



Code of Ethics and Conduct for Commissioners of the Kativik School Board

Adopted by the Council of Commissioners on: October 21, 1999

As per resolution #: CC 1999/2000-6

Amending resolution #: N/A

The Kativik School Board, as an educational entity entrusted with serving the present and future generations of Inuit in Nunavik, must ensure that all its elected members conduct themselves as role models with a high standard of ethics at all times.

Honesty, integrity and fair play must be followed by each Commissioner when engaging in or on the occasion of any activity involving the Kativik School Board (the Board).

This Code of ethics is meant to set rules and guidelines for prevention, and to protect both the Commissioners and the Board respecting potential and actual situations of conflict of interest as well as to set rules and guidelines regarding proper personal conduct.

1. REFERENCE

Section 185.1 of the *Education Act for Cree, Inuit and Naskapi Native Persons* L.R.Q. ch. I-14

2. TITLE

This regulation is entitled: Code of Ethics and Conduct for Commissioners of the Kativik School Board.

3. APPLICATION

Unless otherwise specified, this regulation applies to any Commissioner as defined in the Education Act for Cree, Inuit and Naskapi Native Persons.

4. **DEFINITIONS**

In this regulation the following expressions mean:

- a) **conflict of interest:** A situation where a Commissioner is exposed to being influenced in taking advantage or in advancing his own personal interest or that of other close persons, relatives or related business entity, in the exercise of his functions as a school Commissioner.
- b) **Director-General:** the Director-General of the Kativik School Board;
- c) **relative of a Commissioner:** the spouse, the natural or adoptive mother or father, son or daughter or brother or sister of the Commissioner;
- d) **related business entity:** any business, enterprise or activity carried on personally or through a partnership of one kind or another, or corporation in which the Commissioner or his relative has a direct or indirect interest no matter what the level of this interest may be.

5. **DUTIES AND OBLIGATIONS OF COMMISSIONERS**

General Commitment

- 5.1 The Commissioner respects his oath of office. (*see Annex A*)
- 5.2 As official representatives of the population in matters of Education, Commissioners must abide to laws and regulations and act as role models in Inuit society.
- 5.3 A Commissioner's personal interest must not come into conflict with the interests of the Board.
In particular, a Commissioner must:
 - a) avoid any situation of conflict of interest with the Board and, when such conflict exists, proceed in accordance with the provisions of this Code;
 - b) avoid taking part in decisions relating to any contract, agreement or financial payment or arrangement between the Board and himself or herself and any relative or related business entity;
 - c) avoid any practice relating to trading in favors or to the misappropriation of the funds of the Board or to the misuse of the property of the Board;
 - d) avoid influencing any and all Commissioners, senior and management staff members in relation to contracts, agreements, arrangements, payments or employment for himself or herself or for a relative or related business entity.
- 5.4 The Commissioner exercises his duties in respect of laws and charters adopted by parliaments.
- 5.5 All Commissioners shall carry out their duties and functions for the Board in such a manner that is transparent and that public confidence and trust in the integrity, objectivity and impartiality of the Board are conserved and enhanced.
- 5.6 No Commissioner shall directly or indirectly use or allow to be used any of the funds or other property of the Board for anything other than approved activities or programs of the Board.

- 5.7 No Commissioner shall participate in any decision or influence a decision to gain or appear to gain a benefit from the Board for himself or for a relative or a related business entity.
- 5.8 No Commissioner shall take advantage of or benefit for himself, a relative or a related business entity, from information which is obtained in the course of duties or functions for the Board and which is not already publicly available.
- 5.9 With respect to social conduct, without limiting the generality of the foregoing, it is of particular concern that Commissioners do not make use of drugs, be involved in transportation or any kind of trafficking of drugs or alcohol, and avoid any behavior to encourage drugs or alcohol consumption.

Commitment towards the community

- 5.10 The interest of the children and students shall be the foremost consideration in all decisions made by the Commissioner.
- 5.11 The Commissioner respects everybody's rights.
- 5.12 The Commissioner ensures that there is the greatest fairness in the availability and offer of services to the communities.
- 5.13 The Commissioner must conciliate his function of representative of the parents and the population and be attentive to their expectations. In particular, he must respect and take part in the Education Committee.

