



MEMORANDUM

To: MNO Citizens

From: France Picotte, MNO Chair

Date: February 26, 2015

Subject: New MNO Policies

For information purposes, attached please find two new policies recently adopted by the PCMNO that are effective immediately:

- MNO Policy #2015-001: Policy on Conditions for Limitations that May Apply to MNO Citizenship
- MNO Policy #2015-002: Conflict of Interest Policy for MNO Elected Officials

These policies will also be posted to the MNO's website for future reference.

If you have questions with respect to these policies please contact your regional leadership.

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: _____

MNO Policy #2015-002

Conflict of Interest Policy for MNO Elected Officials

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 to 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): |
| |

