



**MEMORANDUM**

**DATE:** June 9, 1997  
**TO:** Metis Nation of Saskatchewan Metis Citizens  
**FROM:** Lorna Docken, Provincial Secretary  
**SUBJECT:** MNS CONSTITUTION / ACCOMPANYING LEGISLATION

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**Please find enclosed:**

- 1) Proposed Metis Citizenship Act - Adapted from Metis National Council Material to ensure national consistency.
- 2) Proposed MNS Code of Ethics formally introduced in 1993 and now adapted to fit today's MNS.
- 3) MNS Constitution amended to reflect recommendations to MNS Constitution Commission. Highlights Include:
  - a) Citizenship article moved to the front
  - b) Quorum changed from 75 to 3/4
  - c) Code of Ethics mentioned in PMC and Senate Articles
  - d) 4 Executive Members
  - e) Regions based on Demographics
  - f) Community Governance Expanded
  - g) Consequences for noncompliance to constitution
  - h) AGM delegate system
  - i) Senate, Women and Youth separated

Please note that we recommend a Metis Election Act be drafted. This has been proposed for an MNS Tripartite agenda item.

Sincerely,

Lorna C. Docken  
on behalf of  
MNS Constitution Commission

attachments

DRAFT .

METIS NATION OF SASKATCHEWAN

*METIS CITIZENSHIP ACT*

DRAFT

JUNE 1997

## METIS NATION OF SASKATCHEWAN

## METIS CITIZENSHIP ACT

**PREAMBLE**

WHEREAS the Metis Nation believes the preservation of Metis identity is of fundamental importance to the maintenance and development of Metis culture;

AND WHEREAS the Metis people have the collective and individual right to maintain and develop their unique culture and identity, include the right to identify themselves as Aboriginal or Indigenous;

AND WHEREAS the Metis Nation possesses the inherent right within the Canadian Federation to define its own citizens including the establishment of rules of law to maintain a current Registry of Metis people;

AND WHEREAS the Metis Nation desires that fair and consistent rules governing the identification of its people be established in Law;

NOW THEREFORE the Metis Nation Legislative Assembly enacts the following Law:

**TITLE**

1. This Law may be cited as the Metis Nation Citizenship Law.

**DEFINITIONS**

2. In this Law, the following definitions apply:

*Appeals Advocate Office* means the office established under this Law to assist persons in making appeals to the Appeal Board;

*Appeal Board* means the board established under this Law to hear appeals from the Registrar;

*Authorized Metis Local* means a Metis local listed in Schedule I;

*Child* includes a child adopted or a child born out of wedlock;

*Minister* means such member of the Metis Nation of Saskatchewan as is given responsibility for this Law;

*Registered* means registered as a Metis under this Law;

*Registrar* means the Registrar appointed under this Law to administer the registry system and this Law;

*Aboriginal people* includes the people recognized in Section 35 of the Constitution Act, 1982.

### **ENTITLEMENT TO REGISTRATION**

3. A person is entitled to be registered as a Metis if the person is an Aboriginal person who identifies himself or herself as Metis, who is distinct from an Indian or Inuit, and
  - (a) the person is a descendant of a Metis who received, or who was entitled to receive, a land grant or Scrip grant under the Manitoba Act, 1870 or under the Dominion Lands Acts as enacted from time to time; or
  - (b) the person is recognized as a Metis by an authorized Metis Nation of Saskatchewan Local in accordance with this Law.

### **COMMUNITY RECOGNITION**

4. (1) The Metis Nation of Saskatchewan shall recognize a person as Metis if the person can produce historical records denoting the person as coming from a Metis community and only if the person complies with one or more of the following standards:
  - (a) the person must normally reside within the community or jurisdiction represented by the organization;
  - (b) the person must have expressly held themselves out to be Metis in the community or jurisdiction;
  - (c) the person is active in the Metis community or jurisdiction.
- (2) The authorized Metis Nation of Saskatchewan Local must make its decision impartially and in good faith.
- (3) The Metis Nation of Saskatchewan Local must issue a card recognizing the person.
- (4) A Metis Nation of Saskatchewan Local may recognize a person as a Metis if it receives an affidavit, from a Metis deponent who is not an immediate relative of the person, attesting that the deponent personally knows the person to be recognized and personally knows that the person has held himself or herself out to be a Metis.

**REGISTRATION PROCESS**

5. (1) A person who wishes to be registered as a Metis may apply to the Metis Nation of Saskatchewan Local in Form.
- (2) The parent or guardian of a child <sup>Metis</sup> under 16 years of age may apply for registration on behalf of the child.
- (3) The guardian of a person who is under a mental or legal disability may apply for registration on behalf of the person.
- (4) No person is obliged to apply for registration.
6. (1) In the case of an application for registration on the basis of para.3(a), the applicant must provide historic or genealogical evidence, such as the records or documents of a government, church or community, to show that the person is a descendant of a Metis referred to in that paragraph.
- (2) In the case of an application for registration on the basis of paragraph 3 (b), the applicant must provide a copy of the document of recognition issued by the Metis Nation of Saskatchewan Local.
7. The Registrar shall review applications for registration and shall register a person as a Metis only if:
  - (a) the person is entitled to be registered as a Metis; and
  - (b) the application is properly made.
8. (1) The Registrar shall, on request, issue a card attesting that a person who is registered shall be recognized as being a Metis for all purposes.
- (2) The card shall be in Schedule II.
9. During the [four] year period following the coming into force of this Law, the registrar shall establish and implement a process to seek out and encourage the registration of all persons who are entitled to be registered as Metis.

**VOLUNTARY DEREGISTRATION**

10. (1) A person who is registered as a Metis may, at any time, request to be deregistered.
- (2) The Registrar shall deregister a person who, by written request, declares that he or she no longer wishes to be registered as Metis.

- (3) Deregistration under this section is provisional for a period of one year during which time the person may reinstate his or her registration by written request to the Registrar.
- (4) A person who has deregistered may reapply for registration.

#### REGISTRY SYSTEM

11. The Registrar shall maintain a uniform system for the registration of the people of the Metis Nation.
12. (1) The following minimum information about a registered Metis shall be included in the registry system:
  - (a) the person's name;
  - (b) the person's address or place of residence;
  - (c) the person's date of birth;
  - (d) the person's marital status and the name of any spouse;
  - (e) the names and dates of birth of any children of the person;
  - (f) the other information submitted in support of the person's application for registration; and
  - (g) such genealogical information about the person as may exist.
- (2) The Registrar may collect and register additional demographic information about registered Metis.
13. Metis who make a written request at the registrar's office may have access only to the names of the persons who are registered as Metis.
14. The Registrar shall cause the registry system to be kept safely by administrative, physical and technological safeguards that are reasonable and consistent with this Law.
15. The Registrar may enter into agreements with the government of a province or territory or with the government of Canada respecting the collection and exchange of information for the better functioning of the registry system but may not disclose confidential information without the consent of the registrant.

