



**COMMISSION SCOLAIRE EASTERN SHORES  
EASTERN SHORES SCHOOL BOARD**

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**REGLEMENT 9  
BY-LAW 9**

**Code de Déontologie  
Code of Ethics**

L'UTILISATION DU MASCULIN DANS CE DOCUMENT NE VISE QU'À ALLÉGER LE TEXTE.

Amendé/ Amended :

Le 14 novembre, 2007 / November 14, 2007

Le 09 décembre 09, 2015 / December 09, 2015

Résolution / Resolution

(C07-11-110)

(C15-12-688)

## 1.0 OBJECTIVE

Unless otherwise indicated, this by-law applies to every commissioner as defined in the Education Act, including parent commissioners. The intent of this by law is 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 REFERENCES

- The Education Act (L.R.Q., chapter I-13.3) (sections 175.1 to 175.4, 176 and 177.1)
- 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)
- The Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information (L.R.Q., A-2-1, Sections 158-168)
- Civil Code (sections 321 to 325 and 2088)

## 3.0 DEFINITIONS

**Ethics Commissioner:** A person named by the Council of Commissioners, mandated to examine or inquire into alleged or actual conduct that may be contrary to standards of ethics or professional conduct. This person is designated in accordance with the Law and excludes members of the Council of Commissioners and school board personnel;

**Commissioner:** A commissioner elected or appointed pursuant to the Act respecting school elections;

**Parent Commissioner:** Commissioners representing the parents elected according to the Education Act;

**Conflict of Interest:** A situation where a commissioner may have to choose between his personal interest or those of his close relations and the interest 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 public interest in general and can be perceived as such by a reasonably informed person.

**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 is the core of the behavioral code of commissioners exercising their functions.

These values favor, among others, the following:

- To assure quality education and equity to all school board youth and adult clientele;
- To listen to parents, and promote the use of the official organizations as channels of communication with the Council of Commissioners
- To demonstrate respect and courtesy towards fellow commissioners, administrators and employees of the school board and the stake holders.
- To 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.
- To recognize that the power given to a commissioner is of a collective decision making nature. Commissioners may not involve the school board in any situation created by a commissioner or a small group of commissioners.
- To perform their duties 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.
- To 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 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 2 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.

## **6.0 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 or those of his close relations and the interests of the school board. Each year a commissioner must identify situations of conflict of interest.

### **6.1 Conflict of interest situations**

**6.1.1** 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.

**6.1.2** 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.

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

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

**6.1.5** 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.

## **7.0 IMPLEMENTATION**

### **7.1 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.

## 7.2 Rules of Implementation

In order to implement this regulation, the Council of Commissioners must delegate an Ethics Commissioner. The mandate of the Ethics Commissioner is two (2) years.

The Ethics Commissioner shall be selected from among the following:

- Practicing or retired lawyer experienced in education or public law; or
- Any holder of publicly elected office, or
- Experienced mediator or arbitrator; and
- No ESSB commissioner, past or present and no employee, past or present can be selected as the Ethics Commissioner.

## 7.3 Procedure

The Ethics Commissioner shall investigate upon receipt of a written complaint addressed to the school board.

The Ethics Commissioner 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 Ethics Commissioner believes that the commissioner has deviated from this policy, one of the following measures may recommend:

- Written reprimand
- Suspension for a limited time
- In the case of exceptional circumstances, legal procedure for removal of the commissioner

## 7.4 Annual Report

In its annual report, the Council of Commissioners must provide 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.

## 8.0 DATE OF IMPLEMENTATION

This By-Law replaces the previous By-Law 9 adopted by Resolution C07-11-110 and shall come into force on the day public notice of its adoption is given.

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Chairperson

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Secretary General