

## Draft Regulations

### Draft Regulation

Education Act  
(chapter I-13.3)

#### Standards of ethics and professional conduct applicable to the members of the board of directors of a French-language school service centre

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the standards of ethics and professional conduct applicable to the members of the board of directors of a French-language school service centre, appearing below, may be made by the Minister on the expiry of 45 days following this publication.

The draft Regulation results from the passage, on February 8, 2020, of the Act to amend mainly the Education Act with regard to school organization and governance (2020, chapter 1), and determines the standards of ethics and professional conduct that are applicable to the members of the board of directors of a French-language school service centre.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Michel Garneau, Direction des politiques et de la gouvernance scolaire, Ministère de l'Éducation, 1035, rue De La Chevrotière, 23<sup>e</sup> étage, Québec (Québec) G1R 5A5; telephone: 418 646-5155, extension 3909; email: Michel.Garneau@education.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Education, 1035, rue De La Chevrotière, 16<sup>e</sup> étage, Québec (Québec) G1R 5A5.

JEAN-FRANÇOIS ROBERGE,  
*Minister of Education*

#### Regulation respecting the standards of ethics and professional conduct applicable to the members of the board of directors of a French-language school service centre

Education Act  
(chapter I-13.3, s. 457.8)

#### CHAPTER I PURPOSE AND SCOPE

**1.** The purpose of this Regulation is to determine the standards of ethics and professional conduct applicable to the members of the board of directors of a French-language school service centre.

It determines, in particular, the duties and obligations that board members must comply with after the expiry of their terms, and the rules governing declarations of interest. It establishes the procedure governing examinations and inquiries into conduct that may contravene the standards of ethics and professional conduct, prescribes appropriate penalties and determines the cases in and procedure according to which board members may be temporarily relieved of their duties.

The standards apply when members perform their duties for the board of directors, for any committee formed by the board, and for any committee on which they sit as a member of the board of directors of a school service centre.

#### CHAPTER II DUTIES AND OBLIGATIONS

##### DIVISION I GENERAL

**2.** A member must act with honesty, integrity, rigour, objectivity and moderation. A member must act with probity.

A member performs his or her duties with competence. To that end, a member develops and maintains his or her knowledge about the role of a school service centre's board of directors.

A member performs his or her duties in good faith, with prudence and diligence and shows loyalty towards the school service centre.

A member acts in the interest of the school service centre, in particular so that he or she may guide his or her actions and direct his or her activities towards students' educational success.

**3.** In the performance of his or her duties, a member is bound to comply with the standards governing his or her duties and powers set out in the Education Act (chapter I-13.3).

He or she must organize his or her personal business in such a way that that it cannot interfere with the performance of his or her duties.

**4.** A member must know and understand the standards of ethics and professional conduct that apply to him or her and undertake to comply with them and promote compliance with them. A member must, not later than at the first meeting of the board of directors following his or her appointment, produce a declaration to that end.

The school service centre's secretary general must collect and record such declarations.

**5.** The member must refrain from inciting any person to contravene the provisions of this Regulation.

## DIVISION II SITTINGS

**6.** A member is required to be present, unless he or she has a valid excuse, at the sittings of the board of directors or of a committee formed by the board or on which the member sits as a member of the board of directors of a school service centre, to be prepared for it and to take an active part in it. The member contributes to the mission of the school service centre by providing a constructive contribution to the deliberations.

**7.** A member must address any issue with an open mind.

**8.** A member must debate any issue in an objective and independent manner as well as in a clear and informed manner.

**9.** A member must act with courtesy and respect so as to encourage mutual trust and cohesive action within the board of directors or a committee of which the member is a member.

**10.** A member is in solidarity with the decisions made by the board of directors.

**11.** A member is required to vote, except if there is an impediment determined by the board of directors or by this Regulation, or a ground considered sufficient by the chair of the school service centre or, where the chair is concerned, by the member designated to perform the duties of the chair in the case of an impediment or absence of the latter.

## DIVISION III CONFLICT OF INTEREST

**12.** A member must refrain from placing himself or herself in a situation entailing a conflict between the interest of the school service centre or the population it serves, or the public interest, and his or her personal interest or that of a person related to the member, such as the member's child, spouse or relative, a person living under the same roof, or a partner or a legal person that the member manages or controls.

