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**EYOU CHISKOTAMACHAOUN
COMMISSION SCOLAIRE CRIE
CREE SCHOOL BOARD**

BY-LAW NO. 6

**By-law Respecting the
CODE OF ETHICS AND PROFESSIONAL CONDUCT**

**Applicable to COMMISSIONERS and
MEMBERS of SCHOOL COMMITTEES and
LOCAL ADULT EDUCATION COMMITTEES
of the CREE SCHOOL BOARD**

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The Cree School Board expects of its Commissioners and members of its School Committees and Local Adult Education Committees ethical, businesslike and lawful conduct. This includes proper use of authority, professionalism and loyalty to the Cree School Board, in a manner which represents the best interests of the entire Cree Nation of Eeyou Istchee.

ARTICLE 1. OBJECTIVE

- 1.1. The objective of this Code is to establish standards of ethics and professional conduct to ensure that Commissioners and Committee members:
 - a) perform their duties and functions of office and conduct their private affairs in a manner that promotes public confidence and trust in the integrity of the Board;
 - b) avoid Conflicts of Interest and do not take advantage of their official positions or of information obtained in the course of their official duties that is not otherwise available to the public in order to further their private interest or a private interest of a third party.
- 1.2. The present Code is consistent with the following Cree values adopted by the Council of Commissioners¹.
 - Courage – Souchayimuwiin
 - Honesty – Taabwaaoushiiwiin
 - Humility – Dibtaiimuwiin
 - Compassion – Souwaayiichiichaawiin
 - Respect – Chishtaiimiiduuwin
 - Sharing – Naanahwiikaaduuwiin
 - Wisdom – Kaachaataawaayiiitaamuwiin
 - Teamwork – Maamuuwiichihiituuwin
 - Teachings – Chiskutaamaachewinh

ARTICLE 2. INTERPRETATION

- 2.1. This Code shall be interpreted and implemented in accordance with applicable laws and regulations, notably the provisions of the *Education Act for Cree, Inuit and Naskapi Native Persons*, R.S.Q. c. I-14 (sections 185.1 to 185.3), 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).
- 2.2. Unless the context indicates otherwise, in this by-law, the singular shall include the plural and the plural the singular; the masculine shall include the feminine.
- 2.3. Likewise the use of masculine or feminine terms to designate a position shall be interpreted to include male and female office holders of such positions.

¹ GP-01 / Policy on Cree Values - Governance Process

ARTICLE 3. DEFINITIONS

3.1. In this Code, unless the context indicates otherwise, the following words and expressions mean:

- a) **Board:** the Cree School Board
- b) **Chairperson:** the Chairperson of the Board or, when applicable, the Chairperson of a Committee;
- c) **Close Relations:** the individuals who are close to a Member in a manner that he may have a personal incentive to provide benefits to these individuals. Without limitations, “Close Relations” includes Immediate Family Members of Members and any other person who normally resides in the same home;
- d) **Committee:** a School Committee or a Local Adult Education Committee of the Board;
- e) **Conflict of Interest:** any situation where a person’s interest comes into conflict with the interests of the Board, or where, as a result of his interest, a person’s ability to act in the best interests of the Board may be compromised. 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;
- f) **Council:** Council of Commissioners of the Board;
- g) **Immediate Family Member:** spouse, common law partner, parents, children, brothers, sisters, grandparents and grandchildren as well as mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law or son-in-law;
- h) **JBNQA Education Act:** the *Education Act for Cree, Inuit and Naskapi Native Persons*, R.S.Q. c. I-14, as applicable to the Board under the terms of section 722 of S.Q., 1988 Chapter 84 and under the terms of the *James Bay and Northern Quebec Agreement*;
- i) **Local Adult Education Committee:** the committee contemplated by Article 9 of the General By-Law (Consolidated By-Law No. 1) of the Board;
- j) **Member:** a member of:
 - i) the Council of Commissioners of the Board including the Chairperson, the Executive Committee and the person appointed by Washaw Sibi;
 - ii) any School Committee or Local Adult Education Committee of the Board, either elected or appointed, as provided for in the *Cree School Board General By-Law*;

