

MNO Policy #2015-001 Policy on Conditions for Limitations that May Apply to MNO Citizenship

Applicability

This Policy applies throughout the MNO and to all MNO citizens.

Effective Date

This *Policy on Conditions for Limitations that May Apply to MNO Citizenship* (the “Policy”) is effective as of February 21, 2015 and replaces previous versions.

Definitions

All definitions in this Policy have the same meaning as within the MNO Bylaws. In the event of a conflict, the MNO Bylaws take precedence.

Background and Context for Policy

The MNO’s *Statement of Prime Purpose* describes the history and contemporary existence of Métis communities in Ontario generally, as a part of the larger Métis Nation. It is a central objective of the MNO to advance the rights, interests and self-government of Ontario Métis communities on this historical and legal basis. It is upon this basis which the MNO was founded. All citizens who apply for citizenship within the MNO, and who mandate the MNO to represent them, agree with these foundational principles and commit to upholding and advancing the objects of the MNO as citizens.

Specifically, section 3 of the MNO Bylaws states, [i]t is a condition of citizenship that individual members commit to uphold and advance the MNO Statement of Prime Purpose...” Section 4 states, “[c]itizenship in the MNO shall be limited to individuals interested in furthering the objects of MNO and who are Métis...” Section 5 states that individuals who are entitled to be registered as a citizen of the MNO must not be “enrolled on any other Aboriginal registry.” This includes being registered as a member, citizen or beneficiary under the *Indian Act*, a modern day land claim agreement or with any other organization or group that claims to represent Métis or other Aboriginal peoples for the purposes of rights, interests and self-government.

Section 10 of the MNO Bylaws provides that “the rights and privileges of a citizen to participate in the affairs of the MNO may be limited” pursuant to this Policy. It is important to note that the suspension of the various rights and privileges under Section 10 does not mean that person is no longer a citizen of the MNO or is not considered “Métis”. It simply means that the citizen is limited in their participation in MNO governance structures, MNO decision-making processes (i.e., Annual General Assemblies or other MNO meetings), MNO elections (i.e., as candidates or electors) and/or receiving benefits from the MNO¹ because their actions are inconsistent with furthering the objectives of the MNO and its Statement of Prime Purpose, as described below.

¹ This does not include programs and services the MNO may deliver pursuant to agreements with other governments that are available to all individuals who self-identify as “Métis” or “Aboriginal”, regardless of MNO citizenship or affiliation.

In other situations, where the MNO receives proof that a citizen is registered as an Indian under the *Indian Act* or is registered as an Inuit or other Aboriginal person under a modern day land claims agreement, they cease to be MNO citizens and are removed from the MNO Registry because they no longer meet the definition of Métis under the MNO Bylaws (i.e., they are no longer distinct from other Aboriginal peoples).

Administrative Suspension of MNO Rights and Privileges

1. When credible documentation is provided to the MNO Registrar that a MNO citizen has:
 - a. registered as a citizen, member or beneficiary of another organization or group that claims to politically or legally represent the rights, interests and claims of Ontario Métis at the local, regional, provincial or national level outside of the MNO's governance structure;² or
 - b. holds a leadership role in another organization that claims to politically or legally represent the rights, interests and claims of Ontario Métis at the local, regional, provincial or national level outside of the MNO's governance structure; or
 - c. has written correspondence to government or another third party indicating that the MNO does not politically or legally represent the rights, interests and claims of Ontario Métis at the local, regional, provincial or national level;

the MNO Registrar shall write a letter to that MNO citizen which: (1) provides copies of the abovementioned documentation to the individual, (2) indicates that their rights and privileges as a MNO citizen shall be indefinitely suspended in seventy-five (75) days from the date on the Registrar's letter based on the identified violations of section 1 (a), (b) or (c) above, and, (3) that within the sixty (60) day period from the date of the Registrar's letter the citizen has an opportunity to provide a written response to the MNO Registrar requesting a reconsideration of the forthcoming suspension.

2. For greater certainty, nothing in the section 1 (a), (b) or (c) means or should be interpreted to mean that MNO citizens do not have the democratic right to advocate for changes to the MNO governance structures, its policies or its elected leadership. The intention of this Policy is to ensure that democratic debates and decision-making occurs within the MNO—as the government of Ontario Métis—not through third party organizations or groups that seek to undermine the MNO's recognized mandate and self-government. MNO citizens have the

