



## COMMISSION SCOLAIRE EASTERN SHORES EASTERN SHORES SCHOOL BOARD

<b>By-Law Name:</b>	Code of Ethics and Professional Conduct for Commissioners
<b>By-Law Number:</b>	By-Law 9
<b>Date Approved by Council:</b>	February 23, 2021
<b>Resolution Number:</b>	C21-02-683
<b>Suggested Date of Next Review:</b>	3 years from approval by Council
<b>Annexes:</b>	1: Commissioner Standards for Ethical Conduct 2: Potential Conflict of Interest Form

### 1. REFERENCE

Articles 175.1 to 175.4, 176, 177.1 of the Education Act, and Articles 321 to 330 of the Civil Code of Quebec, and the Act respecting School Elections.

### 2. APPLICATION

Unless otherwise indicated, this By-Law shall apply to commissioners and parent commissioners as defined under Article 143 of the Education Act.

### 3. DEFINITIONS

**Council:** Council of Commissioners of Eastern Shores School Board

**Commissioner:** Commissioner elected or designated to the Council of Commissioners for Eastern Shores School Board

**Conflict of Interest:** Any member of the council of commissioners who has a direct or indirect interest in any enterprise which places the member's personal interest in conflict with the interest of the school board must, on pain of forfeiture of office, disclose the interest in writing to the Director General of the school board, abstain from voting on any matter concerning the enterprise and avoid influencing the decision relating to it. The member must, in addition, withdraw from a sitting while the matter is discussed or voted on.

### 4. OBJECTIVE

The objective of this Code of Ethics and Professional Conduct for Commissioners is to ensure the integrity, objectivity and impartiality of the Council of Commissioners of Eastern Shores School Board by establishing standards of professional conduct for its Commissioners.

## **5. DUTIES AND RESPONSIBILITIES OF OFFICE (see annex 1)**

- 5.1 Commissioners shall abide by the duties and obligations prescribed in the Education Act, particularly Article 177.1, and in the Civil Code of Quebec (Articles 321 to 330).
- 5.2 Commissioners shall fulfill the obligations of their office with integrity and in good faith and in the best interests of the population served by the school board.
- 5.3 Commissioners shall abide by the rules of procedure and policies adopted by Council.
- 5.4 Commissioners shall treat each other, the institutions of the Council of Commissioners and the School Board, as well as the employees of the school board, both professionally and respectfully.

## **6 CONFIDENTIALITY**

Commissioners must demonstrate absolute discretion, both during and after their term of office, and must respect the confidential nature of:

- 6.1 discussions concerning collective and association agreements, as well as their negotiations, (before, during, and after...);
- 6.2 negotiations and information relative to suppliers during the tendering process;
- 6.3 confidential information relating to the private lives of commissioners, staff, students and their families;
- 6.4 the staff selection process;
- 6.5 the ethics complaint process;
- 6.6 disciplinary measures;
- 6.7 draft documents stamped as “confidential”;
- 6.8 any other information disclosed during “in camera” meetings of the Council of Commissioners, the Executive Committee or a Standing Committee.

## **7 REGULAR ATTENDANCE**

Commissioners shall abide by the rules for regular attendance at Council meetings as described under Article 193 of the Act respecting School Elections.

## **8 UNDUE INFLUENCE**

- 8.1 Commissioners must not use their influence to obtain, for their relatives, friends, or themselves, services offered by the school board to which they, another person or enterprise are not normally entitled.

- 8.2 Commissioners must not directly or indirectly award, solicit or accept a favour or an undue advantage for themselves or another person.
- 8.3 Commissioners must refuse any offer of services or goods made to them by a person in order to obtain a contract or any other benefit from the school board, and disclose such information to the Director General and to the Chairman.

## **9 CONFLICT OF INTEREST**

Pursuant to Article 175.4 of the Education Act, within thirty (30) days of his/her election to office, a commissioner must produce a written statement, on the form provided by the school board (see annex 2), of any situation or relationship which might create a conflict of interest. Thereafter, commissioners shall produce a statement in November of each year, or as soon as any change occurs that may result in a conflict of interest. Each time a commissioner completes a statement pursuant to this by-law, the statement shall be submitted to the Director General and to the Chairman.

Commissioners who are in a situation of conflict of interest, as defined by this By- Law, with regard to a subject treated by the Council of Commissioners must disclose it and withdraw from the session of the Council in order to allow the deliberations and the vote on this subject to take place without them.

## **10 REMUNERATION**

Commissioners shall receive the remuneration determined by the Council of Commissioners in accordance with the law and the regulations. Commissioners are not entitled to any other remuneration other than that stipulated by these provisions.

