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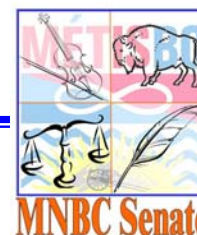
Senate Policies and Procedures

April 17, 2009



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1.0 Preamble

At St. Laurent, the Métis council became a permanent facet of village life. This was simply a natural progression from the hunting councils of earlier times, which were elected only for the duration of the buffalo hunt. Traditionally, captains and leaders were elected to office on the eve of a hunt, and served only until the hunt ended.

The laws that were developed through this practice, known as the laws of the prairie, served only to regulate the hunt, and did not attempt to regulate civil or criminal matters on a permanent basis.

Then, in 1873 the Métis of St. Laurent updated and formalized the laws of the prairie into a written document, known as the Laws of St. Laurent. These laws covered all aspects of Métis life in the district, not just the conduct of people engaged in the hunt. The traditional principles remained unchanged, however. All laws were made by elected representatives of the people. Hunters were governed by hunters. Community members were governed by members of the community who had no special status apart from their proven record of ability and generosity. The only exception to this was the priest who, as part of the Catholic Church, represented forces and ideologies that did not develop and emerge directly from with the Métis community.

The Métis established a written system of enforceable guidelines for both the hunting and the preservation for the remaining buffalo herds. By 1873, the scarcity of buffalo was becoming critical, and the specter of starvation hovered over the people of the North West. In September 1874, the federal government received a petition from the Métis of Fort Qu'Appelle, asking that steps be taken immediately to preserve the remaining buffalo as food supply for the Aboriginal people. The government in Ottawa, however, exhibited little concern for such matters, and no action was taken on this request. This government inaction tended to justify the steps taken by the Métis of St. Laurent in creating their own laws for the protection of the buffalo. There were three groups of people on the prairies whose very existence depended upon the buffalo.

The implementation of a Senate should be, in principle, based on the success of the Métis people in the 1700-1800's. The "Buffalo Assembly" and the "Laws of the Prairies" were established by the "community" way of life. These communal commitments ensured the survival of the Métis people during tough times. The basic principles were; no "individual" way of thinking and "that strength was generated from the collective group". These principles were the basis of the historic Métis culture; therefore the present day infrastructure and principles should honor the past.

2.0 MNBC Senate

2.1 Purpose of the Senate

The purpose of the Senate is to:

- a) Be governed by the *MNBC Senate Act*.
- b) Ensure that all Senator's are provided with the opportunity to review pertinent information concerning:



- i. The state of the judicial system, including the condition of its proceedings;
 - ii. The policies, procedures, guidelines and programs of the MNBC and Senate that relate to the guiding of the judicial system; and
 - iii. Legislative requirements.
- c) Provide a forum for the Senator's to have issues and questions, which fall within the mandate of the Senate, addressed and their point of view put forward.
- d) Review, advise and guide, through recommendations for the improvement of the judicial process and practices of the MNBC.
- e) Provide recommendations for the improvement of the transfer of judicial related information to the Métis and general public.
- f) Facilitate the development of judicial procedures that maximize benefits to Métis citizens of British Columbia.

2.2 Senate Duty Allocation

- a. Dispute resolution and mediation
 - i. Two Senators as selected by the Senate and the Regional Senator
- b. Veterans affairs,
 - i. As determined by the Senate
- c. Citizenship appeals
 - i. Two Senators as selected by the Senate and the Regional Senator
- d. Central registry appeals
 - i. Two Senators as selected by the Senate and the Regional Senator.
- e. Ceremonial activities and exchanges
 - i. As determined by the Senate
- f. Conducting opening and closing prayers
 - i. As determined by the Senate
- g. Directing swearing in ceremonies, administering oaths, presenting awards and gifts
 - i. As determined by the Senate
- h. Display Métis flags and sashes at all times.
 - i. As determined by the Senate
- i. Candidate/Voter refusal appeal and Disqualification appeal
 - i. Three Senators as selected by the Senate
- j. Electoral conduct appeal and Election result appeal
 - i. Committee of the whole

2.3 Senators and Senate Chairperson

- a) The Senate will select a member of the Senate to act as the Chairperson who will conduct the meetings of the Senate, set the agendas for the meetings upon approval by the Senate. The term of the Senate Chairperson is for one year.



- b) The Senate Chairperson is responsible to report the activities of the Senate to the President of the MNBC, Métis Nation Governing Assembly and the MNBC Annual General Meeting.
- c) The main responsibility of the Chairperson of the Senate of the MNBC is to maintain order and decorum in the Senate Chamber. The Chairperson chairs the sittings of the Senate, presides over votes in the Senate all of which will be a simple majority (50% + 1); in case of a tie vote the Chairperson will have for that motion only, a second vote to break the tie, and rules on points of order and questions of privilege raised by Senators. The Chairperson guides the Senate through its agenda and ensures that Senators follow the rules of the Senate.
- d) The **Secretary** will be appointed to record the minutes for each Senate meeting. The Secretary is responsible to forward draft minutes to the Senate Clerk, within one week of the meeting. The draft minutes will be circulated to all Senate members (regardless of attendance) within 2-weeks of the meeting, and will be approved at the subsequent Senate meeting after any errors and omissions have been corrected. The Secretary will, when possible, enlist the services of a minute-taker. This person's sole responsibility will be the keeping of professional minutes of Senate meetings and supplying these minutes to the Secretary at the adjournment of the meeting. The Secretary term will be for one year. The Secretary is responsible for the signing of the approved minutes.

2.4 Term of a Senator

In adherence to *Section 53* of the *MNBC Constitution* and *Article 6.1* of the *MNBC Senate Act*, the term cannot be less than 2-years and the Senate is legislated to set their own term; therefore, the Senate has determined to set the term of a Senator to be 4-years from their date of appointment.

2.5 Meetings of the Senate

- a) Meetings generally will be held on a quarterly basis, or as deemed necessary by the Senate.
- b) Conference calls generally will be held on a monthly basis, with exceptions to the months that have a Senate meeting. The number of conference calls may vary as deemed necessary by the Senate.
- c) All meetings and conference calls are subject to the availability of funds.

2.5.1 Ceremonial Display

All meetings of the Senate will have a ceremonial display arranged at the head of the main table. The display will honor all aspects of the Métis culture and people. The display will be presented on top of a traditional red sash. The items placed on the sash will be a bible, feather, braided sweet grass and a smudging shell.





