

**CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR THE COMMISSIONERS
OF THE CENTRAL QUÉBEC SCHOOL BOARD**

(Adopted December 4, 1998)

(Revised November 14, 2008, January 11, 2013, January 21, 2015)

Note: The masculine gender is used throughout this document for the sake of conciseness and is meant to be inclusive of both genders.

Table of Contents

1.	References	3
2.	Title	3
3.	Application	3
4.	Definitions.....	3
5.	Duties and responsibilities of commissioners	4
6.	Conflict of interest.....	4
7.	Identification of situations of conflict of interest.....	5
	7.1 Definitions	5
	7.2 Exclusion.....	5
	7.3 Examples.....	5
8.	Obligations.....	6
9.	Preventive measures.....	7
10.	Reasons for Disqualification from Office	7
11.	Enforcement mechanisms.....	8
	11.1 Formation of a Review Committee	8
	11.2 Procedures.....	8
	11.3 Travel Expenses	8
12.	Sanctions	8
13.	Accessibility of code	9
14.	Review of Code of Ethics and Professional Conduct	9
15.	Coming into force	9
	Appendix 1.....	10



1. References

Education Act (R.S.Q., chapter I-13.3, sections 175.1 to 175.4, 176, 177.1)

Act Respecting Elections and Referendums in Municipalities (R.S.Q., chapter E-2.2, sections 306 to 312)

Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information (R.S.Q., chapter A-2.1, sections 53, 59, 158, 164)

Act Respecting School Elections (Chapter E-2.3, sections 21, 21.4, 28.1)

Civil Code of Québec (sections 321 to 326)

CQSB Background Check Policy

2. Title

This by-law is entitled: Code of Ethics and Professional Conduct for the Commissioners of the Central Quebec School Board.

3. Application

Unless indicated otherwise, this by-law applies to every commissioner as defined in the Education Act.

4. Definitions

4.1 Review committee: committee composed of 3 persons designated by law to examine a complaint of misconduct of a commissioner, which is contrary to or contravenes the standards of this by-law;

4.2 School commissioner: commissioner elected or appointed under the Act respecting school elections;

4.3 Parent-commissioner: commissioners representing the parents elected according to the Education Act;

4.4 Co-optation: must enable persons whose competence and qualifications are considered complementary to those of the commissioners or useful for the administration of the school board to sit on the council of commissioners. The persons must meet any selection criteria determined by regulation by the Minister.

4.5 Conflict of interest: situation in which a commissioner must choose between his personal interest and the interest of the School Board.



5. Duties and responsibilities of commissioners

5.1 **Discretion**

A commissioner must demonstrate absolute discretion both during and after his term of office and must respect the confidential nature of the personal, commercial and scientific information obtained, particularly, the information disclosed during meetings of the school board authorities held in camera.

5.2 **Compliance to rules and policy**

A commissioner must abide by the laws enumerated in section 1 and by the rules and policies established by the School Board.

5.3 **Remuneration**

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

6. Conflict of interest

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

6.2 As regards contracts or agreements to be negotiated or concluded with the School Board, a commissioner shall not use the information obtained in the exercise of his duties to derive a benefit to which he is not entitled or to which one of his close relations is not entitled.

6.3 In addition to what is specifically provided for by section 175.4 of the *Education Act* regarding the interests he might have in an enterprise, a commissioner must disclose any situation that places or could place, directly or indirectly, his personal interests or those of his close relations in conflict with those of the School Board. (See Appendix 1)

6.4 A commissioner must not use his title or his position in order to obtain for his close relations or for himself services offered by the School Board to which he or they are not normally entitled.

6.5 A commissioner must disclose any illegal or irregular situations against the School Board that he is aware of.

6.6 A commissioner must not directly or indirectly award, solicit or accept a favor or an undue advantage for himself or another person.



7. Identification of situations of conflict of interest

7.1 Definitions

- 7.1.1 A situation of conflict of interest is a situation in which the commissioner might have to choose between his personal interest or those of his close relations and the interests of the School Board.
- 7.1.2 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.
- 7.1.3 Personal interest is the interest of a commissioner.
- 7.1.4 The interest of a close relation is the interest of any person related by blood or by law to a commissioner, or the interest of a company, cooperative, firm or association in which he acts as an administrator or a director and of which he owns more than 10 per cent (10%) of the shares giving a right to vote, when such shares are issued.

7.2 Exclusion

There is no personal interest nor interest of a close relation within the meaning of the present by-law by virtue of being a member, administrator or director of another educational institution, a public institution within the meaning of the *Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information*, of a non-profit organization or an organization of which the law provides that the commissioner must be a member, administrator or director by virtue of being a member of the School Board.

7.3 Examples

Without limiting the scope of the present article, and serving only as an illustration, the following situations are or can be considered as a conflict of interest:

- 7.3.1 A situation in which the commissioner or one of his close relations has an interest, directly or indirectly, in a deliberation of the School Board;
- 7.3.2 A situation in which the commissioner or one of his close relations has an interest, directly or indirectly in a contract or in a draft contract with the School Board;
- 7.3.3 A situation in which the commissioner or one of his close relations obtains or is about to obtain, directly or indirectly, a personal advantage resulting from a decision of the School Board.