- k) **Related Business Entity:** any business, enterprise or activity carried on personally or through an unincorporated business, a partnership, or a corporation (excluding publicly traded corporations) or a cooperative in which the concerned person or a Close Relation of the concerned person has directly or indirectly an interest.
- l) **School Committee:** the committee contemplated by paragraphs 16.0.16 and following of the *James Bay and Northern Québec Agreement (JBNQA)*, sections 586 to 589 of the JBNQA Education Act and Article 8 of the General By-Law (Consolidated By-Law No. 1) of the Board;

ARTICLE 4. GUIDING PRINCIPLES

- 4.1. A Member's personal interest must not come into conflict with the interests of the Board. The Members are accountable to exercise the powers and discharge the duties of their office honestly and in good faith with a view to the best interests of the Board. They shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances. In particular, the Member shall:
- a) avoid any situation of Conflict of Interest, whether actual, potential or perceived with the Board, and, when such conflict exists, proceed in accordance with the provisions of this Code;
 - b) avoid taking part in decisions or influencing others in relation to any contract, hiring, agreement or financial payment or arrangement between the Board and himself or any Close Relation or Related Business Entity;
 - c) not directly or indirectly use for himself or allow to be used by any third party any of the funds, resources or other property of the Board for anything other than approved activities or programs of the Board;
 - d) not accept transfers of economic value from third parties other than incidental gifts or customary hospitality (subject to section 5.3);
 - e) not take advantage of or benefit for himself or a third party from information which is obtained in the course of duties or functions for the Board and which is not already publicly available;
 - f) not have any conflicting loyalties, such as to employees, other organizations or any other personal interests, which interfere with their loyalty to the Board.
 - g) treat other Members, employees, students, parents and the general public with respect, co-operation and a willingness to deal openly and honestly on all matters;
 - h) respect differences in people, their ideas, and their opinions without discrimination;
 - i) disclose any illegal or irregular situations against the Board of which they are aware;
 - j) not encourage or condone any unethical activities, whether or not they are covered or specifically prohibited in this Code;

- k) abide by the adopted rules, policies and procedures of the Board;
- l) attend meetings on a regular and punctual basis;

not attempt to exercise individual authority over the organization. Individual elected members have no authority over employees and no authority to insert themselves into employee operations.

Confidentiality

- 4.2. Members will respect the confidentiality appropriate to issues of a sensitive nature and must demonstrate absolute discretion, both during and after their term of office, and must respect the confidential nature of, namely:
- a) discussions on negotiations in progress;
 - b) negotiations and information related to suppliers during a tendering process;
 - c) confidential information related to Members, staff, students and their families;
 - d) the staff selection process;
 - e) disciplinary measures;
 - f) documents stamped as “confidential”;
 - g) any information disclosed during “in camera” meetings.

Communications

- 4.3. The Chairperson or his designate is the only person authorized to speak to the media on behalf of the Council or Committee. Members shall not presume to speak for the Council or Committee when interacting with the public or other entities and shall only report actual decisions when interacting with the public or other entities.
- 4.4. The preceding section does not prevent individuals from bringing forward the viewpoints at the table of their respective Cree Nations, etc.. However, once a decision has been made democratically, it shall be respected by all. Members will support the legitimacy and authority of Council or Committee decisions, regardless of their personal position on the issue.

Preparation

- 4.5. Members shall be familiar with Section 16 of the *James Bay and Northern Quebec Agreement*, the *JBNQA Education Act*, by-laws, regulations, and policies of the Board, as well as the rules of procedure and proper conduct of a meeting so that any decision of the Council or Committee may be made in an effective, efficient, and knowledgeable manner.
- 4.6. Members shall be properly prepared for Council or Committee deliberations.

- 4.7. Commissioners shall regularly take part in professional educational activities that will assist them in carrying out their governance responsibilities or duties.

ARTICLE 5. DUTIES OF DISCLOSURE

Interest Disclosure Form

- 5.1. Within 30 days of their election or appointment to office, Members must file a written statement, using the standard form (*see Appendix A for Interest Disclosure Form*), to disclose their involvements or those of their Immediate Family Members with other organizations, with suppliers, or any associations that might be or might reasonably be seen as being a conflict.

Thereafter, every year by September 30th at the latest, or whenever there is a change in their situation, Members must file the Interest Disclosure Form.