2.6 Agendas, Minutes and News Releases for the Senate Meetings

- a) Agendas for Senate meetings shall be finalized and made available to Senate members not less than three (3) full days prior to the meeting and shall contain copies of correspondence, reports and such information as is necessary for Senate members to make informed decisions.
- b) Substantive items not on the agenda may be brought to the attention of the Senate at the discretion of the Senate may or may not be discussed in any detail or decided upon till the following meeting.
- c) Senate members wishing to have items placed on the agenda may do so by notifying the Chairperson of the Senate at least two (2) days prior to the finalizing of the agenda (as per *Section 2.6 a*) and by submitting any pertinent documentation in support of the items to be discussed.
- d) Refer MNBC guidebook on news release policy.
- e) Agendas, minutes as well as the Senate Policies and Procedures and the Senator Contact information will be signed by the Secretary of the MNBC Senate, and be posted on the internet for public review by the web-site coordinator from MNBC. The web-site address is www.mnbc.ca.

2.7 Responsibility of the Individual Senator (Regional Duties)

- a) Senate members will attend all meetings of the Senate or, if unable to attend a particular meeting, will inform the Chairperson or the Senate Clerk.
- b) In order to function properly, members of the Senate must be willing to come to the scheduled meetings fully prepared to discuss existing and new items.
- c) Senate members should become well informed about current Métis court decisions. In addition, the Senate should be well informed around judicial matters, harvesting policy and regulation and Métis history/culture as to be able to make well informed judgments of what will best serve the Métis citizen's of B.C. interests. This will entail the study of relevant reports and participation in a majority of Senate meetings.

The Regional Senator will:

- 1) Attend, but not participate politically, chartered Métis community general meetings two (2) times per year in his/her region.
- 2) Will handle awards, swearing in ceremonies and cultural events as the Senator for their region.
- 3) The regional Senator will attend the Regional Governance Council meetings to provide a verbal report on the activities of the Senate and remain simply as an observer.



2.8 Senate Dress Code

Please keep in mind that the following is simply a guideline, special circumstances may apply. Dress Code is common sense and should always present the Senate in the appropriate role. The three roles are:

- ∞ Official (*Senate robes*)
- ∞ Traditional (*three-feather leather vests/ribbon shirts*)
- ∞ Professional, casual (*Senate golf shirts/jackets*)

If government officials or other Métis governing member delegates are going to be present at an event, then professional attire would be recommended.

1. Métis Nation Governing Assembly and the Annual General Meeting
 - a. Main Forum and Grand Entry – *Robes*
 - b. Trade Shows, General Business and Workshops – *Traditional*
2. Quarterly Senate Meetings – *Professional*
3. Hearings
 - a. Testimony Sessions – *Robes*
 - b. In-Camera – *Professional*
4. MNBC Meetings (BoD, RGC or Métis Chartered Community) – *Traditional*
5. Public Attendance (special guest)
 - a. High Profile (graduation ceremonies, swearing-in, etc...) – *Robes*
 - b. Moderate Profile (school talks, presentations, etc...) – *Traditional*
 - c. Low Profile (dinner attendance, fund-raising function, etc...) – *Professional*

2.9 Meeting Attendance by a Senator

2.9.1 Métis Nation Governing Assembly

Senators can attend all aspects of the Métis Nation Governing Assembly with the exception of the following;

- 1) Legislative or resolution debate and approvals
- 2) Political discussion
- 3) Official procedural MNGA activities

The Senate Clerk must be available for the Métis Nation Governing Assembly to address Senate related inquiries or to liaise between the two bodies. A Senator cannot, at any time, during the course of the Métis Nation Governing Assembly, engage in political discussion or resolution debate.

2.9.2 Métis Nation British Columbia's Annual General Meeting

Senators can attend all aspects of the Métis Nation British Columbia's Annual General Meeting with the exception of the following;

- 1) Legislative or resolution debate and approvals



- 2) Political discussion
- 3) Official procedural AGM activities

The Senate Clerk must be available for the Métis Nation British Columbia's Annual General Meeting to address Senate related inquiries or to liaise between the two bodies. A Senator cannot, at any time, during the course of the Métis Nation British Columbia's Annual General Meeting, engage in political discussion or resolution debate.

2.9.3 Regional Governance Councils

A Senator can attend, upon request, a Regional Governance Council meeting in their respective MNBC Region. The Senator can only conduct the opening and closing prayers and supply the Regional Governance Council with a report on Senate activities. The Senator must physically remove themselves from the meeting room during the course of the official business of the Regional Governance Council meeting. If Senate involvement or advice is required by the Regional Governance Council then all communications must be addressed by the Senate Clerk as per *Section 4.1, bullet 7* of the Senate Policies and Procedures.

2.9.4 Métis Chartered Communities

A Senator can attend, upon request, a Métis Chartered Community meeting in their respective MNBC Region. The Senator can only conduct the opening and closing prayers and supply the Métis Chartered Community with a report on Senate activities. The Senator must physically remove themselves from the meeting room during the course of the official business of the Métis Chartered Community meeting. If Senate involvement or advice is required by the Métis Chartered Community then all communications must be addressed by the Senate Clerk as per *Section 4.1, bullet 7* of the Senate Policies and Procedures. If a Senator is participating in a cultural or celebratory function, the Senator cannot, at any time, during the course of activity, engage in political discussion or legislative debate and/or interpretation.

2.10 Code of Ethics

An independent and honorable judiciary is indispensable to the performance of justice in a society. To this end then, the Senate of the Métis Nation of British Columbia will subscribe to the following Code of Ethics:

- 1) The Senators will participate in establishing, maintaining and enforcing high standards of conduct so that the integrity and independence of the Senate are preserved.
- 2) A Senator shall act at all times in a manner that promotes public confidence in the integrity and the impartiality of the Senate.
- 3) A Senator shall not allow family, social, political or other relationships to influence the judicial conduct or judgment and shall not permit others to convey that impression that anyone is in a position to influence them.
- 4) A Senator will not use the prestige of the office to advance pecuniary or personal interests.