² The MNO is one of the Governing Members of the Métis National Council ("MNC"). The MNC's Governing Members include the MNO, the Manitoba Métis Federation, the Métis Nation-Saskatchewan, the Métis Nation of Alberta and the Métis Nation British Columbia. Citizenship or membership in one of the MNC's other Governing Members does not equate to being outside of the MNO's governance structure because only the MNO is recognized as representing Métis within the Province of Ontario under the MNC's governance framework. Further, section 3(a)(ii) of the MNC Bylaws confirms that each Governing Member is responsible for setting its own residency and membership requirements and the MNC does not maintain a national registry or issue citizenship or memberships to individual Métis. If, in the future, modern day land claim agreements are negotiated with each of the MNC Governing Members, those agreements will likely include provisions that require an individual to elect what Métis land claim agreement they want to be a citizen and/or beneficiary under. However, at the present time, individuals may have citizenship or memberships in multiple MNC Governing Members without breaching this Policy.

right and are encouraged to pursue changes they personally believe are important to the MNO within the MNO's democratic governance structures and institutions.

3. Following receipt of a letter as described in section 1 of the Policy, an MNO citizen may ask, in writing, to have the MNO Registrar reconsider the upcoming suspension. These requests must make use of this Policy's Suspension Reconsideration Request Form (Appendix A) and include the grounds for the reconsideration (i.e., the citizen is no longer in violation of (a), (b) or (c) set out above), along with proof or additional documentation to support these reconsideration grounds.
4. The MNO Registrar shall consider the information on the MNO citizen's Suspension Reconsideration Request Form and other materials received from the MNO citizen within the sixty day (60) period. In considering whether to reconsider his or her initial decision for suspension, the MNO Registrar shall consider:
 - a. whether it is established by the MNO citizen that the documentation initially relied upon by the MNO Registrar for the administrative suspension is not trustworthy, valid, forged or tampered with; or
 - b. whether the MNO citizen provides verifiable documentation that they are no longer in contravention of the sections 1(a) or (b) of the Policy set out above; or
 - c. whether the MNO citizen has formally retracted the written correspondence which constituted the contravention of section 1(c) of the Policy as set out above; and
 - d. whether the MNO citizen undertakes in their reconsideration request to cease all offending activities and commits to upholding and advancing the MNO Statement of Prime Purpose as well as furthering the objectives of the MNO into the future.
5. As a part of the reconsideration, if the MNO Registrar is satisfied that the MNO citizen has established that section 4(a), (b) or (c) have been met, along with section 4(d), the MNO citizen's rights and privileges shall be reinstated. Regardless of outcome, the MNO Registrar shall inform the MNO citizen in writing of his or her decision on the reconsideration.
6. The MNO Registrar shall be required to maintain and update a listing of all suspended MNO citizens that shall be provided to the MNO's governance structures at the local, regional and provincial levels every six (6) months. A suspended MNO citizen's name shall continue to be maintained in the MNO Registry, but their file and name on any list shall indicate that their rights and privileges as an MNO citizen have been suspended.
7. For the purposes of a suspension, the following shall apply to the MNO citizen:
 - a. they cannot be a candidate for office within MNO elections held at the local, regional or provincial levels;
 - b. they cannot hold elected office within the MNO at the local, regional or provincial levels;
 - c. they cannot participate in MNO decision-making processes (i.e., Annual General Assemblies, Community Council meetings, other MNO meetings, etc.);
 - d. they cannot vote in MNO elections held at the local, regional or provincial levels;
 - e. they cannot receive benefits that are self-funded by the MNO or negotiated by MNO

- with third parties for the sole benefit of MNO citizens;³ and
- f. their MNO Harvesters Certificate will be cancelled (if the MNO citizen has one).
8. A MNO citizen whose suspension of rights and privileges has been reconsidered by the MNO Registrar pursuant to the processes set out above has the right to appeal this suspension to a three person standing committee of the PCMNO that shall consist of: (1) the MNO Secretary/Treasurer, (2) the PCMNO Executive Senator, and, (3) a PCMNO Regional Councillor appointed by PCMNO (the “Appeal Committee”). This Appeal Committee shall be supported by MNO Legal Counsel in undertaking their mandated function.
 9. All appeal requests made to the Appeal Committee must make use of this Policy’s Suspension Appeal Request Form (Appendix B) and include the grounds for the appeal (i.e., the citizen is no longer in violation of (a), (b) or (c) set out above), along with proof or additional documentation to support these grounds.
 10. The Appeal Committee shall only consider a MNO citizen’s appeal if an initial reconsideration to the MNO Registrar has been completed and this Policy’s Suspension Appeal Request Form (Appendix B) has been completed. If the appeal is incomplete (i.e., incomplete form), the onus is on the MNO citizen to ensure the form is complete. Once the materials for an appeal are deemed complete, the Appeal Committee shall consider the appeal based on this Policy and the appeal materials before them. In considering an appeal under this Policy, the Appeal Committee shall only consider the documentation that was before the MNO Registrar at the time of issuing the suspension and reconsidering the suspension. Based on these materials, the Appeal Committee will assess whether the suspension by the MNO Registrar was reasonable. If the Appeal Committee determines, the MNO Registrar’s decision was reasonable based on the information before them, the appeal will be denied. If the Appeal Committee determines the MNO Registrar’s decision was unreasonable based on the information before them, the appeal will be allowed and the MNO citizen’s rights and privileges shall be reinstated. The Appeal Committee will make the MNO citizen aware of their decision with respect to the appeal in writing. All appeal determinations of the Appeal Committee are final.
 11. During the period from when an appeal is filed with the Appeal Committee to when the appeal is finally heard and dealt with, the MNO Registrar’s suspension pursuant to this Policy shall continue to be in effect.
 12. No suspensions or reconsideration under this Policy shall be undertaken by the MNO Registrar six (6) months prior to a MNO election at the provincial level. For greater certainty, this does not apply to Community Council elections in which a suspended MNO citizen may have an interest in running. No suspension by the MNO Registrar or appeal to the MNO Registrar shall delay the conduct of a Community Council election.
 13. No appeals under this Policy shall be considered by the Appeal Committee, six (6) months prior to a MNO election at the provincial level. For greater certainty, this does not apply to Community Council elections in which a suspended MNO citizen may have an interest in running. No appeal to the Appeal Committee shall delay the conduct of a Community Council election.