**REGISTRY OFFICE**

16. (1) There is hereby established the Registry Office, consisting of:
- (a) the Registrar; Metis Nation of Saskatchewan Provincial Secretary;
  - (b) Deputy Registrars in each local;
  - (c) and the staff of the Registry Office.
- (2) The Registry Office is separate and independent from the public service of the Metis Nation but the members of the Registry Office may be considered to be members of the public service for the purpose of employment benefits.
- (3) The Registry Office shall act impartially and in good faith in the exercise of its functions.
17. (1) The Registrar shall be the elected Metis Nation of Saskatchewan Provincial Secretary.
- (2) The Registrar shall hold office for a term as set by the Metis Nation Legislative Assembly.
  - (3) The Registrar may be removed from office only by the Metis Nation Legislative Assembly under the Metis Nation of Saskatchewan Constitution.
  - (4) The Registrar may be re-elected.
18. (1) The Registrar may appoint an Assistant Registrar and such other expert, technical and clerical staff to the Registry Office as is required for the proper operation of this Law.

**FUNCTIONS OF THE REGISTRAR**

19. (1) The Registrar, in addition to any other function set out in this Law, is responsible for:
- (a) maintaining the registry system;
  - (b) administering this Law;
  - (c) reviewing applications and deciding whether a person is entitled to be registered or not;
  - (d) making decisions on the voluntary deregistration of individuals;

- (e) reviewing objections to the registration of individuals and deciding whether there are sufficient grounds to justify a hearing on the issue;
  - (f) ensuring that the relevant files are provided to the Appeal Board in cases of objections or appeals;
  - (g) Carrying out duties of Minister relating to this Law; and
  - (h) managing the staff of the Registry Office.
- (2) The Registrar may delegate his or her functions to an Assistant Registrar.
20. (1) The Registrar shall have a seal of office.
- (2) The seal of office may be reproduced by the Registrar in any manner and has the same effect whether it is manually applied or otherwise reproduced.
21. The Registrar shall communicate with the Metis Nation Legislative Assembly and the Provincial Metis Council.

**APPEALS BOARD**

22. (1) An Appeal Board is hereby established to hear and resolve:
- (a) objections to the registration of a person; and
  - (b) appeals from a decision of the Registrar not to register a person.
- (2) The Appeal Board shall be composed of 3 Metis Nation of Saskatchewan Senators, 3 Provincial Metis Council members and the Registrar to be recommended by Senate and Provincial Metis Council and ratified by the Metis Nation Legislative Assembly.
23. (1) Each member of the Appeal Board shall hold office during good behaviour for a term of three years, but may be removed for cause by the body that recommended the appointment.
- (2) A member of the Appeal Board shall hold office on a part-time basis.
- (3) A member whose term expires may be re-appointed.
- (4) The Appeal Board shall appoint one member of the Appeal Board to be the Chairperson of the Appeal Board.
- (5) The Appeal Board shall have an official seal, which shall be judicially noticed.



**APPEALS ADVOCATE OFFICE**

24. (1) The Appeals Advocate Office is hereby established to assist persons in making appeals to the Appeal Board.
- (2) The members of the Appeal Advocate Office shall be appointed by the Provincial Metis Council and ratified by the Metis Nation Legislative Assembly.
25. (1) The Appeals Advocate Office is separate and independent from both the Registry Office and the public service of the Metis Nation of Saskatchewan, but the members of the public service for the purpose of employment benefits.
- (2) The Appeals Advocate Office shall act impartially and in good faith in the exercise of its functions.
26. (1) The Appeals Advocate Office shall offer its assistance free of charge to appellants.
- (2) An appellant is not obliged to use the services of the Appeals Advocate Office.

**OBJECTIVES TO REGISTRATION**

27. (1) Any registered person may object to the registration of a person because the person is not entitled to be registered.
- (2) A person who wishes to make an objection to the registration of a person shall send a written objection to the Registrar.
- (3) The written objection shall:
- (a) identify the person making the objection and set out the person's address and telephone number;
- (b) state the name of the person being objected to and the grounds of the objection; and
- (c) be dated and signed by the person making the objection.
- (4) No member of the Registry Office, the Appeals Advocate Office or the Appeals Board may make an objection under this section.
28. Any person objecting to the registration of a person has the burden of proving that the person is not entitled to be registered.

29.
  - (1) The Registrar shall review each objection and determine whether there are sufficient grounds to justify the Appeal Board hearing the particular case.
  - (2) The Registrar shall reject any objection that is frivolous or vexatious.
  - (3) Where an objections to the registration of a person has been made, the Registrar shall notify the person of the objection, the grounds of the objection and, where applicable, the evidence necessary to meet the objection.
  - (4) If the Registrar believes there are sufficient grounds to justify a hearing on an objection, the Registrar shall send the relevant file to the Appeals Board for a hearing.
30. Any person whose registration is being objected to shall be given a reasonable opportunity to make representation in the case.
31.
  - (1) A person who claims to be entitled to be registered but who was refused registration by the Registrar may request an appeal hearing before the Appeal Board.
  - (2) A person who wishes to request an appeal shall send a written request to the Appeal Board.
  - (3) The written request shall:
    - (a) identify the person making the appeal and set out the person's address and telephone number;
    - (b) state the grounds of the appeal; and
    - (c) be dated and signed by the person making the request.
32. The Appeals Board Office shall review each request for an appeal hearing and determine whether there are sufficient grounds to justify and appeal hearing in the particular case.
33. If the Appeals Board Office believes there are sufficient grounds to justify an appeal hearing, the Office shall;
  - (a) send the case to the Appeals Board for a hearing; and
  - (b) provide notice to the appellant of the assistance of the Appeals Advocate services in making his or her appeal to the Appeal Board.
34. No person may refer a matter or dispute to the Appeal Board regarding a decision, act or omission of the Registrar later than one year after the day the decision, act or omission was made.