- 5) A Senator will not discriminate his/her decisions on the basis of sex, race, religion, national origin or sexual orientation.
- 6) A Senator will perform all their duties impartially and diligently; they will be faithful to the law and the Métis culture regardless of partisan interests, public clamor or fear of criticism.
- 7) Senators will be patient, dignified and courteous to all litigants, witnesses and others who are called before them, and shall require similar conduct of those same persons.
- 8) The Senate may obtain the advice of disinterested parties or legal counsel on applications.
- 9) The Senate shall dispose of all Senate matters fairly, promptly and efficiently.
- 10) A Senator shall disqualify them self in any proceeding where they will fall into conflict of interest through financial, family or political involvement with the litigant or where a situation arises which causes the Senator to doubt their ability to act in an impartial manner. Disqualification due to a conflict of interest maybe based on either an actual or perceived conflict with the ultimate objective being the protection of the Senate's integrity.

A Senator must divulge an actual or perceived conflict of interest, for themselves or another member of the Senate, immediately prior to the respective Senate case and/or hearing. Upon revealing the details of the conflict, the unaffected Senators will vote on granting the requested disqualification or denying it. If granted, the disqualified Senator must immediately remove themselves from all proceedings on the affected case and not be listed as a residing Senator on the written Senate decision. In addition, the conflict of interest must be clearly highlighted within the written decision. If denied, the details and reasoning behind the conclusion must be officially recorded in the written decision.

3.0 Sub-Committees of the Senate

All Committee's in the pursuit of their business shall carry with them the Powers of the Senate and will abrogate them to none until they have finished the work of the Committee and report back to the full Senate for disposition.

- | | |
|---------------------------------|--|
| <i>"Committee"</i> | (i) <i>"Committee"</i> means a committee of the whole, a select committee, whether standing, special or legislative, or a joint committee; |
| <i>"Committee of the Whole"</i> | (ii) <i>"Committee of the Whole"</i> means a committee composed of the whole body of the Senators; |
| <i>"Select Committee"</i> | (iii) <i>"Select Committee"</i> means a committee composed of less than the whole body of Senators and includes both a standing committee and a special committee; |
| <i>"Standing Committee"</i> | (iv) <i>"Standing Committee"</i> means a select committee appointed to consider and to report to |



the Senate on matters falling within the duties specifically assigned to it by these rules, and on other matters that may from time to time be referred to it by the Senate. This committee remains in place until the end of the Senators elected time and is immediately filled upon the completion of the new Senators elections at their first sitting.

"Joint Committee"

(v) *"Joint Committee"* means a committee composed of members of the Senate and of the MNGA;

"Special Committee"

(vi) *"Special Committee"* means a select committee, other than a standing committee, appointed to consider certain matters and to report thereon to the Senate;

"Solicitor Committee"

(vii) *"Solicitor Committee"* is chaired by the Agent of the Senate and consists of the Senate Chairperson, Senate Co-Chairperson, Senate Clerk and the MNBC Minister of Justice. This committee will meet twice per year to discuss various issues affecting the Senate. This can include legislative discussion, finance, policy/procedural issues, etc...

4.0 Working Relationships with the MNBC

The responsibilities of the MNBC to the Senate are to lobby for resources from the local, provincial, federal levels of government and any other appropriate body.

Logistical support will include:

- 1) Reimbursement of costs for meeting facilities, travel and accommodation.
- 2) Funding to publicize the work of the Senate.
- 3) Funds for joint projects as agreed upon annually.
- 4) Staffing levels will be agreed upon annually as part of overall funding agreements.
- 5) Funding agreements will be negotiated annually between MNBC and Senate.
- 6) All financial logistics are subject to the availability of funds.

4.1 Senate Clerk

The Senate Clerk (refer to *Annex I*) responsibly includes, but is not limited to:

- Screening process



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- Technical support
 - Appeal acceptance
 - Preparation of correspondence
 - Internal communications
 - Senate Clerk reports to the Senate Chairperson
 - **ALL** contact for the Senate will be through the Senate Clerk

4.2 Agent of the Senate

The Agent of the Senate (refer to *Annex I*) responsibly includes, but is not limited to:

- Liaison between the Senate and the MNBC Minister of Justice
- Professional support for the Senate Clerk
- Legislative advice for the Senate
- Government negotiations
- Acts as the Chair for the Solicitor Committee
- Agent of the Senate is appointed by the MNBC Minister of Justice

4.3 MNBC Minister of Justice

The MNBC Minister of Justice's (refer to *Annex I*) responsibly includes, but is not limited to:

- The Senate's representation on the MNBC Board of Directors
- Political lobbyist for the Provincial/Federal Government levels
- Support the Agent of the Senate on annual government negotiations
- Reports to the Métis Nation Governing Assembly and the MNBC Annual General Meeting on behalf of the Senate
- Works in collaboration with the Agent of the Senate and Clerk to advance the MNBC Senate to realize its full potential
- Public (media) voice for the Senate

5.0 General Procedural Conduct

All notification and application will be accepted by written documentation only. The notice of appeal will be sent by Registered Mail.

5.1 Senate Forms

The following Senate forms must be used when applying for an official Senate Appeal;

- Citizenship Appeal Application
- Citizenship Appeal Consent to Release Confidential Information
- Abandonment/Withdrawal
- Affidavit
- Demands for List and Documents
- Order Declaration (Decision Result)
- Pre-election Appeal
- Electoral Result Appeal Submission



- Mediation/Dispute Applicant Submission
- Mediation/Dispute Respondent Submission
- Notice of Appeal
- Response to Notice of Appeal
- Request for Actions
- Decision Endorsement

These forms will be made available on the MNBC website on the Senate webpage (www.mnbc.ca) or can be requested from the Senate Clerk at the MNBC head-office. Furthermore, all Senate documentation will be stored within a locked file cabinet inside the secured room utilized by the MNBC Centralized Registry. The Senate Clerk and the Senate Chairperson will have the only keys for the locked file cabinet. Access to the secured Centralized Registry room will have to be coordinated with the Registrar. To ensure privacy standards of the MNBC, the Registrar will have to be present while either the Senate Clerk or Senate Chairperson accesses the locked file cabinet.

5.2 Appeal

Upon receiving an appeal application form, the Senate Clerk must immediately date stamp the form and send a letter within 14-days to confirm the acceptance and/or the denial of a Senate Appeal. If accepted, the letter will highlight the official received date and further instructions on the Appeal process. If denied, the letter will highlight the reasons for denial of Appeal and the appropriate actions, if any, that the applicant can further pursue.

