

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

By-Law n° BL2009-CA-17:	Code of Ethics and 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

NOTE: In keeping with its commitment to respecting diversity, the Sir Wilfrid Laurier School Board uses gender-inclusive language in all its written communications. In cases where eliminating references to gender is not possible, gender-specific pronouns and possessive determiners are used solely for purposes of clarity and concision.

1.0 PREAMBLE

The *Education Act* requires that a code of ethics and professional conduct applicable to Commissioners be established by by-law.

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 and centres, 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 member of the Council of Commissioners of the Sir Wilfrid Laurier School Board. The intent and objectives of this by-law are to:

- 2.1 Provide transparency;
- 2.2 Prevent potential or real conflicts of interest;
- 2.3 Govern the actions and relationships of the Commissioners among themselves as well as their dealings with other stakeholders, including the Administration of the School Board, partners of the School Board and the public in general;
- 2.4 Provide guidance and set common ethical standards to promote consistency in behaviour across the members of the Council of Commissioners.

3.0 REFERENCES AND LEGAL FRAMEWORK

This *Code of Ethics and Professional Conduct for Commissioners of the Sir Wilfrid Laurier School Board* is developed in compliance with all applicable laws and regulations, and notably the *Education Act*, CQLR c. I-13.3, the *Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information*, CQLR c. A-2.1, the *Civil Code of Québec*, CQLR c. CCQ-1991, c. 64 and the *Code of Civil Procedure*, CQLR c. C-25.01 (with applicable and appropriate adaptations when required);

In addition, where and when applicable, this Code of Ethics should also be read in conjunction with all other relevant policies and by-laws of the School Board.

4.0 DEFINITIONS

- 4.1 **Administration or Administration of the School Board:** For the purposes of the present Code of Ethics, refers to the Director General, the Assistant Director(s) General, the department directors, and all other management staff, as per the *Regulation respecting certain conditions of employment of senior staff of school service centres and of the Comité de gestion de la taxe scolaire de l'île de Montréal*.
- 4.2 **Chair:** Refers to the Chairperson of the Council of Commissioners of the Sir Wilfrid Laurier School Board.
- 4.3 **Code of Ethics:** Refers to the present *Code of Ethics and Professional Conduct for Commissioners of the Sir Wilfrid Laurier School Board*.
- 4.4 **Commissioner:** All the members of the Council of Commissioners of the Sir Wilfrid Laurier School Board, those publicly elected in accordance with the *Act respecting school elections*¹ (which includes the Chair), those elected by the School Board's Parents' Committee (Parent Commissioners), as well as those appointed as co-opted Commissioners by the Council of Commissioners, if any. For the purpose of this by-law, the term Commissioner refers to all categories, unless clearly specified otherwise;
- 4.5 **Confidential Information:** Refers to the information and documentation remitted to Commissioners in the exercise of their functions, which allows them to perform their duties in an informed manner and with full knowledge of the facts, in particular with regard to their participation in deliberations and voting. This information cannot be distributed or made public, or used by a Commissioner for personal purposes. The obligations of Commissioners in matters of confidentiality remain indefinitely.

Without limiting the generality of the above, the following shall be considered Confidential Information:

- a) Any personal information collected or kept by the School Board regarding its employees, including administrative and disciplinary measures;
- b) Any personal information collected or kept by the School Board regarding its students;
- c) Information regarding the investigation and/or the hearing of a complaint under this by-law;
- d) Discussions on negotiations in progress, including legal cases and collective bargaining;
- e) Negotiations and information regarding suppliers during the tendering process;
- f) Documents stamped or identified as "CONFIDENTIAL";
- g) Information disclosed during in camera session, in preparatory meetings of the Council of Commissioners or during the Executive Committee meetings, unless such information is deemed public, notably when official resolutions are adopted;
- h) Any information or documentation identified as confidential by the person who shares it.

¹ Following the adoption of Bill 40 (*An Act to amend mainly the Education Act with regard to school organization and governance*, SQ 2020, c 1), the title of the law was changed to: the *Act respecting school elections to elect certain members of the boards of directors of English-language school services centres*, CQLR c. E-2.3.

