

MÉTIS NATION OF ONTARIO

SPECIAL ASSEMBLY RESOLUTION SGA230617-01

The following Special Resolution was approved at the June 17, 2023 Métis Nation of Ontario Special General Assembly:

It was MOVED (Margaret Froh) and SECONDED (Mitchell Case)

WHEREAS in 2017, the Provisional Council of the Métis Nation of Ontario (“PCMNO”) initiated the MNO Registry and Self-Government Readiness Review (“Registry Review”) based on the MNO’s foundational goal to secure the recognition of its self-government from Canada, consistent with the MNO’s Statement of Prime Purpose;

AND WHEREAS throughout the six-year Registry Review process, the MNO has been advancing the collective will of MNO citizens and communities, including listening to their direction as provided: (a) at numerous MNO Annual General Assemblies (“AGA”); (b) through the 2020 province-wide election where the issue of incomplete citizenship files was campaigned on; (c) during extensive province-wide consultations; and, (d) via a province-wide vote (“Plebiscite”) where all citizens over the age of 16 had the opportunity to have their voice heard on the issue;

AND WHEREAS the next step in the process, as set out in resolution #AGA220820-02—which details at length the history, context, and reasons for the Registry Review and Plebiscite—is for the PCMNO to call a special General Assembly (“Special Assembly”) to amend the MNO Bylaws and MNO Registry Policy since a clear majority (i.e., 71% or 5,898 MNO citizens) of the 8,270 MNO citizens that voted in the Plebiscite, voted in favour of removing citizens with incomplete files from the MNO Registry;

AND WHEREAS on November 25, 2022, the PCMNO also made a minor amendment to correct a typo in article 51(c) of the MNO Bylaws, and article 58 requires that any such amendment be approved at the next meeting of the General Assembly;

THEREFORE BE IT RESOLVED that the 2023 MNO Special Assembly:

1. amends article 3 of the MNO Bylaws to read as follows (also tracked in Appendix A to this resolution for ease of reference):
 3. *It is a condition of citizenship that individual members:*
 - (a) *commit to uphold and advance the MNO Statement of Prime Purpose, which is attached to and forms part of these Bylaws as Appendix A, as the foundational and guiding objects, principles and aspirations of the MNO; and*
 - (b) *meet the current requirements for citizenship as set out in these Bylaws and the MNO Registry Policy in order for the MNO to be able to verify that all citizens are Métis rights-holders, and in order to advance collectively held Métis rights, including, but not limited to the right to self-government, land related rights and interests as well as Métis claims against the Crown.*

2. amends article 5 of the MNO Bylaws to read as follows (also tracked in Appendix A to this resolution for ease of reference):
 5. *A person shall be registered as a citizen of MNO who:*
 - (a) *has provided sufficient documentation to the satisfaction of the Registrar that they are Métis within the meaning of 4(a) of these Bylaws based on the requirements for citizenship as set out in the MNO Registry Policy, as adopted by the General Assembly and as amended from time to time;*
 - (b) *is not enrolled on any other Aboriginal registry; and*
 - (c) *applied for admission as a citizen and has been approved through the Registry process of the MNO as amended from time to time.*

For greater certainty, if it is determined by the Registrar that a citizen does not meet all of the requirements set out in 4 and 5 of these Bylaws, that individual shall be removed as a citizen after ninety (90) days' written notice from the Registrar, subject to the MNO Citizen Removal Appeals Policy. Any individual that is removed as a citizen is entitled to re-apply for citizenship at any time without payment of any fees or dues (if any are applicable).

3. approves the PCMNO's November 25, 2022, amendment to article 51(c) replacing the word: "to" with "not" before the word "hinder" so that the affected portion of the sentence reads as follows (also identified in the comments in Appendix A to this resolution for ease of reference):

In order to ensure technological issues do not hinder or invalidate the conduct of a General Assembly...

4. amends section 5 of the MNO Registry Policy – Guidelines to remove the following language also tracked in Appendix B to this resolution for ease of reference):

No registered MNO citizens will be removed from the MNO Registry unless the Registry receives (a) written consent from that registered citizen; or (b) proof that the 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.

5. adopts the MNO Citizen Removal Appeals Policy, a copy of which is attached at Appendix C to this resolution.

RESOLVED (SGA230617-01)

(516 votes cast: 455 votes in favour; 59 votes opposed; 2 spoiled ballots

Approximate time: 4:36 p.m.)

The CEO confirmed the meetings' quorum requirements were met and the requirement of at least two-thirds (2/3) of the votes cast by eligible voters, being 344 votes, was also met, the Special Resolution was carried. It was noted that based on the results, 88% of the votes cast by eligible voters were in favour of the resolution.

MNO Secretariat Bylaws

1. These are the Bylaws of the Métis Nation of Ontario Secretariat (the “MNO”) that represents the Métis in Ontario. The MNO is composed of nine geographic regions and has established several institutions to better serve its citizens. Those institutions include the Provisional Council of the MNO, the Registry, Community Councils, the Captains of the Hunt, the Veterans Council, the Women’s Council of the MNO and the Youth Council.¹

Conditions and Classes of Membership

2. There shall be one class of membership in the MNO – individual members. Individual membership is a voting membership. Individual members of the MNO shall be known as citizens. Individual membership shall be known as citizenship.²
3. It is a condition of citizenship that individual members:
 - (a) commit to uphold and advance the MNO Statement of Prime Purpose, which is attached to and forms part of these Bylaws as Appendix A, as the foundational and guiding objects, principles and aspirations of the MNO³; and
 - (b) [meet the current requirements for citizenship as set out in these Bylaws and the MNO Registry Policy in order for the MNO to be able to verify that all citizens are Métis rights-holders, and in order to advance collectively held Métis rights, including, but not limited to the right to self-government, land related rights and interests as well as Métis claims against the Crown.](#)

Footnotes are for information purposes only.

¹ 2014 amendment added this clause. The 2019 MNO AGA replaced “Women’s Secretariat” with “Women’s Council”.