5.3 Decision Making

It is important that all Senate members be familiar with and subscribe to certain basic elements that are important in developing consensus on difficult and complex issues. The following principles will apply to the process:

- a) The purpose of the negotiations is to agree. Senate members agree to act in “good faith” in all aspects of the negotiations. Senate members accept the concerns and goals of others as legitimate.
- b) The focus will be on interests and concerns rather than on positions and demands.
- c) Senate members commit to fully explore issues, searching for solutions in a problem-solving atmosphere.
- d) Senate members shall faithfully endeavor to reach decisions which best serve the welfare of the Métis Nation British Columbia.

5.4 Written Decision Protocol

The following is the procedure in approving the release of a written Senate decision to the Applicant, Respondent and the MNBC website;

- 1) The Senate, on the day of the case-hearing, provides the Senate Clerk with the decision and reasoning to be used in the preparation of the written decision.



- 2) The Senate Clerk will then prepare the written decision; if clarification is required the Senate Clerk will liaise with the Senate Chairperson of the pertinent case-hearing.
- 3) The Senate Clerk will provide the draft written decision to the Senate at least five-days prior to the conference call or meeting in which the written decision is slated for approval.
- 4) All Senate written decisions will be approved for public release by either conference call or meeting.
- 5) All electronic versions of the Senate's written decisions will be released in an Adobe version (.pdf extension).
- 6) Upon approval, the Senate Clerk will conduct the following activities within a 36-hour period;
 - a. Send the Respondent and Applicant an electronic version of the written decision by e-mail, if applicable.
 - b. Send the Respondent and Applicant a hardcopy version of the written decision by regular mail.
 - c. Post the electronic version of the written decision on the MNBC website under the decisions link on the Senate webpage.

5.5 Senate Action Number System

The following is the system assigned in the designation of a file numbering process for any appeal;

Example: 7-24-07-61-3-00001

- 7 is the region
- 24-07-61 is the birth date
- 3 is the jurisdiction type as per the *MNBC Senate Act*
- 00001 is the appeal number

5.6 Protocol for Appearance in Front of the Senate

The following process will be administered by the Senate Chair when an individual appears (either in-person or via phone) in front of the Senate for testimonial purposes:

1. Introductions (all parties)
2. Advise the individual that the proceeding is being recorded and if they are acceptable.
3. Administer the "Oath"
 - a. *"I swear by the Métis ancestors who went before me the children who come after me, and the Creator or God who made me; to speak the truth on matters and questions placed before me, so help me Creator or God."*
4. Advise the individual on the rules of conduct, which are;
 - a. Senate Code of Ethics, Point 7
 - i. *"Senators will be patient, dignified and courteous to all litigants, witnesses and others who are called before them, and shall require similar conduct of those same persons."*
 - b. No arguing



The Senate hearing is not a place to argue.

- c. Voluntary process
Attendance at the Senate hearing is voluntary. Anyone who becomes uncomfortable and wants to withdraw from the Senate hearing is able to do so. No one is required to remain at the Senate hearing against his or her wishes.
 - d. Be respectful and truthful
 - i. Everyone will be invited to speak. People must be allowed to speak without interruption. People must use a respectful style of communication. Arguing, name-calling, interrupting and put-downs are not acceptable. Being truthful is important.
 - e. Safety
 - i. The threat of violence or actual violence will cause the Senate hearing to be immediately terminated.
 - f. Testimony is a Private Process
 - i. The testimony of the Senate hearing is private, and participants need to respect each other's privacy. However, a decision of the appeal will be made available to the applicant, respondent and made publicly available on the MNBC website on the Senate webpage's decision link, this will exclude testimony.
5. Ask the individual if they understand all of the above points.

6.0 Specific Procedural Conduct

6.1 Election Appeals

All Election Appeals are based on the Chief Electoral Officer's decisions and direct cases to the Senate are not eligible for hearing.

6.1.1 Candidate Refusal Appeal

In accordance with *Article 42.1* of the *MNBC Electoral Act* pertaining to refuse candidates and voters, the MNBC Senate will render a decision within seven (7) days of the acceptance of the Candidate/Voter Refusal Appeal application. The composition of the Candidate/Voter Refusal Appeal committee is as specified in *Section 2.2 i)*. The Candidate Refusal Appeal will be based on the record supplied to the Chief Electoral Officer at the time of their decision.

6.1.2 Disqualification of a Candidate

In accordance with *Article 8.8* of the *MNBC Electoral Act* pertaining to malicious or objectionable practice, the composition of the Candidate Disqualification Appeal committee is as specified in *Section 2.2 i)*. The MNBC Senate will render a decision on the appeal for the disqualification of a candidate, seven (7) days from the acceptance of the appeal application. The Candidate Disqualification Appeal will initially be based on the record supplied to the Chief Electoral Officer at time of their decision. However, if



applied for, the Senate may grant the right to introduce additional evidence to assist in their final decision.

6.1.3 Election Result Appeal

In accordance with *Article 42.2* of the *MNBC Electoral Act* pertaining to general election appeal, the composition of the Election Result Appeal committee is as specified in *Section 2.2 j)*. Upon acceptance of the Election Results Appeal application the MNBC Senate will have forty-five (45) days to render a decision. The Election Result Appeal will initially be based on the record supplied pursuant to *Section 42.2* of the *MNBC Electoral Act*. However, if applied for by either party, the Senate may grant the right to introduce additional evidence to assist in their final decision.

6.1.4 Preservation of Ballots

The Senate Clerk will immediately, upon acceptance of the Election Appeal application, send out a “Demand” to the Chief Electoral Officer to preserve all ballots until such matters have been completely resolved.

6.2 Citizenship and Central Registry Appeals

The following is a step-by step general process for the conductance of a citizenship appeal hearing by the Senate:

- 1) Senate Clerk appeal file review
 - Communication log
 - Senate forms (completion review)
 - Policy and procedure analysis for compliancy
- 2) Citizenship appeal file review
 - Completeness
 - Genealogical analysis
 - Primary/secondary document review
- 3) Genealogical second opinion
 - Refer to *Section 6.2.5 Second Genealogical Opinion*
- 4) Oral hearings
 - MNBC Central Registry
 - Reasoning for denial
 - Clarification testimony
 - Questions from the Senate
 - Applicant
 - Reason for appeal
 - Clarification testimony
 - Questions from the Senate
- 5) Decision



6.2.1 Responsibility of the MNBC Registry

The MNBC Provincial Registrar will compile a “Citizenship Appeal” file for any individual that has applied for an appeal. The file will include the following;

- a) The contents of the original citizenship application file
- b) An appeal check list
- c) An appeal research log
- d) An appeal research summary
- e) An appeal letter
- f) The Senate Clerk will assign an appeal file number

Upon notification of receipt of intent to appeal the Registrar reviews the “Citizenship Appeal” file to ensure it is complete.

