



BY-LAW NUMBER 15

Adopted:	February 22, 2023	C-21/22-120
Revised:	June 30, 2026	C-25/26-153

1. OBJECTIVES

- This By-law establishes ethical standards and expected behaviours for members of the Council of Commissioners of the Western Québec School Board (WQSB). It promotes integrity, transparency, accountability, and guides ethical decision-making. It applies to all members of the Council of Commissioners in all official functions and interactions as they carry out their role.
- This Code of Ethics also governs the actions of and relationships between the members of the Council of Commissioners, as well as their dealings with other key stakeholders.

2. LEGAL FRAMEWORK

- Education Act (CQLR, c. I-13.3)
- Act Respecting Elections and Referendums in Municipalities (CQLR, c. E-2.2)
- Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information (CQLR, c. A-2.1)
- Act Respecting School Elections (CQLR, c. E-2.3)
- Civil Code of Québec (CQLR, c. C-64)
- Code of Civil Procedure (CQLR, c. C-25.01)
- Act to Facilitate the Disclosure of Wrongdoings Relating to Public Bodies (CQLR, c. D-11.1)
- All Policies, By-laws, and Directives of the School Board

3. TITLE

This By-law is entitled: ***Code of Ethics and Professional Conduct, for the Commissioners of the Western Québec School Board (WQSB)***, hereafter referred to as the Code of Ethics.

4. APPLICATION

This Code of Ethics applies to every member of the Council of Commissioners within the meaning of the Education Act.

5. DUTIES AND OBLIGATIONS OF COMMISSIONERS

Commissioners have the following duties and obligations:

5.1 General duties

- Commissioners fulfill their duties and obligations with independence, integrity, and good faith, in the best interest of the WQSB and the population it serves. They act with prudence, diligence, honesty, and loyalty.
- Commissioners shall act within the scope of the functions and powers conferred by the *Education Act* with due regard for everyone's roles and responsibilities.
- Commissioners must behave in a professional and ethical manner and must continuously engage in a respectful manner with one another, with employees of the School Board as well as with the public.
- Commissioners must protect and promote the integrity and credibility of the WQSB.
- Commissioners must abide by the rules, by-laws and policies established by the WQSB.
- Commissioners must make every effort to attend meetings of the Council of Commissioners and meetings of committees on which they serve; they are to inform the Chair or Secretary General of anticipated absences.
- Commissioners must make every effort to attend ongoing training sessions organized by the General Directorate, the Quebec English School Board Association, regarding diversity, equity inclusion and cultural safety; governance; risk management; and public administration; they are to inform the Chair or Secretary General of anticipated absences.

5.2 Exercise of Power

Individual Commissioners do not have powers or authority regarding the WQSB's activities. Authority is exercised through decisions of the whole Council and Executive Committee. Commissioners must act democratically and in a spirit of cooperation.

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

5.3 Decisional Solidarity

Once a decision has been reached by the Council of Commissioners, Commissioners must act in a manner that reflects and respects this decision. Commissioners should be able to explain the rationale for the decision (or defer to someone in the WQSB who can) and cooperate with its implementation. A Commissioner who wishes to express personal disagreement with a decision of the Council of Commissioners has the fundamental freedom to do so and must do so in a manner consistent with the present Code of Ethics.

5.4 Use of Confidential or Privileged 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 held in camera.

Without limiting the generality of the above, Commissioners must not divulge nor use to their personal profit or for the profit of a third party, privileged, or confidential information.

Commissioners must refrain from using information obtained in the performance of their duties to provide directly or indirectly an advantage to a third party:

- a) their close relations or distant relations,
 - b) acquaintances,
 - c) current or former business associates,
 - d) enterprises with which they have, are currently or will in the future, conduct business,
 - e) individuals with whom they have, are currently or will in the future, conduct business,
 - f) organizations with which they are associated or were previously associated,
- or to themselves, in the context of the negotiation or conclusion of a contract or an agreement with the WQSB.

6. CONFLICT OF INTEREST

A situation of conflict of interest is a situation in which a Commissioner might have to choose between the interests of the WQSB and the Commissioner's personal interest or those of a third party:

- a) their close relations or distant relations,
- b) acquaintances,
- c) current or former business associates,
- d) enterprises with which they have, are currently or will in the future, conduct business,
- e) individuals with whom they have, are currently or will in the future, conduct business,
- f) organizations with which they are associated or were previously associated.

The term "interest" means 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 a conflict by a reasonably informed person.

Commissioners must avoid any actual conflict or situations that give the appearance of a conflict of interest as provided by the *Education Act (Section 175.4; EA)* and this by-law.

Commissioners must disclose real or perceived conflicts of interest as requested on official declaration forms and must immediately inform the Director General if such a situation emerges.

6.1 Usage of the title and position

Commissioners must not use their title or position in order to obtain for third parties or for themselves, services offered by the WQSB to which they are not normally entitled.

6.2 Favour or undue advantage

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

Commissioners shall refuse and disclose to the Chair, who will in turn inform the Director General, any offer of service or goods made to the Commissioner by a person in order to obtain a contract or any other benefit from the School Board.