- 5.2. Commissioners file their Interest Disclosure Form with the Secretary-General of the Board. Committee members file their Interest Disclosure Form with their Local Community Education Administrator / CEA.

Gift, hospitality or other benefit

- 5.3. Any gift, hospitality or other benefit conferred or offered to a Member, an Immediate Family Member or Related Business Entity from a third party who has or is seeking a business relationship, a payment or employment with the Board must be immediately reported by the Member to his Chairperson. The Council or Committee, as the case will be, will decide if such gift, hospitality or benefit:
 - a) is within the bounds of propriety, a normal expression of courtesy or within the normal standards of hospitality;
 - b) is not such as to bring suspicion on the Member's objectivity and impartiality;
 - c) does not compromise the integrity of the Board.

Conflicts of Interest

- 5.4. In any deliberations of Council or a Committee in which a Member has a Conflict of Interest, the Member must declare the conflict, withdraw from a sitting without comment on the vote and deliberations, and must avoid influencing the discussion in any way. The presence of the Member can nevertheless be counted for quorum purposes at a meeting dealing with the concerned contract, service, payment, etc.
- 5.5. In the event a Member is uncertain whether a Conflict of Interest exists or could exist in the future, the Member shall raise the situation with the Council or Committee and the Council or Committee shall vote on whether the situation as raised by the Member is or could be a Conflict of Interest as defined in this Code.

- 5.6. If the Council or Committee determines that the facts as raised do, or could, create a Conflict of Interest, the Member shall withdraw from the deliberations and any vote on the issue giving rise to the Conflict of Interest as per section 5.4 of this Code.
- 5.7. If a Conflict of Interest exists, and a removal from the deliberations relating to the issue is not sufficient to comply with this Code, the Member shall do what is necessary to remove the Conflict of Interest, and the Council or Committee shall determine the appropriate response or sanction, in accordance with section Article 6 of this Code.

ARTICLE 6. COMPLAINT AND INQUIRY PROCEDURES

Process for filing complaint

- 6.1. Any person who has reasonable grounds to believe that the provisions of this Code are not being complied with may file a complaint with the Secretary-General of the Board.
- 6.2. To be accepted the complaint must meet the following criteria:
 - a) the complaint must be in writing;
 - b) the person making the complaint must identify himself;
 - c) the complaint must provide sufficient information and details to allow the Secretary-General to understand the nature of the complaint and to identify the person or persons who it is claimed are not complying with the provisions of this Code.

Inquiry procedure

- 6.3. The Secretary-General decides whether the complaint is receivable in accordance with the criteria set out in section 6.2.
- 6.4. If the complaint is declared receivable, the Member who is alleged to have violated the Code shall be informed of the allegation in writing by the Chairperson and shall be allowed to present his views of such alleged breach at the next meeting. The complainant must be identified.
- 6.5. If the complainant is a Member, he and the respondent Member shall absent themselves from any vote on a resolution of censure or other action that may be brought by the Council or Committee.
- 6.6. The Council or Committee, as the case may be, concludes whether the Member has violated this Code or other laws.

Voting rights of Member being investigated

- 6.7. If applicable, the Chairperson, after having heard the representations of the Member, may determine the right of a Member to vote and to be present regarding a particular subject.
- 6.8. The Chairperson has the power to intervene in order to prevent a Member from voting or to oblige the Member to leave during the deliberations of the Council or Committee.

- 6.9. The decision of the Chairperson is final unless an appeal is lodged and upheld by the majority of the Members who are present and have the right to vote. In such a case, the question is then addressed and decided by them.

ARTICLE 7. SANCTIONS

Commissioners

- 7.1. The violation by a Commissioner of any provision of this Code may entail the imposition by the Council, as it deems appropriate and with due regard for all the circumstances, including the nature and seriousness of the violation, of the following sanctions:
- a) a reprimand;
 - b) the obligation to remit to the Board any gift, hospitality or benefit, or the fair market value thereof;
 - c) the obligation to remit to the Board any profit made in violation of a provision of this Code;
 - d) the reimbursement of the remuneration, allowances or other sums received as Commissioner while the violation of a provision of this Code continued;
 - e) a prohibition to sit as a member of the Executive Committee of the Council or any other sub-Committee of the Council for the duration of the Commissioner's mandate; or
 - f) any other measures and actions it deems useful to protect the reputation and integrity of the Board.
- 7.2. The Council may request the Commissioner who has violated a provision of this Code to resign from his position. If the Commissioner refuses to do so, a Commissioner may be removed from his position if so declared by the Superior Court of Québec through an action of disqualification in accordance with section 194.1 of the *JBNQA Education Act*.

