



# COMMISSION SCOLAIRE EASTERN SHORES EASTERN SHORES SCHOOL BOARD

## BY-LAW

**Number: 09**

**Title: CODE OF ETHICS**

### 1.0 PURPOSE OF THIS POLICY

The Council of Commissioners must adopt a code of Ethics (Education Act: articles 175.1, 175.2, 175.3 and 175.4) in order to:

- Prevent real or potential conflicts of interest;
- Ensure that all collective decision making, discussions and communication amongst commissioners are respectful and courteous;
- Meet the legal aspects and the requirements for this function;
- Encourage complete openness in order to strengthen public confidence in school board administrators;
- Specify the duties and obligations of commissioners even after they leave office;
- Interpret guidelines of behavior and attitude regarding:
  - ✓ Power
  - ✓ Influence
  - ✓ Information
  - ✓ Other advantages

### 2.0 POLICY SOURCE

The Education Act (L.R.Q., chapter I-13.3)

The School Election Act (L.R.Q., chapter E-2.3)

The Act on Election and Referendum regarding Municipalities (L.R.Q., chapter E-2.2)

Access to Information Act

Civil Code

Rules and Regulations on School Boards

### 3.0 DEFINITIONS

#### Ethics Committee

A committee composed of two (2) persons to examine any complaint associated with a commissioners' behavior. These persons are designated in accordance with the Law and exclude members of the Council of Commissioners and school board personnel.

#### Commissioner

A commissioner elected or appointed pursuant to the Act respecting school elections (Chapter E-2.3)

#### Conflict of Interest

Situation where a commissioner has a direct or indirect interest in any enterprise which places his own personal interest before those of the school board.

#### Professional Conduct

Duties and obligations applicable to commissioners.

#### 4.0 ETHICAL STANDARDS

As a democratic institution attaching importance to established standards, the Council of Commissioners endorses the rules where respect, honesty, integrity, loyalty, impartiality, openness towards others, discretion, responsibility, cooperation and equity are the core of the behavioral code of commissioners exercising their functions.

These values favor, among others, the following:

- **Students**  
To assure quality education and equity to all school board youth and adult clientele.
- **Parents**  
To listen to parents, particularly the official body representing the parents: the Governing Board.
- **Community**  
To listen to the needs of the community.
- **School Board Personnel**  
Demonstrate respect and courtesy towards employees of the school board. Respect the line of conduct established by the organization, the duties delegated to the Director General and other management personnel in accordance with the Education Act.
- **Members of the Council of Commissioners**  
Demonstrate respect and courtesy towards each member of the Council of Commissioners.
- **School Board**  
Recognize that the power given to a commissioner is of a collective decision making nature and that a commissioner may not involve the school board in any situation created by them.

In accordance with the Civil Code and the Education Act, a commissioner must behave with prudence, conscientiousness and honesty with respect to school board orientations, regulations and resolutions adopted by the Council of Commissioners and by the Executive Committee. A commissioner must always act in the best interests of the school board.

Support all decisions taken by the Council of Commissioners and the Executive Committee. However, this collaboration must not restrict the freedom of speech inherent to a commissioner's function.

## 5.0 OBLIGATIONS AND DUTIES OF A COMMISSIONER

A commissioner must also fulfill the following duties and obligations:

### 5.1 Declaration and participation in deliberations

Each year a commissioner must identify situations of conflict of interest. Whenever a commissioner becomes aware of a possible conflict of interest situation during deliberations, they must withdraw from the sitting while the matter is discussed or voted on and abstain from influencing other members.

### 5.2 Conflict of interest

A commissioner must not become involved in a situation creating a conflict of interest. A conflict of interest situation arises when a commissioner must choose between his own personal gain and the interests of the school board.

### 5.3 Conflict of interest situations

5.3.1 Whenever a commissioner is taking a decision on a particular situation and agrees to receive personal advantages. Personal advantage includes gifts, donations, favors, awards, remuneration, indemnity, compensation, benefits, profit, advances, loans, reduction on costs of items.

5.3.2 Whenever a commissioner has a direct or indirect interest in any enterprise which places the member's personal interest in conflict with the interests of the school board, and has confidential information which may be manipulated to his own advantage during the time he carries out his duties as commissioner.

5.3.3 Whenever a commissioner uses school board goods and materials for his own personal interest.

5.3.4 Whenever a commissioner takes part in deliberations on issues in which he is already involved.

## 6.0 IMPLEMENTATION

### 6.1 Period of Limitation

*All regulations included in this policy continue to exist one (1) year after a commissioner's mandate terminates and, indefinitely, when information received during the mandate is confidential and is related to private life or information under the Access to Information Act.*

### 6.2 Rules of Implementation

In order to implement this regulation, the Council of Commissioners must establish an Ethics Committee composed of two (2) persons excluding any member of the Council of Commissioners or any member of the School Board personnel. The Council of Commissioners also nominates a substitute, if necessary. The members of this committee are named for a two year period.

The committee convenes upon receipt of a written complaint. The committee sets up its own rules of operation.

The committee meets the commissioner and examines the alleged conduct which may be contrary to standards of ethics or professional conduct. The commissioner is given the time to explain his actions.

If the committee believes that the commissioner has deviated from this policy, one of the following measures may be imposed:

- Written reprimand
- Suspension for a limited time
- In a case of exceptional circumstances, the committee may recommend to the Council of Commissioners that action be implemented to begin the legal procedure for removal

6.3 Ethics Committee Annual Report

The annual report shall state the number of cases dealt with and the follow-up. It shall indicate any deviations determined by the disciplinary authorities and the names of any commissioners divested of office by a court order during the preceding year.

This article must not restrict any commissioner from freely expressing their opinion or acting to fulfill their function as commissioner.

**7.0 DATE OF IMPLEMENTATION**

On November 14, 2007 this Code of Ethics for Commissioners policy was adopted by the Council of Commissioners and a public notice has been issued.

**The present by-law shall take effect on the day of its publication by a public notice indicating its adopting.**

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Chairperson

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Secretary General