

Lester B. Pearson
School Board

Commission scolaire
Lester-B.-Pearson

REGISTER OF POLICIES, PROCEDURES AND BY-LAWS

CODE OF ETHICS AND PROFESSIONAL CONDUCT APPLICABLE TO THE COUNCIL OF COMMISSIONERS

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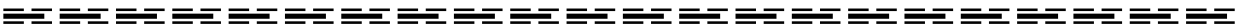


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BY-LAW 5/08
(Adopted by virtue of Resolution 08-09-10)
**CODE OF ETHICS AND PROFESSIONAL CONDUCT OF
THE LESTER B. PEARSON SCHOOL BOARD
APPLICABLE TO ALL COMMISSIONERS AS DEFINED
BY THE EDUCATION ACT**

1. Reference

The Education Act (R.S.Q., Chapter 1-13.3) serves as reference for the present Code.

2. Title

This By-Law is entitled ***Code of Ethics and Professional Conduct of the Lester B. Pearson School Board.***

3. Preamble

The primary role of a Commissioner is to ensure that a quality public education program is available taking into consideration the best interests of the school board as a whole and its students and the local constituency he/she represents. The Council of Commissioners acts in accordance with the relevant Quebec statutes and regulations to implement provincial education standards and policies, as well as informs and partners with the Ministère de l'Éducation, du Loisir et du Sport. To fulfill its mandate, the Council of Commissioners must work together and with all its stakeholders in a learning and working environment characterized by common purpose, mutual respect and integrity.

4. Jurisdiction

Unless otherwise specified, this By-Law is applicable to all Commissioners as defined by the Education Act during their term and four years after.

5. Commissioners' Obligations

5.1 Discretion

Commissioners must demonstrate absolute discretion during and after their term of office for a period of four (4) years and must keep to themselves personal and privileged information gained through their position, particularly that which is communicated to commissioners during “in camera” sessions, but not limited to same. Commissioners must submit a signed Solemn Affirmation To Respect Confidentiality, using the standard form (see Addendum A) within ten (10) days of the taking of the Oath of Office.

5.2 Adherence to Rules, Policies and Procedures

Commissioners must respect the rules, policies and procedures adopted by the Council of Commissioners.

5.3 Access to the Board's Goods and Services

Commissioners must not use their position in order to obtain for themselves or for others goods or services to which they would not normally be entitled.

5.4 Openness

Commissioners may not use information gathered while in office to secure undue benefits for themselves or others before, during or after negotiations, the signature of contracts, or agreements by the Board.

Commissioners must report any abusive exercise of privilege witnessed by them to the person charged with the enforcement of the code, in writing and signed, within a reasonable delay.

5.5 Conflict of Interest

Commissioners must respect the provisions of Section 175.4 of the Education Act.

5.6 Behaviour

Commissioners must, at all times, behave in a professional and respectful manner in their dealings with Council, staff, the school community, the public and other bodies.

5.7 Attendance at Meetings

5.7.1 Meetings of the Council of Commissioners

Commissioner attendance at Council meetings is governed by the Education Act.

5.7.2 Membership at Standing Committees, Advisory Committees, and Ad Hoc Committees

Commissioners who are official members of a committee and are absent, without prior notification to the Chair, from three consecutive meetings are considered to have abrogated their membership.

5.7.3 Governing Board Meetings

Commissioners who have been invited to participate at Governing Board meetings are expected to attend regularly. A commissioner named as an alternate may attend Governing Board meetings on behalf of the Commissioner designated for a particular school.

6. Statement of Conflict of Interest

- 6.1** Without limiting the purpose of the obligations and measures stated in Section 175.4 of the Education Act, within thirty (30) days of their election to office, Commissioners must produce a written statement, using the standard form (see Addendum B for Interest Disclosure Form), of any situation or relationship creating a conflict (or potential conflict) of interest.
 - 6.2** The Interest Disclosure Form is produced on an annual basis, each November.
 - 6.3** An amended Conflict of Interest form must be produced any time a new conflict (or potential conflict) of interest arises.
 - 6.4** All written statements are submitted to Commissioners prior to storage by the Legal Department, with a copy of all statements available for review at any time.
 - 6.5** In any deliberations of Council or in Committee, where a Commissioner has a conflict of interest, whether actual, potential or perceived, the Commissioner declares the conflict, withdraws from a sitting while the issue is being discussed and/or voted upon, and avoids influencing the discussion in any way.
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7. Enforcement Mechanisms

7.1 Designation of the person charged with the enforcement of the code

The Council of Commissioners appoints by resolution, a person responsible for the enforcement of the code. The designated person must be someone who has a professional background in law with at least 10 years experience. The term for the person responsible for the enforcement of the code begins the day of his/her nomination and ends at the end of the term for the members of the Council of Commissioners. As well the Council of Commissioners determines the remuneration of the designated person.

A representative from the directors general's office, coordinates the work of the person responsible for the enforcement of the code. The representative from the directors general's office must respect the confidentiality of the information and work performed, and not have any potential or actual conflict of interest.