Members of Committees

- 7.3. The violation by a Committee member of any provision of this Code may entail the imposition by the Committee, as it deems appropriate and with due regard for all the circumstances including the nature and seriousness of the violation, of the following sanctions:
- a) a reprimand;
 - b) the obligation to remit to the Board any gift, hospitality or benefit, or the fair market value thereof;
 - c) the obligation to remit to the Board any profit made in violation of a provision of this Code;

- d) the reimbursement of the remuneration, allowances or other sums received as Committee member while the violation of a provision of this Code continued; or
- e) with respect to the School Committees, the suspension of the member until the concerned Band Council or general assembly of parents, as the case may be, decides on the eligibility of such member to hold office on a School Committee for a period of up to six (6) years;
- f) with respect to the Local Adult Education Committees :
 - i) the suspension of the member appointed by the Band Council until the concerned Band Council decides on the eligibility of such member to hold office on a Local Adult Education Committee for a period of up to six (6) years;
 - ii) the termination of the mandate of the member appointed by the Director of Adult Education, or a decision that the member is no longer eligible to hold office for a period of up to six (6) years.

Other provisions

- 7.4. The minutes of the meeting at which one of the foregoing sanctions is approved must mention the name of the Member and describe the violation of the provision and the sanction imposed.
- 7.5. The sanctions provided above are in addition to any civil recourses of the Board resulting from the civil liability of the Member who acts contrary to the law or the provisions of the Code.

ARTICLE 8. DUTIES AND OBLIGATIONS AFTER LEAVING OFFICE

- 8.1. Members have a duty after they leave office to continue acting in such a manner as not to cast doubt on the probity and impartiality of the Board or to diminish public confidence in the Board.
- 8.2. For a period of six (6) months following the departure from the Board, the duties of disclosure and the procedure set out in this Code apply to any contract, service or payment conferred or proposed to be conferred on a former Member, Close Relation or a Related Business Entity.

ARTICLE 9. ENFORCEMENT MECHANISMS

- 9.1. In addition to the duties and responsibilities set out elsewhere in this Code, the Secretary-General must:
 - a) prepare and disseminate this Code to Members;
 - b) provide a copy of the Code to all new Members;

- c) organize from time to time information sessions for Members concerning this Code, Conflict of Interest matters, post-mandate behaviour and other ethical matters of concern to the Board;
- d) advise on the application of and compliance with this Code in individual cases and assist them understanding how the said measures apply in their particular case.

ARTICLE 10. FINAL PROVISIONS

- 10.1. In cases where the Chairperson is in question in the application of this Code, the vice-Chairperson will exceptionally act *in lieu* of the Chairperson. If the Secretary-General is in question, the Director General will exceptionally act *in lieu* of the Secretary-General.

APPENDIX A INTEREST DISCLOSURE FORM

Members of the Cree School Board

All members of the Cree School Board, (members of the Council of Commissioners, Executive Committee, School Committees, Local Adult Education Committees and Chairperson) must submit a written statement describing all direct or indirect personal interests he holds in any contract signed or to be signed with the Cree School Board, or in any corporate body or business contracting with the Cree School Board, or of those of his Close Relations.

It is the responsibility of each Member to keep this declaration up-to-date.

I, _____, in my capacity as Commissioner or School Committee member or Local Adult Education Committee member of the Cree School Board, hereby state:

- ***That I am a director, officer or employee of the following enterprises or organizations:***

- ***That I, or one of my immediate family members** own personal interests direct or indirect in the following contracts entered or to be entered with the Cree School Board:***

- ***Other declaration(s):***

Thus, I shall refrain from participating in any discussion and any decision of the Cree School Board on this matter so as to avoid any possible Conflict of Interest.

I also declare that I have read and understood the “Code of Ethics and Professional Conduct applicable to Commissioners and Members of School Committees and Local Adult Education Committees”

Signature

Date

** Immediate family means - spouse, common law partner, parents, children, brothers, sisters, grandparents and grandchildren as well as mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law