**HEARING BEFORE THE APPEAL BOARD**

35. (1) The procedure for the hearing of objections and appeals by the Appeal Board shall be made and determined in accordance with such rules of procedure and may be established by the Appeal Board.
- (2) The time and place of a hearing shall be determined by the Chairperson of the Appeals Board.
36. (1) A panel of the Appeals Board shall;
- (a) consider each objection or appeal referred to it on the basis of the file and the submissions of the parties; and
- (b) determine whether the person should be deregistered or registered, as the case may be.
- (2) An appeal from the Registrar's decision not to register a person shall be by way of a new hearing on the merits and the Board may hear new evidence.
37. (1) The Appeal Board shall decide any matter referred to it on the basis of an oral hearing, unless the parties agree that the decision be made on the basis of written submissions only.
- (2) The Appeal Board may, with the consent of the parties, resolve any matter by any customary method of resolving disputes.
- (3) The Appeal Board may, with determine the admissibility, relevance and weight of evidence in proceedings before it.
- (4) The Appeal Board has, as regards the attendance, swearing and examination of witnesses, the production and inspection of documents, the enforcement of its orders and other matters necessary or proper for the due exercise of its jurisdiction, all such powers, rights and privileges as are vested in a superior court of record.
38. (1) The decision of a panel of the Appeal Board in a matter is a decision of the Appeal Board.
- (2) The Appeal Board may appoint a person to inquire into and report on any matter before making a decision on it.
- (3) The Appeal Board shall sit and determine proceedings before it with an odd number of members.
39. A decision of the majority of the members conducting a hearing is a decision of the Appeal Board.

40. (1) Decisions of the Appeal Board must be in writing, signed by the person chairing the hearing or by an officer designated by the Board to do so.
- (2) The Appeal Board may give reasons for its decision, and shall do so if a party to the proceedings requests them before, or within 14 days after, the date of its decision.
- (3) A decision of the Appeal Board, or the reasons for a decision, purporting to be signed by a person chairing the hearing or by an officer designated to sign it is admissible a evidence of the decision without proof of the appointment of those persons or their signatures.
- (4) The Appeal Board shall send copies of its decision to the parties and to other persons that it considers to be directly affected by the decision.
41. The Registrar shall take whatever steps are necessary to implement the decision of the Appeals Board.
42. Every order or decision of the Appeal Board is final and binding and is not subject to further appeal.
43. The decisions of the Appeal Board are subject to judicial review for breach of fundamental justice.
44. (1) Every member of the Registry Office and the Appeals Advocate Office shall keep the information obtained under this Law about an individual confidential.
- (2) No member of the Registry Office or the Appeals Advocate Office shall, unless authorized under this Law;
- (a) communicate, or allow to be communicated, to any person any information obtained under this Law; or
- (b) allow any person to inspect or have access to any records containing information obtained under this Law.
- (3) The following releases of information are authorized:
- (a) the publication or provision of information of a general statistical nature that does not disclose information about an individual;
- (b) the publication or provision of information about an individual with the written consent of the individual; and
- (c) the publication or provision of the name of an individual who is registered.

45. The Registrar may collect, collate, publish and distribute such statistical information regarding registered Métis as he or she may consider to be necessary or advisable in the interests of the Métis Nation

## **OFFENCES**

46. It is an offence for a person to furnish false information in an application for registration.
47. It is an offence for a member of the Registry Office or Appeals Advocate Office to breach the duty of confidentiality.

## **ANNUAL REPORT**

48. (1) Within 60 days following the end of each calendar year, the Registrar shall deliver a report to the Provincial Métis Council, to be submitted to the Métis Nation Legislative Assembly.

## **OTHER PROVISIONS**

49. The members of the Registry Office Appeals Advocate Office or the Appeal Board or a person acting on their behalf;
- (a) is not personally liable for anything done or intended in good faith to be done in the exercise or purported exercise of a power or duty under this Law; and
  - (b) is not required to give evidence, in a civil action to which the member or person is not a party, respecting anything done in the exercise of such a power or duty.
50. The members of the Registry Office, Appeals Advocate Office or the Appeal Board shall, before taking office, take an oath of office, in Schedule II, before a Senator of the Métis Nation of Saskatchewan
51. The remuneration and employment benefits of the members of the Registry Office, Appeal Advocate Office and the Appeals Board shall be established by the Métis Nation of Saskatchewan's Finance Committee.
52. The time limits in this Law for the doing of anything may be waived on consent.

## **COMING INTO FORCE**

53. This Law shall come into force on \_\_\_\_\_.

SCHEDULE I

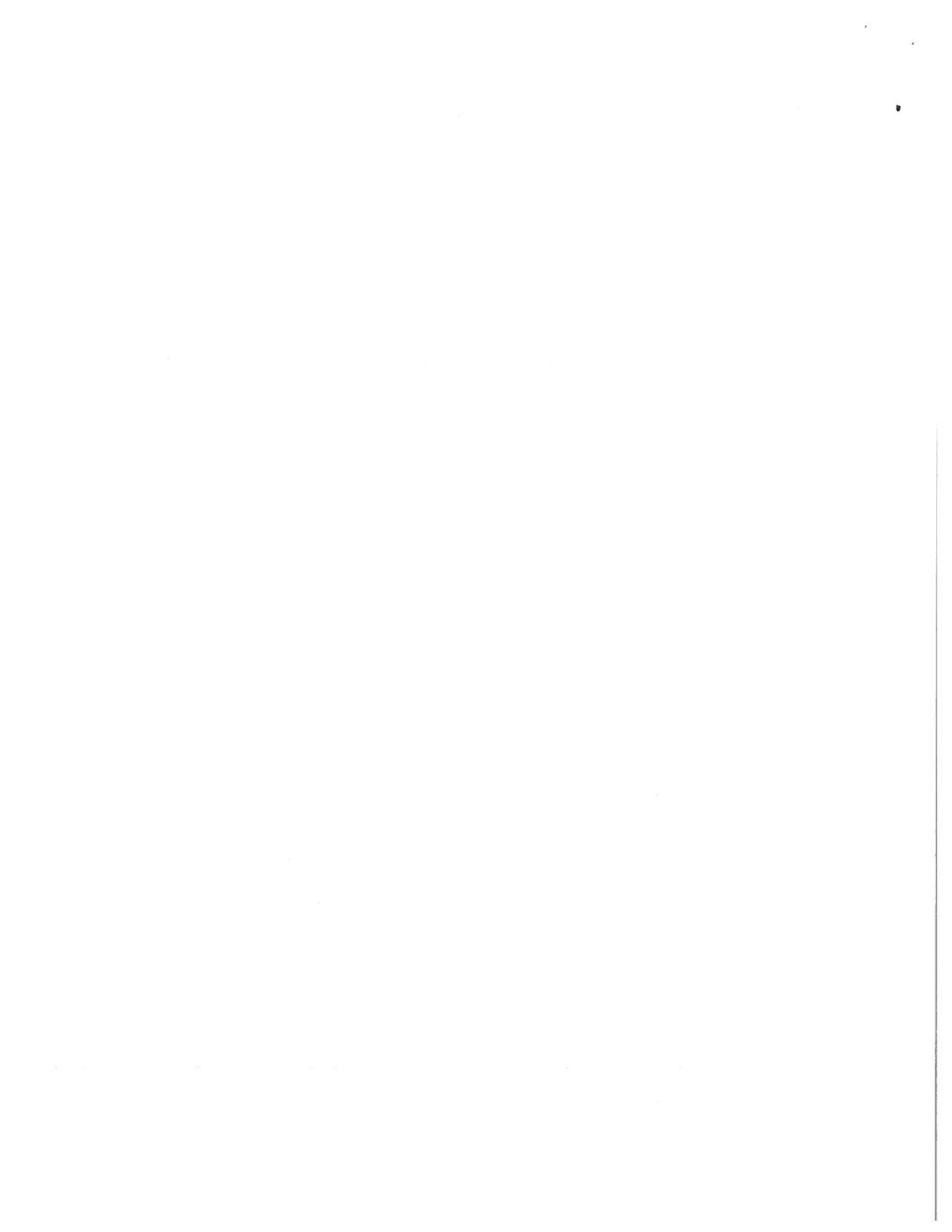
LIST OF AUTHORIZED METIS NATION OF SASKATCHEWAN LOCALS

