

BY-LAW NAME	CODE OF ETHICS & PROFESSIONAL CONDUCT FOR COMMISSIONERS (BCAA)
Original approval date	1998-01-17
Last review date(s)	2011-06-07, 2017-01-10, 2021-09-07, 2026-04-07
Next review date	2030-2031
Related documents	By-Law BE: Board Meetings Policy BEDD: Rules of Order & Procedure for Meetings of the Council of Commissioners Policy BEDH: Public Question Periods

1. PURPOSE & SCOPE

Unless indicated otherwise, this Code of Ethics and Professional Conduct for Commissioners (“By-Law”) applies to every Commissioner within the meaning of the *Education Act* (R.S.Q., ch. I-13.3), during their respective term of office at the New Frontiers School Board (“NFSB”). However, the obligation of confidentiality applies indefinitely.

The enforcement mechanisms outlined in this By-Law are disciplinary in nature and do not prohibit the NFSB from taking legal action to obtain compensation for damages sustained.

2. DEFINITIONS

Closed Session	A part of a meeting of the Council of Commissioners that is held without the presence of members of the public, for the purpose of examining any matter liable to be prejudicial to a person, as well as meetings of the Executive Committee, Audit Committee, Governance and Ethics Committee and Standing Committees.
Commissioner	A person, elected or appointed pursuant to the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (R.S.Q. ch. E-2.3); commissioners representing the parents' committee, elected under the <i>Education Act</i> ; and co-opted commissioners (the persons must meet any selection criteria determined by regulation by the Minister).
Conflict of interest	A situation: <ul style="list-style-type: none"> in which a Commissioner may have to choose between their personal interests or those of their close relations, and the interests of the NFSB; where a Commissioner has a direct or indirect interest in any enterprise which places or could place the Commissioner’s personal interest or those of their close relations in conflict with the interest of the NFSB; implying a direct or indirect interest, financial or not, real, perceived or potential. This interest is distinct from public interest in general and can be perceived as such by a reasonably informed person.
Ethics Review Officer	A person or substitute named by the Council of Commissioners, mandated to examine or inquire into alleged or actual conduct that may be contrary to standards of ethics or professional conduct, or charged with determining or imposing appropriate penalties.
Standing Committees	The following committees of the Council of Commissioners: Educational Services Standing Committee, Human Resources Standing Committee, Operations Standing Committee.

3. DUTIES & RESPONSIBILITIES

3.1 Commissioners

3.1.1	General Duties	<ul style="list-style-type: none"> a) Commissioners must abide by the duties and obligations prescribed in the <i>Education Act</i> and other applicable laws including the <i>Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information</i>. b) The Commissioner fulfils the obligations of their office with independence, integrity, honesty, loyalty and good faith and in the best interest of the NFSB and the population served by the NFSB. c) Commissioners must abide by the by-laws and policies adopted by Council. d) Commissioners must exercise the care, prudence and diligence that a reasonable person would exercise in similar circumstances. e) Commissioners must, at all times, act and communicate in a manner that is dignified and compatible with their office, in order to protect and promote the reputation and credibility of
-------	----------------	---

