update will be communicated to all schools and stakeholders to ensure compliance.

G. STAFF RECOMMENDATION

Staff recommends that the updated Sponsorship policy (F.F.26) provided in Appendix A be adopted.



POLICY SECTION: FINANCE
SUB-SECTION: FUNDS & FOUNDATIONS
POLICY NAME: SPONSORSHIP
POLICY NO: F. F. 26

Date Approved: August 26, 2010	Date of Next Review: October 2021	Dates of Amendments: October 2016
Cross References: S.S.04 Access to Students in Schools S. 16 Access to Pupil Information S.M.04 Fundraising in Schools Education Act, Reg. 298, Sec. 24 Advertising and Announcements Education Act, Reg. 474/00 Access to School Premises		
Operational Procedures: Determining Whether to Have a Sponsorship - The Sponsorship Process		

Purpose:

To provide parameters and clarify procedures for the approval of sponsorship arrangements at the Board and/or school level.

Scope and Responsibility:

This Policy extends to all persons, groups, communities and business entities and organizations. The Director of Education is responsible for this policy.

Alignment with MYSP:

Living Our Catholic values
Strengthening Public Confidence
Fostering Student Achievement and Well-Being
Providing Stewardship of Resources



POLICY SECTION: FINANCE
SUB-SECTION: FUNDS & FOUNDATIONS
POLICY NAME: SPONSORSHIP
POLICY NO: F. F. 26

Policy

~~It is the purpose of the Toronto Catholic District School Board to endorse the use of sponsorships that~~ In support of the Mission, Vision and Goals of the **Toronto Catholic District School Board, sponsorship opportunities will be considered to enhance** ~~for the purposes of enhancing learning opportunities for students.~~

Sponsorships are permitted for the on-going business functions of the Board in accordance with, but not limited to acceptance to hospitality or gifts, offering of hospitality and gifts, access to school premises, purchasing and procurement, fundraising, advertising, advertising in schools and sweatshop-free policies and procedures.

All sponsorships shall be related to charitable, humanitarian, educational, or service activities consistent with the tenets of Catholicism.

Definitions

Sponsorship

~~Sponsorship may be an arrangement to exchange advertising for the responsibility of funding a popular event or entity.~~

Sponsor

~~A corporation or organization that enters into a sponsorship agreement with a "property" and pays cash or value in kind in return for access to exploitable commercial potential associated with the property.~~

~~For the purpose of this Policy, a sponsor is any organization or individual providing resources to the TCDSB, for use in achieving TCDSB objectives, in return for specific benefits. A sponsor is not an organization or individual providing a 'gift' with no benefits in return.~~



POLICY SECTION: FINANCE
SUB-SECTION: FUNDS & FOUNDATIONS
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Regulations

1. The Toronto Catholic District School Board will seek sponsorships with and from persons, groups, communities and business entities and organizations ~~which will benefit the educational objectives of the Board, and are~~ consistent with the goals **and objectives** of the Board. **Sponsorship opportunities** will not compromise or exploit students or staff, and will strive to balance **enhance** educational opportunities for students.
2. The Board shall encourage contributions from sponsors whose ethical and political values ~~correspond to the common good as defined in~~ **are consistent with** Ontario Catholic Education, and the Corporate Sector published by the Institute for Catholic Education: *"the common good balances harmoniously the recognition, respect, and interests of the human person with the needs and expectations of the community"*.
3. Sponsorships are to fall under the auspices of the Partnership Development Department, ~~and under its guidance.~~
4. The responsibility for implementation of this policy and any supporting procedure shall be with the Director of Education ~~and the Associate Director of Business Services.~~

Procedures

1. All school based sponsorship agreements require the approval of the Principal, in consultation with the School Council, and the appropriate Superintendent of Education **and the Partnership Development Department**. The Superintendent **and/or the Partnership Development Department** may discuss the proposal with Director's Council before rendering a decision.
2. Any agreement deemed by the Superintendent of Education to be unique or the first of its kind for the Board shall be brought to Director's Council for discussion. All board wide agreements fall under the auspices of the Partnership Development Department and require the approval of the Board of Trustees.



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The principal may evaluate school based sponsorships in accordance with this policy.

3. Before the acceptance of and/or approval of a sponsorship agreement the following must be considered:

- a) The compatibility of the sponsorship agreement with the mission, vision and goals of the Board;
- b) The compatibility of the sponsorship agreement with the policies and procedures of the Board;
- c) Products and services of the Sponsor are consistent with all applicable policies set by the TCDSB, as well as all applicable laws, rules and regulations in their own country, as well as meet internationally recognized standards, in order to advance social and environmental responsibility;
- d) Value of the sponsorship agreement to the school's educational program;
- e) Location of the sponsorship in the school's building or on the school property;
- f) Applicable installation or repair costs;
- g) Safety, security and maintenance requirements;
- h) Board established standards for equipment (e.g. computers, audio-visual);
- i) Financial commitment required by the school or the Board (e.g. ongoing costs);
- j) All of the above needs to comply with the TCDSB Trustee Services and Expenditures Policy T.17 and TCDSB Policy Sweatshop Free Purchasing Policy F.P.04, and where necessary, requirements of the OFSAA Uniform Sponsorship Policy.

Schools may enter into written contractual arrangements regarding sponsorships subject to a central review of the contractual documents. This



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review will be facilitated through the Superintendent of Education and/or Partnership Development Department.