SCHEDULE II

FORMS and CARDS

OATH OF OFFICE

*I,....., do solemnly swear/affirm that I will faithfully and honestly fulfill my duties under the Métis Nation Registry Law and that I will keep information obtained in the course of my duties under this Law about an individual confidential.*



DRAFT .

**METIS NATION OF SASKATCHEWAN**

**BOARD OF DIRECTORS**

***PROPOSED CODE OF ETHICS***



**Metis Nation of Saskatchewan  
Board of Directors**

*Proposed Code of Ethics*

**INTRODUCTION**

This Board Code of Ethics and Rules of Professional Conduct provides uniform rules and principles of professional conduct and ethics by which Provincial Metis Council will conduct themselves in discharging their professional duties and responsibilities. Any member who contravenes any of these rules and/or principles shall be accountable to the Metis Nation of Saskatchewan or the appropriate affiliate and may be subject to discipline or expulsion from the Board.

A Provincial Metis Council member must always be mindful of his/her responsibilities as a member of the governing body, and (s)he shall carry on duties with fidelity to his/her constituents, fairness to employees of the affiliates, and loyalty to the Board, acting at all times in a professional manner.

*Why Do We Need a Code of Ethics?*

First, the Code is directed at ensuring and safeguarding the quality of decisions made by the Provincial Metis Council; second, it is directed at maintaining order and dignified relationships among members in the conduct of their duties.

Why should this Board be concerned with safeguarding the standards of performance of its members? There are several strands to the answer. The first is that a Board as a whole has an important social role. The business community, governments, and the public generally rely on the Board for fairly weighted decision making. The economic and social implications of the Board's work are evident, and the Board must accept fully the obligations imposed by the public interest content of the calling. Second, most members of the affiliates, because they do not share the Board's expertise and knowledge of the "big picture", have difficulty in understanding the rationale behind decisions made by the Board. Frequently they have to rely on the quality and amount of information they receive from management and the Board in order to feel comfortable with the direction taken by the Board; this can be very important since it is ultimately the staff which will be the vehicle by which the Board direction is carried out. Third, the very nature of the Board's work involves dealing with confidential personal and business matters and often with the future of the affiliates. For all these reasons it is essential that the profession should enjoy the confidence of the public, of its affiliates, and of employees. This necessary confidence can only be won and maintained only if the Board itself takes steps to ensure the competence and integrity of its members and the standards of performance which they deliver.

A code of professional ethics alone is not sufficient to support public confidence. It is buttressed in practice by other mechanisms addressed to creating and maintaining professional standards including;

- ∞ the initial training and any continuing competence requirements of the Board members.
- ∞ the establishment and maintenance of appropriate disciplinary action to ensure Board members' compliance with these standards of behavior and professionalism.

The second broad aim of the Code, maintaining ordered and dignified relationships between members is the conduct of their duties and responsibilities, is apparent in rules relating to such matters as duties to the constituents, to the public, conflict of interest, and relations between the Nation and government bodies.

Similar rules are found in most professional, business and volunteer boards; indeed such rules express the traditional essence of the Metis Nation of Saskatchewan, reflecting as they do the sense of a profession as an intellectual self-regulating body. At all times, professional courtesy and cooperation are expected and honest dealing is demanded.

### *How Does the Code Work?*

There are three mechanisms. First the Code provides a set of standards which members can regard as a minimum level of acceptable conduct. It makes it clear to a member the kind of behavior professional colleagues deem essential. It is, therefore, useful to the member in assessing day-to-day actions and responsibilities.

Second, it provides to the public an assurance that the Metis Nation of Saskatchewan and its affiliates are imposing on themselves high standards by which they are willing to be judged. It provides to constituents, employees, and the public generally a measuring rod against which to assess the Board's performance.

Third, the Code forms the basis of the disciplinary procedure through which allegations of misconduct are addressed.

### *Disciplinary Procedure*

In joining the Provincial Metis Council, one is obliged to be governed by its ethical code. In theory this agreement is founded on contract. The new entrant voluntarily assumes obligations which are over and above the requirements of the law. Indeed most, if not all, of the precepts in the Code are unknown in the general law, and breach of them would constitute neither crime nor tort. But such a breach can be a very serious professional matter. The Board has the right to discipline members guilty of fault or misconduct in the practice of their duties to the Metis Nation of Saskatchewan, and a breach of the Code would, in most cases, be cause for disciplinary action.

For those disciplined, penalties may have serious consequences, as reputations and self-esteem may be impaired. While, in general, the courts would leave it to the Board to decide what its own standards and code of behavior should be and what penalties are appropriate for breach, there are obviously issues of public policy at stake in the exercise of these considerable powers by domestic tribunals.

The courts have, therefore, been prepared to intervene in certain circumstances, such as when;

- a) the principles of natural justice have not been observed by a governing body such as this Provincial Metis Council;
- b) there is a question of law at issue, and;
- c) the restriction imposed by a code go beyond what can reasonably be related to professional standards of behavior, particularly if a member's livelihood is in jeopardy, although this is unlikely in the case of this Provincial Metis Council.

The fact that disciplinary disputes within voluntary boards so infrequently reach the courts can be taken as an indication that the rules formulated for the conduct of the profession have been applied with responsibility and fairness and have won widespread acceptance and support.

### *Conflict of Interest*

Even though it is recognized that a Provincial Metis Council member's first duty and loyalty must be to the Metis Nation of Saskatchewan and to the constituents who appointed him/her, on rare occasions, however, there may well be conflict between the requirements of business or personal matters and professional ethics. While such conflicts are inevitable, in most cases they will be resolved by good sense and goodwill on both sides and will not become fundamental issues of conscience. But if the Provincial Metis Council member finds her/himself irreconcilably at odds with Board or Nation policy on a matter of professional ethics, a very difficult situation emerges. If (s)he is satisfied that his/her own view is the only tenable one and that the issue is sufficiently grave, resignation may be his/her only option. In reaching his/her decision on such very difficult questions, so long as there is no breach of confidentiality, the Provincial Metis Council member will have served their function with dignity and purpose.