² 2014 amendment removed community councils as “members”, and established one class of membership in MNO; previously read, “There shall be two classes of membership in the MNO. Those classes shall consist of individual memberships and MNO charter memberships.” April 7, 1995 amendment included MNO community council memberships as non-voting members.

³ 2014 amendment added the phrase “It is a condition of citizenship that ...” and the word “objects”. The phrase “objects” is added here in light of the requirement in clause 4. Also added the phrase “and forms part of”. August 23-25, 2013 amended to add the Statement of Prime Purpose as an Appendix and add the sentence “Both classes of membership commit to uphold and advance the Statement of Prime Purpose ... of the MNO.” June 7-8, 2001 amended to change “MNO community council memberships” to “MNO charter memberships”. April 7, 1995 amendment to include MNO community council memberships as non-voting members

Métis
Definition

4. Citizenship in the MNO shall be limited to individuals interested in furthering the objects of the MNO and who are Métis within the definition adopted by the MNO,⁴ which is as follows:
- (a) Métis means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation ancestry, and is accepted by the Métis Nation.⁵

Registration
of Citizens

5. A person ~~is entitled to~~shall be registered as a citizen of MNO who:
- (a) ~~has provided~~sufficient documentation to the satisfaction of the Registrar that he or she is/they are Métis within the meaning of 4(a) of these Bylaws based on the requirements for citizenship as set out in the MNO Registry Policy, as adopted by the General Assembly and as amended from time to time;⁶
- (b) is not enrolled on any other Aboriginal registry; and
- (c) applied for admission as a citizen and has been approved through the Registry process of the MNO as amended from time to time.⁷

Removal
of Citizens

For greater certainty, if it is determined by the Registrar that a citizen does not meet all of the requirements set out in 4 and 5 of these Bylaws, that individual shall be removed as a citizen after ninety (90) days' written notice from the Registrar, subject to the MNO Citizen Removal Appeals Policy. Any individual that is removed as a citizen is entitled to re-apply for citizenship at any time without payment of any fees or dues (if any are applicable).

Children
& Youth

6. A parent or legal guardian of a child under the age of sixteen (16) may apply to register that child as a youth citizen.⁸

⁴ 2016 amendment removed "in accordance with Métis National Council."

⁵ July 2004 amended by consensus to adopt the Métis National Council's definition. October 23, 2003 amendment replaced "is distinct from Indian or Inuit" with "is distinct from other Aboriginal peoples". March 1999 amendment added the phrase "... as distinct from Indian and Inuit". Previous definition read, "... anyone of Aboriginal ancestry who self-identifies as Métis; has at least one grandparent who is Aboriginal; and whose application for admission as a citizen is accepted by the MNO." May 5-7, 1994, November 12, 1994 and June 17, 1997 amendments.

⁶ Amended pursuant to PCMNO Motion #2, June 17, 1997.

⁷ The phrase "as amended from time to time" added Nov. 5, 1997 to allow MNO to improve its registry process without the requirement of amending the Bylaws. Added by the PCMNO by motion #2, September 27, 1994.

⁸ 2014 amendment deleted the sentence "Such registrations expire automatically when the child reaches the age of 16. After reaching the age of 16, in order to continue to be registered as a citizen, such youths must reapply in their own right." June 2001 amendment to state that after the age of 16 it is the responsibility of that youth to register in their own right. Also MNO registers citizens, there is no provision for a "youth citizenship." Previously read "An individual may obtain a youth citizenship from 16 to the age of 29 years." Previously children under 16 were not registered as citizens. Amended by MNO

7. Deleted.⁹
- Fees** 8. Fees or dues, if any, shall be at the direction of the PCMNO.¹⁰
- Withdrawal** 9. Any individual may withdraw as a citizen of the MNO by delivering a written resignation to the Registrar of the MNO.¹¹
- Rights May be Limited** 10. Citizenship may be granted on a conditional basis and the rights and privileges of a citizen to participate in the affairs of the MNO may be limited by the MNO pursuant to the MNO Policy – *Conditions or Limitations That May Apply to Citizenship*, these Bylaws, or the *MNO Electoral Code*, all as amended from time to time.¹²
- (a) The fair processes for setting out conditions or limitations on citizenship, removal or reinstatement of limitations, requests for reconsideration and appeals of MNO decisions with respect to citizenship shall be according to the rules of natural justice and as set out in the MNO Policy – *Conditions or Limitations That May Apply to Citizenship*, as amended from time to time.¹³
- Head Office** 11. The head office of the MNO shall be in the City of Ottawa, Ontario.¹⁴

Special Assembly, Toronto, Nov. 14/98. March 17, 1996 amendment changed age from 17 years to 24 years. Amended at MNO Delegates Assembly, May 5-6, 1994 by motion #16.

⁹ 2014 amendment moved Charter Community provisions out of the citizenship section.

¹⁰ 2014 amendment added “if any”, deleted the phrase “upon obtaining individual citizenship” and moved community council fees to Charter Community section. PCMNO motion #1, June 19, 1996. Amended so that the words “Executive Council” are replaced by “PCMNO.”

¹¹ 2014 amendment replaced “secretary” with “Registrar.”

¹² July 2007 amendment added “Citizenship may be granted on a conditional basis and ... MNO Citizenship Policy...” and “...all as amended from time to time.” June 7 – 8, 2001 amendment, previously read “The rights of any citizen to participate in the affairs of the MNO may be limited by the PCMNO.”

¹³ 2014 amendment corrected grammar by adding “and” after “natural justice”. July 2007 amendment deleted the previous clause 5: “5.1 A citizen whose privileges have been so limited may ask the PCMNO, in writing, seven days in advance of its next meeting, to remove the limitation. 5.2 In the event that the PCMNO upholds its decision to limit that citizen’s rights, the citizen may appeal the PCMNO’s decision, at the next meeting of the General Assembly.” The phrase “...may ask the PCMNO, in writing, to remove the limitation. A citizen whose rights have been so limited may ask the PCMNO, in writing, seven days in advance of its next meeting, to remove the limitation.” was added by the General Assembly in July 2005. The words “subject to the discretion of a process to be established by the PCMNO and ratified at the first annual meeting” were deleted from the first sentence by PCMNO motion #2, June 19, 1996.