6.2.2 Timeframe for Citizenship Appeal

Upon receipt of a Citizenship Appeal a decision must be rendered within 6 months and then delivered within 30-days of that decision.

6.2.3 Appeal Application Submittals

Appeal applications are submitted to the Senate Clerk at the MNBC head-office via:

- A Regional Registry Clerks; or,
- Directly from applicant/s; or,
- Chartered Métis Communities of the MNBC.

6.2.4 Citizenship Appeal File

The Citizenship Appeal File will contain:

- Citizenship Appeal Checklist: divided into three sections
 - 1) Basic Application Elements
 - 2) Genealogical Documentation
 - 3) Genealogical Documentation Notes on the genealogical documentation submitted
- Appeal Research Log: divided into seven sections
 - 1) Appeal file number
 - 2) Date of research
 - 3) Location/Call number of sources researched
 - 4) Description of sources
 - 5) Documents retrieved and identified numerically
 - 6) Geographic location of research
 - 7) Notes/comments
- Appeal research summary: highlights research conducted on file
- Appeal letter: divided into five sections
 - 1) Outline of genealogical component.
 - 2) Outline of genealogical findings.
 - 3) Copy of the National Definition and Jean Teillet’s article.
 - 4) Notification of the applicant’s right to appeal.



- 5) Notification to contact the Registry in writing to indicate of the intent to appeal or withdraw their application
- Genogram: user friendly format for viewing genealogy

6.2.5 Second Genealogical Opinion

All Citizenship appeals will require a second genealogical opinion from La Société historique de Saint-Boniface, 340, boulevard Provencher, Saint-Boniface, Manitoba. The Senate Clerk will send the requested second opinion as part of the demand letter for the Citizenship Appeal file instructing the MNBC Central Registry to send an additional file to La Société historique de Saint-Boniface for professional opinion.

6.3 Mediation, Regional and Community Disputes

The following steps and forms must be utilized when initiating a dispute resolution process, via the MNBC Senate:

- 1) A “Notice of Appeal Form” must be fully completed and submitted to the Senate Clerk.
- 2) Response to the “Notice of Appeal” to the Senate will be forwarded by the Senate Clerk to the Parties indicating either the acceptance or denial of the Appeal request.
- 3) A “Mediation/Dispute Introduction Letter” will be sent by the Senate Clerk to the Parties which details instructions on the submissions process.
- 4) An “Applicant’s Submission Form” must be fully completed and forwarded to the Senate Clerk and the Respondent within 30-days of receiving the “Mediation/Dispute Introduction Letter”.
- 5) A “Respondent’s Submission Form” must be fully completed and forwarded to the Senate Clerk and the Applicant within 30-days of receiving the “Applicant’s Submission Form” as stated in the previous step.
- 6) The Senate Clerk will then notify the Applicant and the Respondent of the hearing date and any potential times for clarification testimony (either in-person or by phone).

6.3.1 Mediation Process

The following steps and forms must be utilized when initiating a mediation resolution process, via the MNBC Senate:

- 1) A “Notice of Appeal Form” must be fully completed and submitted to the Senate Clerk.
- 2) Response to the “Notice of Appeal” to the Senate will be forwarded by the Senate Clerk to the Parties indicating either the acceptance or denial of the Appeal request.
- 3) A “Mediation/Dispute Introduction Letter” will be sent by the Senate Clerk to the Parties which details instructions on the submissions process.



- 4) An “Applicant’s Submission Form” must be fully completed and forwarded to the Senate Clerk and the Respondent within 30-days of receiving the “Mediation/Dispute Introduction Letter”.
- 5) A “Respondent’s Submission Form” must be fully completed and forwarded to the Senate Clerk and the Applicant within 30-days of receiving the “Applicant’s Submission Form” as stated in the previous step.
- 6) The Senate Clerk will then notify the Applicant and the Respondent of the hearing date and any potential times for clarification testimony (either in-person or by phone).

6.3.2 Mediation and Dispute Resolution Methodology

In order to have a structured approach to all mediation and dispute resolution cases, the Senate revisited the process applied for Senate Action No. **1-30-04-47-1-0008**, *Dahl vs. MNBC Board of Directors*. The process applied in that case was deemed to be a good starting point for the establishment of a process to be used in future cases. The methodology is as follows:

1. Senate Clerk accepts case as bona fide for Senate jurisdiction as per the screening process;
2. Senators read the submission;
3. The Senate reviews and sort facts from each submission – do not apply interpretations, look for agreed to facts only;
 - i. Appellant
 - ii. Respondent
4. Senate as a whole, reviews to understand agreed upon facts;
5. Sort contradictory facts from each submission;
6. Clarify difference between facts and opinions;
7. REVIEW – all above steps;
8. Identify issues;
 - i. Appellant
 - ii. Respondent
9. Review each submission to provide clarity on issues – sorting, look at questions from each side to provide clarity;
10. Interview preparation/protocol;
 - i. Note no new evidence can be accepted during interviews,
 - ii. Do not allow hear-say as evidence,
 - iii. Identify who needs to be interviewed,
 - iv. Develop questions for each interviewee – prepared by Senate, based on each party’s submission.
11. Analysis now begins, thus being;
 - i. Predetermined points – collate information,
 - ii. Use a consensus-based approach (refer to *Section 6.3.3*),



- iii. What does the Senate need to consider? (i.e. policies and procedures pertinent to the submissions and hearing),
 - iv. Questions after final analysis – look again at the legislation, regulation, policies and procedures, clear and evident meanings/wording, etc....,
 - v. Revisit analysis applied to the situation,
 - vi. Review interviews, analyze again,
12. Render final decision based on facts and actions of both parties.

6.3.3 Consensus on Mediation and Dispute Resolution

Common meaning is a general or collective agreement among the Senate members of the MNBC Senate, each of which exercises some discretion in decision making and follow-up action. Consensus can also be viewed as the collective thought or agreement of the Senate, recognizing that there can still be a high degree of variation among Senators, and if there is to be individual commitment to follow-up the decision with action, this variation remains important. Consensus usually involves collaboration, rather than compromise. Instead of one opinion being adopted by a plurality, Senators are brought together until a convergent decision is developed. Genuine consensus typically requires more focus on developing relationships among the Senators, so that they work together to achieve agreements based on willing consent.