### *Conclusion*

It would be wrong to overemphasize the punitive or prohibitive aspect of the Code of Ethics. Far from being onerous, the fact that the Code does require high standards, and that the public is aware of this, should be a source of pride for most Provincial Metis Council members as well as the Metis Nation of Saskatchewan, its affiliates and the constituents at large. They are happy to be judged by the Code's precepts and consistently aim at performance well above the required minimum. Thus the Code play an important part in assuring that Provincial Metis Council members will perform their duties and responsibilities with competence and integrity.

**DEFINITIONS**

**101 MNS**

The Metis Nation of Saskatchewan

**101.1 Affiliate**

The use of the word affiliate refers specifically to the various societies and institutes affiliated with the Nation, such as the Gabriel Dumont Institute of Native Studies and Applied Research Inc., Metis Employment and Training of Saskatchewan Inc., Metis Family and Community Justice Services, Sask Native Economic Development Corporation, Sask Metis Sports, Culture, Recreation and Youth Inc., and any others that may develop.

**102 The Board**

The Board of the MNS and affiliate organizations.

**103 Constituents**

The persons to whom the Board are primarily responsible and reportable, namely the citizens of the Metis Nation of Saskatchewan.

**104 Employees**

Persons employed by the Metis Nation of Saskatchewan or any of the affiliates.

**105 Member**

An individual serving on the Board.

**DUTIES TO THE PUBLIC**

**A Member -**

**201 MNS Integrity**

Shall uphold the MNS Constitution.

**202 Public Interest**

Shall safeguard the interests of the constituents, employees, the Provincial Metis Council and the general public.

**203 Breach of Trust**

Shall not breach the trust of the Provincial Metis Council, Metis Nation of Saskatchewan or an Affiliate.

**204 Known Omission**

Shall disclose in his communication to the affiliates any material fact or information known to them which is not confidential at the Board, the omission of which would make that information misleading.

**205 Independence**

1. This rule does not apply as long as appropriate disclosure of any conflicting relationship is made in full to the chairperson or the Board.

For the purpose of this rule, independence is a question of fact based upon a member's ability to exercise professional judgement with objectivity, but;

- i) A member is not independent if they are a director, officer, or employee of the organization or of an affiliate of the organization, or a partner, employer, or employee of a director, officer, or one of the immediate family of a director or officer.
- ii) A member is not independent if they, one of the immediate family, partner, or one of the immediate family of this partner owns or controls, directly or indirectly, a material interest in a share or a debt obligation of the organization or any of its affiliates, and;
- iii) A member is not independent if they are associated in any manner with an organization or firm which is conducting business with the Nation of any of its affiliate organizations.

2. For the purpose of this rule:
  - i) The immediate family of the member means the spouse, father and mother, son and daughter, and other relative of that member, and a relative of the spouse of that member who has the same home as that person;
  - ii) A partner of the member means any person with whom they carry on in partnership in a business who does business with the MNS or affiliates.
  
3. A not-for-profit organization may be subject to statutory provisions which preclude a member from serving on the Board if any partner is an officer or director of the organization. Accordingly, the member should not accept an appointment to a position as an officer, director, or other position where they might have the right or responsibility to make decision affecting the management of the institution, corporation, or organization.
 

There may, however, be instances which would not preclude a member from accepting an honorary or advisory position other than as an officer or director with a not-for-profit organization where they do not assume administrative or financial responsibilities or make decisions affecting the management of the organization.
  
4. A member shall, within ninety (90) days after they become aware that their appointment contravenes this rule, either:
  - i) eliminate the circumstances that cause them to be in contravention, or
  - ii) resign from the Board.

#### **207 Support of Board Decisions**

Shall support in full all decisions agreed to by the majority of the Board even where it requires that personal feelings or biases are at odds with the Board position.

If a member is unable to adhere to this rule, they must resign their position on the Board.

#### **208 Acknowledged Standards of the Profession**

Shall adhere to the acknowledged standards of the Board.

The phrase "acknowledged standards of the Board" expresses a wide meaning, namely that body of principles and practices which have been generally adopted by the profession and which are applied in the decision-making process.

**SECRECY OF CONFIDENTIAL INFORMATION****A Member -****301 Confidentiality**

Shall as a member be aware that it is an implied term of the agreement with the Metis Nation of Saskatchewan or affiliate that the member will not disclose the Board's affairs to any person, save with the Board's consent or within the terms of certain recognized exceptions as follows:

- a) where disclosure is required in or for a legal process;
- b) where a member becomes aware of an apparent or suspected criminal activity and decides to report it to authorities or forthwith obtain advice from any member of the appropriate Provincial or Territorial Law Society as to their duties and obligations as a citizen in the context of Board activities (a member so doing shall not be in violation of this Rule regarding confidentiality by reason only of the seeking or following of such legal advice or reporting);
- c) where a member is properly acting in the course of his/her duties; or
- d) where such information is required to be disclosed by the Board or any of its Committees appointed thereby in the proper exercise of its duties.

**302 Information Used for Personal Advantage**

Shall not, without the Board's consent, use confidential information relating to the business of the Metis Nation of Saskatchewan or affiliate to directly or indirectly obtain a personal advantage.

**DUTIES OF THE METIS NATION OF SASKATCHEWAN**

**A Member -**

**401 Conduct**

Shall always be mindful of his duties and responsibilities toward the Metis Nation of Saskatchewan, and on all occasions shall act in a manner which will enhance the image of the MNS.

**401.1** Shall comply at all times with the principles, obligations and responsibilities in the Code.

**402 Compatible Activities**

May engage in any profession, trade, industry, office, or duty except where these undertakings are detrimental to the public good or to the standards of the MNS, its boards or affiliates.

**403 Unlawful Activity**

Shall not lend their name, themselves, or their services to any activity which they know, or which a reasonably prudent person would believe, to be unlawful.

**404 Discredit**

Shall not lend themselves knowingly to any practice, pronouncement, or act which would discredit the Board or MNS.

**405 Detrimental Situations**

Shall report to the Board any situation of which he has sufficient personal knowledge and which he thinks may be detrimental to the Board or MNS.

**406 Criticism of Member**

Shall not criticize another member without first submitting this criticism to that colleague for explanation. The member thereafter shall inform that colleague as to the action taken concerning the criticisms. The definition of the word colleague includes any Board member. The lodging of an Ethics complaint against a colleague is considered a criticism under this rule.