¹⁴ Head Office was moved from Ottawa to Toronto by PCMNO motion #19, December 6 – 8, 1996. Head Office was again relocated to Ottawa by PCMNO June 8, 2002 and approved by the General Assembly in Kenora, July 10, 2002.

Charter Membership

MNO Charter Communities¹⁵

12. MNO Charter Communities shall be limited to those entities that have been granted an MNO Community Charter. MNO Charter Communities are not members of the MNO.¹⁶

No Incorporation

(a) MNO Charter Communities may not incorporate under the laws of Ontario or Canada.¹⁷

Fees

13. Fees or dues, if any, with respect to a MNO Community Charter shall be at the direction of the PCMNO.¹⁸

Purpose and Composition of PCMNO

Provisional Council of the MNO (“PCMNO”)

14. The PCMNO shall make decisions and act in a manner consistent with upholding and advancing the *MNO Statement of Prime Purpose* and shall take its direction from and shall report to the General Assembly. The property and business of the MNO shall be managed by a council of nineteen (19) elected citizens who shall be called councilors and shall sit on the Provisional Council of the MNO (“PCMNO”). The PCMNO shall consist of: president, chair, vice-chair, secretary-treasurer, four (4) senators, one [1] representative from each of the nine [9] regions, one (1) post secondary representative and one (1) youth.¹⁹

(a) Regional Councilors shall be Ordinarily Resident in the region in which they are elected for the duration of their term of office.²⁰

(b) Only MNO citizens may be councilors of the MNO.²¹

¹⁵ 2014 amendment, created this MNO Charter Communities section.

¹⁶ 2014 amendment clarified that Charter Communities are not “members” and have no vote, previously read, “MNO charter membership shall be limited to those entities that have been granted an MNO charter. MNO charter membership is a non-voting membership.” Amended by PCMNO June 7-8, 2001. Previously read, “MNO community council membership shall be limited to those communities who have been granted an MNO Community Charter. MNO community council membership is a non-voting membership.”

¹⁷ 2014 amendment deleted the sentence “MNO charter members may incorporate only through the charters of the MNO.” The no incorporation rule was originally added at MNO Delegates Assembly, May 5 - 7, 1994 motion #27. Confirmed by PCMNO motion #6, December 17 - 18, 1995.

¹⁸ 2014 amendment added this clause. Previously included in clause 8 with respect to fees for members.

¹⁹ 2014 amendment replaced “post secondary education student” with “post secondary representative”. August 23-25, 2013 amendment, adding “make decisions and act in a manner consistent with upholding and advancing the MNO Statement of Prime Purpose and shall”. July 2007 amendment again made PCMNO a council of 19 elected citizens when the women’s representative was removed. Nov. 5, 1997 amendment added the phrase “shall be called councilors and shall sit on” to clarify that all elected persons are councilors. July 19-20, 1997 amendment added, “The PCMNO shall take its direction from and shall report to the General Assembly.” December 17-18, 1995 amendment replaced “Director” and “Board” with “Council” and “councilor.” May 5-7, 1994 amendment added another region, previously 8 regions. .

²⁰ 2014 amendment added this clause.

²¹ 2014 amendment added this clause.

(c) With the exception of appointments made to fill vacancies pursuant to section 23, the councilors may not appoint additional councilors to the PCMNO.²²

Provincial Secretaries

15. Provisional secretaries may be appointed from the PCMNO and for each appointment the term of office, responsibilities and removal shall be determined by the president and ratified by the PCMNO. Provincial secretaries shall report to the president. Provincial secretaries shall support the management of the MNO by providing leadership in the area of their portfolio responsibility and shall advocate, advise and represent their respective portfolios to MNO management, MNO citizens and outside agencies.²³

Senators

16. Each community council may elect a senator. Those senators elected by their community councils together with the senators currently serving on the PCMNO, and any senators who have served in the past on the PCMNO, who are in attendance at a General Assembly, shall, by means of a process which shall be determined by themselves, choose from among themselves four (4) senators to sit on the PCMNO, and from among those four (4), shall also choose one (1) Executive Senator who shall sit on the executive committee.²⁴

(a) For greater certainty an Executive Senator or a senator who holds office on the PCMNO is a councilor with all the rights and privileges attached to that position.²⁵

(b) Senators selected to sit on the PCMNO and on the executive committee shall hold those positions for a four (4) year term.²⁶

(c) Senators shall be at least fifty-five (55) years of age.²⁷

²² 2014 amendment added this clause clarifying that councilors may not appoint additional councilors other than to fill vacancies under s. 23.

²³ Added July 10, 2002.

²⁴ 2014 amendment added the term "Executive Senator" as a title to distinguish the Senator that sits on the Executive Committee from the Senators sitting on PCMNO, changed "select" to "elect" and added the phrase "by means of a process which shall be determined by themselves." Added by PCMNO motion #15, December 17 - 18, 1995. July 10, 2002 amendment, previously read, "At an annual meeting of the General Assembly those Senators chosen by their communities shall choose from among themselves four (4) Senators to sit on the PCMNO including the Senator who shall sit on the executive committee."

²⁵ 2014 amendment added the term "Executive Senator" as a title to distinguish the Senator that sits on the Executive Committee from the Senators sitting on PCMNO. Added by General Assembly, July 10, 2002.

²⁶ In July of 2007 the term was changed from three years to four years. Originally added July 20, 1996.

²⁷ Age requirement changed from 60 to 55 by Motion #7, annual General Assembly, July 20, 1996. Originally added at MNO Delegates Assembly May 5-7, 1994.