6.4 Ceremonial Activities, Exchanges, Directing Swearing-In Ceremonies and Oaths

Please refer to the schematic in *Section 6.4.1 Stage Blueprint* when following the following procedures. The inaugural ceremony for swearing in Elected Officials is as follows:

Step 1

The corresponding Senator leaves the stage to retrieve the appropriate elected official. The retrieval process is as follows:

1. *President* – Senate Chairperson
2. *Vice-President* – Senate Co-Chairperson
3. *Regional Directors* – corresponding Regional Senator
4. *Women’s Chairperson* – Female Senator (if absent, corresponding Regional Senator)
5. *Youth Chairperson* – youngest Senator

Step 2

The Senator escorts the elected official to the podium, upon which the Senate Chairperson will conduct the official swearing-in ceremony. The corresponding oaths are located in *Annex 2* of the Senate Policies and Procedures. There are custom designed oaths for the above listed elected positions highlighted in *Step 1*.

Step 3

The newly sworn-in elected official will proceed in front of the tables to shake the hands of the remaining Senators in their semi-circle. The elected official will walk this step by themselves.

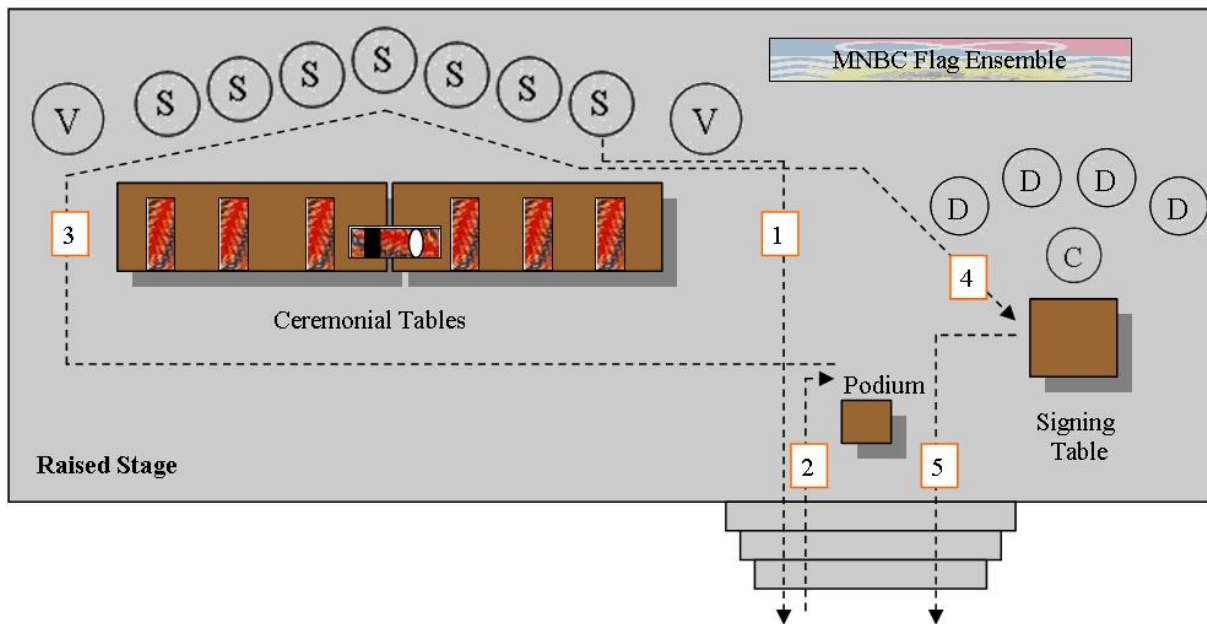
Step 4

Upon the elected official completing their hand-shakes, they will proceed to the signing table to officially sign and witness their oaths to office document. Either the Senate Clerk or Annual General Meeting Clerk will assist in this process. It is at this location that photograph opportunities will be provided.

Step 5

The escorting Senator, whom is still by the podium, will now accompany the official back to the gallery.

6.4.1 Stage Blueprint



ELDER'S DELEGATION	President, Vice-President, Regional Directors, Youth and Women Chairpersons	Youth and Women
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Legend Key	(S) Senator	(C) Clerk	Senate Ceremonial Display
	(V) Veteran	(D) Dumont Scout	Métis Sash



6.4.2 Closing Remarks

Closing remarks are completed by the Senate Chairperson, the remarks are as follows:

“This concludes the investiture of our elected leaders by the Senate which guards and protects the laws of all Métis citizens and is a proud contributor to our Nation. The Senate holds high regard to its citizens and community leaders who appointed each Senator in good faith to be the judges and guardians of the historic and democratic rights of B.C. Métis. I now turn the podium over to the emcee for the rest of the opening ceremonies.”

6.4.3 BCMANR Captain’s Oath to Office

The swearing-in ceremony of B.C. Métis Assembly of Natural Resource’s Captains will attempt to be conducted at either a Métis Nation Governing Assembly or the MNBC Annual General Meeting. However, due to the staggered terms of the Captain’s Assembly, as per the BCMANR Policies and Procedures, these ceremonies can also be requested, by BCMANR, to be witnessed at another designated and sanctioned MNBC sponsored event. This notification has to be requested, via written, to the MNBC Senate Clerk at least (30) thirty-days prior to the proposed swearing-in ceremony. Refer to *Annex 2* for the official oath to office for the BCMANR Captains.

6.5 Citizenship Challenges

Applicants will contact the Senate Clerk directly either via phone or e-mail. The Senate Clerk will request a written letter from the individual which will contain the name of the individual whom their citizenship is being challenged. Depending on the nature of the challenge, the Senate Clerk will then contact the registrar and respond to the individual challenging as to if they are a citizens or not. However, if the challenge is of a nature that will require a hearing the Senate Clerk will then initiate a proper application and consent process.

6.6 Natural Resource Appeals

Presently, being developed in conjunction with the B.C. Métis Assembly of Natural Resources and the MNBC Ministry of Natural Resources. This is anticipated to be completed by the mid-term of the 2009/10 fiscal year.

6.7 Conducting Opening/Closing Prayers, Displaying Métis Flags/Sashes Presenting Awards and Gifts of Recognition

6.7.1 Senate Attendance at Events

Large-Scaled Events (provincial/regional) - Please forward the request to the Senate Clerk via e-mail and/or fax. The attendance of the Senate will depend on the availability of funding.