Commitment towards the School Board

- 5.14 The Commissioner respects the orientations, priorities, regulations, policies, procedures and other rules adopted by the Board.
- 5.15 The Commissioner shows respect and courtesy towards his fellow members of the Council.
- 5.16 The Commissioner respects the rights of his colleagues to express themselves freely and without constraints on matters related to their functions.
- 5.17 The Commissioner stands by the decisions made by the Council and must see to their execution.
- 5.18 The Commissioner shall take part in deliberations actively and openly, take part in the vote in order to decide issues, and show solidarity with his colleagues with respect to decisions made.
- 5.19 The Commissioner looks after the Board's Interests.
- 5.20 The Commissioner shows rigorousness in the analyses, judgements, comments and proposals he brings forward.

- 5.21 The Commissioner, in the course of his mandate and afterwards, must not disclose to others any confidential information, particularly when related to personal information, commercial information and information gathered during *in camera* meetings.
- 5.22 The Commissioner must attend all Board meetings relevant to his function, be it Council of Commissioners, Executive Committee, Education Committee meetings or others, and ensure that he is on time for and throughout these meetings, unless he has just cause for not attending.
- 5.23 The Commissioner must avoid placing himself in situations involving conflict of interest or the appearance of conflict of interest.
- 5.24 The Commissioner can not use his position to obtain, for him or his family, services provided by the Board to which he would not have access otherwise.
- 5.25 The Commissioner shall not receive any financial compensation, service, benefit or advantage from the Board to carry out his duties, other than the travel expenses as per the rates established in the Policy of the Board on this matter, and the honoraria as established in the Regulation respecting the indemnification of members of the Executive Committee and of the other Commissioners, its modalities of application, and applicable laws and regulations.
- 5.26 The Commissioner must uphold the values and mission promoted by the Board when adopting policies and regulations and making other decisions.

Commitment towards personnel and students

- 5.27 The Commissioner must exercise his role and responsibilities without any discrimination.
- 5.28 The Commissioners shall treat the staff and students with respect and courtesy and preserve the respect, confidence and trust of everyone.
- 5.29 The Commissioner must respect the roles, responsibilities and functions of the staff at all levels and avoid intervening in the execution of their mandate.

6. SITUATIONS OF CONFLICT OF INTEREST

Since situations of conflict of interest are almost limitless and cannot all be covered in this regulation, Commissioners are expected to conduct themselves at all times with the highest ethical standards in a manner which will bear the closest scrutiny. The Commissioners are responsible for seeking guidance from the appropriate source before embarking on activities which might be questionable.

6.1 Conflicts of Interest Involving Personal Relationships

Conflicts of interest may arise, or may be perceived to arise, when people are involved in making decisions affecting any members of their families, relatives, present or former business partners or those with whom they have or have had intimate relationships.

6.2 Conflicts Arising Out of Material Financial Interests

Conflicts of interest can arise when a Commissioner has a material interest in firms or organizations with which the Board enters into transactions. Therefore, the Commissioner should excuse himself from taking part in any decision pertaining to transactions with firms or organizations in which his relatives or those with whom he has a valued relationship have a material financial interest.

6.3 Conflicts of Interest Arising Out of External Activities

A Commissioner involved in another organization and who may enter into conflict with the Board orientation should not take part in the decision making when an issue to be discussed involves such organization. However, the Kativik regional Government representative is not bound by this provision when the KRG's interests are involved.

6.4 Favoritism in employment

The Board takes every precaution to guard against favoritism of any kind in hiring staff members, and must be scrupulously fair and honest in ensuring that positions are well advertised and that appointments are offered always to the best-qualified available candidates.

When a Commissioner is in a position to influence personnel decisions, such as recruitment, performance evaluation, promotion or termination of employment with respect to another person with whom the Commissioner has a relationship which might reasonably be construed as a conflict or potential conflict of interest, then the Commissioner has a duty to disclose the situation to the Director-General or the Council of Commissioners.