More specifically, a member may not

(1) act, attempt to act, or refrain from acting, so as to further his or her private interests or those of person with whom the member is connected, or to improperly further another person's private interests;

(2) use his or her position to influence or attempt to influence another person's decision so as to further his or her private interests or those of a person with whom the member is connected, or to improperly further another person's private interests.

A member must, at all times, retain his or her ability to perform his or her duties in an impartial, objective and independent manner.

**13.** Within 60 days after a member takes up his or her duties, and every year thereafter, the member must file with the board of directors a statement of any personal interest that he or she, or a person with whom the member is connected, has in immovables located in the territory of the school service centre on whose board of directors the member sits, and in legal persons, partnerships and enterprises liable to have contacts with the school service centre.

The statement must include a list of the employments and administrative positions held by the member or the person with whom the member is connected, and of any loan of which the member or a person connected with the member is the creditor or debtor towards a person other

than a financial institution, the member or a person connected with the member on which the balance in principal and interest is over \$2,000.

The statement does not indicate the value of the interests listed or the extent of the interests of the member in legal persons, partnerships or enterprises. No mention shall be made of any sum of money deposited with a financial institution or of any bonds issued by a government, a municipality or any other public body.

**14.** Except for goods and services provided by the school service centre, a member may not enter into a contract with the school service centre, except with authorization from the board of directors warranted, in particular, by a special competence necessary to the school service centre.

**15.** A member who has an interest in property, a body, an enterprise, an association or a legal entity likely to place the member in a situation of conflict of interest must declare, without delay and in writing, that interest to the chair of the board of directors of the school service centre or, where the chair is concerned, to the member designated to perform the duties of the chair in the case of an impediment or absence of the latter.

Such a declaration may be made at the sitting and is then recorded in the minutes of the sitting of the board of directors at which the decision is made.

**16.** The member must refrain from taking part in any deliberation or any decision involving his or her personal interest. The member must withdraw from the sitting without exercising his or her right to vote or participating in deliberations on the matter.

**17.** A member may not give any undertaking to third parties nor grant them any guarantee with regard to a vote that the member may be called upon to make or a decision that the board of directors may be called upon to make.

**18.** A member may not treat the property of the school service centre as if it were his or her own and may not use it for his or her own benefit or for the benefit of a third party, unless an authorization from the board of directors is obtained.

A member may not, directly or indirectly, grant, solicit or accept a favour, gift, hospitality or other advantage offered or given because of the member's duties, except what is customary and of modest value.

**19.** A member must refrain from associating the school service centre, however remotely, with

(1) a personal endeavour, and in particular an endeavour involving political activities;

(2) a public position that reflects his or her personal positions, in particular on a website, blog or social network.

**20.** A member sitting as a staff representative must, on pain of removal from office, abstain from voting on any matter relating to the hiring, employment status, remuneration, employee benefits and other conditions of employment, whether individual or collective, of any employee of a school service centre.

He or she must also, after having had an opportunity to submit observations, withdraw from the meeting while the matter is discussed or voted on.

#### DIVISION IV CONFIDENTIALITY AND DISCRETION

**21.** A member must exercise discretion in regard to anything that comes to his or her knowledge in the performance of his or her duties and is at all times bound to maintain the confidentiality of information placed at the member's disposal or that have come to his or her knowledge without being generally available to the public.

A member must take reasonable measures to preserve the confidentiality of information obtained in the performance of his or her duties.

**22.** A member must refrain from commenting the decisions made by the board of directors, in particular on a website, blog or social network.

**23.** A member may not use for his or her own benefit or for the benefit of a third party information obtained in the performance of his or her duties that is not generally available to the public.

#### DIVISION V RELATIONS WITH EMPLOYEES OF THE SCHOOL SERVICE CENTRE

**24.** A member must act with courtesy and respect in his or her relations with employees of the school service centre.

A member may not contact an employee of the order to give him or her instructions, interfere in the employee's work or obtain confidential information, unless the member is acting within the mandate of a committee of which he or she is the chair and is expressly authorized by the board of directors to do so.

## DIVISION VI POST-TERM RULES

**25.** A member who has ceased to perform his or her duties must

(1) refrain from disclosing confidential information obtained in the performance of his or her duties or use for his or her own benefit or for the benefit of a third party information not available to the public concerning the school service centre for which the member worked that was obtained in the same conditions;

(2) demonstrate reserve regarding his or her comments about the decisions made by the board of directors of the school service centre during his or her term of office, in particular on a website, blog or social network;

(3) conduct himself or herself in such a manner as not to derive undue advantages from his or her previous duties on the board of directors of the school service centre;

(4) refrain from entering into a contract with the school service centre in the 12 months following the end of his or her term of office, except for the goods and services provided by the school service centre.

