

**M.S.S. LOCAL PRESIDENTS CONFERENCE  
ON  
RESTRUCTURING AND METIS SELF-GOVERNMENT**

**BATOCHÉ - THURSDAY, JULY 22 AND FRIDAY, JULY 23**

**TENTATIVE AGENDA**

**Thursday, July 22**

- 1:00 p.m.                      Call to Order  
                                  Opening Prayer  
                                  Introduction of Chair
- 1:15 p.m.                      Opening Remarks - M.S.S. President  
                                  - introduction of M.S.S. Restructuring Committee
- 1:30 p.m.                      Metis National Council Constitutional Committee Report
- 2:00 p.m.                      Review of Restructuring Process to Date
- 3:00 p.m.                      Open Forum  
                                  - proposed changes to M.N.C.  
                                  - proposed changes to M.S.S.  
                                  - roll of the affiliates - provincial }  
  - regional } alternatives  
  - local } residency  
                                  - Metis Act vs Non-Profit Corporation Act  
                                  - role of Metis Senate  
                                  - role of Metis Women  
                                  - role of Metis Youth

**Friday, July 23**

- 9:00 a.m.                      Call to Order  
                                  Continuation of Open Forum
- 10:15 a.m.                      Coffee Break
- 10:30 a.m.                      Resolutions and Recommendations on Restructuring
- 12:00 p.m.                      Lunch Break
- 1:30 p.m.                      Resolutions and Recommendations on Restructuring

## **Code of Ethics**

### **I Principles**

1. Metis people have proud and distinctive tradition of holding elected officials of the wider society accountable to high standards of honour, dignity, fairness, justice and honesty. No lesser standard should apply to the internal affairs of the Metis Society of Saskatchewan (MSS).
2. The power of the MSS is in the cultural traditions, the interpretation, protection and passage of which lies within our Elders. The Senate of Elders shall have the overall responsibility for upholding and apply this Code of Ethics and ensuring that the conduct of all Metis officials relative to their position is beyond reproach. Conflicts arising regarding any question of ethics shall be mediated and resolved by the Senate of Elders.
3. The strength of the MSS is in its citizenship. Therefore, elected officials and staff of the Society and its Affiliates shall be effectively accountable to our citizens with clear accountability structures which are accessible to any Metis person. Wherever possible, elected officials shall serve without remuneration except for those positions elected during Metis elections.
4. The MSS supports the right of all Metis people to organize community-based Locals and, as such, make autonomous decisions about and take independent actions on local issues. The MSS shall scrupulously respect these rights in its dealings with its own Locals.
5. Contested nomination meetings and elections for party office shall be run fairly and in accordance with guidelines established in The Elections Act of Saskatchewan (until such a time the MSS establishes its own Elections Act) and consistently enforced. All MSS and Affiliate officials and staff shall be entirely impartial and Election Commissioners may not hold any other elected position.
6. MSS and Affiliate officials and staff who also hold elected positions or MSS appointments must maintain a distinction between their responsibility as MSS employees or appointees and as regular MSS citizens. The independence of the Metis electorate from those elected to public office must be respected and preserved. MSS resources and public confidences must not improperly be used for political purposes.
7. Contracts or positions for MSS or Affiliate work shall be awarded, wherever feasible, through an open tendering or application process. The obligations of the MSS and Affiliates under any collective agreement shall in all cases be respected.

