



COMMISSION SCOLAIRE SIR-WILFRID-LAURIER  
SIR WILFRID LAURIER SCHOOL BOARD

By-Law n° BL2009-CA-17:	Code of Ethics & Professional Conduct for Commissioners of the Sir Wilfrid Laurier School Board	
Approved:	Resolution n°	980120-0050 (Provisional Council)
Revised:	Resolution n°	CC-090923-CA-0020
Origin:	Secretary General	

*NOTE: The masculine gender, when used in this document, refers to both women and men. No discrimination is intended.*

## 1.0 PREAMBLE

There has been a dramatic increase in the ethical expectations of public bodies and elected officers over the past years.

In 2006, the Assemblée nationale adopted a law requiring commissioners to establish and abide by a code of ethics and professional conduct considering that, through the functions and powers entrusted to the Council of Commissioners, commissioners are responsible for decisions affecting the quality of services provided to all stakeholders.

Since the greatest concern of the Council of Commissioners of the Sir Wilfrid Laurier School Board is the educational welfare of the students attending its schools, the Council of Commissioners wishes to set clear standards of behaviour and ethical values.

## 2.0 OBJECTIVES

Unless otherwise indicated, this by-law applies to every commissioner of the Sir Wilfrid Laurier School Board, including the parent commissioners. The intent of this by-law is to:

- 2.1 Provide transparency;
- 2.2 Prevent potential or real conflicts of interest;
- 2.3 Promote respectful and collegial interactions amongst commissioners and employees of the school board.

## 3.0 REFERENCES

This Code of Ethics is developed in compliance with applicable laws and regulations; notably the Education Act (R.S.Q., c. I-13.3, sections 175.1, 175.2, 175.3, 177.1, 177.2), the Act Respecting Elections and Referendums in Municipalities (R.S.Q., c. E 2.2, sections 303 to 312), the Act Respecting School Elections (R.S.Q., c. E-2.3, section 21), the Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information (R.S.Q., A-2.1, sections 158 to 164) and the Civil Code of Quebec (sections 321 to 325 and 2088)

## **4.0 DEFINITIONS**

- 4.1 Ethics Commissioner: A person or substitute 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, or charged with determining or imposing appropriate penalties.
- 4.2 Commissioner: A person elected or appointed under the Act respecting School Elections or representing the Parents' Committee.
- 4.3 Conflict of interest: A situation in which a commissioner may have to choose between his personal interests or those of his close relations and the interests 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.

## **5.0 ETHIC VALUES**

The Council of Commissioners must adhere to the following values. Commissioners shall:

- 5.1 Perform their duties with care, dignity and integrity within the scope of the functions and powers conferred upon them;
- 5.2 Perform their duties conscientiously and diligently;
- 5.3 Perform their duties with complete independence, free of interference;
- 5.4 Be objective and impartial;
- 5.5 Act in a respectful and courteous manner towards fellow commissioners, administrators and employees of the school board and the stakeholders;
- 5.6 Take the measures necessary to maintain and improve the knowledge and skills required in the performance of their duties;
- 5.7 Listen to what parents have to say and promote the use of official organizations as channels of communication with the Council of Commissioners.

## **6.0 DUTIES AND OBLIGATIONS**

The Council of Commissioners must adhere to the following duties and obligations. Commissioners shall:

- 6.1 Adopt behaviour and communication strategies that are compatible with their office in order to protect and promote the image and credibility of the school board;
- 6.2 Act with reserve and prudence in public;
- 6.3 Abide by the confidentiality of any information obtained and use discretion on any matter brought to their attention in the performance of duties during and after their term of office;
- 6.4 Act with honesty and loyalty and in the best interests of the school board and the population served by the school board.