- 4.6 **Conflict of Interest:** A situation in which a Commissioner may have to choose between their personal interests or those of their 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 may be perceived as such by a reasonably informed person. Without limiting the generality of the above, a Commissioner is in a Conflict of Interest when:
- a) they accept or fail to disclose to the Director General of the School Board 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;
 - b) they directly or indirectly offer, solicit, or accept a favour or an undue advantage for themselves or another person;
 - c) they use or attempt to use their influence to obtain, for themselves or for another person or enterprise, a benefit, employment or service offered by the School Board to which they, or that other person or enterprise, are not normally entitled to.
- 4.7 **Director General:** Refers to the Director General of the Sir Wilfrid Laurier School Board.
- 4.8 **Ethics Commissioner:** A person or substitute appointed 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 set forth in this by-law. The Ethics Commissioner is also charged with determining or imposing appropriate sanctions when the present by-law has been contravened.
- 4.9 **School Board:** Refers to the Sir Wilfrid Laurier School Board.

5.0 ETHICAL VALUES

The members of the Council of Commissioners must adhere to the following values:

- 5.1 Act and perform their duties with care, prudence, dignity, loyalty, and diligence, in the best interests of the School Board and its stakeholders, all within the scope of the functions and powers conferred upon them, with due regard for everyone's roles and responsibilities;
- 5.2 Act and perform their duties with honesty, integrity, and good faith;
- 5.3 Perform their duties with complete independence, free from interference;
- 5.4 Be objective and impartial in the performance of their duties;
- 5.5 Act in a respectful, professional, and courteous manner towards fellow Commissioners, Administration, employees of the School Board, and all other stakeholders;
- 5.6 Take the measures necessary to maintain and improve the knowledge and skills required in the performance of their duties;
- 5.7 Acknowledge the demands of the community and ensure that matters are referred to, and/or handled by, the appropriate level of authority, using the appropriate channels of communication;

- 5.8 Perform their duties while respecting the democratic and Québec values, including the equality of women and men, and State laicity.

6.0 DUTIES AND OBLIGATIONS

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

- 6.1 Abide by the duties and obligations prescribed by the *Education Act* and any other applicable legislation, including those referred to in section 3 of the present by-law, as well as any adopted rules, by-laws, policies, and procedures of the School Board;
- 6.2 Not hold powers or authority in their own right regarding the School Board's activities. Their powers and authority are exercised through duly convened structures of the School Board and with due regard for everyone's role and responsibilities. In this respect:
 - 6.2.1 Commissioners shall act democratically, in a spirit of cooperation, and shall not present themselves as having sole authority over the actions of the School Board.
 - 6.2.2 Commissioners are encouraged to express their views during deliberations. They may vote in favor or against a motion, or abstain from voting. Once a decision has been taken by the School Board, however, Commissioners shall act in a manner that reflects and respects said decision.
 - 6.2.3 Commissioners shall work in collaboration with the Director General and respect their administrative authority over the day-to-day management of the School Board. This section is not intended to limit the right of the Council of Commissioners to exercise their functions and powers as per section 6.5 below and sections 176.1 and 198 to 202 of the *Education Act*.
 - 6.2.4 The Director General acts as the primary point of contact for Commissioners in the exercise of their functions and powers, and is the Council's sole employee. While Commissioners may communicate directly with Administrators in the course of their duties, they should not issue directives to such Administrators on operational matters.
- 6.3 Act with reserve and prudence in public, and 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.
- 6.4 Act with absolute discretion, both during and after their term of office, and respect the confidential nature of personal, commercial, or scientific information obtained in the performance of their duties, particularly the information disclosed during "in camera" sessions of meetings and/or during preparatory meetings. Without limiting the generality of the above:
 - 6.4.1 Commissioners shall not divulge, nor use, for their own profit or for the profit of another person, Confidential Information obtained in the performance of their duties;
 - 6.4.2 Commissioners shall take all necessary measures to ensure the protection of such Confidential Information against any unauthorized access;