**407 Legal Action Against Member**

Shall, before entering into a legal action against another member which might discredit the Board, advise that member of this intention. They shall also give the Board as much notice as is possible of this intention, outlining the basis of the proposed action.



**408 Discrimination**

Shall not discriminate against a person because of the race, colour, sex, age, religion, national extraction, sexual orientation or social origin of such person.

**409 Reputation**

Shall report any fact known to them which puts, or seems to put, the reputation of the Nation or the Board in doubt.

**410 Bankrupt**

Shall immediately notify the Board if they become bankrupt.

**DRAFT**

**CONSTITUTION REVIEW COMMISSION**

**RECOMMENDATIONS**

**on the**

**C o n s t i t u t i o n  
of the  
Metis Nation Of Saskatchewan**

## CONSTITUTION OF THE METIS NATION OF SASKATCHEWAN

### **PREAMBLE:**

The Metis Nation and People are a distinct **SOCIETY** within the Aboriginal Peoples of Canada. The Metis are distinct from the Indians and Inuit and are the descendants of the historic Metis who evolved in what is now Western Canada and part of the northern United States, as a People with a common political will and consciousness.

Having experienced physical and political conflict and dispossession in the late 1800s, we are still engaged in a continuing struggle to rebuild our social base and revive our cultural heritage and pride. As such, we are striving for the political, legal and constitutional recognition and guarantees of the rights of our People, including the right to a land and resource base, self-government and self-government institutions. In order to achieve these objectives we are hereby re-establishing a strong and revitalized organization within the province of Saskatchewan, which must involve all sectors within our Society.

While pursuing these objectives within Saskatchewan, we are also committed to cooperating with the citizens of the Metis Nation in the rest of the Metis Homeland in order to develop a National Forum to represent our collective interests at the national and international levels.

### **ARTICLE 1:            NAME OF ORGANIZATION**

1.        The organization shall be known as the "Metis Nation of Saskatchewan".

### **ARTICLE 2:            CITIZENSHIP**

1.        Citizenship is comprised of the Aboriginal People known as "Metis" and who meet the criteria in the Metis Citizenship Act.
2.        Any Metis who is a citizen of a duly registered Local is a citizen of the Metis Nation of Saskatchewan.
3.        a)        A citizen shall only belong to one (1) Local. The local where (s)he resides.

**ARTICLE 2:**

**CITIZENSHIP Cont.**

- b) A person shall reside in the Local for at least (6) months before he/she is eligible for citizenship in that Local. The Locals may make exceptions for educational and medical purposes. Residency must be proven. Citizens in rural areas will belong to closest local.
4. Citizens shall be issued a citizen card.
- a) This card shall provide life-time citizenship in the Metis Nation of Saskatchewan.
  - b) There shall be no fee for cards.
  - c) Cards shall be numbered and a register maintained as per the MNS Citizenship Act. Replacement cards shall retain the original number.
  - d) Cards shall be issued by the President or Secretary of a duly registered Local upon completion of the designated form.

**ARTICLE 3:**

**METIS COMMUNITY GOVERNANCE**

- 1. The Local shall be the basic unit of the Organization in each community.
- 2. The Local shall be made up of at least twenty five members.
- 3. New Locals can be admitted by the Regional Councils provided this decision is ratified by the Metis Nation Legislative Assembly and the requirements herein are met.
- 4. Locals can be dissolved by the Regional Councils provided this decision is ratified by the Metis Nation Legislative Assembly and the requirements herein are no longer met.
- 5. The Metis Nation Legislative Assembly shall adopt rules pertaining to the admission and dissolution of Locals.
- 6. Each Local shall be governed by an elected leadership as determined through the Constitution of the Local, which may include terms of one to three years and elections may be by ballot box or conducted at a General Assembly of the Local citizenship.

**ARTICLE 3: METIS COMMUNITY GOVERNANCE Cont...**

7. Any Metis who is sixteen years of age or over and is a citizen of the Local shall be entitled to vote or seek office.
8. Each Local shall enact a Constitution which is not inconsistent with this Constitution and accompanying legislation, including the establishment of portfolios, committees or other bodies required to address community and other issues, and such Local Constitutions shall be registered with the Regional and Head Office of the Organization.
9. The Locals shall provide yearly up-dates of their citizenship to the Regional and Head Office, separating those citizens who are under sixteen years of age, from those sixteen and over.
10. The Locals shall be responsible to prepare the Communities for the assumption of Metis self-government, which includes land, where this is an objective.
11. The Locals may incorporate with the appropriate government department.
12. Failure to comply to the provisions set out will result in suspension of local by MNS Head Office subject to dissolution by Regional Council and Metis Nation Legislative Assembly.
13. The Locals may seek the necessary finances and resources to carry out their programs, services and objectives, and where so requested the Provincial Metis Council of the Metis Nation Legislative Assembly shall assist in securing these necessary finances and resources.

**ARTICLE 4: URBAN METIS GOVERNANCE**

1. The Metis Nation of Saskatchewan shall initiate, assist, support, assign, recommend, and facilitate the development, implementation, and establishment of Metis Urban Self-Government Councils in Saskatchewan.
2. Urban Metis Regions shall be formed in communities with an excess of 2,000 registered Metis citizens of voting age.
3. Urban Regions will have 1 Ward Councillor elected per 200 registered Metis citizens of voting age. Such Ward Councillors will form the Regional Councils.

**ARTICLE 4: URBAN METIS GOVERNANCE Cont...**

4. Wards shall be geographically determined by population of registered Metis citizens of voting age.
5. Residency will determine representation on Urban Regional Councils.

**ARTICLE 5: RURAL METIS GOVERNANCE**

1. Metis citizens in rural areas shall belong to the local closest to their residence.
2. Rural locals shall be geographically determined. Communities within 50 km radius will form one local. Exceptions will be made for isolated communities.

**ARTICLE 6: REGIONS**

1. There shall be Ten (10) Regions based on population as set out in Schedule A of this Constitution.
2. The Regions shall be governed by a Regional Council composed of the Presidents of the Locals within the respective Regions along with a regionally elected representative who shall be the Chairperson of the Regional Council, as well as the Region's Representative on the Provincial Metis Council of the Metis Nation Legislative Assembly.
3. The Regional Representative shall have the option to sit as the Chairperson of all Institutions and Affiliates, in their respective regions.
4. The Regional Council shall establish regional administrative offices.
5. The Regional Councils shall be responsible for programs and services decentralized to that level.
6. The Regional Councils shall enact a Constitution and accompanying legislation which is not inconsistent with this Constitution and such Regional Constitutions shall be registered with the Head Office.
7. The Regional Councils may incorporate with the appropriate government department.

