

# CUASA COMMUNIQUÉ

Volume 37 No. 1

Editor: Arnd Bohm

December, 2006

## CUASA Executive

### **President**

JANICE SCAMMELL  
Library

### **President-Elect**

SUSANNE KLAUSEN  
History

### **Past-President**

EDWARD  
OSEIKWADWO  
PREMPEH  
Political Science

### **Chief Negotiator**

SONYA LIPSETT-  
RIVERA  
History

### **Secretary/Treasurer**

SUSAN JACKSON  
Library

### **Grievance Chair**

GERALD DE MONTIGNY  
Social Work

### **Salary and Benefits**

#### **Officer**

Brett Stevens  
Mathematics & Statistics

### **Editor CUASA**

**Communiqué**  
ARND BOHM  
English

### **External Relations Chair**

MARK LANGER  
Film Studies

### **Internal Affairs Chair**

DIANE HUBERMAN-  
ARNOLD  
Business

### **Retired Members Rep.**

DON WESTWOOD  
Architecture

### **Members at Large**

SAMUEL AJILA  
Systems & Computer  
Engineering  
GRAHAM SMART  
SLALS  
DONALD SWARTZ  
Public Policy &  
Administration

### **CUASA OFFICE**

2004 Dunton Tower  
(613) 520-5607  
FAX: (613) 520-4426  
email: cuasa@carleton.ca  
www.caut.ca/cuasa/

### **Executive Director**

PATRICIA A. FINN, LL.M.

Office Manager  
DEBORAH JACKSON

## End of Year Greetings!

December is a very busy month for the entire academic community, but the holiday break is on the horizon and there are many festive events scheduled. Let us find some time to enjoy and to look forward to a winter term with a new collective agreement in place. It is now the mid point in my term as President of CUASA and I would like to offer the thought that while the Fall was very stressful for all our members, I am encouraged by the collegiality shown during this period and I know that I have made many new acquaintances and have gained further insight into the diversity that makes up CUASA.

*Janice Scammell*  
President

## Freedom of Information and Protection of Privacy Act (FIPPA) Affects Everyone

Legislation protecting privacy and giving individuals access to files about themselves maintained by the provincial government and its agents since 1988 has now been extended to include universities. Because so much of what we do generates records about people – students, colleagues and staff – it is important that everyone become familiar with their rights and responsibilities under the Act.

You should not presume that the way you did things in the past is ok in the new context. It is incumbent upon you to become familiar with the terms of the Act.

The full text of the legislation is available at:

[http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90f31\\_e.htm](http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90f31_e.htm)

The University has, as required, appointed a person to serve as the FIPPA administrator. This is Margaret Haines, the University Librarian. To contact her and for much useful information, click on “FIPPA” on the Library’s front page or click here: <http://fippa.carleton.ca/>

OCUFA has issued a useful FAQ sheet, available at <http://www.ocufa.on.ca/fippa.asp> and is also linked via the CUASA website: <http://www.caut.ca/cuasa/>

As far as your **rights** are concerned, the legislation reinforces principles that have long been enshrined in our Collective Agreement in [Article 16](http://www.caut.ca/cuasa/textagreement0306/a16.txt).

The Act also strengthens the protection of your privacy. No private information about you can be divulged to third parties without your express (written) consent. This is particularly important at a time when certain foreign governments are intent on prying into matters such as which library books you borrow. Academic libraries had always insisted that such data are private and now they have legislation to back up their position.

Just how the consent given by Article 16 limiting your access to some information will work in practice remains to be seen. In other jurisdictions the courts have tended to read the legislation as overriding such limitations on freedom of individual access to information.

Your **responsibilities** also accord with past practice about protecting the privacy of students. No information about any student may be released to a third party without the student's express written consent. For example, you cannot tell parents how a child is doing in your course, even if they are paying the tuition. Students should waive this protection in writing if they want you to provide references to third parties such as employers. Under no circumstances should you compromise the privacy of students by answering questions about them over the telephone or via e-mail. Grades should be released only through the approved formal procedures.

As Dean Osborne (FASS) pointed out in a memo to FASS faculty, **you must take special care to make sure that no private information about a student is disclosed inadvertently**. Thus you must not leave graded papers outside your door for students to pick up, post any grade sheets with information that would allow others to identify individuals (for example through alphabetical order). Also, you may not solicit private information from students or share such information without their consent. Requiring students to put a phone number or an e-mail address on a sign-up sheet where others could learn the information is not permitted unless you have the express consent (in writing) of the students.

**Teaching and classroom practice** can be affected by FIPPA. **All work by students is their private property and may not be made public by you in any form without their expressed (written) permission.** (This is different from the rules of copyright.) If you are going to circulate written assignments for comment and discussions as part of the in-class activities, it would be prudent to make that clear from the outset in the course outline. The right to privacy extends to any sort of group discussion or activity, such as in second-language classrooms: students may not be required to disclose private information about themselves (such as their age, family status, or similar things) to third parties.

You must also be careful about generating any records dealing with students and other members of the University community, since all such records can be opened by individual request. This includes letters of recommendation or reference, notes to yourself about graded assignments, and assessment forms of any sort. It also includes electronic records and e-mail as well as paper documentation. Destruction of records to avoid disclosure is also illegal. **A good rule of thumb would be never to put into writing anything that you would feel uncomfortable about showing to the person concerned.**

It is a University regulation that final examinations must be retained by you for one year. Students have the right to see their final examinations. When disposing of final examinations or un-retrieved written work, be sure that they are disposed of properly (shredded).

**If situations arise in which you become involved in a case involving your terms and conditions of employment through a FIPPA matter, do remember to contact CUASA immediately.**

### ***CUASA-Supported Scholarships and Bursaries***

Each year *CUASA* provides a \$2,500.00 Scholarship to an in-course student in any program. The 2006/07 recipient is James Molnar a 4<sup>th</sup> year Philosophy major in the Bachelor of Arts Honours program.

An endowed bursary fund set up by *CUASA* provides financial assistance to full-time students who are residents of Ontario. In 2005/06, the fund was sufficient for the award of 19 bursaries.

*CUASA* jointly set up a scholarship in memoriam of Bill Jones and the recipient of \$3,000.00 in 2005/06 was Joseph Roman (Doctor of Philosophy, Political Science - Labour Relations). The recipient for 2006/07 will be named in January.