The Commissioner is expected to avoid apparent and actual conflict of interest situations by not participating in any decision-making process concerning a relative.

6.5 Conflicts of Commitments

A conflict of commitment is a special form of conflict of interest that arises with respect to how a Commissioner spends his time in relation to his specific duties and responsibilities. Because Commissioners are extended considerable discretion over the performance of their mandate, apparent or potential conflict of commitment situations arise from time to time. A real conflict of commitment exists whenever his involvement with other activities interfere with his commitment to his duties and responsibilities. If a real conflict of commitment exists, then steps must be taken either to reduce or eliminate this other involvement.

A Commissioner may make other commitments, remunerative or not, so long as these do not interfere with or prevent him from honoring his commitments to the Board.

6.6 Gifts, hospitality and other benefits

- a) Gifts, hospitality and other benefits that could influence a Commissioner's judgement and the performance of his duties, functions or responsibilities for the Board must be declined. Therefore, a Commissioner must not accept, directly or indirectly, for himself or for a relative or related business activity, any gift, hospitality or other benefit that are offered by persons, groups or organizations having dealings with the Board unless such gift, hospitality or other benefit answer all of the following criteria:
 - i) they are within the bounds of propriety, a normal expression of courtesy or within the normal standards of hospitality;

- ii) are not such as to bring suspicion on the Commissioner's objectivity and impartiality;
 - iii) do not compromise the integrity of the Board;
- b) Gifts, hospitality and other benefits from a third party who has or is seeking a business relationship, a payment or employment with the Board, which are conferred or offered to a Commissioner or to his immediate relative or related business entity and the value of which exceeds five hundred dollars (\$500.00) must be immediately disclosed to the Director-General or the Council of Commissioners.
The Director-General must inform the Council of Commissioners of this matter at the first meeting which follows the disclosure and the Council must take appropriate action in accordance with this Code, including, as the circumstances warrant :
- i) requiring that the gift or the value of the gift, hospitality or other benefit be remitted to the Board to be disposed of for charitable or other purposes as the Council deems appropriate;
 - ii) notifying the third party of the provisions of this Code and of requirements to cease any future gifts, hospitality or other benefits;
 - iii) reviewing any business relation between the Board and the concerned third party and cancelling such relation if it can be reasonably ascertained that the relationship was acquired through exaggerated gifts, hospitality or benefits or through other improper means;
 - iv) authorizing the Commissioner to keep the gift or benefit.

7. PREVENTIVE MEASURES RELATING TO A SITUATION OF CONFLICT OF INTEREST

In order to minimize the risk of conflicts of interest and to permit the resolution of such conflicts in favor of the Board should they occur, the following measures shall be taken:

A) Duties of disclosure

7.1 At the beginning of his mandate, the Commissioner must submit a declaration of disclosure of any interest which could place him in a situation of conflict of interest. This declaration must be updated every year or as soon as the Commissioner's personal situation or his immediate relatives' situation changes and requires a new declaration. A declaration form is shown in **Annex B**.

7.2 Any Commissioner:

- a) who has a direct or indirect interest in any proposed or existing contract with the Board, service or payment from the Board; or
- b) whose relative or related business entity has a direct or indirect interest in any such proposed or existing contract, service or payment,
must disclose his interest to the Board as soon as it arises or, in the case of a relative or related business entity, as soon as he is aware of the interest of such relative or related business interest.