Small-Scaled Events (community) - Please Contact your regional Senator either by e-mail and/or phone. The attendance of the Senator will depend on the availability of funding.



6.7.2 Traditional Prayer for Opening and Closing

“Creator, give us strength, courage & humility so that we may work with one mind. Make us humble & grateful. Help us to work together collectively, honoring our Elders as teachers so that we may prepare our youth for the future. Provide us with inspiration & direction so that we may build a path for the MNBC within our homeland. Help us to build strong Métis families so that we may ensure a strong and healthy Métis Nation, Amen, merci, thank-you and kinasskoumitin.”

7.0 Changes to the Senate Policies and Procedures

- a) If it is determined that the “Senate Policies and Procedures” can be improved by amendment, addition or deletion, the Senate has the power to make such changes provided they are in keeping with the spirit and intent of the *MNBC’s mandate, vision statement and management principles*.
- b) Copies of the Senate Policies and Procedures will be sent to the MNBC Board of Directors and the MNBC chartered community presidents and will be included in the MNBC Policy and Procedure Guide Book and posted on the MNBC website.



ANNEX 1 – Senate Job or Duty Descriptions

Job Title: Senate Clerk

Department: MNBC Senate

Reports To: Senate Chairperson

Employment Status: Full Time

Prepared Date: April 2009

SUMMARY: Performs routine clerical duties involved in processing requests for Senate documents and prepare a variety of forms and reports as mandated by the *MNBC Senate Act* and the *Senate Policies and Procedures*.

ESSENTIAL DUTIES AND RESPONSIBILITIES: Includes the following; however other duties may be assigned.

- ∞ Receives and files documents and vital records; maintains all files as keeper of files and records for the Senate.
- ∞ Answers the telephone, responds to questions regarding Senate documents from Métis Citizens, other MNBC departments and the general public. Excellent communication skills are mandatory.
- ∞ Works in an office environment answering questions and performs tasks related to the receipt, review and processing of official Senate documents.
- ∞ Conducts record searches for background checks at the request of the public.
- ∞ Uses computer terminal to search and retrieve records.
- ∞ Issues endorsed copies of Senate documents.
- ∞ Opens mail, prioritizes requests and then files requests with appropriate staff/entities.
- ∞ Ensures that necessary documents are included in all case files before submitting them to the Senate.
- ∞ Receives and processes cases; assigns Senate Action numbers, submits them to the Senate, issues demands and requests, records adjournments, files reports; may notify the Agent of the Senate, Senate Chairperson and other MNBC departments about completed cases.
- ∞ Knowledge of the *MNBC Senate Act* and the *Senate Policies and Procedures Version 3.0* is an asset.
- ∞ Screening initial applications for viability and applying a determinacy for hearing status.
- ∞ Maintaining and developing the Senate database system with the University of British Columbia.

SUPERVISORY RESPONSIBILITIES: This job does not exercise supervisory responsibilities. However, the person must be able to work under minimal supervision.



QUALIFICATIONS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

EDUCATION and/or EXPERIENCE: High school diploma or general education degree (GED); with one-year related experience and/or training; or equivalent combination of education and experience in office/clerical duties pertaining to the legal sector. Requires good knowledge of the English language and spelling. Requires knowledge of modern office procedures, practices, court and/or Senate procedures and office equipment including on-line computer terminal. Should have some knowledge of legal terminology and phrases, the methods and procedures of handling and filing court and/or Senate documents.

LANGUAGE SKILLS: Ability to read and interpret documents such as legal terminology. Ability to write routine reports and correspondence. Ability to speak effectively before applicants/respondents or employees of the organization. Must have skills to diffuse irritated applicants to achieve the expected outcomes of the appeal application process.

ORGANIZATIONAL SKILLS: The level of organizational and documentation abilities must be demonstrated to the highest standard. The ability to document every phone call, e-mail, conversation, mail and fax is critical in the Senate process. A detailed filing system is present for both hard copy and digital files and the organizational abilities of the Senate Clerk are crucial in the performance of this position. The Clerk is also responsible for the creation and maintenance of the Senate's minutes and agendas. Specific timelines for the production of minutes, agendas, decisions, applications and other various functions of the Senate are listed in the *Senate Policies and Procedures* and must be adhered to.

REASONING ABILITY: Ability to apply common sense understanding to carry out instructions furnished in written, oral, or diagram form. Ability to deal with problems involving several concrete variables in standardized situations.

CERTIFICATES, LICENSES, REGISTRATIONS: A Métis Citizenship Card is a benefit but not required. All other qualifications as required.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. While performing the duties of this job, the employee is frequently required to use hands to finger handle or feel; talk; or hear. The employee is occasionally required to stand; walk; sit; reach with hands and arms; and stoop; kneel; or crouch. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, depth perception and ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Normal office conditions and the noise level in the work environment are quiet to moderate.



Duty Title: Agent of the Senate

Department: MNBC Senate

Reports To: Senate

Supervisor: Minister of Justice

Employment Status: When Required

SUMMARY: Provides expert advice on all MNBC legislation, guidelines, policies and procedures for all operations of the Métis Nation British Columbia. In addition, the Agent of the Senate is responsible to act as the lead negotiator, on behalf of the Senate, for MNBC with both federal and government partners.

ESSENTIAL DUTIES AND RESPONSIBILITIES: Includes the following; however other duties may be assigned.

- ∞ Assist the Senate Clerk on the screening of Senate applications and where necessary provide expertise to applicants in difficult situations.
- ∞ Excellent communication skills are mandatory.
- ∞ Works in an office environment answering questions and performs tasks related to the receipt, review and processing of official Senate documents.
- ∞ Develop and enhance the Senate database system.
- ∞ Assist in the continual maintenance of the Senate Policies and Procedures.
- ∞ Act as a liaison between the Senate and the MNBC Minister of Justice
- ∞ Quality assurance and control of the Senate database and hard copy filing system.
- ∞ Assist the MNBC legislative bodies (MNGA and AGM) and any other effected bodies (i.e. Métis Provincial Council of B.C., Métis Youth of B.C., etc...) in applying or implementing the various decisions of the Senate.
- ∞ Works with the Senate in developing the various reporting requirements or preparing negotiating packages, including budget.
- ∞ A thorough knowledge of the *MNBC Senate Act* and the *Senate Policies and Procedures Version 3.0* is mandatory.