7.2 Substitute

The Council of Commissioners appoints a substitute to the person charged with the enforcement of the Code. This person must also have a professional background in law with at least ten years of experience. The substitute replaces the person charged with the enforcement of the code, where, for a specific case, the designated person is absent or unable to exercise his/her functions and powers. The term of this person is the same as that of the designated person.

If both the designated person charged with the enforcement of the code and the substitute are unable to act, the Council of Commissioners shall then designate another person with the same qualifications to fulfill and exercise the role, functions and powers with respect to the Code.

7.3 Process, Role, Functions and Powers of the person charged with the enforcement of the code

The person charged with the enforcement of the code shall examine or inquire into situations or allegations of behaviours likely to derogate from this code. This person must decide whether the complaint or the allegation is receivable. If the complaint is not receivable this person must advise the complainant of his/her decision. Any complaint can be rejected at any time during the inquiry if it is unfounded or without merit.

All the complaints must be submitted to the person responsible for the enforcement of the code in writing and be signed.

If there has been an infraction to the Code the person responsible for the enforcement of the code determines the appropriate penalty. In every situation a motivated (justified) decision must be rendered in writing. The rules of natural justice must be respected and will be adhered to for the process. The decision is final and without appeal.

7.4 Sanctions

The Education Act provides for cases where proceedings can be taken to disqualify commissioners at fault. In other cases, the person charged with the enforcement of the code may decide to reprimand Commissioners found to have contravened the present code and will decide on the mode of publication and diffusion of the decision. This person can also make recommendations to the Council of Commissioners to stop situations contravening this code.

Report

No later than the 30th of September, the person charged with the enforcement of the code reports to the Council of Commissioners on the activities, included will be those complaints rejected and not held, as part of the report for the year ending on June 30th of the prior school year.

8. Public Access

The Code of Ethics and Professional Conduct of the Lester B. Pearson School Board is available on the LBPSB website, as well as by a request to the director general's office.

9. Annual Report

The annual report shall include a report from the person responsible for the enforcement of the code.

10. Modifications

None of the Addenda are an integral part of the present code and they can be modified without consultation.

11. Effective Date

The present by-law becomes effective on the day public notice of its adoption is given.

President

Addendum A

Solemn Affirmation to Respect Confidentiality

The Council of Commissioners hereinafter referred as “The Council” is charged by law with the responsibility of administering (section 143 of the Education Act) the Lester B. Pearson School Board. This is a heavy responsibility, but one that is shared and conducted as a group, not as individuals. In order to carry out this role, the Council has created a number of working committees, including a caucus of all Commissioners and senior management. In the course of conducting its affairs, the Council members are privy to a wide range of information and documentation, often shared in a confidential and private (non-public) setting.

Each Commissioner of the Council shares the same access to, and responsibility for, confidential and nominative information which is necessary to oversee the operations, actions, and personnel under the day-to-day control of the Board management.

If the majority of members of the Council believe that an individual Commissioner has failed to respect confidentiality, then the person responsible for the enforcement of the Code of Ethics can impose sanctions as stated in the Code of Ethics and Professional Conduct (Code of Ethics). As well, the entire Board is governed by By-law 3 which confers upon the General Counsel the Powers and Authority in Respect to the Act Respecting Access to Documents held by Public Bodies and the Protection of Personal Information. Legal action can be taken against any individual should such protection be breached.

Within this context, the members of the Council solemnly affirm their commitment to confidentiality, following both the spirit and the letter of the law, but also out of respect for their peers.

I, _____ the undersigned Commissioner, solemnly affirm that I will not divulge any confidential information such as

- Discussions in caucus or the non-public parts of workshops, committee or other meetings which I attend in the course of my role as Commissioner;
- Confidential information (so identified) provided as part of, or appended to, meeting agendas, kits or packages of documentation;

- Any discussion, any document, or any personal, student or personnel information relating to affairs of the LBPSB that must not be disclosed by virtue of the provisions of the Act Respecting Access to Documents held by Public Bodies and the Protection of Personal Information.

If not certain about the level of confidentiality of specific information or documentation that is protected by legislation, I will verify same with the General Counsel ***and*** with the Chairman or Director General of the School Board.

If I am uncertain about the consequence of public disclosure of any information shared among the members of the Council in confidence, I shall verify with the Chairman of the Board the appropriateness of such disclosure.

Signature: _____

Date: _____

Addendum B

INTEREST DISCLOSURE FORM

Pursuant to section 175.4 of the Education Act (R.S.Q., c.1-13.3) any member of the Council of Commissioners must submit a written statement describing all direct or indirect personal interests he/she holds in any contract signed or to be signed with the School Board, or in any corporate body or business contracting with the School Board.

I, _____, in my capacity as Commissioner of the Lester B. Pearson School Board, hereby state:

That I _____

And

Thus, I shall refrain from participating in any discussion and any decision of the school board on this matter so as to avoid any possible conflict of interest.

Date

Commissioner