		<p>the NFSB.</p> <p>f) Commissioners must treat other Commissioners and employees of the NFSB with respect.</p> <p>g) Commissioners may not interfere with, attempt to influence the work of, or give instructions to employees of the NFSB for any cause or reason. This does not limit the collaboration that is necessary within the scope and mandate of all committees of the Council of Commissioners.</p> <p>h) Commissioners must disclose to the Council of Commissioners any illegal or irregular situations affecting the NFSB that they are aware of and must do so with due discretion and impartiality.</p>
3.1.2	Discretion	<p>A Commissioner must demonstrate absolute discretion both during and after their term of office and must respect the confidential nature of:</p> <p>a) the personal, commercial, and scientific information obtained;</p> <p>b) discussions on negotiations in progress;</p> <p>c) negotiations and information relative to suppliers during the tendering process;</p> <p>d) confidential information relating to the private lives of Commissioners, staff, students and their families;</p> <p>e) the staff selection process;</p> <p>f) the ethics complaint process;</p> <p>g) disciplinary measures;</p> <p>h) draft documents identified as “confidential”;</p> <p>i) any other information disclosed during Closed Session meetings of the Council of Commissioners, Executive Committee, Audit Committee, Governance and Ethics Committee or a Standing Committee.</p>
3.1.3	Equity	<p>A Commissioner must abide by the rules and policies established by the NFSB. They must not use their position to obtain for family, friends, or themselves, services offered by the NFSB to which they are not normally entitled.</p>
3.1.4	Gifts	<p>Commissioners will not accept a gift from any person or entity that has dealings with the NFSB if a reasonably informed person might conclude that the gift could influence the Commissioners when performing their duties to the NFSB.</p>
3.1.5	Personal Integrity	<p>a) Regarding contracts or agreements to be negotiated or concluded with the NFSB, a Commissioner shall not use the information obtained in the exercise of their duties to derive a benefit to which they are not entitled or to which their family or friends are not entitled.</p> <p>b) A Commissioner shall disclose any situation that could possibly place their personal interests in conflict with those of the NFSB.</p> <p>c) A Commissioner shall refuse, and disclose to the NFSB, any offer of services or goods made to their advantage by a person who obtains or seeks to obtain a contract or any other benefit from the NFSB.</p>
3.1.6	Solemn Affirmation to Respect Confidentiality	<p>Commissioners must read and sign a form like Annex A provided by NFSB affirming their commitment to maintain confidentiality.</p>
3.1.7	Declaration Regarding Conflicts of Interest	<p>Commissioners must complete a form like Annex B provided by NFSB identifying situations or relationships which might create a Conflict of Interest.</p>

3.1.8 Remuneration

A Commissioner shall receive the remuneration determined by the Council of Commissioners in accordance with law. The Council of Commissioners determines, by resolution, the distribution of the remuneration paid to its members for the services they render, in accordance with the maximum annual amount determined by government regulation. Remuneration may be suspended in cases where this By-Law is breached for any period where the Commissioner is no longer rendering the services for which they receive remuneration.

3.1.9 Preventative Measures

- Without limiting Commissioners’ obligations under the *Education Act*, the Declaration Regarding Conflicts of Interest (Annex B) must be completed upon entry into office, at least once a year and whenever a change occurs which might create a situation.
- In any deliberations of Council or in Closed Session, where a Commissioner is in a Conflict of Interest, whether actual, potential or perceived, the Commissioner must declare the conflict, withdraw from sitting while the issue is being discussed and/or voted upon, and avoid influencing the discussion in any way.
- If applicable, the Chair, after having heard the representations of the Commissioners, determines the right of a Commissioner to vote and to be present regarding a particular subject.

- The Chair has the power to intervene in order to prevent a Commissioner from voting or to oblige this Commissioner to leave during the deliberations of the Council of Commissioners.
- The decision of the Chair is final unless an appeal is lodged and upheld by the majority of the Commissioners who are present and have the right to vote according to the *Education Act*. In such a case, the question is immediately remanded to the Governance and Ethics Committee for decision. This decision is not disciplinary in nature but is final and without appeal.