## **11 ETHICS OFFICER**

### **11.1 Appointment of Ethics Officer**

- 11.1.1 The Council of Commissioners shall, by resolution, appoint an Ethics Officer to review ethics complaints against commissioners and to determine, in these instances, if this Code of Ethics and Professional Conduct for Commissioners has been contravened and to impose an appropriate penalty (EA: Article 175.1).

The mandate of an Ethics Officer shall be for a period of two (2) years. At the end of their term, they shall remain in office until their appointment is renewed by resolution of Council or a new Ethics Officer is appointed by resolution of Council.

The Council of Commissioners may revoke, by resolution, the mandate of an Ethics Officer for cause.

The Council of Commissioners shall establish, by resolution, the remuneration to be paid to an Ethics Officer and shall mandate the Chairman to sign a contract with the Ethics Officer. Furthermore, to ensure the autonomy of the Ethics Officer, expense accounts shall only be reviewed and authorized by the Chairman. In the

absence of the Chairman, the Vice-Chairman may sign.

- 11.1.2 In case of the absence or inability to act of the Ethics Officer, the Council of Commissioners may, by resolution, appoint an ad hoc Ethics Officer.
- 11.1.3 An Ethics Officer may not be a member of the Council of Commissioners or an employee of Eastern Shores School Board.
- 11.1.4 The Council of Commissioners shall appoint the Secretary General to receive complaints and to coordinate the review process. The Secretary General shall exercise strict confidentiality in the performance of this duty. Complaints must be received in writing.

## **11.2 Mandate**

The Ethics Officer shall:

- Investigate complaints of improper conduct by a commissioner that may be contrary to the standards of this By-Law;
- Dispose of the complaint without delay;
- Inform the Chairman of the Council of Commissioners of his/her decision, in writing; and
- Submit to the Chairman of the Council of Commissioners a written report of his/her activities, no later than September 30 for the school year ended on the previous June 30.

## **11.3 Ethics Officers**

Ethics Officers may be selected from among the following:

- Former commissioner or city councilor who has not held that office for at least four years;
- Former school or school board administrator who has ceased such function for at least two years;
- Practicing lawyer experienced in education or public law;
- Experienced mediator or arbitrator;
- Former representative of the justice system;
- Representative of the general public with appropriate experience.

## **11.4 Procedure**

- 11.4.2 The complaint must be sent, in a sealed envelope, to the Ethics Officer, in the care of the Secretary General. Upon receipt of the complaint, the Secretary General will forward the sealed envelope to the Ethics Officer.
- 11.4.3 The Ethics Officer shall acknowledge receipt, in writing, of the complaint to the complainant.
- 11.4.4 The Ethics Officer shall:
  - inform the commissioner concerned that a complaint was received;
  - provide the commissioner concerned with a written summary of the complaint; and

- explain the process that he intends to follow in managing the complaint.

- 11.4.5 The identity of the complainant is confidential.
- 11.4.6 The Ethics Officer shall determine whether or not the complaint needs to be investigated. At any time during the process, the Ethics Officer may determine that the complaint is without merit. A complaint is only valid if filed within 60 days of the knowledge of the incident.
- 11.4.7 The Ethics Officer shall set the date for the first meeting no later than 20 working days following the receipt of the complaint; and shall convene, separately, and in writing, the complainant, the commissioner affected by the complaint, and any other relevant individual. If the complaint is received by the Secretary General between June 20 and August 10 of a given year, a meeting must be convened no later than September 1st of the same calendar year.
- 11.4.8 The complainant and the commissioner affected by the complaint may request that the Ethics Officer meet with their witnesses. However, it is the prerogative of the Ethics Officer to decide who will be called as a witness.
- 11.4.9 The Ethics Officer may also hear any other persons likely to assist in the review of the complaint and may also request any information likely to assist in the review of the complaint. Commissioners shall respect the confidential nature of the Ethics Complaint Process. Any information provided during the process shall be held in strictest confidence.

## **11.5 The Role of the Commissioner in the Ethics Review Process**

- 11.5.2 Commissioners are strictly prohibited from participating in any aspect of the review process, unless called upon to speak with the Ethics Officer.
- 11.5.3 Commissioners shall cooperate fully with the investigation of the Ethics Officer.
- 11.5.4 The Chairman of the Council of Commissioners is responsible to distribute the report of the Ethics Officer to Council.

## **11.6 Decision**

- 11.6.2 If the Ethics Officer determines that the commissioner did not contravene the Code of Ethics and Professional Conduct for Commissioners, a report stating such, without the name of the commissioner, shall be given to the Chairman of the Council of Commissioners, the complainant and the commissioner.
- 11.6.3 If the commissioner is found to have contravened the Code of Ethics and Professional Conduct for Commissioners, the Ethics Officer must determine what action, if necessary, should be taken, prepare a written report naming the commissioner and any penalty prescribed; and provide a copy to the Chairman of the Council of Commissioners, the complainant and the commissioner implicated.
- 11.6.4 The decision of the Ethics Officer is final and binding.