- 6.5 Exercise their functions and powers with a view to improving the educational services provided for by the Education Act and the Basic School Regulations established by the Government. To that end, the role of the members of the Council of Commissioners includes:
- 6.5.1 Informing the council of the needs and expectations of the population of their electoral division or sector, as part of their contribution to defining the school board's directions and priorities;
  - 6.5.2 Seeing to the relevance and quality of the educational services offered by the school board;
  - 6.5.3 Ensuring that the school board's human, material and financial resources are managed effectively and efficiently;
  - 6.5.4 Carrying out any special mandate entrusted to them by the Council of Commissioners, on a proposal by the Chair, for the purpose of providing information to other council members on any specific matter.
- 6.6 Refrain from engaging in any activity or placing themselves in any situation which could affect the dignity of the Council of Commissioners or discredit the school board. To that effect, once a decision has been reached by the school board, every commissioner must act in a manner that reflects and respects the decision;
- 6.7 Never use their title or position to obtain school board services for themselves, family or friends to which they are not normally entitled;
- 6.8 Disclose to the director general of the school board any direct or indirect interest in any enterprise which could place their personal interests in conflict with those of the school board; abstain from voting on any matter concerning the enterprise; avoid influencing any decision related to it, and withdraw from the sitting while a matter is discussed or voted upon. To that end, newly-elected commissioners must disclose in writing, on the form provided by the school board any situation or relationship that could create conflict of interest. Subsequently, a form must be completed by Commissioners every year and whenever a change occurs which might create such a situation.
- 6.9 Not accept any gifts, proof of hospitality or advantages other than those that are common and of minimal value.
- 6.10 Disclose any illegal or irregular situations against the school board that they are aware of.
- 6.11 Abide by the adopted rules, policies and procedures of the school board.

## **7.0 PRACTICES RELATING TO REMUNERATION**

- 7.1 The Council of Commissioners determines, by resolution, the distribution of the remuneration paid to its members for the services they render, in accordance with the maximum annual amount determined by Government regulation.
- 7.2 Remuneration may be suspended in cases where the present Code of Ethics and Professional Conduct is breached for any periods where the commissioner is no longer rendering the services for which he receives remuneration.

## **8.0 DECISION UPON A CONFLICT OF INTEREST**

- 8.1 If applicable, the chair of the school board, after having heard the representations of the commissioners, determines the right of a Commissioner to vote and to be present regarding a particular subject.
- 8.2 The chair of the school board has the power to intervene in order to prevent a commissioner from voting or to oblige this commissioner to leave during the deliberations of the Council of Commissioners.
- 8.3 The decision of the chair is final unless an appeal is lodged and upheld by the majority of the commissioners who are present and have the right to vote according to the Education Act (R.S.Q., Chapter I-13.3). In such a case, the question is immediately remanded to the Governance and Ethics Committee for decision. This decision is not disciplinary in nature but is final and without appeal.

## **9.0 ENFORCEMENT MECHANISMS**

### **9.1 *Ethics Commissioner***

- 9.1.1 In order to implement this by-law, the Council of Commissioners shall name by resolution an Ethics Commissioner who will be responsible for dealing with complaints made against a commissioner for a potential breach of the Code of Ethics and Professional Conduct.
- 9.1.2 The Ethics Commissioner must be a jurist with a minimum of ten (10) years of experience and duly qualified in ethics and deontology.
- 9.1.3 The Ethics Commissioner must not be a member of the Council of Commissioners or an employee of the school board, in conformity with section 175.1 of the Education Act.
- 9.1.4 The Council of Commissioners shall also name by resolution a substitute to replace the Ethics Commissioner if he is absent or unable to perform his duties. This substitute must also be a jurist with a minimum of ten (10) years of experience and duly qualified in ethics and deontology.
- 9.1.5 The Council of Commissioners must establish by resolution the remuneration of the Ethics Commissioner and his substitute, if required.