### **II. Rules**

1. Every MSS or Affiliate official shall avoid conflict of interest or personal gain in the conduct of MSS or Affiliate affairs.
  - a) A conflict of interest arises where it may be reasonable to believe that an official might be influenced in making a decision by some personal relationship, interest, political support or duty not related to the official's position in the MSS or Affiliate.
  - b) A personal gain arises where an official receives or may receive some financial or political benefit by virtue of his or her office in addition to regular remuneration and powers or duties ascribed to the office by the respective Bylaws.
2. For purposes of this Code of Ethics, MSS and Affiliate officials shall include:
  - a) the MSS Executive, Area Directors, Local Presidents,
  - b) Affiliate Board members,
  - c) MSS or Affiliate Chief Executive Officers as well as all Affiliate directors, managers, administrators or coordinators,
  - d) Metis Elections Commissioners and staff,
  - e) Chairs of MSS Standing Committees,
  - f) any other MSS employees or persons under contract, and,
  - g) to the extent that they perform functions in the MSS, any citizens or representatives to the Metis National Council.
3. Where an official becomes involved in a conflict of interest, the official shall:
  - a) fully disclose the conflict to the Executive, MSS, Regional, Local or Affiliate Board, Commission or Standing Committee of which the official is a member as soon as possible and in any event no later than the first meeting after the conflict is identified.

- b) withdraw from any meeting while the matter giving rise to the conflict is under discussion or review and refrain from voting on the matter or attempting to influence the decision in any way.
4. The minutes of any meeting at which a conflict is disclosed shall record the official's disclosure of interest, the nature of the conflict, his or her withdrawal from the meeting and the fact that he or she took no part in the discussion or decision. These minutes shall be disclosed at the next MSS Board meeting following the meeting. Where no minutes are kept of the meeting the conflict shall be disclosed in a written report to the MSS Board.
5. Circumstances which may give rise to conflict of interest or personal gain, but are not limited to:
- a) a decision which may result in receipt of a financial benefit from the MSS, except for reimbursement of expenses incurred in the performance of the official's duties, by the official or any member of the official's extended family;
  - b) the employment or appointment of the official or any member of the official's immediate family as part of the staff or Committee membership of the MSS or Affiliate structure, where the official is called on to participate in a decision which directly affects any member of those structures;
  - c) a decision affecting a candidate in any contested campaign for a nomination or office within the MSS or Affiliate boards where the candidate is a member of the official's extended family or the official has worked or is working on behalf of the candidate or has contributed money to the candidate in the campaign in question;
  - d) membership on the boards of other organizations which may be affected by the decision under consideration by the MSS;
  - e) other interests arising out of employment, professional or business relationships outside of the MSS.
6. The official's extended family consists of the official's spouse (including any person with whom the official is living in a conjugal relation outside marriage) unless they are living separate and apart and any other persons who are dependent on the official or his or her spouse for support or on whom the official depends for support.
7. Financial benefits shall include employment by or contracts for sale of goods and services to the MSS and include benefits received directly by the official or a member of the official's extended family or indirectly as a substantial shareholder of a corporation or member of a partnership. Political benefits shall mean the use of powers associated with office to make appointments or disburse monies in return for political support for passing of resolutions or getting elected.
8. Any MSS citizen who has been convicted for an indictable offence may not hold an elected office or be employed as an MSS official until four years after the expiry of the sentence and until he or she has received approval from the Senate of Elders. Any existing official who is charged with any Criminal Code offence may be suspended from office until he or she is acquitted or pending further review and action by the Senate of Elders.
9. Nothing in these guidelines shall prevent a MSS or Affiliate official or a member of the official's extended family from entering into business or employment relations with the MSS or an Affiliate provided that this Code of Ethics is observed.
10. The MSS Senate of Elders shall take appropriate action to deal with any violation of this Code of Ethics, including actions which a Metis citizen perceives to be inconsistent with the section on Principles. Any acceptance of personal gain or deliberate failure to disclose conflict of interest by an official as established in the section on Rules shall result in automatic suspension of office pending further review and action by the Senate of Elders. Any Metis citizen who is aggrieved by a decision of the Senate or by the failure of the Senate to take action may appeal to the Annual General Assembly.

What follows are proposed revisions of existing By-laws in the MSS Constitution . The revisions consist of the underlined parts.

