

Applicability

This Policy applies throughout the Métis Nation of Ontario (“MNO”) and to all of its elected officials.

Effective Date

This Conflict of Interest Policy for MNO Elected Officials (the “Policy”) was adopted by the Provisional Council of the Métis Nation of Ontario (“PCMNO”) on February 22, 2015 and is effective immediately.

Background and Context for Policy

In furtherance of its fundamental objectives as set out in its *Statement of Prime Purpose*, the MNO is responsible to provide transparent and accountable government, blending traditional Métis values and traditions with modern-day governing institutions. This requires MNO officials to perform their duties and exercise their powers in accordance with those Métis values identified in the *Statement of Prime Purpose*, including the values of honesty and truth, doing so impartially and with regard to the common good of all MNO citizens. Accordingly, MNO elected officials shall at all times perform their duties in a manner that is free of any concern of conflict of interest and will follow this Policy.

Definitions

“Conflict of interest” applies when a person’s private interests compete with or supersede his or her dedication to the interests of the MNO. This could arise from real or potential conflicts of interest for the person or their immediate family member and may be financial or otherwise.

“Elected official(s)” means elected or appointed members, councilors, directors or trustees of any MNO governance institution, including the PCMNO; or, directors or officers of any MNO Economic Development Structure as defined in the *MNO Prosperity and Self Sufficiency Law*.

“Immediate family member” means a person’s spouse, common-law spouse, parent or guardian, brother, sister, children, stepchildren, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparent or grandchild.

“Real conflict of interest” means when a person exercises their power or performs an official duty or function and at the same time knows that in doing so there is an opportunity to further their own private interest or the private interest of an immediate family member.

“Potential conflict of interest” means when a reasonably well-informed person could reasonably believe that the person exercising the power or performing the official duty or function has a real conflict of interest.

Procedures

1. Elected officials must not exercise a power or perform an official duty or function if he or she has a conflict of interest. Nor shall they receive personal advantage or benefits as a result of access to information that is obtained in the course of duty that is not publicly available.
2. Elected officials are expected to refrain from:
 - Use of MNO property for any purposes other than those approved,
 - Use of confidential information obtained in the course of duty for personal gain,
 - Behaviours that may place them, or be seen to place them, under obligation to persons or organizations seeking to gain privileged consideration for their own purposes, or
 - Accepting fees, gifts or other tangibles offered which could be viewed as payment or reward for services rendered, except as otherwise provided for in this policy.

Accepting Gifts or Benefits

3. Elected officials may accept gifts or benefits in the discharge of their official functions if they would be considered to be within normal protocol exchanges or social obligations associated with their office or duties. However, where a gift or benefit in the discharge of their official duties is valued at \$500.00 or greater he or she must disclose it to the MNO's Chief Operating Officer who will review the matter with the PCMNO Executive Committee ("MNO Executive Committee") to determine whether or not the gift or benefit should be made the property of the MNO. Where the elected official is unsure of the value of the gift or benefit, or the nature of it, they should disclose it.
4. Elected officials may receive per diems for meetings attended in accordance with the MNO Financial Policies and Procedures as may be amended from time to time, which shall not be considered a gift or a benefit under this Policy.

Use of Restricted Information

5. Elected officials may not use information obtained while the elected official serves in an official position or at any time after he or she ceases to serve in that position or that is supplied in confidence to the MNO or its institutions or structures and is not generally available to all MNO citizens, , if the information at issue could result in, or could appear to result in a financial benefit to him or her, or to an immediate family member.

Disclosing Personal Interests and Conflicts of Interest

6. Upon election or appointment, all members of PCMNO shall provide a *Conflict of Interest Policy-Disclosure Form* to the MNO Chief Operating Officer. A copy of the form is attached to this policy (APPENDIX A).

7. Upon recognizing the potential for a conflict of interest, elected officials must:
 - a. immediately disclose the particulars of the real or potential conflict of interest, and
 - b. withdraw from any discussion on the matter and from decision-making on any question relating to it.
8. Where an elected official believes that he or she may be in a conflict of interest position but is not certain, they should disclose this to the MNO Chief Operating Officer and seek a ruling on the matter. The MNO Chief Operating Officer shall make all necessary enquiries into the matter and refer the matter to the MNO Executive Committee for a ruling. Where the apparent conflict of interest involves a member of the MNO Executive Committee, he or she shall remove his or her self from any MNO Executive Committee discussion or decision-making on the matter.

Quorum

9. Where elected officials remove themselves from a meeting upon declaring a conflict of interest, their absence must not be taken into account in determining whether a quorum is present for that meeting and for this purpose they must be counted as being present, even though he or she is absent from part or all of the meeting.

Reporting Conflicts and Failure to Disclose

10. Where an elected official believes on reasonable grounds that another elected official may be in a conflict of interest that has not been disclosed or declared they must approach that person as soon as reasonably possible to raise the belief that they may be in a conflict and provide him or her with the opportunity to disclose the conflict. In the event that is not possible, or the person believed to be in a conflict chooses not disclose it, the elected official who holds such a belief must report in writing that belief and the reasons for it to the MNO Chief Operating Officer at the first available opportunity. Where the conflict of interest involves the MNO Chief Operating Officer, the belief of such a conflict of interest shall be to the MNO Chief Executive Officer/President.
11. The MNO Chief Operating Officer (or the MNO Chief Executive Officer/President in the case of a conflict involving the MNO Chief Operating Officer) shall report to the MNO Executive Committee where conflicts of interest are reported, or where it is believed that conflicts have not been disclosed contrary to this policy. He or she shall make such enquiries as are considered necessary into such matters, or direct legal counsel to make such enquiries. Where following such enquiries he or she believes that someone has breached this Policy, the matter will be referred to the MNO Executive Committee for a hearing on the matter.

12. Where a conflict of interest or breach of policy involves a member of the Executive Committee, he or she shall remove his or her self from any Executive Committee discussion or decision-making on the matter. In the event that fewer than three (3) members of the MNO Executive Committee are able to be involved in any discussion or decision-making on the matter, the matter will be referred to the full PCMNO for discussion and decision-making.
13. Elected officials alleged to be disqualified may continue to act in their official capacity on matters unrelated to the alleged conflict unless the MNO Executive Committee makes a declaration otherwise.
14. Where an elected official has been found to have breached this Policy, the MNO Executive Committee may choose from a range of corrective actions, ranging from removing the individual to ordering they make restitution and/or pay a fine to the MNO.

Adopted by PCMNO on February 22, 2015

**APPENDIX A
MNO CONFLICT OF INTEREST POLICY
DISCLOSURE FORM**

Upon recognizing the potential for conflict of interest, MNO elected officials are required to disclose the conflict at the earliest opportunity and withdraw from any situations or discussions that would place them in conflict relative to the responsibilities of their relevant roles:

In light of this obligation, I, _____, in the Village/Town/City [circle one] of _____, in the Province of Ontario, voluntarily declare the following personal interests in accordance with the *Conflict of Interest Policy for MNO Elected Officials* and state my expressed desire to remove myself from any conflict relative to the responsibilities of my role.

Outside Organization Affiliations (list name of organization and interest/role):
Immediate Family Members' Interests (list name of person, organization(s) and interest/role):