## CHAPTER IV EXAMINATION AND INQUIRY PROCEDURE AND PENALTIES

**26.** The chair of the board of directors sees that the members comply with the standards of ethics and professional conduct determined by this Regulation.

**27.** A committee of inquiry in ethics and professional conduct is formed within the school service centre for the purpose of examining and inquiring into any information concerning behaviour likely to contravene this Regulation.

The committee is composed of three persons appointed by the board of directors who are not members, employees of the school service centre or persons connected with such members or employees, and who belong to at least two of the following categories:

(1) a person having notable experience and expertise in, sensitivity to and interest for matters of education;

(2) a former member of the board of directors of the school service centre or a former commissioner of a school board;

(3) a person having notable experience and expertise in, sensitivity to and interest for matters of ethics and professional conduct.

The members of the committee designate one of their number as the chair.

The secretary general of the school service centre acts as the committee's secretary.

The committee may designate experts to assist the committee.

The duration of the term of office of the members of the committee is determined by the board of directors. On the expiry of their term of office, they remain in office until they are replaced or reappointed.

**28.** Before taking up their duties, the members of the committee take the following oath before the secretary general:

"I, A. B., declare under oath that I will not reveal or make known, without being authorized therefor by law, anything whatsoever of which I have taken cognizance in the performance of my duties."

**29.** The members of the committee are entitled to receive, from the school service centre, an attendance allowance and the reimbursement of reasonable expenses incurred under the same standards as those enacted by the government pursuant to section 175 of the Education Act for the members of a school service centre's board of directors, with the exception of the maximum amount that a member may receive as an attendance allowance which does not apply.

**30.** The committee adopts an internal by-law that the school service centre makes available to the public, in particular on its website, and publishes in its annual report.

**31.** A member of the board of directors must disclose without delay to the committee any behaviour liable to contravene this Regulation that has come to his or her knowledge or of which the member suspects the existence.

**32.** The committee receives the disclosure from any person concerning behaviour liable to contravene this Regulation.

**33.** The committee may, upon summary examination, dismiss any disclosure if, in the committee's opinion, it is abusive, frivolous or clearly unfounded.

It makes its decision on the admissibility of the disclosure within 15 days of receipt and so informs the informant and the member covered by the disclosure.

**34.** If it does not dismiss the disclosure, the committee launches an inquiry without delay. It conducts the inquiry in such a manner as to preserve its confidentiality,

diligently and in keeping with the duty to act fairly. It must allow the member to submit written observations after the member has been informed of the behaviour under scrutiny.

The committee may obtain from the school service centre any document relevant to its inquiry other than those covered by professional secrecy. The school service centre must cooperate with the committee.

**35.** The committee releases its conclusions within 30 days of its decision to launch an inquiry. If the inquiry is not completed within that time limit, the committee so informs the informant and the member covered by the disclosure.

Where the committee comes to the conclusion that the member under inquiry has not contravened this Regulation, the committee so informs the member and the informant.

Where the committee comes to the conclusion that the member under inquiry has contravened this Regulation, the committee sends without delay a report giving the reasons for its conclusions and its recommendations to the chair of the board of directors and to the member under inquiry. The report must be drafted in a manner that ensures the confidentiality of personal information and protects the informant's identity.

The chair of the board of directors tables the report at the first sitting after it is received.

**36.** At the sitting following the sitting at which the report is tabled, the board of directors votes on the report.

A penalty specified in the report applies after the board of directors adopts the report by a two-thirds vote of its members.

The member concerned by the report may not take part in the deliberations or vote. He or she may, however, present written observations to the board of directors. He or she may also be heard on the facts in support of his or her claims before the decision is made.

**37.** Depending on the nature, gravity and persistence of the violation or misconduct, one or more of the following penalties may be imposed on the member:

- (1) a reprimand;
- (2) a suspension of the member's term for not more than 90 days;
- (3) a revocation of the member's term.

Where a member is suspended, he or she may not sit on the board of directors of the school service centre or on any other committee formed by the board or on which the member sits as a member of the board of directors of the school service centre, or receive an allowance or any other amount in that connection.