- 7.3 The procedure to be followed in relation to such a disclosure shall be as follows:
- a) the concerned Commissioner shall disclose in writing or verbally to the Director-General or directly to the Council of Commissioners, the nature and extent of his interest, or of the interest of a relative or related business entity, in the existing or proposed contract, service or payment;
 - b) the Director-General shall refer the matter to the Council of Commissioners at its first meeting which follows the disclosure in order for the Council to decide upon the contract, service or payment in accordance with this Code;
 - c) once such a disclosure has been made, the contract shall not be entered into or carried out, the service shall not be granted nor the payment made until such time as the Council of Commissioners has finally decided on the matter in accordance with this Code;
 - d) any authority or power granted under any ordinance, regulation or resolution of the Board shall not be exercised in relation to such contract, service or payment until such time as the Council of Commissioners has disposed of the matter as provided above. The Executive Committee may take any interim measures in relation to such contract, service or payment which may be appropriate in the circumstances pending the final decision of the Council of Commissioners.
- 7.4 The duties of disclosure set out in section 7.2 and the procedure set out in section 7.3, do not apply to the following:
- a) salary, allowances or the remuneration payable in accordance with the applicable legislation, ordinances, regulations, policies and directives of general application at the Board;
 - b) expense accounts paid in accordance with the general travel policies and directives of the Board;
 - c) services provided by the Board to the general public, such as those related to preschool, elementary and secondary education, adult education and the post-secondary programs, insofar as the participant is otherwise eligible to such services under the general policies applicable at the Board for such purposes;
 - d) contracts, services and payments involving the Makivik Corporation established by the Act respecting the Makivik Corporation (chapter S-18.1) or one of its subsidiaries or one of the Inuit land holding corporations established under the Act Respecting the Land Regime in the James Bay and Northern Quebec Territories (chapter R-13.1), in which cases a Commissioner is deemed interested only if he is an officer or director of such corporation;
 - e) insurance taken by the Board against any liability incurred by a Commissioner in his official capacity for the Board.

B) Prohibition

7.5 A Commissioner:

- a) who has a direct or indirect interest in any proposed or existing contract with the Board, service or payment from the Board, or
- b) whose relative or related business entity has a direct or indirect interest in any

such proposed or existing contract, service or payment,
shall refrain from making any decision or influencing any decision related to such
contract, service or payment.

7.6 Without limiting the generality of the above, a Commissioner to whom section 7.5 applies shall not vote and shall be disqualified from deliberations on any resolution or directive or other decision of the Council of Commissioners or Executive Committee related to such contract, service or payment. Mention of this situation shall be made in the minutes of the meeting of the Council of Commissioners or Executive Committee which the concerned Commissioner attends and at which the said contract, service or payment is discussed. Notwithstanding the above, the presence of the Commissioner can nevertheless be counted for quorum purposes at a meeting of the Council of Commissioners or Executive Committee dealing with the concerned contract, service or payment.

7.7 The prohibitions set out in sections 7.5 and 7.6 do not apply to a Commissioner in the cases listed in section 7.4 above.

8. INQUIRY COMMITTEE

8.1 The Council of Commissioners constitutes an Inquiry Committee whose mandate is to conduct inquiries on matters of conflict of interest and personal conduct whenever required and make recommendations to the Council of Commissioners.

8.2 This Committee shall be constituted of two Commissioners and the Director-General who is charged with coordinating the work of the Committee.

8.3 Two substitute Commissioners are designated to replace one of the members in case of absence or if a complaint or issue relates to one of the above members.

9. INQUIRY PROCEDURES

9.1 Any Commissioner as well as any member of the general public who has reasonable grounds to believe that the provisions of this Code are not being complied with may file a complaint in this matter with the Director-General. To be accepted, the complaint must meet the following two criteria:

- a) the complainant must identify himself;
- b) the complaint must provide sufficient information and details to allow the Director-General to understand the nature of the complaint and the identity of the Commissioner who it is claimed is not complying with the provisions of this Code.

9.2 Any employee of the Board who receives a complaint from a third party relating to the application of this Code must immediately forward the complaint to the Director-General, insofar as that complaint meets the two criteria set out in section 9.1.

9.3 Upon receiving a complaint under section 9.1 or 9.2, the Inquiry Committee shall carry out an inquiry as to the validity of such complaint. On ascertaining that there may be some grounds for such complaint, the Committee shall refer the matter to the Council of Commissioners at the first meeting which follows the completion of the

inquiry in order for the Council to take the measures, if any, which are required in the circumstances and which are consistent with the provisions of this Code.

- 9.4 The Director-General may carry out an inquiry as to any Commissioner's compliance with this Code, even in the absence of a complaint filed pursuant to section 9.1 or 9.2.