- 6.4.3 Upon the expiration or termination of their mandate, Commissioners shall take all necessary measures to securely return or permanently destroy all Confidential Information obtained in the course of performing their duties;
- 6.4.4 As soon as they become aware of a situation where Confidential Information was divulged, Commissioners shall inform the Chair and the Director General.
- 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 (Elementary, Secondary or Special Needs), as part of their contribution to defining the School Board's directions and priorities;
- 6.5.2 Ensuring that the schools and centres receive adequate support;
- 6.5.2 Ensuring 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.
- 6.7 Never use their title or position to obtain School Board services for themselves, family, friends, or any other person, to which they are not normally entitled.
- 6.8 Avoid any situation of Conflict of Interest, or any appearance thereof, as provided by the *Education Act* and the policies and by-laws of the School Board. More particularly, as is provided for under section 175.4 of the *Education Act*, any Commissioner who has a direct or indirect interest in any enterprise which places their 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 relating to the enterprise, and avoid influencing the decision relating to it. The member must, in addition, withdraw from a meeting while the matter is discussed or voted on. In order to comply with this obligation, Commissioners must notably respect the process outlined in procedure no. 2021-FR-04: *Procedure on the Declaration of Conflict of Interest*.
- 6.9 In addition, the Commissioners shall disclose any situation that places, or could place, directly or indirectly, their private and/or personal interests, or those of any relation, in conflict with those of the School Board. The Commissioners shall, among other things, disclose:
- a) any personal or monetary interest which, in the eyes of a reasonably informed observer, would likely influence or impact the person's function and affect the impartiality of their opinions or decisions;
- b) any situation that places, or could place, directly or indirectly, their personal interests, or those of another person, in conflict with those of the School Board.

- 6.10 Newly elected or newly appointed Commissioners must disclose in writing, on the form provided by the School Board, any situation or relationship that could create a Conflict of Interest. Subsequently, the form must be completed by Commissioners every year and whenever a change occurs which might create such a situation.
- 6.11 Not directly or indirectly award, solicit, or accept any favour or undue advantage for themselves or another person, in exchange for speaking or taking a certain position on any issue, including one that may be brought before the Council of Commissioners or any of its committees. Without limiting the generality of the above:
- 6.11.1 Commissioners shall not accept any gifts, offers of hospitality, or advantages from any person or entity that has dealings with the School Board other than those that are common within the functions and shall be only of modest value. This section is not intended to limit the right of a Commissioner to accept a prize at fundraising activities (such as raffles or draws) if the ticket is purchased by the Commissioner with its own funds. Prizes obtained through tickets purchased using School Board funds or resources cannot be accepted.
- 6.11.2 In any event, no Commissioner shall accept a gift if a reasonable person might conclude that the gift could influence the member when performing their duties to the School Board;
- 6.12 Refuse and disclose to the Director General any offer of service or goods made to them by a person in order to obtain a contract or any other benefit or recognition from the School Board.
- 6.13 Not use and/or attempt to use their title or their position in order to obtain, for themselves or for another person or enterprise, services offered by the School Board to which they or that other person or enterprise are not normally entitled.
- 6.14 Disclose any illegal or irregular situations against the School Board that they are aware of.
- 6.15 Maintain a good attendance record in carrying out the duties of office. They may not be absent from sittings of the Council of Commissioners, including its committees, without a valid reason. In the event of an absence, the Commissioners shall inform the Secretary General's office and the Chair of the Council of Commissioners of the reason for the absence and its expected duration. The term of a Commissioner who fails to attend three consecutive regular sittings of the Council of Commissioners may end at the close of the following sitting, unless the Commissioner attends that sitting. A period of grace may be granted to said Commissioner in accordance with section 193 of the *Act respecting school elections*².

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 applicable law and government regulation. Commissioners are not entitled to any other remuneration.

² Following the adoption of Bill 40 (*An Act to amend mainly the Education Act with regard to school organization and governance*, SQ 2020, c 1), the title of the law was changed to: the *Act respecting school elections to elect certain members of the boards of directors of English-language school services centres*, CQLR c. E-2.3.

- 7.2 Remuneration may be suspended where a breach of this Code of Ethics results in the Commissioner no longer rendering a part of the services for which the remuneration is paid.
- 7.3 Upon recommendation of the Governance and Ethics Committee, the Council of Commissioners may decide to reduce a Commissioner's remuneration due to their absences at the Council of Commissioners' meetings or at the meetings of its committees.
- 7.4 Such a proposal shall be presented to the Council of Commissioners by the Chair of the Governance and Ethics Committee and requires a vote of at least 2/3 of the members sitting on the Council of Commissioners.
- 7.5 The Commissioner concerned by the proposed reduction shall not take part in the deliberations regarding the vote but shall be given the opportunity to address the Council of Commissioners before the vote is held.