11.6.5 Penalties for having contravened the Code of Ethics and Professional Conduct for Commissioners include:

- a letter of admonition;
- a probation period;
- a public reprimand;
- suspension from working committees;
- withdrawal of Board services (e-mail, mail, etc.); or
- other action determined appropriate by the Ethics Officer.

The Ethics Officer may also recommend to the Council of Commissioners that an action to declare the commissioner disqualified be taken in accordance with section 21.4 of the *Act Respecting Elections and Referendums in Municipalities* (EA: Article 176).

### 11.7 Protection and Conservation of Documents

All documentation relating to a particular ethics complaint shall be retained in a secure location. On termination of the work of the Ethics Officer, the person responsible shall remit all documents obtained during the Review sessions as well as any personal notations which would identify the Commissioner in question, to the Secretary General in a sealed envelope. The envelope shall be destroyed after five calendar years have elapsed unless legal proceedings are in progress.

## 12 COMING INTO FORCE

12.1 This By-Law, adopted by Resolution C21-02-683 replaces all previous versions of By-Law 09, and shall come into force on the day public notice of its adoption is given.

12.2 Should individuals have any questions regarding this Code of Ethics and Professional Conduct for Commissioners, they may consult the Chairman of the Council of Commissioners, the Director General or the Secretary General.

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Chairperson

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Secretary General

## COMMISSIONER STANDARDS FOR ETHICAL CONDUCT

Commissioners shall:

- 1) act within the scope of the functions and powers conferred on them, and exercise the care, prudence and diligence that a reasonable person would exercise in similar circumstances
- 2) in the performance of their duties, conform to the obligations imposed on them by law, the constituting act or the by-laws and they shall act within the limits of the powers conferred on them.
- 3) act with honesty and loyalty in the interest of the council of commissioners
- 4) not mingle the property of the Council with their own property nor may they use for their own profit or that of a third person any property of the Council or any information he obtains by reason of his duties, unless they are authorized to do so by the members of the Council.
- 5) a commissioner shall avoid placing themselves in any situation where their personal interest would be in conflict with their obligations as a commissioner.
- 6) conduct themselves in a manner that maintains the integrity and dignity of the office;
- 7) shall declare to the council any interest they have in an enterprise or association that may place them in a situation of conflict of interest and of any right they may set up against it, indicating their nature and value, where applicable.
- 8) endeavor to represent all constituents of the territory of the school board;
- 9) recognize that authority rests with the Council in legal session, and not with individual commissioners;
- 10) have the right to argue a point of view during the debate prior to a decision being made; however, they shall abide by majority decisions of Council;
- 11) refrain from using their office to influence or interfere with the day-to-day operation of a school or the board;
- 12) listen to all expressed points of view and weigh their merits before making decisions;
- 13) observe proper decorum, show respect, courtesy and consideration, avoid rancor and abide by the rules of procedure adopted by the Council, during all meetings of Council and Committees thereof
- 14) make decisions only after all relevant information has been presented and discussed;
- 15) recognize the administrative authority of the Director General as the School Board's Chief Executive Officer;
- 16) exemplify the highest standards of integrity in all relations with students, parents, employees, government, business contacts, the public and fellow commissioners;

- 17) avoid any direct or indirect pressure on any members of a selection committee or on any other persons responsible for hiring or promoting individuals;
- 18) ensure that, when participating in the selection procedure for engagement or promotion, including Council meetings related to engagement or promotion, any personal ties with one or more applicants are declared. In such case, commissioners should abstain from participating in the selection process and refrain from voting;
- 19) respect that the Chair is the official spokesperson for the School Board;
- 20) refrain from any comment or involvement outside the Council of Commissioners for Eastern Shores School Board in respect to the case in question when the Council is involved in any legal litigation unless expressly authorized to do so by the Council or by the Council's legal counsel;
- 21) refrain from showing political bias in the course of performing their duties. This does not prevent membership in a political party, taking part in political meetings or supporting a political candidate.



## Declaration of Potential Conflict of Interest Commissioners

Name of Commissioner: \_\_\_\_\_

Electoral Division / Seat: \_\_\_\_\_

**Please complete either section 1 or 2.**

1. I hereby declare that I have an interest in the following organization which may be a potential conflict of interest:

Name of enterprise: \_\_\_\_\_

Nature of the enterprise \_\_\_\_\_

My personal involvement, or the involvement of my relative, or my friend is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_|\_\_\_\_\_  
Date: Commissioner's Signature

2. I hereby declare that I have no interest or influence in any enterprise which may place me in a potential conflict of interest with Eastern Shores School Board.

\_\_\_\_\_|\_\_\_\_\_  
Date: Commissioner's Signature

**NOTE: If your situation should change during the year, please request a new form and submit it to the Director General.**