

		<b>Commission scolaire English-Montréal</b> <b>English Montreal School Board</b>
<b>POLICY:</b>	<b>CODE OF ETHICS</b>	<b>CODE: HR-11</b>
<b>Origin:</b>	Human Resources	
<b>Authority:</b>	Resolutions #95-03-29-6; #95-10-25-7	
<b>Reference(s):</b>	<i>Quebec Charter of Human Rights and Freedoms</i> <i>Canadian Charter of Rights and Freedoms</i> <i>Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information (Bill 65)</i>	

## INTRODUCTION

The English Montreal School Board (EMSB) plays an important role in the educational milieu in the Province of Quebec. It has a long-standing commitment to excellence in education.

Being a public institution, the School Board is subject to public scrutiny. While providing quality services, it must ensure that its employees and commissioners conduct themselves in an exemplary manner to maintain the confidence and trust of the public it serves.

The many laws, regulations, resolutions and by-laws which govern the operations of the EMSB render more complex the framework in which it must operate. It is in this spirit that the Board has developed a Code of Ethics.

## PURPOSE

The purpose of the Code of Ethics is to provide all employees and members of the Council of Commissioners\* with a framework to guide them in the conduct of their responsibilities. All persons to whom the Code is applicable are expected to act in accordance with the following rules of conduct contained in the Code of Ethics in order to safeguard the integrity of the Board.

Conflicts of interest must be avoided and in this regard the Code is intended to help employees and commissioners recognize them as well as determine appropriate ways to proceed under the circumstances.

While no set of guidelines can cover every situation that may arise and while each of us must in the final analysis be responsible for our own actions, an understanding of these

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\* Please note that subsequent to the adoption of this policy, a Code of Ethics for Commissioners was established as By-Law No. 3 in conformity with Sections 175.1 and 175.4 of the Education Act.

rules of conduct should help to avoid unpleasant experiences which might arise from a lack of knowledge.

## **PERSONAL INTEGRITY**

The public reputation of the EMSB rests upon the conduct of its personnel. The objective is therefore to maintain the Board's reputation and good relations with its clientele, employees, partners in education, and suppliers.

Therefore employees and commissioners are expected to:

1. fulfill all responsibilities with integrity and diligence;
2. exemplify the highest standards of integrity in all relations with students, parents, employees, governments, business contacts and the public;
3. honour all employment contracts until fulfillment or termination;
4. ensure that decisions made in the course of performing one's duties are only influenced by factors which are in the interest of the School Board.

## **CONFLICT OF INTEREST**

Employees and commissioners must remain free of interests or relationships which are harmful or detrimental to the EMSB's best interests. Employees and commissioners should avoid a real or perceived conflict of interest which could tarnish their own or the organization's image.

Therefore, the employees and commissioners must:

1. perform their duties and organize their professional affairs as they may reflect on the School Board in such manner as to maintain and foster public confidence in the integrity, objectivity and impartiality of the Board;
2. refrain from acting directly or indirectly, as a partner, shareholder, director, officer, employee, agent or consultant of any business enterprise or organization under circumstances in which a person's influence or position with the School Board could be used to benefit the other organization/enterprise or the individual;
3. identify for the School Board any interest they hold in a business or organization which might create a conflict of interest with the Board; the Board, if considered necessary, shall request a legal opinion on the possibility of a conflict of interest;

4. refrain from using possessions or services of the Board for purposes other than those of the Board;
5. refrain from purchasing, directly or indirectly, an immovable or a portion thereof, or movable property of the School Board, except in instances where such a purpose is the consequence of the Board's using a public tendering process;
6. refrain from leasing a building owned by the EMSB; the only exceptions to this provision shall be in cases where certain employees are accorded rights to lease EMSB residences under their Collective Agreement, or, in the case where an employee is leasing a residence at the time of the coming into effect of this Code of Ethics (i.e. March 29, 1995); in the latter case, this provision shall apply only to the residence being leased at the time of the coming into effect of this Code of Ethics, and this for the period of time where there is no break in the lease arrangement;
7. inform the Director General or the Chairperson of the Board, as the case may be, of any conflict of interest and identify all of their interests as agent, employee, consultant or owner of a firm, organization or company having business relations with the Board;
8. avoid exercising any direct or indirect pressure on any members of a selection committee or on the persons responsible for hiring or promoting individuals; this is particularly applicable in situations involving family relationships or friendships with the individual concerned;
9. ensure that, when participating in the selection procedure for engagement or promotion of personnel or in Board meetings related to the engagement or promotion of same, any personal or professional ties with one or more applicants are declared to other members of the selection or promotion committee or the Board, as the case may be; such a member should absent himself/herself from participating in the said committee and from voting in a Board meeting.