8.0 DECISION REGARDING A CONFLICT OF INTEREST – VOLUNTARY PROCESS

- 8.1 No Commissioner may be compelled to refrain from voting or participating in discussions. However, should a disagreement arise among Commissioners regarding a potential Conflict of Interest of a member of the Council of Commissioners, the Commissioner concerned can request for the item on the agenda to be postponed in order to submit the matter to the Ethics Commissioner for review.
- 8.2 Should the matter be referred to the Ethics Commissioner, the Commissioner concerned agrees to apply any decision rendered by the Ethics Commissioner.
- 8.3 This process is completely voluntary. Its objective is to avoid a formal ethics complaint, the Ethics Commissioner instead providing a declaratory decision on the matter.
- 8.4 The decision of the Ethics Commissioner is final.

9.0 ENFORCEMENT MECHANISMS

9.1 *Breach of the Code of Ethics*

- 9.1.1 In addition to any breaches of the provisions of this Code of Ethics, a Commissioner shall be considered in breach if they engage in conduct, including, but not limited, to the following:
 - a) Acts in bad faith in the context of an ethics complaint or a complaint involving an employee of the School Board, namely by filing a complaint that is abusive or based on frivolous grounds;
 - b) Refuses or fails to respond within a reasonable delay to a written request of the Ethics Commissioner;
 - c) Refuses or fails to provide within a reasonable delay any information or document the Ethics Commissioner has required;
 - d) Misleads or attempts to mislead the Ethics Commissioner in the exercise of their functions;
 - e) Hinders, in any way, the Ethics Commissioner in the exercise of their functions;

- f) When informed of the filing of an ethics complaint regarding them or an investigation related to such an ethics complaint, by a person other than a Commissioner, communicates, directly or indirectly, with the person who is the source of the investigation or who filed the complaint, unless they have the prior written permission of the Ethics Commissioner. The Ethics Commissioner determines in what cases and on what conditions communication is permitted;
- g) Intimidates a person, retaliates or threatens to retaliate against a person because the person participated or cooperated or intends to participate or cooperate in such an investigation or complaint, reported or intends to report a conduct contrary to the Code of Ethics;
- h) When found guilty of having breached the Code of Ethics by the Ethics Commissioner, refuses and/or neglects to abide by any and all aspects of the sanctions mentioned in section 9.4 of the Code of Ethics.

9.2 Ethics Commissioner

- 9.2.1 In order to implement this by-law, the Council of Commissioners shall appoint 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.
- 9.2.2 The Ethics Commissioner must be a jurist with a minimum of ten (10) years of experience and duly qualified in ethics and deontology.
- 9.2.3 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*.
- 9.2.4 The Council of Commissioners shall also appoint by resolution a substitute to replace the Ethics Commissioner if they are absent or unable to perform their duties. This substitute must also be a jurist with a minimum of ten (10) years of experience and duly qualified in ethics and deontology.
- 9.2.5 The Council of Commissioners must establish by resolution the remuneration of the Ethics Commissioner and their substitute, if required.
- 9.2.6 The Ethics Commissioner and their substitute are appointed for the duration of the term of office of the Council of Commissioners or until replaced by resolution.
- 9.2.7 At the end of the term of office of the Council of Commissioners, the Ethics Commissioner and their substitute shall remain in office until a new Ethics Commissioner and substitute are appointed by the incoming Council of Commissioners.

9.3 Operating Rules

- 9.3.1 Any complaint regarding a breach of the present Code of Ethics must be filed in writing within 60 days of the incident and may be filed by any person aware of the breach of the Code of Ethics.
- 9.3.2 All complaints must be signed by the complainant, who must also provide the information required by the Ethics Commissioner for identification and contact purposes. An ethics complaint must relate to a breach of one or more of the provisions of the Code of Ethics and must present specific facts supporting the alleged breaches, along with any documentation or evidence regarding the alleged breach of the Code of Ethics.

