

Ethics Commissioner's Report in the Matter of Chris Eustace's Complaint

An incident occurred at the June 26, 2012, Council of Commissioners meeting as well as at a follow-up meeting of July 3, 2012. The Plaintiff, Mr Chris Eustace, had requested permission to ask a question at the July 3 meeting. The Chair refused to give him the floor.

Mr Eustace claims that the Chair, Ms Stein Day, violated the Commissioners' Code of Ethics. He bases his claim on Article 5.6, which reads:

Commissioners must, at all times, behave in a professional and respectful manner in their dealings with Council, staff, the school community, the public and other bodies.

Mr Eustace faithfully attends the Lester B. Pearson School Board Commissioners meetings. He regularly asks questions and comments on the workings of the Board. He is well-known by the Council members, and has an impressive voice.

On June 26, 2012, the Commissioners met to discuss various subjects related to the workings of the Board. The meeting was running rather late. The last item on the agenda was the stipends of the Commissioners. The Chair invited the members who so wished, to ask questions. Mr Eustace accepted the Chair's invitation. The Chair then postponed the meeting to July 3, 2012.

At this next meeting, the Commissioners addressed the few pending items on the agenda. Once they were dealt with, Mr Eustace requested permission to ask a question. The Chair refused to give him the floor. She based her decision on the fact that there had been two question periods at the June 26 meeting. Further, she considered the July 3 meeting to be a continuation of the June 26, 2012, meeting. The Chair deemed that she had acted in the proper manner at the June meeting.

Mr Eustace insisted on speaking, but Ms Stein Day did not allow him to take the floor. The discussion became heated. Mr Eustace approached the Chair's table, despite having been told not to do so. She then asked a guard to call the police. Mr Eustace sat back down and waited for circumstances to unfold. The police were not actually called. Eustace says he was humiliated by the incident. Ms Stein Day, for her part, claims to have been intimidated by Mr Eustace's behaviour.

Mr Eustace asked that the matter be submitted to the Ethics Commissioner.

Analysis of my Interviews with Mr Eustace, Ms Stein Day and Me Poliquin

What stands out from my interviews with Ms Stein Day, Mr Eustace and Me Poliquin, is that, according to Ms Stein Day, the incident of July 3, 2012, occurred because the meeting held on that day was an extension of the earlier June 26, 2012,

meeting. The Chair of the Council had on June 26, 2012 invited members of the public who so wished, to ask questions. For his part, Mr Eustace is of the opinion that the subsequent meeting was a new meeting and as such, he should have been granted permission to ask questions.

During the July 3 meeting, the budget was discussed. Once the discussion had ended, the Chair did not allow participants to take the floor, for the reasons mentioned above. It was at this point that the discussion became heated between Ms Stein Day and Mr Eustace.

The incident of July 3, 2012, led to an exchange of written correspondences between Mr Eustace and Me Poliquin. The latter is of the opinion that the July 3 meeting was an extension of the June 26 meeting, so that the invitation to ask questions had been dealt with appropriately.

For his part, Mr Eustace believes that the meetings were independent of one another and that the Chair therefore was obliged to take questions from the public.

Regardless of which position is right, the Chair's decision did not violate the Code of Ethics. At worst, she may have committed an error in good faith. The same could be said of her decision to call for police intervention further to Mr Eustace's persistence. The latter kept admonishing the Chair, despite her repeated requests to stop.

It turns out that no one called the police. The incident ended once the parties calmed down.

I am of the opinion that Ms Stein Day was justified in the exercise of her duties as Chair to not take questions on July 3. She had the authority to maintain order at the meeting. She believed that Mr Eustace was not complying with her order to stay clear of her and to stop insisting on asking questions. She did not breach Article 5.6 of the Commissioners' Code of Ethics.

Montreal, August 14, 2013

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