### **9.2 *Term of Office***

- 9.2.1 The Ethics Commissioner and his substitute are named for the duration of the term of office of the Council of Commissioners or until replaced by resolution.
- 9.2.2 At the end of the term of office of the Council of Commissioners, the Ethics Commissioner and his substitute remain in office until a new Ethics Commissioner and substitute are named by a new Council of Commissioners elected in conformity with the Act Respecting School Elections (R.S.Q., c. E-2.3).

### **9.3 *Operating Rules***

- 9.3.1 Any complaint concerning a breach to the present Code of Ethics and Professional Conduct must be filed in writing within 60 days of the incident.

- 9.3.2 All complaints must be signed by the complainant party who must also provide the information required by the Ethics Commissioner for identification and contact purposes.
- 9.3.3 Complaints must be forwarded in writing to the Secretary General of the school board who will acknowledge receipt and forward a copy to the Ethics Commissioner within three (3) working days. The Secretary General will offer support to the Ethics Commissioner and protect the confidentiality of the complaint and associated information.
- 9.3.4 The Ethics Commissioner will determine the admissibility of the complaint. Should he consider that the complaint is non-admissible or that its nature or importance does not justify an investigation, he will so advise the complainant and the commissioner concerned, indicating the reasons for his decision within five (5) days of receiving said complaint and forward a summary to the Secretary General indicating that the file is closed. If the Ethics Commissioner considers the complaint admissible, he will so inform the Secretary General. The Ethics Commissioner must conduct an investigation and render his decision within thirty (30) days of determining the admissibility of a complaint.
- 9.3.5 The Ethics Commissioner may conduct personal interviews with the complainant and the commissioner. Other persons who are aware of the incident or the circumstances surrounding it and the complaint may also be interviewed.
- 9.3.6 The commissioner concerned has the right to be made aware of the specifics of the charges against him in order that he may defend himself, but he is not permitted to see the written complaint.
- 9.3.7 The parties concerned by the complaint must be given prior notice of at least forty-eight (48) hours to present their observations to the Ethics Commissioner.
- 9.3.8 The complaint, the summoning of the witnesses and the investigation must remain confidential until a decision has been reached.

#### **9.4 Decision**

- 9.4.1 Following the investigation, the Ethics Commissioner will decide whether or not the Code of Ethics and Professional Conduct was breached. If so, he will select a sanction amongst the following:
- a call to order, accompanied or not by a request for an apology;
  - a written reprimand;
  - the suspension or revocation of the right to sit on standing committees and the Executive Committee, if applicable;
  - the suspension of the commissioner's remuneration for any or all of the committees and the Executive Committee. This is applied for the period in which the commissioner was no longer rendering the services for which he received remuneration.
- 9.4.2 If the Ethics Commissioner considers that the commissioner did not breach the Code of Ethics and Professional Conduct, he will so inform the complainant and the commissioner concerned. A summary will be sent to the Secretary General indicating that the file is closed.
- 9.4.3 All decisions of the Ethics Commissioner must specify whether or not the Commissioner performed in good faith in the discharge of his functions in regard to the complaint received.

9.4.4 If the Ethics Commissioner concludes that the Code of Ethics and Professional Conduct was breached, the decision rendered is public. The Ethics Commissioner shall decide on the means of publicizing the decision and the sanction. The Council of Commissioners will be informed of the decision and the sanction prior to its publication.

9.4.5 The decisions rendered under the present section must be in written form.

9.4.6 The Ethics Commissioner must present a report to the Council of Commissioners no later than September 30<sup>th</sup> for the school year which ended the previous June 30<sup>th</sup> for the purpose of 9.5 below.

**9.5 *Annual Report to the Council of Commissioners***

In its annual report, the Council of Commissioners must provide the number of cases dealt with and the follow-up thereon, set out any breaches determined during the year, the determination thereof, and any penalties imposed by the Ethics Commissioner as well as the names of any commissioners divested of office by a court during the year.

**10.0** The enforcement mechanisms contemplated in this by-law are disciplinary in nature and do not prohibit the school board from taking legal action to obtain compensation for damages sustained.

v. 2009-06-19