SUPERVISORY RESPONSIBILITIES: This job has some minor supervisory responsibilities of the Senate Clerk. However, the person must be able to work under minimal supervision and have a working relationship with the Senate and MNBC.

QUALIFICATIONS: Must have a minimal of 5-years experience working with the MNBC and is currently employed with the MNBC. Within those 5-years, the individual must have experience working with the Senate, Métis Nation Governing Assembly, Annual General Meeting, and extensive knowledge of MNBC legislation, guidelines, policies and procedures. The individual must have excellent negotiation skills and be familiar with the various negotiations tables of the MNBC (i.e. tripartite, bilateral and multilateral). Additionally, the individual is to be well-versed in aboriginal law and more specifically have a thorough understanding of the Métis case law (i.e. *SCC Powley*



decision). Must have experience in understanding the Central Registry process, electoral conduct and the three-level governance structure of the MNBC (Board of Directors, Regional Governance Councils and Métis Chartered Communities).

Duty Title: Minister of Justice

Department: Ministry of Justice

Reports To: MNBC Board of Directors

Technician: Agent of the Senate

SUMMARY: Provide a political voice for the Senate.

ESSENTIAL DUTIES AND RESPONSIBILITIES: Includes the following; however other duties may be assigned.

- ∞ Take concerns and issues, on behalf of the Senate, to the Board of Directors, Métis nation Governing Assembly or the MNBC Annual General Assembly.
- ∞ Provide political support to the Agent of the Senate when negotiating for the MNBC Senate.
- ∞ Be available to speak publicly, in a media situation (television, newspaper, etc...), on behalf of the Senate.

QUALIFICATIONS: Must be a duly elected official on the MNBC's Board of Directors. Have to be appointed the MNBC's Ministry of Justice by the President of the Métis Nation British Columbia.



ANNEX 2 - Oaths

President of the Métis Nation British Columbia

Mr/Madam President– You have been selected by your peers to fill the highest office of this Nation. Upon your shoulders now rests the grave responsibility for the nurturing of the Nation; the protection of its Constitution and its guidance into the future. I at this time counsel you to listen to the words I speak, and the meanings I emphasise as you reflect on the course of your duties; INTEGRITY, LOYALTY, DETERMINATION and SACRIFICE.

INTEGRITY - be honest with yourself and all others regardless of their affiliations.

LOYALTY – maintain your loyalty always to the people of this Nation, its Constitution and Governing bodies.

DETERMINATION – never falter in the face of adversity, externally or internally when representing the mandates and culture of your people.

SACRIFICE – when you are faced with challenges in the fight for your people, remember they and their needs come first, not yours for personal gain or promotion, ever.

I present to you especially a sense of gravity in this office, and the ultimate requirements to serve the Nation. You are to keep order during the transaction of business and keep in mind at all times the common good of all our peoples. You are also reminded that you are at the head of the order in this Nation, and through your attendance at meetings, negotiations and deliberations, you show by your diligence your appreciation to the office you have been elected to fill. Fill your office well and leave it with honour. They who have risen to office have done well; they have who have risen in office have done better, may the better part be yours.

Vice-President of the Métis Nation British Columbia

You have been elected to fill a very honourable position in this Nation's executive, you are, therefore, requested to assist the President to the best of your ability, calling to his/her attention, business that might have escaped notice. You are also required to watch closely the transaction of all business and make yourself acquainted with the workings of the Executive body of this Nation, bear in mind the words of Thomas Paine in the Rights of Man "*man can be kept ignorant, but he cannot be made ignorant*" this homily reminds us all that open and full flow of information benefits us all so that if your peers should elevate you to the highest office in this organization, you will be better able to fill that position. One who is faithful in that which is least, is also faithful in that which is much; be you faithful to the people of this Métis Nation and walk with a purpose for the good of all.



Regional Director(s) of the Métis Nation British Columbia

You, Directors, are the guardians of all property and money belonging to this Nation by your presence in the governing Board of Directors, you are also charged with the responsibility of ensuring your constituents rights and assisting the Community Presidents and Executives to ensure the fiduciary rights of the Nation are met, you are also asked to step forward and offer up your talents to accept Ministerial portfolio's and to be diligent and punctual in all that you do. Every community has a right to demand of its agents an account of their conduct, this assignment amongst your other duties is a burden you must bear as being the watchdogs of the Métis Nation of British Columbia. This is a very grave responsibility and trust, be faithful to your duty and guard the interest of your people well, their eyes are upon you.

Chairperson of the Métis Women of British Columbia

As the guardian of the families, the protector of the young and the maintainers of the family unit, your elevation to office brings with it a wealth of responsibilities and care, you will be held in high esteem as you fight for the rights of women to be equal and unrivalled in stature for our Nation and in the World. Winston Churchill once said in a speech “*I have nothing to offer you but blood, toil, tears and sweat*” our women through history have done that and more, it is your position to maintain for the good of all.

Chairperson of the Métis Youth of British Columbia

As the Minister elect for youth, you are the standard bearer and the leader for the future of our Nation, look you well into the nurturing of pride, interest and hope, in the future for our young people, combine integrity with an unflagging work ethic to provide a role model for those who are coming into the light of our Métis recognition, counsel and guide our Youth as they are indeed the Future!

Captain(s) of the B.C. Métis Assembly of Natural Resources

The Captain of the Hunt is one of the Métis oldest and most revered title. It is a position of great honor and pride but most importantly, Métis harvesters were the original providers of the Métis people, it was their harvest that kept the Métis people thriving in the early stages of our Nation's development. The B.C. Métis Assembly of Natural Resources is a contemporary model of the original Buffalo Assembly, what an honor to be a part of a 200-year old tradition. You carry the responsibility of the thing most dearest to all Métis people, the land and her resources. Our culture, heritage and language all stemmed from her. Under the authority of your Métis people, via the *MNBC Natural Resource Act*, you are charged to protect the natural resources and ensure that our children and our children's children can continue to prosper from the bounties of our land. Your decisions that you make while holding the office of a Captain will not impact the harvesters of today but instead the harvesters of tomorrow. That is a great responsibility, therefore think not of yourself and your goals but instead think of the overall arching concepts first developed by the Métis, those being, conservation and management. As a Captain, you represent the traditional “Laws of the Prairie”, as a Captain; you represent the contemporary laws in the *MNBC Natural Resource Act*.