The Director General (or Chairperson of the Board) may request, on the recommendation of the Council of Commissioners, that the employee (or commissioner) in a conflict of interest situation dispose of whatever interest is causing the conflict.

Commissioners of the EMSB shall absent themselves from discussions and voting during Board meetings and meetings of the standing committees when their interests are or are liable to be in conflict with the Board. It is the obligation of the individual commissioner to so inform the Chairperson of this conflict or potential conflict.

## LEGAL RESPONSIBILITIES

Certain rules and regulations of any large institution, such as the EMSB, are essential for it to function in an orderly fashion. The EMSB is governed by the *Quebec Education Act* and subject to other laws and regulations. The EMSB also sees the need to define its own policies and procedures.

Therefore, employees and commissioners are expected to:

1. uphold the principle of the right to a fair hearing;
2. uphold the rights of all persons as enacted in the *Quebec Charter of Human Rights and Freedoms* and the *Canadian Charter of Rights and Freedoms*;
3. conduct all operations in compliance with the by-laws and resolutions of the EMSB and in compliance with the laws and regulations of municipal, provincial and federal governments.

## CONFIDENTIALITY AND ACCESS TO INFORMATION

Confidential information includes, but is not restricted to, that information which is not generally known to the public and is of such a nature that it is in the legitimate interest of the Board to maintain its privacy. EMSB employees and commissioners have access to a great deal of confidential information about the Board's clientele and its employees, some of which has to be transmitted to government agencies. It is very important for all employees and commissioners to know what information is confidential and needs to be protected.

The EMSB is bound by the *Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information (Bill 65)*.

Therefore, employees must:

1. respect the confidentiality of information, and the provisions regarding the right of access to information, as provided by law and by EMSB by-laws and resolutions;
2. respect the principle that confidential information may not be used for personal gain;
3. recognize that the EMSB, as a public institution, must seek to keep the community fully informed about the operation of its schools and centers;

4. respect that oral and written communication with the media, in the name of the EMSB, shall be conducted only by the persons designated as official spokespersons by the Chairperson of the Board or the Director General.

## **COMMUNITY AND POLITICAL ACTIVITIES**

It is acknowledged that an employee's or commissioner's interests may involve the individual in community and/or political activities. This involvement must be governed by certain rules of conduct.

Therefore, employees and commissioners must:

1. exercise caution and good judgment in expressing their political opinions in public, particularly when such opinions would adversely affect the performance of their duties or the image of the EMSB;
2. refrain from showing political bias (i.e. stating personal political views) in the course of performing their duties; nothing in this regulation prohibits an individual from belonging to a political party, from taking part in political meetings, or from making legal payments to a political party, to an organization controlled by a political party or to a candidate in an election.

## **GIFTS AND BENEFITS**

Employees and commissioners must refrain from seeking to obtain in the conduct of their duties in any manner whatsoever a gift, service or advantage for their personal benefit.

Insofar as it is within their power, employees and commissioners shall ensure that third parties are informed of this rule of conduct.

## **CONCLUSION**

It is the responsibility of each employee and commissioner to observe this Code of Ethics while performing his or her duties.

In case of doubt in any given situation, the individual should consult his or her superiors regarding the proper steps to be taken.

Finally, any sanctions which are warranted as a result of the contravention of provisions of this Code of Ethics shall be in accordance with EMSB policies and practices and, where applicable, laws, collective agreements, or the administrative and salary policy documents.