**ARTICLE 6: REGIONS Cont.**

8. The Regional Councils may seek the necessary finances and resources to carry out its programs, services, objectives and duties, and where so requested the Provincial Metis Council shall assist in securing these necessary finances and resources.
9. The Regional Councils shall assist their Local Communities in preparing to assume Metis self-government, which includes land, where this is an objective.
10. The Regional Councils shall provide direction to their Representative on the Provincial Metis Council with respect to the aims, objectives and aspirations of the Organization, and for their respective Regions.
11. Where a vacancy is created for any reason, including death or resignation, the Regional Council shall elect from the members of the Council an interim Regional Representative, who shall serve until a by-election has been held and the vacancy filled.

**ARTICLE 7: PROVINCIAL METIS COUNCIL**

1. The Provincial Metis Council shall be composed of the elected Regional Representatives, the Executive and one representative from the Metis Women of Saskatchewan for a total of Sixteen (16) Provincial Metis Council members.
2. The Provincial Metis Council shall form the cabinet and be responsible for the portfolios to be assigned and recommended by the President.
3. The Provincial Metis Council shall be responsible for ensuring that the affiliates, departments, programs and services covered by their portfolios are running smoothly and have the necessary resources to enable them to operate effectively. In addition, they shall provide a report at each meeting of the Provincial Metis Council and each session of the Metis Nation Legislative Assembly or as requested by the President.
4. a) The Provincial Metis Council shall have the authority to appoint Commissions, Committees or other subsidiary bodies, where these are deemed necessary in order to effectively carry out the activities and functions of the Organization and Metis Legislative Assembly directives.

**ARTICLE 7: PROVINCIAL METIS COUNCIL Cont. ...**

- b) The Provincial Metis Council shall designate persons who may have signing authority for the purpose of conducting the affairs of the Organization, which shall include the Treasurer.
5. The Provincial Metis Council shall meet at least once every two months.
6. Nine members of the Provincial Metis Council shall constitute a quorum.
7. Notice of any meeting of the Provincial Metis Council shall be given at least seven days prior to such meeting.
8. The Provincial Metis Council shall provide written reports to the Metis Nation Legislative Assembly.
9. Elected Provincial Metis Council members and Presidents should not hold paid positions with the Metis Nation of Saskatchewan or any of the Affiliate Boards.
10. The Provincial Metis Council shall set the date and place for each Metis Nation Legislative Assembly sitting, provided no less than Thirty (30) days written notice is given to the President of each Local.
11. The Provincial Metis Council shall be subject to the MNS Code of Ethics.

**ARTICLE 8: EXECUTIVE**

1. There shall be Four (4) Executive members of the Metis Nation Legislative Assembly who are elected province-wide.
2. The Executive shall be composed of the President, Vice-President, Secretary and Treasurer.
3. The term of office for the Executive shall be three years.
4.
  - a) The President of the Metis Nation Legislative Assembly shall be the head of the Executive, and chief political spokesperson for the Organization.
  - b) The President shall assign and recommend portfolios, subject to the approval of the Provincial Metis Council and ratification of the Metis Nation Legislative Assembly.



**ARTICLE 8: EXECUTIVE CONT.**

5. The Executive of the Metis Nation Legislative Assembly shall meet at least once per month and three members shall constitute a quorum.
6. The Executive shall provide written reports to the Metis Nation Legislative Assembly.
7. Where a vacancy is created for any reason, including death or resignation, the Metis Nation Legislative Assembly shall elect from the Provincial Metis Council members an interim Executive member, who shall serve until a by-election has been held and the vacancy filled.

**ARTICLE 9: METIS NATION LEGISLATIVE ASSEMBLY**

1. There shall be a Metis Nation Legislative Assembly which shall be the governing authority of the Metis Nation of Saskatchewan.
2. The Metis Nation Legislative Assembly shall be composed of the Local Presidents, the Provincial Metis Council, four representatives of the Metis Women of Saskatchewan, and a representative of the Metis Youth in Saskatchewan.
3. The Metis Nation Legislative Assembly shall have the authority to enact legislation, regulations, rules, and resolutions governing the affairs and conduct of the Metis in Saskatchewan.
4. The President shall assign and recommend portfolios, subject to the approval of the Provincial Metis Council and ratification by the Metis Nation Legislative Assembly. The assignment of portfolios shall be restricted to members of the Provincial Metis Council.
5. The Metis Nation Legislative Assembly, based upon the recommendations of the Provincial Metis Council, shall have the authority to appoint Commissions, Committees or other subsidiary bodies, where these are deemed necessary in order to effectively carry out the activities and functions of the Organization. In so doing the Assembly shall ensure equity of representation from the Youth, Women and Elders.
6. The Metis Nation Legislative Assembly shall meet at least twice a year at the call of the Provincial Metis Council.

**ARTICLE 9: METIS NATION LEGISLATIVE ASSEMBLY Cont ...**

7. Three-quarters of the eligible members of the Metis Nation Legislative Assembly shall constitute a quorum.
8. Notice of any session of the Metis Nation Legislative Assembly shall require thirty days notice by the Metis Nation of Saskatchewan Head Office to the Local Presidents and Provincial Metis Council.
9. A person is disqualified from being a member of the Metis Nation Legislative Assembly when:
  - a) he/she dies or resigns
  - b) he/she is under sixteen (16) years of age
10. All budgets shall be determined by the Metis Nation Legislative Assembly, based upon the recommendations of the Provincial Metis Council.
11. The delegates to the Metis National Assembly of the Metis National Council shall be the Provincial Metis Council and the remainder shall be chosen from amongst the members of the Metis Nation Legislative Assembly, while the President shall form part of the Executive Council of the Metis National Council. This Constitution may be amended to take into account and reflect changes which may take place within the Metis National Council.

**ARTICLE 10: GENERAL ASSEMBLY**

1. A General Assembly, composed of Metis citizens from the Locals, shall be convened by the Metis Nation Legislative Assembly every year.
2. The formula for delegates will be as follows; based on registered Metis over 16 years of age:
  - a) Four (4) delegates for the first 100 registered Metis citizens;
  - b) One (1) delegate for each additional 100 registered Metis citizens.
3. Delegates will be registered with MNS Head Office 15 days prior to Annual General Meeting accompanied by list of registered Metis citizens.
4. The General Assembly shall provide a Forum whereby the citizens of the Nation will receive information, review developments and provide guidance to the Metis Nation Legislative Assembly.

**ARTICLE 11: SENATE**

1. That appointments to vacancies in the Metis Senate be made at area meetings; Further, that Senate appointments be for lifetime or until such time as the Senator is unable to fulfil his/her duties.
2. That the Senate be given the power to resolve disputes occurring in Regions and Locals; Further, that decisions of the Senate shall be final and binding. The Senate shall be guided by the MNS Constitution accompanying legislation, and Code of Ethics.
3. That the Senate be equally represented by male and female.
4. Each Region shall appoint up to 3 Senators. One of these Senators will be appointed to the MNS Provincial Senate.