(d) Senators, after holding office on the PCMNO or the executive committee, are entitled to retain the title of Senator forever after and that honorary title does not entitle them to participate or vote at PCMNO or executive committee meetings after their term of office has expired.²⁸

17. Deleted.²⁹

Youth Representative

18. The elected youth representative on the PCMNO may only vote at PCMNO meetings if over the age of eighteen (18) years. The Youth Representative shall be Ordinarily Resident in Ontario throughout the term of office. The Youth Representative may request permission from the PCMNO to retain his or her office if attending an educational institution out of Province during the term of office.³⁰

Post Secondary Representative

19. The Post Secondary Representative on the PCMNO may only vote at PCMNO meetings if over the age of eighteen (18) years. The Post Secondary Representative shall be Ordinarily Resident in Ontario throughout the term of office. The Post Secondary Representative may request permission from the PCMNO to retain his or her office if attending an educational institution out of Province during the term of office.³¹

Voting Councilors

20. Voting councilors must be individuals who are bondable, at least eighteen (18) years of age and with power under law to contract.³²

21. Deleted³³

Term of Office

22. Councilors shall be elected for a term of four (4) years by the citizens through a process established by the *MNO Electoral Code*, as amended from time to time.³⁴

²⁸ Added by General Assembly, July 10, 2002.

²⁹ July of 2007 amendment, deleted this clause, previously read "The president of the Métis Women of Ontario will sit on the PCMNO as the women's representative." Added by PCMNO motion #24, March 17, 1996.

³⁰ 2014 amendment added the requirement to be Ordinarily Resident in Ontario throughout term of office at the discretion of the PCMNO.

³¹ 2014 amendment added this clause.

³² The word "bondable" was added July 20, 1996.

³³ 2014 amendment deleted this clause, which previously read, "The applicants for incorporation shall become the first officers of the MNO whose term of office shall continue until their successors are elected. At the first meeting of citizens, the PCMNO then elected shall replace the applicants named in the letters patent of the MNO."

³⁴ July of 2007 amendment changed the term from a three-year term to a four year term. June 19, 1996 amendment deleted the words "an annual meeting of citizens until this process is replaced by a ballot box process". December 17-18, 1995 amendment changed

Vacancies

23. If any vacancy occurs the PCMNO may appoint as a replacement, a citizen of the MNO who would be eligible for that office and that person shall hold office until the next election. The office of councilor may be deemed vacated:³⁵
- (a) if a councilor has resigned the office by delivering a written resignation to the PCMNO;³⁶
 - (b) if he or she is found by a court to be of unsound mind;
 - (c) if at a meeting of the General Assembly, a resolution is passed by a majority of the citizens present at the meeting that he or she be removed from office;
 - (d) on death;
 - (e) on missing three (3) consecutive council meetings without good reason;³⁷
 - (f) where PCMNO determines that a regional councilor is no longer Ordinarily Resident in the region in which he or she was elected;³⁸
 - (g) where the PCMNO determines that a member of the executive is no longer Ordinarily Resident in Ontario;³⁹
 - (h) where the PCMNO determines that a councilor holds or takes a position on the board of directors of another provincial aboriginal organization and where by reason of holding the two positions the councilor may be placed in a conflict of interest;⁴⁰
 - (i) where the PCMNO determines that a councilor is not entitled to be registered as a citizen of MNO pursuant to 4(a);⁴¹
 - (j) where the PCMNO determines that a councilor, by an ongoing and serious action of omission or commission, is in direct contravention of an express direction from the General Assembly;⁴²
 - (k) is convicted of an indictable offence;⁴³ or
 - (l) has been found guilty, in connection with an election, of corrupt practice, accepting a bribe, dishonesty or malfeasance.⁴⁴

the term from two years to three years. May 5-7, 1994 amendment changed the term from one year to two years.

³⁵ 2014 amendment added the phrase "who would be eligible for that office". March 30, 2004 amendment deleted "pursuant to this paragraph". Nov. 5, 1997 amendment changed the word "shall" to "may", to allow PCMNO flexibility in this decision.

³⁶ Amended by PCMNO February 13, 1997 by replacing "...to the secretary of the MNO" with "...to the PCMNO".

³⁷ Added December 17 - 18, 1995.

³⁸ 2014 amendment added this clause.

³⁹ 2014 amendment added this clause.

⁴⁰ Added December 17 - 18, 1995.

⁴¹ Added June 17, 1997.

⁴² Added July 19 - 20, 1997.

⁴³ Added July 2001.

Meetings of PCMNO

24. There shall be at least one (1) meeting per year of the PCMNO. Each voting councilor present and participating in the meeting is authorized to exercise one (1) vote.⁴⁵

PCMNO Quorum

(a) Ten (10) councilors shall constitute a quorum of the PCMNO.⁴⁶

Notice of PCMNO Meetings

25. Meetings of the PCMNO may be held at any time and place to be determined by the president or executive provided that forty-eight (48) hours written notice of such meeting shall be given, other than my mail, to each councilor. Notice by mail or other means shall be sent at least fourteen (14) days prior to the meeting. There shall be at least one (1) meeting per year of the PCMNO. Notice by mail shall be sent at least fourteen (14) days prior to the meeting. No error or omission in giving notice of any meeting of the PCMNO or any adjourned meeting of the PCMNO shall invalidate such meeting or make void any proceedings taken thereat and any councilor may at any time waive notice of any such meeting and may ratify, approve and confirm any or all proceedings taken or had thereat.

Electronic Participation at PCMNO meetings

26. A councilor may participate in a meeting of the council or of a committee of the council by communication facilities that permit all persons participating in the meeting to hear each other, and a councilor participating in such a meeting by such means is deemed to be present at the meeting.⁴⁷

Resolutions in Writing

27. A quorum of the PCMNO may pass a resolution in writing and such resolution is as valid as if it had been passed at a meeting of the PCMNO. Such resolution must be signed by each member of the quorum and in order to pass, must have the approval of the requisite number of PCMNO councilors whose approval would be required to pass that resolution at a meeting of the PCMNO.⁴⁸

⁴⁴ Added July 2001.

⁴⁵ Nov. 5, 1997 amendment replaced the phrase “determined by the councilors” with “by the president or executive”; “meeting per year of the MNO” with “meeting per year of the PCMNO” and added the phrase “present and participating in the meeting”.

