

**BY-LAW**

<b>NUMBER:</b>	<b>15-11-08</b>	<b>RESOLUTION:</b>	<b>C-08/09-150</b>
<b>TITLE:</b>	<b>Code of Ethics and Professional Conduct for the Commissioners of the Western Québec School Board</b>		

**1. References**

- Education Act (sections 175.1 to 177.1)
- Act respecting access to documents held by public bodies and the Protection of Personal Information, sections 53, 59 and 158 to 164.
- Act respecting Elections and Referendums in Municipalities, sections 306 to 312.
- Civil Code of Québec, sections 321 to 330.

**2. Title**

This by-law is entitled: *Code of Ethics and Professional Conduct for the Commissioners of the Western Québec School Board.*

**3. Application**

This by-law applies to every commissioner within the meaning of the Education Act.

**4. Duties and Obligations of Commissioners**

Commissioners have the following duties and obligations:

**4.1 General duties**

Commissioners fulfill their duties and obligations with independence, integrity and good faith, in the best interest of the School Board and the population it serves. They act with prudence, diligence, honesty and loyalty.

Commissioners must behave in a professional manner and must continuously practice the art of diplomacy with each other and all employees of the School Board as well as with the general public.

Commissioners must protect and promote the image and credibility of the School Board.

**4.2 Exercise of power**

Commissioners do not have powers or authority in their own right regarding the School Board's activities. Their powers and authority are exercised through duly

convened structures of the School Board. Thus, commissioners must act democratically and in a spirit of cooperation.

Commissioners must base their decisions on available information and their independent judgment. They shall not allow their decisions to be dictated by individual or special interest groups.

#### **4.3 Decisional solidarity**

Once a decision has been reached by the School Board, commissioners must act in a manner that reflects and respects this decision. Commissioners should be able to explain the rationale for the decision and ensure that it is understood and implemented. A commissioner who wishes to express his/her personal disagreement with the decision of the Board must do so in accordance with the present clause.

#### **4.4 Rules and policies**

Commissioners must abide by the rules and policies established by the School Board.

#### **4.5 Information**

Commissioners must act with absolute discretion both during and after their mandate and must respect the confidential nature of personal, commercial or scientific information obtained in the performance of their duties, particularly the information disclosed during meetings of School Board authorities held in camera.

Without limiting the generality of the above, commissioners must not divulge nor use, to their personal profit or to the profit of a third party, privileged or confidential information. In particular, commissioners must refrain from using information obtained in the performance of his /her duties to provide directly or indirectly an advantage to his/her close relations or to him/herself in the context of the negotiation or conclusion of a contract or an agreement with the School Board.

#### **4.6 Conflict of interest**

Commissioners must avoid any situation of conflict of interest as provided by the *Education Act* and this by-law.

Commissioners must disclose any situation that places or could place, directly or indirectly, his/her personal interests or those of his close relations in conflict with those of the School Board.

#### **4.7 Usage of the title and position**

Commissioners must not use their title or position in order to obtain for their close relations or for themselves, services offered by the School Board to which they are not normally entitled.

#### **4.8 Favor or undue advantage**

Commissioners must not directly or indirectly award, solicit or accept a favor or an undue advantage for themselves or another person. Commissioners must not accept any gifts, proofs of hospitality or advantages other than those that are common and of minimal value.

#### **5. Preventive Measures**

Without limiting Commissioners' obligations under section 175.4 of the *Education Act*, upon a commissioner's entry into office, he/she shall identify, in writing, on the form provided by the School Board, situations or relationships which might create a conflict of interest. This form must be completed at least once a year and whenever a change occurs which might create a similar situation.

In any deliberations of Council or in Committee, where a Commissioner is in conflict of interest, whether actual, potential or perceived, the Commissioner must declare the conflict, withdraw from sitting while the issue is being discussed and/or voted upon, and avoid influencing the discussion in any way.

#### **6. Identification of situations of conflict of interest**

A situation of conflict of interest is a situation in which a commissioner might have to choose between his/her personal interest or those of his/her close relations and the interests of the School Board.