3.2 Ethics Review Officer

3.2.1	Naming	<p>a) To implement this By-Law, the Council of Commissioners shall name, by resolution, an Ethics Review Officer who will be responsible for dealing with complaints made against a Commissioner for a potential breach of this By-Law.</p> <p>b) The Ethics Review Officer must be one of the following:</p> <ul style="list-style-type: none"> • A former Commissioner or city councilor who has not held that office for at least four years. • A former school or board office administrator who has ceased such function for at least two years. • A practicing lawyer experienced in education or public law. • An experienced mediator or arbitrator. • A former representative of the justice system. • A representative of the general public with appropriate experience. <p>c) The Ethics Review Officer must not be a member of the Council of Commissioners or an employee of a school board.</p> <p>d) The Council of Commissioners shall also name, by resolution, a substitute to replace the Ethics Review Officer if they are absent or unable to perform their duties. This substitute must possess the same qualifications as listed above.</p> <p>e) The Council of Commissioners must establish, by resolution, the remuneration of the Ethics Review Officer and the substitute if required.</p>
3.2.2	Term of Office	<p>a) The Ethics Review Officer and the substitute are named for the duration of the term of office of the Council of Commissioners or until replaced by resolution.</p> <p>b) At the end of the term of office of the Council of Commissioners, the Ethics Review Officer and the substitute remain in office until a new Ethics Review Officer and substitute are named by a new Council of Commissioners.</p>
3.2.3	Powers and Functions	<p>a) Any complaint concerning a breach to the present By-Law must be filed in writing within 60 days of the incident.</p> <p>b) Complaints must be forwarded in writing to the Secretary General who will acknowledge receipt, verify conformity, and forward a copy to the Ethics Review Officer. The Secretary General will offer support to the Ethics Review Officer and protect the confidentiality of the complaint and associated information.</p> <p>c) All complaints must be signed by the complainant party who must also provide the information required by the Ethics Review Officer for identification and contact purposes.</p> <p>d) The Commissioner concerned has the right to be made aware of the specifics of the complaint against them in order that they may defend themselves. Upon receipt of a complaint, the Ethics Review Officer will also forward a copy of the complaint to the concerned Commissioner and inform them that they may submit, within fifteen (15) days, a written statement duly signed.</p> <p>e) At the expiration of the delay provided, the Ethics Review Officer will determine the admissibility of the complaint. Should the Ethics Review Officer consider that the complaint is non-admissible or that its nature or importance does not justify an investigation, they will so advise the complainant and the Commissioner concerned, indicating the reasons for the decision and forward a summary to the Secretary General indicating that the file is closed. This decision shall constitute final resolution of the matter.</p> <p>f) If the Ethics Review Officer determines that the complaint is abusive or frivolous or that an investigation is not necessary, the decision shall so state it.</p> <p>g) If the Ethics Review Officer decides that probable cause exists, they shall so inform the Secretary General and proceed with an investigation.</p> <p>h) The Secretary General shall assist the parties throughout the investigation and act as a resource person to the complainant and the Commissioner concerned.</p> <p>i) If the Ethics Review Officer determines that a hearing is necessary, a schedule of proceedings shall be set with the input of the complainant, Commissioner and/or their respective counsel within ten (10) days of the decision that a hearing is necessary.</p> <p>j) Should the complainant, Commissioner or their respective counsel fail to set dates or complete the schedule of proceedings, the Ethics Review Officer shall set and complete the schedule of proceedings, including the hearing date, regardless of the availability of the uncooperative party.</p>