6.3 Preventive Measures

Without limiting Commissioners' obligations under section 175.4 of the *Education Act*, upon a Commissioner's entry into office, they shall identify, in writing, on the form provided by the WQSB, 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 real or perceived conflict.

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.

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 a 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, upon recommendation of the Governance and Ethics Committee, designates, by resolution, 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 their 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 behaviours alleged to derogate from this By-law.
- iii. The Designated Person has the power to convene hearings, call witnesses, gather and document evidence, make recommendations, impose sanctions, and write a report of findings and conclusions on cases reviewed. The report of findings and conclusions, along with any recommendations, are to be submitted to the Secretary General for distribution to the Council of Commissioners.
- iv. Each year, the Designated Person submits their 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 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:

- i. 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;
- ii. Former school board administrator who has ceased such function for at least two (2) years;
- iii. Former member of judicial or quasi-judicial authority, who has ceased such function for at least two (2) years;
- iv. Experienced mediator or arbitrator;
- v. Practising lawyer with experience in public law;
- vi. Representative of the public with appropriate experience.

9.4.2 Call for nominations

- i. Call for nominations for the position of Designated Person will be posted in newspapers across the WQSB territory by the Secretary General.
- ii. If the call for nominations fails to attract a suitable candidate, the Secretary General will conduct a search and invite at least 2 candidates to interview for the position.
- iii. 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

The Designated Person shall be remunerated according to the standard rate for arbitrators, as per the *Regulation respecting the remuneration of arbitrators* (CQLR, c. C-27, r. 6).

9.5 Operations of the complaint and allegation process

9.5.1 Coordination

The Secretary General's role and functions are:

1. Making sure that the complaint or allegation is submitted in writing, by sworn statement;
2. Ensuring the complaint pertains to subject matter referred to in this By-law. Should there be a question regarding the receivability based on subject matter or whether the complaint falls under the jurisdiction of another body (eg. criminal justice system, Protecteur du citoyen), the Secretary General will consult legal counsel apart from the Designated Person.
3. If the complaint or allegation is receivable, convening the Designated Person in writing to lay the complaint or allegation, together with the sworn statement from the Complainant and the Respondent's reply to it.
4. Under the direction of the Designated Person, delivering said complaint or allegation to the Commissioner (hereinafter Respondent) affected by the complaint or allegation and inviting the Respondent to provide comments within 15 working days, unless there are special circumstances that justify a reasonable delay. Except for extraordinary circumstances, the delay must not exceed an additional 15 working days. The deadline for the Respondent to submit comments will be as indicated in writing by the Secretary General; That deadline will also be communicated in writing to the Complainant, as will any delay and the reason for it.

9.5.2 Examination by the Designated Person

The Designated Person writes to each person named in the complaint and any witnesses who may give pertinent information in order to convene the meeting(s). The parties may be accompanied by the person(s) of their choice.

The Designated Person may set deadlines for evidence to be submitted for examination, bearing in mind the overall deadline for completion of the work specified in paragraph 9.5.3 below.

Commissioners are required to cooperate with any duly initiated investigation by the Designated Person and abide by the decisions of the Designated Person.

If a Commissioner fails to cooperate with the process of examining a complaint, the Designated Person may note this in the report of findings and conclusions and proceed to finish the work within the overall deadline for the process specified in paragraph 9.5.3 below.

9.5.3 Deliberations

a) The Designated Person must proceed with deliberations without delay and render a final decision within ninety (90) days of the date the complaint was assigned to them, unless the Complainant asks for an extension to be able to submit further evidence or if the Complainant is asked for a specified extension of time and agrees in writing.

- b) If the **Designated Person** determines that the complaint is abusive or frivolous or that an investigation is not necessary, they shall state it in their decision.
- c) If the **Designated Person** decides that probable cause exists, they shall inform the Secretary General and proceed with an investigation, the whole according to the established timeline.
- d) In the event that the complainant or their legal counsel demonstrates a lack of cooperation in making themselves available for the investigation and/or the hearing of a complaint, then the Designated Person shall dismiss the complaint. The Designated Person shall then notify in writing the complainant, the Respondent and/or their respective legal counsels and the Secretary General of the decision. This decision is final.
- e) In the event that the Respondent or their legal counsel demonstrates a lack of cooperation in making themselves available for the investigation and/or the hearing, the Designated Person shall proceed to render a decision by default. The Designated Person shall then notify in writing, the Complainant, the Respondent and/or their respective legal counsels and the Secretary General of the decision. This decision is final.
- f) The complainant shall have the burden of proof to establish factually that the Respondent has violated any of the provisions of the Code of Ethics.
- g) No judicial proceedings may be brought against a Designated Person for any act done in good faith in the exercise of the functions of office.
- h) Except on a question of jurisdiction, no application for judicial review under the *Code of Civil Procedure* may be brought nor any injunction granted against a Designated Person in the exercise of the functions of office.

9.5.4 Requests for Extensions

Following the establishment of the timeline, if either party, for exceptional circumstances, needs to request an extension of any delay, said request shall be made in writing to the Designated Person with a copy to the other party and to the Secretary General.