### Citizenship (By-law No. 2)

1. Citizenship is comprised of the Aboriginal People known as "Metis" and who meet the criteria in sub-section a) as follows:
  - a) A Metis is a person of Aboriginal ancestry, who:
    1. (2.) declares himself/herself to be a Metis;
    2. (1. can provide) provides acceptable proof of his/her ancestry, with acceptable proof consisting of at least two of the following:
      - a) official geneology or family tree,
      - b) birth or baptismal certificate,
      - c) marriage certificate of parents or grandparents indicating Metis lineage
      - d) sworn statement by Metis parent, grandparent, great grandparent, uncle or aunt identifying applicant as of Metis lineage, and;
3. meets one of the following tests:
  - a) is accepted as a Metis by the Metis community with community acceptance consisting of either:
    - (i) separately witnessed signatures of at least six regular Metis members who are not family members (i.e., not parent, grandparent, sibling, children, spouse, uncle or aunt), or
    - (ii) approval of majority of Local to which application for membership is submitted at a duly constituted meeting of that Local after completion of one year of probationary citizenship (no voting rights)
  - b) has traditionally held himself/herself to be a Metis, has been recognized by the community-at-large as a Metis, with proof of such self-identification and public recognition to be provided, and, in the case of previously unknown persons, has completed one year of resident probationary citizenship.
2. Any Metis who is a citizen in good standing of a duly registered Local is a citizen of the Metis Society of Saskatchewan.
3. Members shall be issued a citizenship card as adopted by the February 1988 Metis Constitution Conference.
  - a) This card shall provide life-time citizenship in the Organization.
  - b) There shall be no fee for citizenship cards.
  - c) Citizenship cards shall be numbered and a register maintained in the Head Office. Replacement cards shall retain the original number.
  - d) Citizenship cards shall be issued by the Provincial Secretary of the Organization upon completion of the designated forms.
  - e) The Provincial Secretary shall establish from time to time citizenship policies and procedures which conform to the criteria as set out in Section 1. of By-law No. 2, and may screen and monitor information provided on citizenship application forms.
  - f) Notwithstanding Section 3 a) of this By-law, should any information come to light which casts doubt upon information provided in a citizenship application form for which a citizenship card has been issued, such a citizenship may be repealed by the application of due process of a Local, Regional Council or Provincial Metis Council.
4. Where there is a dispute as to citizenship, a ruling shall be made by the Local, with a right of appeal to the Regional Council. A further appeal can be made to the Senate of Elders, with a final right of appeal, upon approval of the Senate of Elders, to the General Assembly which decision shall be final and binding.

### Locals (By-law No. 5)

1. The Local shall be the primary and basic unit of the Organization in each community.
2. The Local shall be made up of at least fifteen citizens.
3. Each Local shall consist of citizens whose principal residence is located within the area covered by a Local. For purposes of this Section, the area covered by a Local shall consist of:

- a) for rural and northern areas, a 20 kilometre radius of a settlement, hamlet, village or town, or, for areas where there is no Local, in the nearest settlement, hamlet, village or town for which a Local exists. Where there are two or more Locals within the same area, geographic boundaries which conform to local, natural community, residential patterns shall be established for each Local.
  - b) for cities or urban areas, where there is only one Local, the whole city including a 20 kilometre radius around the city perimeters, or, where there are two or more Locals, each Local shall consist of adjacent community planning districts within the same federal electoral districts.
4. Each Local organization shall establish procedures for proof of residency within the Local area as established in Section 3 of By-law No. 5 and submit verification and change of principal residency to another Local area to Provincial Office.

#### **Non-confidence motions**

##### **By-Law No. 6: Regions**

9. d) No motion of non-confidence is valid unless three-quarters (3/4) of all Locals in the Region as represented by their President, and representing seventy per cent (70%) of the Metis membership in the Region, vote affirmatively for such a motion.