The member may also be compelled to reimburse or remit to the school service centre, donor or charity that is not related to the school service centre, any sum of money or any gift, hospitality or other advantage received in contravention of the standards of ethics and professional conduct applicable to the member.

**38.** The member is informed, without delay and in writing, of the decision of the board of directors.

**39.** A member against whom proceedings concerning an act involving collusion, corruption, malfeasance, breach of trust, fraud or influence peddling and any proceedings concerning improper gestures or remarks of a sexual nature are instituted, or a member prosecuted for an offence punishable by a term of imprisonment of 5 years or more must, within 10 days from the day on which the member is so informed, notify the chair of the board of directors.

The chair of the board of directors sends without delay that information to the committee of inquiry in ethics and professional conduct.

**40.** The board of directors may, on the recommendation of the committee and by a vote of at least two thirds of its members, temporarily relieve of his or duties a member against whom proceedings concerning an act involving collusion, corruption, malfeasance, breach of trust, fraud or influence peddling or proceedings concerning improper gestures or remarks of a sexual nature are instituted or who has been prosecuted for an offence punishable by a term of imprisonment of 5 years or more.

It may also, on the recommendation of the committee and by a vote of at least two thirds of its members, temporarily relieve of his or her duties a member whose behaviour is likely to contravene this Regulation where justified by the urgency or gravity of the situation.

It must, before deciding to temporarily relieve a member of his or her duties, allow the member to submit written observations and to be heard on the facts in support of his or her claims, before the decision is made.

The director general of the school service centre informs the Minister of a decision made by the board of directors to temporarily relieve a member of his or her duties.

**41.** A member is relieved of his or her duties, in the cases referred to in the first paragraph of section 40, until the prosecutor decides to stay or withdraw all charges in the proceedings on which the board of directors' decision was based to temporarily relieve the member of his or her duties or until the decision to acquit the member or to stay all charges in the proceedings is made or, in the cases referred to in the second paragraph of section 40, until the board of directors makes a decision pursuant to section 36.

**42.** The member is informed without delay, in writing, of the decision to temporarily relieve him or her of his or her duties, and of the reasons for the decision.

**43.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

104935

## Draft Regulation

Educational Childcare Act  
(chapter S-4.1.1)

### Educational childcare — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Educational Childcare Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Educational Childcare Regulation (chapter S-4.1.1, r. 2) to introduce temporary measures respecting the presence of qualified staff members while childcare is being provided. It proposes to require that, during the public health emergency declared by Order in Council 177-2020 dated 13 March 2020 and until nine months have elapsed since the last day of the public health emergency, the holder of a childcare centre or day care centre permit ensure that at least one childcare staff member out of three is qualified and present each day with the children while childcare is being provided and, for the next 12 months, at least one childcare staff member out of two is qualified and present.

Study of the matter has shown no negative impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Marianne Hardy-Dussault, Direction des normes de qualité et d'accessibilité des services, Ministère de la

Famille, 600, rue Fullum, 6<sup>e</sup> étage, Montréal (Québec) H2K 4S7; telephone: 514 873-7200, extension 6110; email: marianne.hardy-dussault@mfa.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Danielle Dubé, Assistant Deputy Minister, Sous-ministériat du soutien à la qualité des services de garde éducatifs à l'enfance, Ministère de la Famille, 425, rue Jacques-Parizeau, 4<sup>e</sup> étage, Québec (Québec) G1R 4Z1.

MATHIEU LACOMBE,  
*Minister of Families*

## Regulation to amend the Educational Childcare Regulation

Educational Childcare Act  
(chapter S-4.1.1, s. 106, 1st par., subpar. 13.1)

**1.** The Educational Childcare Regulation (chapter S-4.1.1, r. 2) is amended by adding “However, until 9 months have elapsed since the last day of the public health emergency declared by Order in Council 177-2020 dated 13 March 2020, the permit holder must ensure that at least 1 childcare staff member out of 3 is qualified and present each day with the children while childcare is being provided and, for the next 12 months, at least 1 childcare staff member out of 2 is qualified and present each day with the children while childcare is being provided.” at the end of the first paragraph of section 23.

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

104933

## Draft Regulation

Police Act  
(chapter P-13.1)

### Amounts payable by municipalities for the services provided by the Sûreté du Québec — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting the amounts payable by municipalities for the services provided by the Sûreté du Québec, appearing below, may be made by the Government on the expiry of 45 days following this publication.