8. Obligations

- 8.1 A commissioner will be motivated primarily by an earnest desire to serve the students, his school board and his constituents.
- 8.2 A commissioner will maintain the integrity, confidence and dignity of the office of school commissioner.
- 8.3 A commissioner will recognize that authority rests with the Council of Commissioners in legal session and not with individual members.
- 8.4 A commissioner will abide by majority decisions of the Council of Commissioners and will act in a manner that reflects this decision.
- 8.5 A commissioner will endeavour to see that School Board funds are expended efficiently, economically and in the best interests of the students.
- 8.6 A commissioner will not discuss the confidential business of the board with persons other than commissioners and those duly authorized by the Council of Commissioners.
- 8.7 A commissioner fulfills his office with independence, integrity and good faith in the best interest of the School Board and the population served by the School Board. He acts with prudence, diligence, honesty, loyalty and assiduity as would a reasonable and responsible person in similar circumstances.
- 8.8 A commissioner must avoid tarnishing the reputation of others and treat the other commissioners as well as the employees of the School Board with respect.
- 8.9 A commissioner must at all times adopt a style of behaviour and communication that is dignified and compatible with his office in order to protect and promote the image and credibility of the School Board.
- 8.10 A commissioner must endeavour to attend all regular, special and working sessions of the Council of Commissioners.



9. Preventive measures

- 9.1 Upon a commissioner's entry into office, he shall identify, in writing, on the form provided by the School Board, situations or relationships that might create a conflict of interest. This form must be completed whenever a change occurs which might create a similar situation.
- 9.2 A commissioner must, among other things, disclose any interest he has in an enterprise doing business or having done business with the School Board and disclose, if such is the case, any real, potential or apparent situation of conflict of interest that might concern him.
- 9.3 A commissioner who is in a situation of conflict of interest or appearance of conflict of interest 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 him.

10. Reasons for Disqualification from Office

- 10.1 All commissioners must comply with the request for a background check, as per the CQSB Background Check Policy.
- 10.2 A person sentenced to imprisonment (section 21. (5) Act Respecting School Elections) is disqualified for election to the office of school commissioner.

Disqualification under subparagraph 5 applies for the term of the sentence but ceases if the person obtains a pardon for the offence committed.

- 10.3 A person is disqualified from holding office as an election officer of any school board if the person has been found guilty of an offence that is a corrupt electoral or referendum practice (section 28.1 Act Respecting School Elections).

The disqualification shall continue for five years from the day on which the judgment convicting the person becomes res judicata.

- 10.4 Should any offenses be - or be discovered to have been - committed, the process highlighted in the background check would apply to all commissioners.



11. Enforcement mechanisms

11.1 Formation of a Review Committee

When necessary, the Council of Commissioners will form a Review Committee whose role is to determine if there is an infraction to the Code of Ethics and to impose a sanction as required. The committee is composed of three people who are neither members of the Council nor employees of the School Board. One of the members must have training or experience in ethics or deontology. The Council will also name a substitute to act in the absence of one of the members. The committee may request the participation of resource people if necessary.

The Review Committee will choose a chair and may adopt rules of procedure.

11.2 Procedures

Complaints arising from the application of the Code of Ethics must be received in writing. Complaints may be received from any person aware of a breach of the Code of Ethics. Complaints are to be addressed to the Secretary General who will forward them to the Review Committee, to the members of the Council of Commissioners during an in-camera session and to the commissioner concerned. The commissioner at whom the complaint is directed has the right to be heard by the Review Committee.

11.3 Travel Expenses

If necessary, travel expenses will be paid for members of the Review Committee in accordance with the School Board's Travel and Living Expenses Policy.

12. Sanctions

12.1 If the Review Committee concludes that the commissioner has violated the law or the Code of Ethics and Professional Conduct, it recommends to the Council of Commissioners the disciplinary sanction deemed appropriate.

12.2 The possible sanctions that can be recommended are a warning with or without a demand for apologies; a reprimand; a suspension, for a maximum of six (6) months, of part or all of the attributions and functions of the commissioner, except the right to participate in the public meetings of the Council of Commissioners.

12.3 The Council of Commissioners decides upon the complaint after considering the recommendations of the Review Committee. The commissioner facing a sanction must be given the opportunity to be heard by the Council regarding the allegations and the appropriate sanction.

12.4 The sanctions contemplated in the present by-law are disciplinary in nature. Thus, there is nothing in the present by-law that precludes the Central Québec School Board from taking legal action.



12.5 The Review Committee may also recommend to the Council of Commissioners that an action to declare the commissioner disqualified be taken in accordance with section 308 of the Act Respecting Elections and Referendums in Municipalities.

13. Accessibility of code

The Code of Ethics and Professional Conduct may be examined at the office of the secretary general and on the School Board's web site, www.cqsb.qc.ca. A report will be included in the School Board's Annual Report.

14. Review of Code of Ethics and Professional Conduct

If needed, the Council of Commissioners will review the Code of Ethics and Professional Conduct during the public portion of a meeting.

15. Coming into force

This by-law comes into force on January 21, 2015.



Appendix 1

CENTRAL QUÉBEC SCHOOL BOARD- DECLARATION OF CONFLICT OF INTEREST FORM

As stipulated in section 175.4 of the *Education Act* any member of the Council of Commissioners who has an interest direct or indirect, in an enterprise that places or could place his personal interests or those of his close relations in conflict with those of the School Board must declare such interest to the Director General.

It is the responsibility of the member of the Council of Commissioners to ensure that the declaration is up-to-date.

I, _____, commissioner of the Central Québec School Board, do hereby declare:

That I have a direct or indirect interest in the following enterprise(s) which is susceptible to place my personal interests in conflict with those of the School Board:

Any other declaration of conflict of interest:

Therefore, I will abstain from participating in any discussion and/or decision of the School Board through which I would be in conflict of interest.

Signature