⁴⁶ Amended from a quorum of 8 December 17 – 18, 1995. Quorum amended from eleven (11) to ten (10) in July of 2007.

⁴⁷ 2014 amendment deleted the sentence “If all the councilors of the MNO consent thereto generally or in respect of a particular meeting,” and deleted “by means of such conference telephone of other ...”

⁴⁸ Amended April 2, 2000, previously read, “A resolution in writing, signed by all the councilors entitled to vote on that resolution at a meeting of councilors or committee of councilors, is as valid as if it had been passed at a meeting of councilors or committee of councilors.”

Compensation for Councilors

28. A councilor may be remunerated or paid reasonable expenses incurred by him or her in the performance of his or her duties.⁴⁹

(a) A councilor may not, during his or her term of office as councilor, concurrently receive compensation from the MNO in excess of (i) the compensation payable by MNO to the councilor on account of his or her position as councilor and (ii) such additional compensation as is reported to the PCMNO by the councilor for other duties performed or services provided by such a councilor.⁵⁰

(b) A councilor may not, during his or her term of office as councilor, concurrently serve as an elected community council member.⁵¹

PCMNO Councilors not MNO Employees or Community Councilors

Appointment of Agents & Employees

29. The PCMNO may appoint such agents and engage such employees as it shall deem necessary from time to time and such persons shall have such authority and shall perform such duties as shall be prescribed by the PCMNO at the time of such appointment.

Remuneration for Officers, Agents & Employees

30. A reasonable remuneration for all officers, agents and employees and committees of citizens shall be fixed by the PCMNO by resolution.

Indemnity

31. Every councilor or officer of the MNO or other person who has undertaken or is about to undertake any liability on behalf of the MNO or any company controlled by it and their heirs, executors and administrators, and estate and effects, respectively, shall from time to time and at all times, be identified and saved harmless out of the funds of the MNO, from and against;

(a) all costs, charges and expenses which such councilor, officer or other person sustains or incurs in or about any action, suit or proceedings which is brought, commenced or prosecuted against him or her, or in respect of any act, deed, matter of thing whatsoever, made, done or permitted by him, in or

⁴⁹ The following sentence was deleted December 17 – 18, 1995, “The councilors shall serve as such without remuneration and no councilor shall directly or indirectly receive any profit from his or her position as such; provided that a ...” June 7 – 8, 2001 amendment deleted “Nothing herein contained shall be construed to preclude any councilor from serving the MNO as an officer or in any other capacity and receiving compensation therefore.” The 2019 MNO AGA replaced this clause in its entirety, which previously read: “A councilor may be remunerated or paid reasonable expenses incurred by him or her in the performance of his or her duties. A councilor may, provide services to MNO under a term contract for services.”

⁵⁰ Added June 7 – 8, 2001. The 2019 MNO AGA replaced this clause in its entirety, which previously read: “A councilor may not, during his or her term of office as councilor, concurrently be an employee of MNO.”

⁵¹ Added June 7 – 8, 2001.

**Legal Powers
of PCMNO**

about the execution of the duties of his office in respect of any such liability;

- (b) all other costs, charges and expenses which he or she sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his own willful neglect or default.

32. The PCMNO and councilors duly authorized by the PCMNO shall have the power to enter into contracts which the MNO may lawfully enter into and may exercise all such other powers and do all such other acts and things as the MNO is, by its charter or otherwise by law, authorized to exercise and do.⁵²

- (a) From time to time the PCMNO may release, for research purposes, the MNO's registration list to government authorities. PCMNO shall only release the registration list when it has reliable assurances that no individual information will be accessed.⁵³

33. The councilors shall have power to authorize expenditures on behalf of the MNO from time to time and may delegate by resolution to an officer or officers of the MNO the right to employ and pay salaries to employees. The councilors shall have the power to enter into a trust arrangement with a trust company for the purpose of creating a trust fund in which the capital and interest may be made available for the benefit of promoting the interest of the MNO in accordance with such terms as the PCMNO may prescribe.

34. Subject to any limitations set out in grants, or contributions agreements, PCMNO may invest its funds at its discretion. No part of MNO's profits or property may be distributed directly or indirectly to a citizen, councilor or officer of MNO except in furtherance of its activities.⁵⁴

35. The PCMNO shall take such steps as they may deem requisite to enable the MNO to acquire, accept, solicit or receive legacies, gifts, grants, settlements, bequests, endowments, donations of any kind whatsoever for the purpose of furthering the objects of the MNO.

Executive Committee (Officers)

⁵² Amended October 31, 1997 to clarify that the PCMNO and authorized councilors have the power to legally contract or bind the MNO by their actions.

⁵³ July 2004 amendment added this clause.

⁵⁴ 2014 amendment added this clause.

Composition of Executive

36. The executive committee of the MNO shall consist of the president, chair, vice-chair, secretary-treasurer, a senator and any such other officers as the PCMNO may by its Bylaws determine.⁵⁵

(a) No citizen may hold more than one executive committee office at a time.⁵⁶

Duties of Executive

37. The executive committee will make decisions and act in a manner consistent with upholding and advancing the MNO Statement of Prime Purpose and shall have the day-to-day management and administration of the MNO and shall ensure that resolutions and motions passed by the General Assembly and the PCMNO are carried out. The executive committee shall report to, advise and take direction from the PCMNO and the General Assembly and may not override express directions from the PCMNO or the General Assembly. Ongoing and serious actions of omission or commission by members of the executive committee, which directly contravene express direction from the PCMNO or the General Assembly, may be grounds for removal from office.⁵⁷

(a) Executive committee officers shall be Ordinarily Resident in Ontario for the duration of their term of office.⁵⁸

Meetings of Executive

38. Meetings of the executive committee shall be held at any time and place to be determined by the members of such committee provided that forty-eight (48) hours written notice of such meeting shall be given, other than by mail, to each member of the committee. Notice by mail shall be sent at least fourteen (14) days prior to the meeting. Three members of such committee shall constitute a quorum. No error or omission in giving notice of any meeting of the executive committee of the PCMNO or any adjourned meeting shall invalidate such meeting or make void any proceedings taken thereat and any councilor may at any time waive notice of any such meeting and may ratify, approve and confirm any or all proceedings taken or had thereat.⁵⁹

Executive Quorum

Notice of Executive Meetings

⁵⁵ February 13, 1997 amendment deleted "no two offices may be held by the same person."