10. VALIDITY OF CONTRACTS, SERVICES AND PAYMENTS

10.1 Any contract, service or payment involving a Commissioner or any relative or related business entity is neither void nor voidable by reason only of the Commissioner, relative or related business entity having an interest in the said contract, service or payment insofar as:

- a) the duties of disclosure related to such contract, service or payment have been fully complied with in accordance with this Code;
- b) the prohibitions as to refraining from taking a decision or influencing any decision related to such contract, service or payment have been fully complied with in accordance with this Code;
- c) the contract, service or payment has been approved by the Council of Commissioners or is otherwise exempted under the provisions of this Code;
- d) the contract, service or payment is reasonable and fair for the Board.

11. OUTSIDE EMPLOYMENT

11.1 Except for the President of the Board who must devote all his time to the service of the Board in conformity with section 17.0.15 of the James Bay and Northern Québec Agreement, involvement in outside employment or business activities by Commissioners is not prohibited unless:

- a) the employment or business activity is such that it is likely to result in a conflict of interest with the Board or it constitutes such a conflict; or
- b) the employment or business activity places demands on the Commissioner which are inconsistent with the performance of the normal duties, functions and responsibilities of that Commissioner with the Board.

In any event the Council of Commissioners can require that the outside employment or business activity be curtailed or modified or that it cease.

12. DUTIES AND OBLIGATIONS AFTER LEAVING OFFICE

12.1 Commissioners have a duty after they leave office to act in such a manner as not to cast doubt on the integrity and impartiality of the Board or to diminish public confidence in the Board.

12.2 For a period of six (6) months following the departure from the Board the duties of disclosure and the procedure set out in sections 7.2 and 7.3 hereof apply to any contract, service or payment conferred or proposed to be conferred on a former Commissioner, a relative or a related business entity or on any third party who employs the former Commissioner.

13. ENFORCEMENT MECHANISM

13.1 The Director-General of the Board is responsible for the enforcement of this Code.

13.2 In addition to the duties and responsibilities set out elsewhere in this Code, the Director-General must:

- a) provide a copy of this code to the Commissioners and the general public;
- b) organize information sessions from time to time for Commissioners concerning this Code, conflict of interest matters, post-service behavior and other ethical matters of concern to the Board;
- c) advise on the application of and compliance with this Code in individual cases and assist Commissioners including former Commissioners in understanding how the said measures apply in their particular case;
- d) assist in determining whether a particular situation constitutes a real or potential conflict of interest and recommend measures to be taken by the Commissioners in order to better comply with this Code;
- e) Through the Inquiry Committee, generally carry out all inquiries and provide all information to ensure the proper application of this Code.

14. PENALTIES

14.1 A Commissioner who:

- a) directly or indirectly uses or allows to be used any of the funds or other property of the Board for his personal gain, or for the gain of an immediate relative or related business entity;
- b) knowingly fails to comply with the duties of disclosure or the procedure set out in sections 7.1 or 7.2;
- c) knowingly fails to comply with the prohibitions set out in sections 7.5 and 7.6;
- d) knowingly accepts a gift, hospitality or other benefit conferred or offered by a third party in contravention to section 6.6;

is disqualified for the remainder of his term as a Commissioner from holding office as a member of the Executive Committee and other committees of the Board;

When the circumstances warrant, the Council of Commissioners may request this Commissioner to resign, and take all actions it deems useful to protect the reputation and integrity of the Board.

14.2 Should one of the obligations contained in this regulation not be respected, the Executive Committee with the Director-General may take the following steps:

- a) any Commissioner suspected of not abiding by the above rules or suspected of illegal or immoral act will receive a verbal warning;
- b) a second warning will be made in writing;
- c) a third warning shall be made in writing and shall be final.

The Executive Committee and the Director-General may take immediate action depending on the seriousness of the act of the Commissioner concerned.