- 9.3.3 Complaints must be submitted in writing to the Secretary General of the School Board or their substitute, who shall acknowledge receipt and forward a copy to the Ethics Commissioner within three (3) working days. The Secretary General shall assist the Ethics Commissioner and ensure the confidentiality of the complaint and associated information.
- 9.3.4 Upon receipt of the complaint, the Ethics Commissioner shall notify the Commissioner against whom the complaint has been filed (hereinafter referred to as the “*Commissioner concerned*”) of the filing of the complaint and provide to said Commissioner a copy of the complaint. When the identity of the complainant can be protected, only a summary of the complaint will be sent. This shall be determined at the sole discretion of the Ethics Commissioner. The complainant shall be informed of this decision, allowing them to withdraw their complaint prior to its communication to the Commissioner concerned.
- 9.3.5 The Ethics Commissioner shall, within five (5) days of receiving the complaint, determine if, prima facie (on its face), the complaint is admissible or if it is clearly unfounded and/or frivolous. Should they consider that the complaint is not admissible, or that its nature or importance does not justify an investigation, they shall inform the complainant and the Commissioner concerned in a written decision indicating the reasons for their decision, and forward a copy of the decision to the Secretary General indicating that the file is closed. If the Ethics Commissioner considers the complaint admissible, they shall inform the complainant, the Commissioner concerned, and the Secretary General. The Ethics Commissioner must then conduct an investigation and render their decision within thirty (30) days of determining the admissibility of the complaint.
- 9.3.6 The Ethics Commissioner may conduct personal interviews with the complainant and the Commissioner concerned. Other individuals who are aware of the incident or the circumstances surrounding the incident(s) and the complaint may also be interviewed. The Ethics Commissioner may also request any information or documentation likely to assist in the investigation. The complainant and the Commissioner concerned may request that the Ethics Commissioner meet with their witnesses. However, it is the prerogative of the Ethics Commissioner to decide who will be called as a witness.
- 9.3.7 At any time during the process, the Ethics Commissioner may determine that the complaint is without merit.
- 9.3.8 The parties concerned by the complaint must be given at least forty-eight (48) hours’ notice to present their observations to the Ethics Commissioner.
- 9.3.9 The complaint, the summoning of the witnesses, and the investigation must remain confidential until a final decision has been reached.
- 9.3.10 During the investigation:
- (a) Each party and their respective witnesses shall be convened separately and in turn;
 - (b) All meetings with the complainant, the Commissioner concerned, and other witnesses shall, at the discretion of the Ethics Commissioner, be conducted at the offices of the Ethics Commissioner and/or by videoconference organized by the Ethics Commissioner;

- (c) The essential facts gathered during each deposition and deemed relevant by the Ethics Commissioner shall be transcribed and communicated to the witness for confirmation purposes;
- (d) The Ethics Commissioner, if deemed advisable, may designate a mechanism to record any testimony solely to facilitate the note taking of the pertinent facts. Any recording shall remain confidential and shall not be disclosed, unless forced to do so by a court order or if the witness concerned authorizes the Ethics Commissioner to do so;
- (e) The Ethics Commissioner may, at the request of a witness, keep the witness's identity confidential. Depending on the circumstances and the facts presented, the Ethics Commissioner shall determine if it is appropriate to keep the name of that person confidential; however, the Ethics Commissioner shall inform the witness of this decision before disclosing their identity to anyone in order to allow the witness to refuse said disclosure and to withdraw their testimony;
- (f) A summary of the facts gathered during any of the processes indicated above, and deemed relevant by the Ethics Commissioner, shall be communicated to each party to provide an opportunity to review and reply;
- (g) In the event that the complainant demonstrates a lack of cooperation in making themselves available for the investigation of a complaint, fails to reply to any communications or directives sent or issued by the Ethics Commissioner, or clearly abuses the complaint process, the Ethics Commissioner may dismiss the complaint. The Ethics Commissioner shall then notify in writing the complainant, the Commissioner concerned, and the Secretary General of their decision.
- (h) In the event that the Commissioner concerned demonstrates a lack of cooperation in making themselves available for the investigation, or fails to reply to any communications or directives sent or issued by the Ethics Commissioner, the Ethics Commissioner shall proceed to render a decision by default. The Ethics Commissioner shall then notify in writing the complainant, the Commissioner concerned, and the Secretary General of their decision.