⁵⁶ 2014 amendment added this clause.

⁵⁷ August 23-25, 2013 amendment added "will make decisions and act in a manner consistent with upholding and advancing the MNO Statement of Prime Purpose". July 19-20, 1997 amendment added reporting to PCMNO and General Assembly. December 17-18, 1995 amendment removed "There shall be an executive committee composed of five (5) citizens of the PCMNO who shall be appointed by the PCMNO. The executive committee shall exercise such powers as are authorized by the PCMNO. Any executive committee citizen may be removed by a majority vote of the PCMNO."

⁵⁸ 2014 amendment added this clause.

⁵⁹ December 17 - 18, 1995 amendment changed the quorum from two to three.

39. Repealed.⁶⁰

40. Repealed.⁶¹

Duties of President

41. The president shall be the chief executive officer of the MNO. The president shall be the chief spokesperson for the MNO and shall represent the MNO on the Board of Governors of the Métis National Council. The president shall have the general and active management of the affairs of the MNO.

Duties of Chair

42. The chair shall preside at meetings of the MNO and of the PCMNO and when acting as chair shall not vote unless required to cast a tie-breaking vote. The chair shall see that all orders and resolutions of the General Assembly and the PCMNO are carried into effect. The chair shall, in the absence or disability of the president, perform the duties and exercise the powers of the president and shall perform such other duties as shall from time to time be imposed upon him or her by the executive committee or the PCMNO.⁶²

Duties of Vice-Chair

43. The vice-chair shall assist the chair in the conduct of all meetings of the MNO. The vice-chair shall represent the MNO as required or as assigned from time to time by the executive committee or the PCMNO. The vice-chair may vote only when not acting as chair.

Duties of Secretary-Treasurer

44. The secretary-treasurer shall have the responsibility to ensure the custody of the funds and securities of the MNO and is responsible to ensure that full and accurate accounts are kept of all assets, liabilities, receipts and disbursements of the MNO in the books belonging to the MNO. The secretary-treasurer shall have the responsibility to ensure the proper deposit of the

⁶⁰ June 19, 1996 amendment repealed "The executive committee shall be elected at an annual meeting of citizens."

⁶¹ June 19, 1996 amendment repealed "The Executive Committee of the MNO shall hold office for three (3) years from the date of election or until their successors are elected in their stead". December 17-18, 1995 amendment deleted "Officers shall be subject to removal by resolution of the PCMNO at any time." May 5-7, 1994 amendment changed the term to 3 years. Originally read - "The executive committee of the MNO shall hold office for one (1) year from the date of election or until their successors are elected in their stead"

⁶² March 8, 1999 amendment added "the General Assembly". February 21, 1999 amendment deleting the following: "The chair shall be the executive director of the MNO. The chair shall be responsible to the PCMNO for the finances of the MNO and in that capacity shall render to the president and councilors at the regular meetings of the PCMNO, or whenever they may require it, an accounting of all the transactions and a statement of the financial position of the MNO. To ensure sound financial management, the chair shall supervise and may assume or delegate all or some of the duties and responsibilities of the secretary-treasurer."

moneys, securities and other valuable effects in the name and to the credit of the MNO in such chartered bank or trust company, or, in the case of securities, in such registered dealer in securities as may be designated by the PCMNO from time to time. He or she is empowered to authorize the disbursement of the funds of the MNO following established MNO financial policies as amended from time to time. He or she shall also perform such other duties as may from time to time be directed by the president, the chair and the PCMNO.

The secretary-treasurer shall carry out the affairs of the MNO under the supervision of the president and shall attend all meetings and ensure that all votes and minutes of all proceedings are responsibly kept in the books of the MNO. He or she shall give or cause to be given notice of all meetings of the citizens and of the PCMNO, and shall perform such other duties as may be prescribed by the PCMNO or the president.⁶³

45. The duties of all other officers of the MNO shall be such as the terms of their engagement call for or the PCMNO requires of them.

46. Contracts, documents, or any instruments in writing requiring the signature of the MNO, shall be signed by two (2) officers who are duly authorized as signatories by PCMNO, and all contracts, documents, and instruments in writing so signed shall be binding upon the MNO without any further authorization or formality. The councilors shall have power from time to time by resolution to appoint an officer or officers on behalf of the MNO to sign

Execution of Documents

⁶³ Amended February 1999 to current wording. Duties and responsibilities of secretary-treasurer were previously amended February 13, 1997 and from Feb/97 – Feb/99 was as follows: “The secretary-treasurer may be empowered by the PCMNO, upon resolution of the PCMNO, to carry out the affairs of the MNO under the supervision of the Chair and executive director of the MNO. The secretary-treasurer if so empowered, may have custody of the funds and securities of the MNO and may be responsible to ensure that full and accurate accounts of all assets, liabilities, receipts and disbursements of the MNO in the books belonging to the MNO and may have the responsibility to deposit the moneys, securities and other valuable effects in the name and to the credit of the MNO in such chartered bank or trust company, or, in the case of securities, in such registered dealer in securities as may be designated by the PCMNO from time to time. He or she may be empowered to disburse the funds of the MNO as may be directed by proper authority taking proper vouchers for such disbursements. He or she shall also perform such other duties as may from time to time be directed by the president, the chair and the PCMNO. The secretary-treasurer may be empowered by the PCMNO, upon resolution of the PCMNO, to carry out the affairs of the MNO under the supervision of the Chair and if so empowered shall attend all meetings and act as clerk thereof and record all votes and minutes of all proceedings in the books to be kept for that purpose. If so empowered by the Chair, he or she shall give or cause to be given notice of all meetings of the Citizens and of the PCMNO, and shall perform such other duties as may be prescribed by the PCMNO or Chair.

