

***CHAMPLAIN REGIONAL COLLEGE
OF GENERAL AND VOCATIONAL EDUCATION***



***CODE OF ETHICS AND
PROFESSIONAL CONDUCT
FOR MEMBERS OF
THE BOARD OF GOVERNORS***

***This Code was adopted for the first time by Resolution Number 1735 on
December 10, 1997 and came into effect on the date of its adoption.***

PREAMBLE

These rules of ethics and professional conduct are in conformity with the Act to amend the Act respecting the *Ministère du Conseil exécutif* and other legislative provisions as regards standards of ethics and professional conduct (1997 Statutes of Quebec, Ch. 6) (Appendix 1). These measures complement the rules of ethics and professional conduct already outlined in Articles 321 to 330 of the Quebec Civil Code (Appendix 2) and Articles 12 and 20.1 of the Colleges' Act (RSQ, Ch. C-29) (Appendix 3). In the case of conflict with the rules outlined in this Code, legislative measures of public order, notably Articles 12 and 20.1 of the Colleges' Act, take precedence.

ARTICLE 1 GENERAL PROVISIONS

1.01 Definitions

The definitions set forth in Article 1.01 of By-Law Number 1 of the College, as well as those appearing in the other by-laws of the College, apply to the present Code. However, in the present Code, the following expressions mean:

“EMPLOYEE MEMBER”: the Director General, the Director of Studies as well as the three faculty, one professional and one support staff members of the Board of Governors;

“INTEREST”: something which matters, is useful or advantageous;

“CODE”: Code of Ethics and Professional Conduct for Members of the Board of Governors.

1.02 Objectives

The objectives of this Code are to outline the rules of ethics and professional conduct governing the members of the Board of Governors of the College in order to:

- maintain and build public confidence in the integrity, objectivity and transparency of the College=s administration;
- allow members to exercise their mandate and carry out their duties with confidence, independence and objectivity for the better fulfilment of the College's mission.

1.03 Application

This Code applies to all members and, in the case of Article 2.03, to former members of the Board of Governors of the College.

ARTICLE 2 DUTIES AND OBLIGATIONS OF BOARD MEMBERS

2.01 General

Each member carries out his/her duties with independence, integrity and good faith in the best interests of the College for the fulfilment of its mission. The member acts with prudence, diligence, honesty, loyalty and regularity as would any reasonable and responsible person in similar circumstances.

2.02 Duties and Obligations While in Office

While fulfilling his/her obligations, the member must:

- respect obligations laid down in the Colleges= Act and the College=s constituent charter and by-laws and act within the limits of the powers conferred on him/her;
- avoid placing him/herself in situations that constitute a conflict, either real, potential or perceived, between a personal interest, or that of the person or persons who elected or nominated him/her, and the obligations of his/her office;
- act with moderation in his/her remarks, avoid undermining other people=s reputations and treat other members with respect;
- not use, for his/her benefit nor for the benefit of others, the assets of the College;
- not divulge nor use, for his/her benefit nor for the benefit of others, the privileged or confidential information obtained in the course of his/her administrative duties;
- not abuse his/her powers or profit unduly by virtue of his/her position to gain a personal benefit;
- not directly or indirectly grant, solicit or accept an undue favour or advantage for him/herself or for another person;

2.03 Duties and Obligations After Leaving Office

A person, in the twelve (12) months immediately following his/her leaving office as a member, must:

- act in such a manner so as not to take any undue advantage of his/her former duties as a member of the Board of Governors;

- not act on his/her own behalf or on behalf of another with respect to a process, a negotiation or any other operation to which the College may be a party. This rule does not apply to the employee member of the College who is carrying out an appeal by virtue of his/her employment contract;
- not use confidential or privileged information about the College for personal gain nor give advice to his/her clients based on information not available to the general public.

ARTICLE 3 REMUNERATION

3.01 Prohibited Remuneration

Members have no right to any remuneration for the carrying out of their duties as members of the College's Board of Governors. They can receive no remuneration from the College other than the reimbursement of certain expenses authorized by the Board of Governors and a customary gift on leaving office.

The above stipulation does not apply to the employment contract, salary and other working conditions of employee members of the Board.

ARTICLE 4 CONFLICTS OF INTEREST

4.01 Objective

The following rules have been drafted to assist members in their understanding of conflict of interest situations and to establish administrative procedures for members in a conflict of interest situation to proceed in the best interests of the College.

4.02 General Principles

A conflict of interest exists in any situation, either real, potential or perceived that, by objective standards, is of a nature to compromise or likely to compromise the independence and impartiality inherent in the duties of a member, or in a situation where a member seeks to use the nature of his office to receive an undue advantage for him/herself or for a third party.