4. All board-wide sponsorships fall under the auspices of the Partnership Development Department and require the approval of the Board of Trustees.

5. In accordance with O. Reg. 298/24, no advertisement or announcement shall be placed in a school or on school property or distributed or announced to the pupils on school property without the consent of the board.

6. Before the acceptance of and/or approval of a sponsorship agreement the following must be considered:

a) The compatibility of the sponsorship agreement with the mission, vision and goals of the Board;

b) The compatibility of the sponsorship agreement with the policies and procedures of the Board;

c) Products and services of the Sponsor are consistent with all applicable policies set by the TCDSB, as well as all applicable laws, rules, and regulations in their own country, as well as meet internationally recognized standards, in order to advance social and environmental responsibility;

d) Value of the sponsorship agreement to the school's educational program;

e) Location of the sponsorship in the school's building or on the school property;

f) Applicable installation or repair costs;

g) Safety, security and maintenance requirements;

h) Board-established standards for equipment (e.g. computers, audio-visual);



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i) Financial commitment required by the school or the Board (e.g. ongoing costs).

j) All of the above needs to comply with the TCDSB Trustee Services and Expenditures Policy T.17 and TCDSB Policy Sweatshop Free Purchasing Policy F.P.04, and where necessary, requirements of the OFSAA Uniform Sponsorship Policy.

Definitions:

Sponsorship

Sponsorship is an arrangement to exchange advertising for the responsibility of funding an event or entity with a view to promoting a name, trade mark, image, activity or product.

Evaluation and Metrics:

The effectiveness of the policy will be determined by measuring the following:

- on-going incremental revenues generated;**
- its support of the goals in the TCDSB Multi-Year Strategic Plan;**
- engagement of schools and community groups.**

DETERMINING WHETHER TO HAVE A SPONSORSHIP – THE SPONSORSHIP PROCESS

The process can be segmented into five general phases. Each phase is designed to assure alignment with TCDSB Multi-Year Strategic Plan and foster student well-being and achievement. TCDSB appreciates the unique characteristics of school-based fundraising, sponsorships, advertising, donations and/or partnership activities and has accounted for this in the flexibility of the process.

This approach is to be used whether contacted by and/or approaching an organization regarding a school based fundraising, sponsorships, advertising, donations and/or partnership activities.

PHASE 1: ESTABLISH GOALS

Articulate goals to get a clear understanding of the challenges and how the opportunity you are thinking of doing will link to TCDSB Multi-Year Strategic Plan and foster student achievement and well-being. Categories of interest include:

- teaching and learning
- research collaboration
- institution and program-building
- applied and development work
- enhancing community connections
- faculty and staff development

PHASE 2: EXPLORATION

Identify and start a dialogue with all relevant external organizations and/or individuals and review resources before moving into a more formal evaluation process.

PHASE 3: IN-DEPTH EVALUATION

Work in collaboration with appropriate TCDSB central departments (see TCDSB Central Staff Contacts) and enter into a more formal evaluation process (due diligence). Since due diligence is such a critical part of the process, serious attention is given to the topic before getting involved with any organization or individual. Planning is essential, as it may take some time to gather appropriate information,

consult subject matter, analyze the information, etc. before consideration can be given to working or cooperating with any organization or individual.

STEP 3 - COMPETITORS

Now that you have a feel for the proposed initiative, it's time to size it up and see if there are other companies that may provide the same and/or comparable opportunity.

PHASE 4 –COLLABORATION AND BUILDING

Build a working relationship with appropriate TCDSB central departments, through agreeing on the goals, objectives and core principles that will underpin the opportunity you are thinking of doing. Also in this stage, a deal structure is established and formalized with an opportunity that will produce success. As a contingency, it is prudent in this phase to agree on an appropriate conclusion (termination) to the opportunity.

PHASE 5 – MAINTENANCE

School staff working in collaboration with external organizations and/or individuals regarding the initiative and central TCDSB departments, implement the joint initiative and monitor, evaluate and review the initiative to ensure longer-term commitment and continuity. A key element in this phase is to sustain and embed the initiative by communicating with all stakeholders with the goal to ensure a growing productive relationship to maximize the chances of success.

OTHER FACTORS TO CONSIDER

- Whether or not to have the activity?
- What is the form of the activity?
- What is the identity of the activity?
- What are the benefits of the activity?
- What are the obligations upon TCDSB arising from the activity?
- What are the risks associated with the activity?
- Is it within the principal's power and capability to carry out those obligations?
- Will the school have the resources to carry out those obligations?
- What are the risks, if any, to TCDSB in relation to those obligations, and how are they assessed?
- Is legal documentation required for the activity?
- Is all the information in the Activity Proposal factually accurate and correct?
- Are there any predictive statements or forecasts in the Activity Proposal which cannot be supported?
- Are any statements in the Activity Proposal at risk of being perceived to be misleading or deceptive?
- Are promises made in the Activity Proposal made which the school cannot perform?
- Has copyright been breached in relation to any of the contents of the Activity Proposal, and if applicable, have any copyright consents or permissions been obtained to reproduce any copyright works, including photographs?
- Are any trademarks or logos included in the Activity Proposal, and if so, have all licenses, consents or permissions been obtained to use that trade mark or logo?
- Is any organization or person being mentioned in the Activity Proposal, and if so, have they consented to being named in the Activity Proposal?