##### **By-Law No. 7: Provincial Metis Council**

8. A member of the Provincial Metis Council also ceases to hold office when he/she loses the confidence of three-quarters (3/4) of the Provincial Metis Council members representing seventy per cent (70%) of the Metis membership pertaining to votes cast by Area Directors, provided that this decision is ratified by the Regional Council which the member represents, and by the General Assembly or Special Meeting in the case of the President, Secretary or Treasurer.

#### **Elections (By-Law No. 12)**

4. a) A Metis Elections Commission composed of 3 Elders is empowered to oversee the operation and conduct of the general elections and by-elections of the Organization.  
 b) The members of the Commission shall be selected by the Senate of Elders subject to approval by a vote of confirmation by the Annual General Assembly.  
 e) When the election or by-election has been called and the date has been set by the Provincial Metis Council, the Commission shall have sole authority and responsibility to conduct the elections, subject to the provisions of the Elections Act of Saskatchewan, and shall be independent and answerable only to the General Assembly.  
 g) The Commission shall be responsible for official recounts and appeals subject to the provisions of the principles of natural justice and rules of evidence as proscribed for a court of law.  
 h) The decisions of the Commission shall be final and binding, subject to the right of appeal (including a full stay of execution of the decisions) to the General Assembly, which decision shall be final and binding.
7. All candidates, upon the filing of their nomination papers or upon thirty (30) days in advance of an election, whichever is sooner, shall take a leave of absence, with notification in writing, from any elected or salaried position with the Organization; which includes any position on the Board or staff of any of the Organization's subsidiary bodies. Such leave shall be without pay, expenses or any other form of remuneration until the day after the polls for such elections have been closed.

#### **Senate of Elders (By-Law No. 14)**

1. A Senate of Elders shall consist of twelve (12) Elders, one from each Region, and shall be nominated by the Elders of a region and appointed with the unanimous consent of all members of the Regional Council.

2. A member of the Senate of Elders shall be appointed for a term of four (4) years and thereafter may be reappointed by consensus for life, both subject to the conditions of Section 3 of this By-law
3. Any Elder shall cease to be a member of the elders Council:
  - a) If an Elder fails to attend three (3) consecutive meetings of the Senate of Elders for any reasons except for medical ones;
  - b) If the Elder becomes infirm or is otherwise incapable of acting as a member of the Senate of Elders in the opinion of a qualified medical practioner; or
  - c) If, in the wisdom of at least nine (9) members of the Senate of Elders a member's capacity to serve is open to question, an Elder's membership on the Senate may be suspended or terminated.
4. The role of an Elder shall be guided by the following principles:
  - a) The development of guidelines and provision of wisdom which serves to protect and preserve both Mother Nature and Metis way of life.
  - b) Mediation or resolution of conflicts arising within the Metis nation.
  - c) To ensure the passing on of Metis cultural traditions and values to succeeding generations of Metis people.
  - d) Define and ensure self-determination and traditional land usage for Metis people.
  - e) To facilitate and clarify the community's history, culture and values;
  - f) An Elder may be anyone over the age of 50 who lives and demonstrates through practical experience the principles contained in this Section.
5. The Senate of Elders shall be responsible for the following:
  - a) the ongoing development and application of the Code of Ethics for all citizens elected to any office or staff within the Organization;
  - b) oversee the operation and conduct of general elections and by-elections of the Organization, resolve any disputes regarding the operation and application of the Election By-law, and mediate and resolve any disputes arising from conflicts between by-laws of the Society, Regional Councils and Locals;
  - c) administration of the oath of office to members elected to Provincial Metis Council and Locals;
  - d) determine all matters concerning continuation of citizenship of any citizen, including the suspension, expulsion, cancellation or reinstatement;
  - e) attend all meetings of the Provincial Metis Council and make recommendations to the Council on any matter referred to the Senate by any member of the Council.
  - f) Affirming the selection of Elders for the Senate of Elders. Recognition Elder status necessitates participation in the local Council of Elders who select one of their number to serve on the regional council who in turn select an Elder for the Senate.