specific contracts, documents and instruments in writing. The councilors may give the MNO power of attorney to any registered dealer in securities for the purposes of transferring of and dealing with any stocks, bonds, and other securities of the MNO. The seal of the MNO when required may be affixed to contracts, documents and instruments in writing signed as aforesaid or by any officer or officers appointed by resolution of the PCMNO.⁶⁴

Meetings of the General Assembly⁶⁵

**Meetings of the
General
Assembly**

47. The General Assembly is a duly called meeting of MNO citizens. The annual or any other meeting of the General Assembly shall be held at any place in Ontario as the PCMNO may determine and on such days as the PCMNO shall appoint. Pursuant to the notice provisions in clause 49, the citizens may consider and transact any business at any meeting of the General Assembly.⁶⁶

(a) For greater certainty PCMNO meetings are not meetings of the General Assembly.⁶⁷

AGA

48. There shall be an annual meeting of the General Assembly (the “AGA”) each year. At every AGA, in addition to any other business that may be transacted, the report of the councilors, the financial statements and the report of the auditors shall be presented and auditors shall be appointed for the ensuing year.⁶⁸

Notice

49. At least fourteen (14) days and not more than fifty (50) days written notice shall be given to each citizen of any annual or other meeting of the General Assembly. Notice of any meeting of the General Assembly where Special Resolutions will be proposed shall be at least thirty (30) days and not more than 50 days and shall contain the text of the Special Resolutions to be submitted at the General Assembly.⁶⁹

⁶⁴ 2014 amendment deleted “any” from the phrase “signed by any two” and added “who are duly authorized as signatories by PCMNO”.

⁶⁵ This entire section amended for clarity, Nov. 5, 1997.

⁶⁶ 2014 amendment added the phrase “pursuant to the notice provisions in clause 49”.

⁶⁷ 2014 amendment moved what is now 47(a) from s. 50 and deleted “and notwithstanding clause 22”. Added by PCMNO motion #6, June 19, 1996.

⁶⁸ Modified to clarify that these are required at the annual meeting of the General Assembly, Nov. 5, 1997.

⁶⁹ 2014 amendment added “at least ... and not more than 50 days notice”, replaced the phrase “where special business will be transacted” with “where Special Resolutions will be proposed”, replaced “judgment on the Special Business under consideration” with “judgment on the Special Resolutions under consideration”, replaced “sufficient information to permit each citizen to form a reasoned judgment on the special Business under consideration” with “the text of the Special Resolutions to be submitted at the General Assembly” and moved two subclauses to 67 and 69 in the Amendments section which was also created in 2014. The phrase “...shall be thirty (30) days and...” was added by the PCMNO, in September 2010.

50. No error or omission in giving notice of any annual or other meeting of the General Assembly or any adjourned meeting, whether annual or otherwise of the General Assembly shall invalidate such meeting or make void any proceedings taken thereat and any citizen may at any time waive notice of any such meeting and may ratify, approve and confirm any or all proceedings taken or had thereat. For the purpose of sending notice to any citizen, councilor or officer for any meeting or otherwise, the address of the citizen, councilor or officer shall be his or her last address recorded in the records of the MNO.

Decision Making

51. At all meetings of General Assembly, citizens shall make decisions consistent with upholding and advancing the MNO Statement of Prime Purpose and shall strive to make decisions by consensus.⁷⁰ In the event that consensus cannot be achieved, questions shall be determined by a simple majority of votes unless otherwise specifically provided by statute or by these Bylaws.

Eligible Voters

(a) Subject to any limitations on a citizens rights and privileges that have been imposed pursuant to clause 10, each citizen who is at least sixteen (16) years old and is present at a meeting of the General Assembly shall have the right to exercise one vote.⁷¹

Quorum for General Assembly

(b) The quorum for each General Assembly shall be fifty percent (50%) of the citizens who are eligible to vote and who are registered as in attendance at the General Assembly at noon on the first business day of that General Assembly.⁷²

Virtual Participation

(c) A citizen may participate in a meeting of the General Assembly by communication facilities that permit all persons participating in the meeting to hear each other and vote through an effective, efficient, and verifiable technological means, and a citizen participating in such a meeting by such means is deemed to be present at the meeting. In order to ensure technological issues do not hinder or invalidate the conduct of a General Assembly, the quorum requirements set out in (b) above only include the in-person attendees at the General Assembly on its first day, and the in-person meeting shall be able to continue, at any time, without the participation of any or all virtual participants. No technological challenges related to virtual participation can

Commented [A1]: On November 25, 2022, the PCMNO made a minor amendment to correct a typo in article 51(c). The previous article which read "do to hinder" was amended to read "do not hinder" by replacing the word "to" with "not" before the word "hinder". Article 58 of the MNO Bylaws requires that this amendment be "subsequently confirmed by a Special Resolution at the next General Assembly."

⁷⁰ August 23-25, 2013 amendment added "make decisions consistent with upholding and advancing the MNO Statement of Prime Purpose and shall ..."

⁷¹ The age limit was amended April 7, 1995.