The term interest implies a direct or indirect interest, financial or not, real, apparent or potential. This interest is distinct from the public interest in general and can be perceived as such by a reasonably informed person.

#### **7. Practices relating to remuneration**

Commissioners receive the remuneration determined by the Council of Commissioners in conformity with the applicable legal and statutory dispositions. Commissioners are not entitled to any other remuneration than the one stipulated by these provisions.

#### **8. Duties and obligations of commissioners after leaving office**

All the obligations provided for in the present by-law continue for the duration of one (1) year after the end of the commissioner's mandate except the obligation of confidentiality regarding information pertaining to the reputation and the private lives of others or confidential information as defined under the *Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information*, in which case the obligations apply indefinitely.

#### **9. Person Charged with Enforcement**

## **9.1 Designation of Person**

The Council of Commissioners designates one person (herein after named the "Designated Person") charged with the enforcement of this code.

One (1) other member is designated as substitute to replace the Designated Person in case of absence or inability to act.

The term of office for the Designated Person and his substitute is four (4) years.

## **9.2 Designated Person's Role and Powers**

- i. The Designated Person is responsible for the application of this Code.
- ii. The Designated Person is responsible for reviewing or investigating situations or allegations of behaviors likely to derogate from this Code.
- iii. Each year, the Designated Person submits his/her report to the Council of Commissioners on September 30th at the latest for the previous school year ending June 30th.

## **9.3 Coordination**

The Secretary General coordinates the work of the Designated Person however, without any authority to determine if this Code has been contravened or to impose a penalty.

## **9.4 Selection**

### **9.4.1 Requirements**

The Designated Person is chosen from the following categories:

- Former member of a Council of Commissioners or Municipal Council (City, borough or metropolitan area) that has not held that office for the previous two (2) years;
- Former school board administrator who has ceased such function for at least two (2) years;
- Former member of judicial or quasi-judicial authority, who has ceased such function for at least two (2) years;
- Experienced mediator or arbitrator;
- Practicing lawyer experienced in public case law;
- Representative of the general public with appropriate experience.

### **9.4.2 Call for nominations**

- Call for nominations for the position of Designated Person will be posted in newspapers across the School Board territory by the Secretary General.

- When a position (Designated Person or substitute) becomes vacant, the Secretary General submits a list of candidates to the Council of Commissioners.

#### **9.4.3 Remuneration**

An honorarium will be paid to the Designated Person and the substitute at a rate to be determined by the Council of Commissioners.

### **9.5 Operations**

#### **9.5.1 Coordination**

The Secretary General's role and functions are:

- Making sure that the complaint or allegation is submitted in writing, by sworn statement;
- Deciding whether the complaint or allegation is receivable; If the complaint is rejected at this step, the plaintiff may appeal this decision to the Designated Person;
- If the complaint or allegation is declared receivable, delivering said complaint or allegation to the Commissioner affected by the complaint or allegation and inviting him/her to provide his/her comments within a reasonable period of time, as indicated by the Secretary General;
- If the complaint or allegation is receivable, convening the Designated Person in writing to lay the complaint or allegation, together with the affected Commissioner's comments or version.

#### **9.5.2 Examination by the Designated Person**

The Designated Person convenes the parties in writing.

#### **9.5.3 Deliberations**

The Designated Person must proceed with deliberations without delay.

#### **9.5.4. Decision**

- Following the review session, the Designated Person determines whether there has been a contravention of this Code.
- If the Designated Person comes to the conclusion that there has been a contravention, he/she decides upon the appropriate sanction, excluding sanctions under the courts' exclusive jurisdiction. These sanctions include, but are not limited to, one or more of the following:
  - Admonition

- Censure
- Recommend that any other measures be taken by the School Board under section 176 of the Education Act.

**10. Access to this Code**

The Code of Ethics and Professional Conduct of the Western Québec School Board is available on the School Board website, as well as by request from the Office of the Secretary General.

**11. Effective Date**

The present by-law will become effective on the date of its adoption by the Council of Commissioners.



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Secretary General