Following the receipt of a request for an extension of delay, the Designated Person shall hold a conference call between all parties, including the Secretary General, after which the Designated Person shall render a decision on the request for extension of the delay. This decision is final.

9.5.5 Determination

- i. Following the review session, the Designated Person determines whether there has been a contravention of this by-law.

If the Designated Person considers that the Commissioner did breach the Code of Ethics, they may consider any of the following sanctions or decide to impose more than one sanction concurrently:

- a) a call to order to be read by the Secretary General during the public session of the meeting of the Council of Commissioners;
- b) a public apology to be read by the Respondent during a public session of a meeting of the Council of Commissioners;
- c) a written reprimand to be read by the Secretary General during a public session of a meeting of the Council of Commissioners;
- d) the reimbursement by the Respondent of any unlawful profit;
- e) a withdrawal, for a maximum of six (6) months, of the WQSB's services and privileges normally given to Commissioners.
- f) a suspension, for a maximum of six (6) months, of part or all of the attributions and functions of a Commissioner including sitting on advisory committees, except the right to participate and vote in the public meetings of the Council of Commissioners;
- g) a suspension of the respondent's remuneration as a Commissioner. This is applied for the period in which the member was no longer rendering the services for which remuneration was received;
- h) a penalty of a specific amount up to a maximum of \$1,000.00;
- j) a recommendation to the Council of Commissioners that an action to declare the defendant disqualified as a Commissioner be taken in accordance with section 329 of the *Civil Code of Québec*.

If the defendant failed to comply with any aspects of the sanctions mentioned in the previous section, the Secretary General shall inform the Designated Person of the situation. The Designated Person shall impose one or more subsequent and more severe sanction(s) to the Commissioner who neglected and/or refused to comply with the decision.

If the Designated Person concludes that a request for an inquiry instituted by a Commissioner was made in bad faith, for personal reasons or with an intent to harm, the Designated Person may recommend in the report on the matter that one or more of the sanctions provided for above be imposed to that Commissioner.

All decisions of the Designated Person shall specify if the Respondent performed in good faith in the discharge of their functions with regard to the complaint received.

All conclusions rendered by the Designated Person are public. The Designated Person shall forward the decision and the sanction(s) to the Secretary General. The decision and the sanction(s) shall be recorded in the minutes of the Council of Commissioners along with the name of the respondent if the Designated Person deems the allegations to be founded.

The decisions of the Designated Person shall state the grounds on which they are based and be rendered in writing.

The Designated Person shall present a report to the Council of Commissioners no later than September 15th for inclusion in the School Board's Annual Report.

9.5.6 Sharing of the Conclusions

The investigation and/or the hearing process of an ethics complaint shall remain confidential, until a final decision is rendered. Under the coordination of the Secretary General, the Council of Commissioners will receive the report on the conclusions of the Designated Person during an *in-camera* session, after which the following information will be shared during the same Council meeting or the following regular meeting of the Council:

- i) that a complaint was received regarding an alleged contravention of this by-law;
- ii) that the Designated Person conducted an investigation and deposited a report containing conclusion and recommendations (if applicable);
- iii) that the complaint was deemed to be founded or unfounded. In the case in which it is deemed to be founded, the name of the respondent shall be read aloud and if unfounded, no names shall be shared;
- iv) the sanctions issued;
- v) the total cost of the complaint.

9.5.7 Breach to the Code of ethics during investigation

Commissioners shall be considered to be in breach of the Code of Ethics if they, namely but not limited to the following:

- a) act in bad faith in the context of an ethics complaint or a complaint involving an employee of the WQSB, namely by filing a complaint that is abusive or based on frivolous grounds;
- b) refuse or fail to respond within a reasonable delay to a written request of the Designated Person;
- c) refuse or fail to provide, within a reasonable delay, information, or a document the Designated Person has requested;
- d) mislead or attempt to mislead the Designated Person in the exercise of that person's functions;
- e) in any way hinders the Designated Person in the exercise of their functions;

f) when informed of the filing of an ethics complaint regarding them or an investigation related to such ethics complaint, by a person other than a Commissioner, communicate, directly or indirectly, with the person who is the source of the investigation or who filed the complaint, unless they have the prior written permission of the Designated Person. The Designated Person determines in what cases and in what conditions communication is permitted;

g) intimidate a person, retaliate or threaten to retaliate against a person because the person participated or cooperated or intends to participate or cooperate in such an investigation or complaint, reported or intends to report a conduct contrary to the Code of Ethics;

h) when found guilty of having breached the Code of Ethics by the Designated Person, refuses and/or neglects to abide by any or all aspects of imposed sanctions.

10. ACCESS TO THIS CODE

The Code of Ethics and Professional Conduct of the Western Québec School Board is available to the public on the WQSB 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.

12. REVIEW PROCEDURE

This By-Law may need to be reviewed every four years. Such a review will be led by the Governance and Ethics Committee upon the By-Law being referred to it by the Council. Any Commissioner may bring a request for review of the By-Law to the Council for approval and referral to the Governance and Ethics Committee. Because this is an internal By-Law for the Council of Commissioners, it does not need to be sent out for external review. Any revisions must be adopted by the Council of Commissioners.