		<p>k) The decision shall be rendered by the Ethics Review Officer within ninety (90) days of receiving the complaint. However, the Ethics Review Officer may extend that delay upon valid reason from a party. If the delay exceeds more than thirty (30) days, the Ethics Review Officer must notify the Council of Commissioners and provide the reasons for the delay.</p> <p>l) Consequently, the schedule of proceedings will be amended and must be signed by all parties.</p> <p>m) Once the dates have been agreed upon and the schedule has been signed by all parties, the parties will be bound by the dates set.</p> <p>n) In the event that the complainant or their counsel demonstrates a lack of cooperation in making themselves available for the hearing, then the Ethics Review Officer shall dismiss the complaint, notify in writing the complainant, the Commissioner and/or their respective counsels, and the Secretary General of this decision. This decision shall be final and considered a resolution of the complaint.</p> <p>o) In the event that the Commissioner or their counsel demonstrates a lack of cooperation in making themselves available for the hearing, then the Ethics Review Officer shall proceed to render a decision, notify in writing, the Commissioner and/or their respective counsel, and the Secretary General of this decision. This decision shall be final and considered a resolution of the complaint.</p> <p>p) The complainant shall have the burden of proof to establish factually, that the Commissioner has violated any of the provisions of this By-Law.</p> <p>q) The contents and nature of the complaint, the summoning of witnesses, and the investigation shall remain confidential, until a decision is rendered.</p>
3.2.4	Decisions and Sanctions	<p>a) Following the investigation, the Ethics Review Officer will decide whether or not this By-Law was breached. If so, a sanction from the following will be selected:</p> <ul style="list-style-type: none"> • a request for an apology – public or private (to be determined by the Ethics Review Officer). • a public reprimand: <ul style="list-style-type: none"> ○ a written reprimand read at a public meeting of Commissioners, which would remain in file for the rest of the Commissioner’s term in office. • a withdrawal, for a maximum of six (6) months, of NFSB services and privileges normally given to Commissioners. • a suspension, for a maximum of six (6) months, of part or all of the attributions and functions of a Commissioner, except the right to participate and vote in the public meetings of the Council of Commissioners. • a suspension of the Commissioner’s remuneration for any or all committee services. • a recommendation to the Council of Commissioners that an action to declare the Commissioner disqualified be taken in accordance with the <i>Education Act</i> and the <i>Act Respecting Elections and Referendums in Municipalities</i>. <p>b) This is applied for the period in which the Commissioner was no longer rendering the services for which they received remuneration.</p> <p>c) If the Ethics Review Officer considers that the Commissioner did not breach this By-Law, they will inform the complainant and the Commissioner concerned. This decision will be sent to the Secretary General indicating that the file is closed. All such decisions shall be deposited with the Council of Commissioners.</p> <p>d) All decisions of the Ethics Review Officer must specify whether or not the Commissioner performed in good faith in the discharge of their functions, in regard to the complaint received.</p> <p>e) If the Ethics Review Officer concludes that this By-Law was breached, the decision rendered is public. The Ethics Review Officer shall decide on the means of publicizing the decision and the sanction. The Council of Commissioners will be informed of the decision and the sanction prior to its publication.</p> <p>f) The decisions rendered must be in writing.</p> <p>g) The Ethics Review Officer must present a report to the Council of Commissioners no later than November 30 for the school year which ended the previous June 30.</p>
3.2.5	Annual Report	<p>In its annual report, the Council of Commissioners must provide the number of cases dealt with and the follow-up thereon, set out any breaches determined during the year, the determination thereof, and any penalties imposed by the Ethics Review Officer as well as the names of any Commissioners divested of office by a court during the year.</p>

4. AUTHORITY

4.1 This By-Law is administered under the authority of the Secretary General.

5. REVIEW

5.1 The Secretary General will review this By-Law at least once every five (5) years.



BY-LAW NAME	CODE OF ETHICS & PROFESSIONAL CONDUCT FOR COMMISSIONERS (BCAA)
Annex A	Solemn Affirmation to Respect Confidentiality

This form may also be produced electronically and still be considered legal and binding.

The Council of Commissioners, hereinafter referred to as “the Council” is charged, by law, with the responsibility of administering the New Frontiers School Board (*Education Act*, Section 143). This is a heavy responsibility but one that is shared and conducted as a group, not as individuals. In order to carry out this role, the Council has created a number of working committees. In the course of conducting its affairs, Council members are privy to a wide range of information and documentation, often shared in a confidential and private (non-public) setting.

Each Commissioner shares the same access to, and responsibility for, confidential and nominative information which is necessary to oversee the operations, actions, and personnel under the day-to-day control of the school board management.