9.3.11 The complainant shall have the burden of proof to establish factually that the Commissioner concerned has violated any of the provisions of the Code of Ethics.

9.3.12 No judicial proceedings may be brought against an Ethics Commissioner for any act performed in good faith in the exercise of the functions of office.

9.3.13 No Commissioner can request the Council of Commissioners to review or overturn the decision of the Ethics Commissioner.

9.4 Decision

9.4.1 Following the investigation, the Ethics Commissioner shall prepare a final written decision, indicating whether or not the Code of Ethics was breached. If so, the Ethics Commissioner may impose one or more of the following sanctions:

- a) a call to order to be read by the Chair of the Governance and Ethics Committee (or the vice-chair if the order concerns the Chair) during the public session of the next meeting of the Council of Commissioners;
- b) a written reprimand to be read by the Chair of the Governance and Ethics Committee (or the vice-chair if the reprimand concerns the Chair) during the public session of the next meeting of the Council of Commissioners;
- c) a public apology to be read by the Commissioner concerned during the public session of the next meeting of the Council of Commissioners;
- d) the reimbursement by the Commissioner concerned of any unlawful profit or expense;
- e) the withdrawal, for a maximum of six (6) months, of services and privileges normally provided by the School Board to Commissioners, if applicable;
- f) the suspension for a maximum of six (6) months, of part or all of the attributions and functions of a Commissioner, including sitting on advisory committees and/or the Executive Committee, except the right to participate and vote in the public meetings of the Council of Commissioners;
- g) the suspension of the Commissioner's remuneration. This is applied for the period during which the Commissioner was not rendering the services for which they usually receive remuneration.
- h) a recommendation to the Council of Commissioners that an action to declare a Commissioner disqualified be initiated, notably in accordance with section 176 of the *Education Act* and section 308 of the *Act Respecting Elections and Referendums in Municipalities* and/or section 329 of the *Civil Code of Québec*;
- i) a recommendation to the Council of Commissioners to request the reimbursement by the Commissioner concerned of any legal fees incurred by the School Board for their defence in the said ethics complaint, but only if the Ethics Commissioner concludes that the Commissioner acted in bad faith.

9.4.2 If the Commissioner concerned fails to comply with any and all aspects of the sanctions mentioned above, the Secretary General shall inform the Ethics Commissioner of the situation. The Ethics Commissioner shall impose one or more subsequent and more severe sanctions on the Commissioner concerned who neglected and/or refused to comply with the decision.

9.4.3 If the Ethics Commissioner concludes that a request for an inquiry instituted by a Commissioner was made in bad faith, for personal reasons, or with an intent to harm, the Ethics Commissioner may recommend in the report on the matter that one or more of the sanctions provided above be imposed to that Commissioner.

9.4.4 If the Ethics Commissioner considers that the Commissioner concerned did not breach the Code of Ethics, they shall do so in a final written decision, which shall be sent to the complainant and the Commissioner concerned. A copy of the decision shall be sent to the Secretary General indicating that the file is closed.

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- 9.4.5 All final decisions of the Ethics Commissioner shall state the grounds on which they are based, be rendered in writing, and specify whether or not the Commissioner concerned acted in good faith in the discharge of their functions in regard to the complaint received.
- 9.4.6 If the Ethics Commissioner concludes that the Code of Ethics was breached, the final decision shall be made public. The Ethics Commissioner's final decision and the sanctions shall be forwarded to the Council of Commissioners by the Secretary General. The final decision and the sanctions shall be recorded in the minutes of the Council of Commissioners.
- 9.4.7 The Ethics Commissioner shall present a report to the Council of Commissioners no later than September 30 for the school year ending the previous June 30, for inclusion in the School Board's annual report.
- 9.4.8 Communication of the decision to the Council of Commissioners and to the public shall be made in accordance with the *Act Respecting Access to documents held by public bodies and the Protection of personal information* and, in particular, in compliance with the obligation to ensure the confidentiality of the personal information contained in the decision.
- 9.4.9 The enforcement mechanisms contemplated in this by-law are disciplinary in nature and do not prevent the School Board from taking legal action to obtain compensation for any damages suffered.
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