**ARTICLE 12: WOMEN**

1. The Metis Women of Saskatchewan shall be designated (1) seat in the Provincial Metis Council and (4) seats in the Metis Nation Legislative Assembly. This provision shall cease to apply when women have achieved equitable representation in the Provincial Metis Council and Metis Nation Legislative Assembly.
2. The Metis Women of Saskatchewan shall hold ballot box elections concurrent with MNS provincial elections, subject to the same guidelines as the MNS.

**ARTICLE 13: YOUTH**

1. The Metis Nation Legislative Assembly shall make Youth a priority, and shall involve the Youth in the determination of their role and responsibilities within the Organization.

**ARTICLE 14: ELECTIONS**

1. Metis citizens who is sixteen years of age or older may vote or seek elected office within the Metis Nation of Saskatchewan.
2. Elections for the Provincial Metis Council of the Metis Nation Legislative Assembly shall be held on the date set by the Metis Nation Legislative Assembly, based upon the recommendation of the Provincial Metis Council.
3. Elections for the Provincial Metis Council of the Metis Nation Legislative Assembly shall be held at least every three years.
4. The Executive of the Metis Nation Legislative Assembly shall be elected by the total membership at the Local polls by secret ballot.
5. Regional Representatives of the Provincial Metis Council shall be elected within their respective Regions through the establishing of a poll in each Local.
6. The Metis Nation Legislative Assembly shall enact, on a priority basis, an Elections Act, along with the necessary regulations and guidelines.
7.
  - a) A Metis Elections Commission composed of 3 Senators is empowered to oversee and conduct the general elections and by-elections of the Organization.
  - b) The terms of office of the Senators who sit on the Commission shall cease at the first session of the Metis Nation Legislative Assembly following the elections.
  - c) The Senators who sit on the Commission shall be appointed by the Metis Nation Legislative Assembly, based upon the recommendations of the Senate, for a term of not more than three years, and are eligible for re-appointment.
  - d) When the election or by-election date has been set and the election called by the Metis Nation Legislative Assembly, based upon the recommendation of the Provincial Metis Council, the Commission shall have sole authority and responsibility to conduct the elections and shall be independent and answerable only to the Metis Nation Legislative Assembly.
  - e) The Commission shall appoint a Chief Electoral Officer and other required personnel.

**ARTICLE 14: ELECTIONS Cont. . .**

- f) The Commission shall be responsible for official recounts and appeals.
  - g) The decision of the Commission shall be final and binding, subject to the right of appeal to the Metis Nation Legislative Assembly, which decision shall be final and binding.
  - h) The Metis Nation Legislative Assembly shall ensure that the Commission has the necessary financial and other resources for the fulfilment of its mandate.
  - i) The Metis Nation Legislative Assembly, based upon the recommendations of the Provincial Metis Council, shall determine the rate of remuneration and expense accounts for the Commission members, along with the period deemed necessary for the work of the Commission.
8. In the event of a vacancy on the Provincial Metis Council of the Metis Nation Legislative Assembly, a by-election shall be called within ninety (90) days from the date of the vacancy.
9. When nominations close all candidates shall take a leave of absence from any elected position on the Provincial Metis Council of the Metis Nation Legislative Assembly or any salaried position with the Organization, or its subsidiary bodies. The Provincial Metis Council members and any person who has a salaried position with the Organization shall continue to receive their salary while they are on such leave of absence.
10. When nominations close and until candidates are unofficially elected, the Senators shall be solely responsible for conducting the affairs and activities of the Organization. The Senators shall receive remuneration for their work during this period.
11. The Provincial Metis Council members shall be on call and shall conduct business or represent the Organization from time to time as requested by the Senate. The Provincial Metis Council members shall receive expenses to compensate for travel as requested by the Senate.
12. All defeated or retiring candidates who were on the Provincial Metis Council prior to the election shall be entitled to and will receive their salary for two weeks after the election.

**ARTICLE 14: ELECTIONS Cont.**

13. Any candidate who's election has been appealed under Section 7(f) and has been found guilty by the Metis Elections Commission of violating Section 9 shall forfeit such elected position with a right of appeal to the Metis Nation Legislative Assembly, which decision shall be final and binding.

**ARTICLE 15: METIS NATION OF SASKATCHEWAN HEAD OFFICE**

1. The Head Office shall be in Saskatoon.
2. The Regional Offices of the Organization shall be accessible to our People and Leadership.

**ARTICLE 16: METIS INDEPENDENCE**

1. Whereas the Metis are seeking self-government as a third order of government within Canada, the organization shall be non-sectarian and non-partisan.
2. The loyalty of the members of the Metis Nation Legislative Assembly must be to the Metis People and Nation, and shall swear an Oath of Allegiance prior to taking office.
3. The leadership shall be responsible and accountable to the Communities, as reflected by the Metis Nation Legislative Assembly, which is the Supreme Body for the Metis within Saskatchewan.
4. Citizens of the Nation are not precluded from joining political parties of the two other orders of government, being the federal and provincial levels of government.
5. Any Provincial Metis Council member of the Metis Nation Legislative Assembly who chooses to seek the nomination of any Provincial or Federal Political Party in any provincial or federal election shall take a leave of absence from his/her position.

**ARTICLE 17: AFFILIATES**

1. a) The Metis Nation Legislative Assembly, on behalf of the Metis Nation of Saskatchewan, shall exercise all voting rights, powers, and duties of ownership in relation to the affiliates, based upon the recommendations of the Provincial Metis Council.
- b) Where not currently provided all affiliate Articles and By-laws shall be amended at the first reasonable opportunity to conform with this section.
2. The Provincial Metis Council members who is assigned a portfolio shall automatically sit as the Chairperson of the Affiliate(s) which falls under his/her portfolio.
3. A person who is an employee/staff person/management of an Affiliate shall not be permitted to sit on any Affiliate Board.
4. All Affiliates shall have representation from the Regions of the Organization, unless otherwise decided by the Metis Nation Legislative Assembly, based upon the recommendations of the Provincial Metis Council.

**ARTICLE 18: AMENDING FORMULA**

1. The Constitution shall only be amended by the majority of three-quarters of the members of the Metis Nation Legislative Assembly and ratified by three-quarters of the members of the General Assembly.

**ARTICLE 19: IMPLEMENTATION**

1. The Constitution shall take effect upon its adoption by the General Assembly subject to amendments validly passed by three quarters of the Assembly present, and the conclusion of General Assembly. Upon the happening of these two conditions all previous By-laws of the Organization are repealed and this Constitution shall constitute the sole Constitution of the Organization, until otherwise determined by the Organization.