- 14.3 A Commissioner who does not comply with the other provisions of this Code is subject to receiving a reprimand from the Council of Commissioners, and may, when the circumstances warrant, be removed by the Council of Commissioners from any position on the Executive Committee or other committees of the Board. The Council of Commissioners may also request this Commissioner to resign, and take all measures and actions it deems useful to protect the reputation and integrity of the Board.
- 14.4 A Commissioner who misses a meeting in whole or in part without a valid reason may see his honoraria cut in accordance with the provisions of the Regulation respecting the indemnification of members of the Executive Committee and of the other Commissioners and its modalities of application.
- 14.5 A Commissioner who is the object of an accusation under the Criminal Code or similar legislation may, when the circumstances warrant, be removed by the Council of Commissioners from any position on the Executive Committee or other committees of the Board, and have his honoraria suspended or cut in whole or in part. The Council of Commissioners may also request this Commissioner to resign, and take all measures and actions it deems useful to protect the reputation and integrity of the Board.
- 14.6 The penalties provided above are in addition to the civil recourses of the Board resulting from the civil liability of a Commissioner who acts contrary to the law or to the provisions of this Code.
- 14.7 Without limiting the generality of the foregoing, a Commissioner who on the occasion of attending Board activities, causes damages to Board or hotel or other premises due to negligence, malevolence, or to his being impaired by drugs or alcohol, may be held personally financially liable for such damages, and may face other sanctions as determined by the Council.
- 14.8 Any contract entered into by the Board or any payment made by the Board in violation of this Code is null and void and all amounts paid under the contract and all payments made must be returned to the Board unless:
- a) the Council of Commissioners ratifies by resolution the said contract or payment notwithstanding the violation of the Code: and
 - b) the contract or payment was reasonable and fair to the Board.
- 14.9 Any person who derives a benefit as a result of a failure to comply with this Code is liable for the value of the benefit derived.
- 14.10 The Executive Committee and the Director-General may take immediate action depending on the nature, urgency, or seriousness of the act of a Commissioner.
- 14.11 The Council of Commissioners shall inform the Education Committee of the community represented by the Commissioner of the facts giving rise to the action taken.

15. FINAL PROVISION

This regulation comes into effect the day of its adoption.

Annex A
Oath of office

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PROVINCE OF QUEBEC
KATIVIK SCHOOL BOARD

OATH OF OFFICE

I.....,
having been duly elected School Commissioner of the Kativik School Board, take oath (or
solemnly affirm) that I will well and faithfully discharge the duties of my office according to the
best of my judgment and ability.

SIGNED.....

SWORN BEFORE ME

DATE

DIRECTOR-GENERAL

Annex B
Declaration of interests
by the Commissioner

In conformity with the Code of Ethics and Conduct for Commissioners of the Kativik School Board, which among other things seeks to avoid any kind of conflict of interest or apparent conflict of interest with the Board, I, the undersigned, make the following solemn affirmation:

Name: _____

Community: _____

1) This declaration is:

my first declaration

my annual declaration

an updated declaration since my last declaration made on __-__-__

2) Interest in related business entities

I declare that I hold shares or have a financial interest in the following corporations (excluding publicly traded corporations), cooperatives, partnerships or other enterprise which have received a contract or a payment from the Kativik School Board in the previous twenty-four (24) months or which I reasonably believe will be seeking to establish a business relationship with or will be receiving a contract or payment from the Kativik School Board in the next twelve (12) months:

None

or

(name of corporation, cooperative, partnership or other enterprises)

As a Commissioner of the Kativik School Board, I must avoid any kind of conflict of interest or apparent conflict of interest with the Kativik School Board.

Therefore, I declare that I am a councilor, director, officer or employee of the following: municipality, landholding, Inuit entities, corporation, cooperative, partnership or other enterprises which have received a contracts or payment from the Kativik School Board in the

past twenty-four (24) months or which I reasonably believe will be seeking to establish a business relationship or will receive a contract or payment from the Kativik School Board in the next twelve (12) months.

None
or

Yes

1) _____,
name of the corporation, enterprise, etc.

Position held within this entity: _____

2) _____,
name of the corporation, enterprise, etc.

Position held within this entity: _____

3) _____,
name of the corporation, enterprise...

Position held within this entity: _____

Done in _____, this ____ day of _____, _____

Signature