4.03 Situations Constituting a Conflict of Interest

A conflict of interest covered by this Code is defined, but not limited to, situations in which the member:

- has a direct or indirect interest in a deliberation of the Board of Governors;
- has a direct or indirect interest in a contract or proposed contract with the College;
- obtains or will obtain a personal benefit that will result from a decision of the College;
- accepts a gift or any benefit whatsoever from a business which deals, or is likely to deal with the College, with the exception of gifts of appreciation of nominal value.

4.04 Situations Constituting a Conflict of Interest for Employee Members

Apart from the rules outlined in 4.03 above, the employee member is in a conflict of interest in the cases defined in Articles 12 and 20.1 of the Colleges' Act.

4.05 Disclosure of Interests

In the thirty (30) days following his/her nomination, or in the thirty (30) days following the coming into effect of this Code, every member must fill in and submit to the Chairperson of the Board of Governors a declaration, to the best of his/her knowledge, of his/her interests in organizations that have done or are doing business with the College and disclose any inherent conflict of interest, either real, potential or perceived. This declaration must be revised and updated annually by every member. (Appendix 4)

Every member must disclose in writing any situation constituting a conflict of interest as outlined in the first paragraph of Article 12 of the Colleges' Act.

4.06 Restrictions

Other than the restrictions provided for in Articles 12 and 20.1 of the Colleges' Act, every member who is in a conflict of interest must refrain from influencing other members, from participating in deliberations and voting on the question or resolution, and furthermore, must withdraw from the meeting to allow the deliberations and voting to take place in the absence of the member and in complete confidentiality.

ARTICLE 5 ADMINISTRATION OF THE CODE

5.01 Professional Conduct Counsellor

The Secretary General, as Professional Conduct Counsellor, is responsible for:

- informing the members with respect to the contents and application of the Code;
- advising the College and/or any member faced with a situation that is considered problematic;
- investigating allegations of irregularity with respect to the Code and reporting findings to the Board of Governors;
- giving an annual report to the Board of Governors specifically outlining the number of cases treated and their follow-up, the infractions considered by the Disciplinary Committee, the decisions of and sanctions imposed by the Disciplinary Committee, as well as the name of members removed from office, suspended or reprimanded during the course of the year.

5.02 Ad hoc Administration of the Code

Questions arising concerning the application of the Code during meetings of the Board of Governors are subject to the rules of procedure for meetings of the Board, as outlined in By-law Number 1. The Chairperson, or in a situation involving the Chairperson, the Vice-Chairperson acting as Chairperson, shall rule on any ad hoc question or situation pertaining to the Code raised by a member during a meeting, including which members are eligible to debate and to vote on a question or resolution before the Board. The Chairperson has the power to intervene and to order that a member refrain from voting and withdraw from the meeting during the discussion and vote. The decision of the Chairperson is final.

Disciplinary Committee and Sanctions

5.03 When the Professional Conduct Counsellor, on conducting an investigation, concludes that a member may have contravened the law, the by-laws and/or the Code, he/she advises the Board of Governors.

5.04 The Board, or the Appeals Committee if the Board so decides, acts as Disciplinary Committee and decides on the validity of the case and any sanction to be imposed as the case may be.

- 5.05** The Disciplinary Committee notifies the member in writing of the alleged infraction(s), with reference to the relevant legislative or by-law provisions or those of the Code. The Disciplinary Committee, before imposing a sanction, must give the member thirty (30) days to state his/her case in writing and give him/her the chance to be heard.
- 5.06** The member, accused of an infraction of the Code constituting an urgent situation necessitating a speedy intervention or accused of a serious offence, may be provisionally relieved of his/her duties by the Chairperson.
- 5.07** If, after hearing the member's case, the Disciplinary Committee concludes that a member has contravened the law, the by-laws or the Code it must so inform the member and the Board of Governors of the sanction imposed in writing. The only sanctions which may be imposed are a reprimand, a suspension or dismissal from office.

ARTICLE 6 MISCELLANEOUS PROVISIONS

- 6.01** The present Code comes into effect on the date of its adoption by the Board of Governors.
- 6.02** The appendices to this Code are for reference only and do not form an integral part of the Code.

SAMPLE DECLARATION OF INTERESTS

Date

Ms. Jane Doe
Chairperson, Board of Governors
Champlain Regional College
P. O. Box 5000
Sherbrooke, Quebec
J1H 5N1

Re: Declaration of Interests

Dear Madam Chairperson,

In conformity with Article 4.05 of the Code of Ethics and Professional Conduct for Members of the Board of Governors, please note that I am hereby declaring that I have a personal or business interest in the organizations which follow. To the best of my knowledge these are the only organizations in which I have an interest that have done or currently do business with the College.

Name of Organization

Address

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Yours sincerely,

John Smith
Member, Board of Governors