If the majority of members of the Council believe that an individual Commissioner has failed to respect confidentiality, then the Council can take appropriate disciplinary measures, such as are included in the “Code of Ethics & Professional Conduct for Commissioners” By-Law BCAA. The New Frontiers School Board is also governed by the Act respecting Access to Documents held by Public Bodies and the Protection of Personal Information. Legal action can be taken against any individual should such protection be breached.

Within this context, the members of the Council solemnly affirm their commitment to confidentiality, following both the spirit and the letter of the law, but also out of respect for their peers.

I, _____, the undersigned Commissioner, solemnly affirm that I will not divulge any confidential information such as:

- Discussions in caucus or non-public parts of workshops, committees or other meetings which I attend in the course of my role as Commissioner;
- Confidential information (so identified) provided as part of, or appended to, meeting agendas, kits or packages of documentation;
- Any discussion, any document, or any personal, student or personnel information relating to affairs of the NFSB that must not be disclosed by virtue of the provisions of the Act Respecting Access to Documents held by Public Bodies and the Protection of Personal Information.

If not certain about the level of confidentiality of specific information or documentation that is protected by legislation, I will verify same with the Secretary General **and** with the Chair or the Director General of the School Board.

If I am uncertain about the consequence of public disclosure of any information shared among the members of the Council in confidence, I shall verify with the Chair of the New Frontiers School Board the appropriateness of such disclosure. If the disclosure is deliberate and has, in the view of the Council, a negative impact, I understand that the Council can impose disciplinary measures as recommended by the Ethics Review Officer.

Signature: _____

Date: _____

BY-LAW NAME	CODE OF ETHICS & PROFESSIONAL CONDUCT FOR COMMISSIONERS (BCAA)
Annex B	Declaration Regarding Conflicts of Interests

This form may also be produced electronically and still be considered legal and binding.

A conflict of interest occurs when an individual's personal, financial, or other outside interests interfere—or appear to interfere—with their ability to perform their Council duties at the New Frontiers School Board (NFSB). Conflicts may be:

- **Real** – an actual and direct conflict.
- **Potential** – a situation where a conflict could reasonably be expected to occur in the future.
- **Perceived** – a situation where it is reasonable to believe that a conflict exists, even if it does not.

Examples of conflicts of interest:

- **Awarding contracts:** A Commissioner votes to approve a contract for services, such as maintenance, food supply, or construction, for a company in which they have a financial stake or where a relative is a key employee.
- **Disciplining students:** A Commissioner attempts to interfere with the disciplinary process of a student they know personally.
- **Use of school assets:** A Commissioner uses school board equipment, materials, or facilities for their own personal, external business ventures.

Disclosure & Review Process

1. Commissioners must complete a **Declaration Regarding Conflicts of Interests** when:
 - Joining the Council.
 - A new conflict arises.
 - At the request of the NFSB.
2. NFSB will review disclosures and determine whether a conflict exists.
3. Possible outcomes include:
 - Acceptance with no further action required,
 - Acceptance with conditions (e.g., recusal from certain decisions) or
 - Requirement to discontinue or divest from the conflicting activity.
4. Records of disclosures and resolutions will be maintained securely by the Secretary General.

Name:	
Position:	
Place of Work:	

DISCLOSURE

In the case of multiple disclosures, please use one form per disclosure.

I am disclosing the following real, potential, or perceived conflicts of interest:

Description of the conflict:	
Individuals or organizations involved (if applicable):	
Nature of the relationship (financial, personal, outside employment, etc.):	
Steps I have taken or propose to take to manage/avoid this conflict:	

Signature:	
Date:	

For office use only

SECRETARY GENERAL REVIEW

<input type="checkbox"/>	No conflict identified.
<input type="checkbox"/>	Conflict requires modification of duties.
<input type="checkbox"/>	Conflict identified but manageable with conditions.
<input type="checkbox"/>	Comments/Conditions:

Reviewed by:

Name:	
Title:	
Date:	
Signature:	

End.