³ This does not include programs and services the MNO may deliver that are available to all individuals who self-identify as “Métis” or “Aboriginal”, regardless of citizenship in the MNO.

14. After three (3) years from the effective date of a suspension, the suspended MNO citizen may request, in writing, to have the MNO Registrar reconsider their suspension again. These requests must make use of this Policy's Suspension Reconsideration Request Form (Appendix A) and include the grounds for the reconsideration (i.e., the citizen is no longer in violation of section 1(a), (b) or (c) set out above), along with proof or additional documentation to support these grounds. The MNO Registrar shall consider the following in whether to grant a reinstatement of rights and privileges:
 - a. whether it is established by the MNO citizen that the documentation initially relied upon by the MNO Registrar for the administrative suspension is not trustworthy, valid, forged or tampered with; or
 - b. whether the MNO citizen provides verifiable documentation that they are no longer in contravention of the sections 1(a) or (b) above over the three (3) year suspension period; or
 - c. whether the MNO citizen has formally retracted the written correspondence which constituted the contravention of section 1(c) above; and
 - d. whether the MNO citizen provides credible evidence or written submissions they have ceased all offending activities over the three (3) year suspension period and are committed to upholding and advancing the MNO Statement of Prime Purpose as well as furthering the objectives of the MNO into the future.
15. If, based on the evidence submitted, the MNO Registrar determines that the MNO citizen meets one of the requirements set out in section 14(a), (b) or (c) above, along with 14(d), the Registrar shall reinstate the MNO citizen's rights and privileges and remove them from the MNO suspended citizens list. The MNO Registrar will make the MNO citizen aware of his or her decision in writing.
16. If, after completing the processes set out in sections 14 and 15 of this Policy, the MNO Registrar denies the MNO citizen's reinstatement of their rights and privileges based on the documentation before them, the MNO citizen once again has the right to appeal the Registrar's decision to the Appeal Committee based on the processes set out in sections 8 to 10 of this Policy. All appeal determinations of the Appeal Committee are final.
17. A MNO citizen whose suspension has been maintained for another three (3) year period has the right to appeal the suspension at every three (3) year period thereafter following the processes set out in this Policy.

Adopted by PCMNO on February 21, 2015

Suspension Reconsideration Form
(Appendix A)

I, _____ [insert name] received the MNO
Registrar's letter suspending my citizenship dated _____

By sending in this Form, I hereby request that the MNO Registrar reconsider my suspension
because _____

_____ [describe reason for reconsideration request].

In support of this reconsideration request:

I have no additional materials for the appeal.

I enclose the following additional materials:

1. _____
2. _____
3. _____
4. _____

more documents may be listed on a separate paper.

My contact information is:

Name: _____

Address: _____

Phone: _____

Email: _____

Signature: _____

Suspension Appeal Form
(Appendix B)

I, _____ [insert name], am appealing the MNO Registrar's decision to suspend my citizenship effective _____

By sending in this Form, I hereby request that the Appeal Committee reconsider my suspension because _____

_____ [describe reason for reconsideration request]

In support of this appeal, I am relying on the following materials:

I have no materials for the appeal.

I enclose the following materials for this appeal:

1. _____

2. _____

3. _____

more documents may be listed on a separate paper.

My contact information is:

Name: _____

Address: _____

Phone: _____

Email: _____

Signature: _____