⁷² Added June 7-8, 2001.

invalidate the conduct of an in-person General Assembly in any way.⁷³

- (d) As a part of the notice requirements for a General Assembly, the PCMNO shall prescribe the requirements for virtual participation and voting in a General Assembly, including, but not limited to: registration requirements, participation obligations, technological requirements, etc. For greater certainty, unlike in-person attendance, virtual participation in a General Assembly is not an absolute right of citizens and may be limited by the terms set out in the notice issued for a given meeting or technological difficulties that may occur during the conduct of said meeting.⁷⁴

Finances⁷⁵

52. Unless otherwise ordered by the PCMNO, the fiscal year end of the MNO shall be March 31st. The MNO shall operate on a balanced budget basis and shall provide quarterly financial statements and quarterly budget projections.⁷⁶

53. The PCMNO shall establish a finance committee, which shall be composed of four (4) appointed members of the PCMNO, one of whom shall be the secretary-treasurer who shall assume the position of chair of the finance committee.⁷⁷

- (a) The president shall sit on the finance committee in an ex-officio capacity and shall be a non-voting member.⁷⁸
- (b) The finance committee will meet quarterly and shall be responsible to oversee and monitor the finances of the MNO.
- (c) The finance committee shall be responsible to prepare quarterly financial statements and quarterly budget projections.⁷⁹

54. The PCMNO shall approve annual financial statements that relate to the period that began immediately after the end of the last completed financial year and ended not more than six (6) months before the AGA.⁸⁰

⁷³ 2022 amendment added this clause. PCMNO further amendment to replace the word “to” with “not” before the word “hinder” on November 25, 2022.

⁷⁴ 2022 amendment added this clause.

⁷⁵ 2014 amendment creates this Finances section by consolidating finances clauses from all parts of the Bylaws.

⁷⁶ Amended by the MNO Delegates Assembly May 5 – 7, 1994 motion #18.

⁷⁷ July 11, 1999 amendment, previously read “... (a) four (4) appointed members of the PCMNO; (b) the secretary-treasurer; and (c) the president.” July 20, 1996 amendment established a finance committee.

⁷⁸ Amended by PCMNO June 7, 2001. Previously included the secretary treasurer as an ex-officio member of the finance committee.

⁷⁹ 2014 amendment deleted the phrase “pursuant to paragraph 37”.

⁸⁰ 2014 amendment added this clause.

**Financial Year
and
Accountability**

**Finance
Committee**

55. The finance committee shall be responsible to present a financial update at each meeting of the PCMNO and at each Annual General Assembly shall place before the citizens, the financial statements approved by the PCMNO and the report of the auditor.⁸¹

Auditors

56. The citizens shall, by ordinary resolution, at each annual meeting of the General Assembly, appoint an auditor to audit the accounts of the MNO for report to the citizens at the next annual meeting of the General Assembly. The auditor shall hold office until the next annual meeting of the General Assembly provided that the councilors may fill any casual vacancy in the office of the auditor. The remuneration of the auditor shall be fixed by the PCMNO. If an auditor is not appointed at a General Assembly or if no resolution is passed to appoint a new auditor, the incumbent auditor continues in office until a successor is appointed.⁸²

Repeals or Amendments⁸³

57. The MNO's Statement of Prime Purpose may be repealed or amended by Special Resolution.⁸⁴

Amendments

58. The Bylaws of the MNO may be repealed or amended by resolutions passed by a majority of the councilors at a meeting of the PCMNO, or by a resolution in writing pursuant to clause 27 of these Bylaws, and subsequently confirmed by a Special Resolution at the next General Assembly.⁸⁵

⁸¹ 2014 amendment added "shall place before the citizens, the financial statements approved by the PCMNO and the report of the auditor."

⁸² 2014 amendment created the new finances section, moved this clause from the General Provisions section, added "by ordinary resolution" and the sentence "If an auditor is not appointed at a General Assembly or if no resolution is passed to appoint a new auditor, the incumbent auditor continues in office until a successor is appointed."

⁸³ 2014 amendment created the new amendments section and combined former amendment provisions.

⁸⁴ 2014 amendment moved and replaced previous first sentence of s. 34.1 "Amendments to the MNO's Statement of Prime Purpose, Bylaws or policies previously adopted by the general assembly are special business."

⁸⁵ 2014 amendment incorporated previous clause 39.1 into this clause, previously read, "In the event that the Bylaws of the MNO have been amended by the PCMNO, the amended Bylaws shall be approved at the next annual meeting of the general assembly", added "Special Resolution" and "next" and deleted "requiring an affirmative vote of at least two-thirds (2/3) of the eligible voters registered at noon on the first business day of the General Assembly" which is now part of the definition of "Special Resolution." July 2007 amendment added "at noon". June 7 - 8, 2001 amendment, previously read "...by an affirmative vote of at least two-thirds of the eligible voters at a meeting of the General Assembly." March 30 - April 2, 2000 amendment added "... by a resolution in writing pursuant to clause 13 of these Bylaws...".

59. The Bylaws of the MNO may be repealed or amended by Special Resolution.⁸⁶

**Amendments
Require
Special Resolutions**

60. MNO policies previously adopted by the General Assembly may only be repealed or amended by Special Resolution.⁸⁷

(a) For greater certainty, a Special Resolution is not required to repeal or amend MNO policies that were not previously adopted by the General Assembly.⁸⁸

**Fundamental
Changes**

61. Fundamental changes that create a new class of citizens, change a condition required for becoming a citizen, add, change or remove any rights or conditions of a new class, require approval by Special Resolution.⁸⁹

62. Special Resolutions and Ordinary Resolutions must comply with the notice provisions in clause 49 and the *MNO Policy – Process for Conducting Ordinary and Special Resolutions at a General Assembly* as amended from time to time.⁹⁰

63. These Bylaws, as amended, were approved by the AGA on **August 20, 2022**. Subsequent amendments were approved by the PCMNO on **November 25, 2022**.⁹¹

⁸⁶ 2014 amendment replaced previous version “The Bylaws of the MNO may be repealed or amended by resolutions passed by an affirmative vote of at least two-thirds of the eligible voters registered at noon on the 1st business day of a general assembly.” July 2007 amendment added “at noon”. June 7 – 8, 2001 amendment, previously read “...by an affirmative vote of at least two-thirds of the eligible voters at a meeting of the General Assembly”. Previously amended June 19, 1996.

⁸⁷ 2014 amendment replaced previous version “Amendments to the MNO’s Statement of Prime Purpose, Bylaws or policies previously adopted by the general assembly are special business. For greater certainty, resolutions to amend MNO policies that have not been previously adopted by the general assembly are not special business.” Previously this was clause 34.1. Previous s. 39.2 has been incorporated into this clause, which read “Amendments to the Bylaws of the MNO by the general assembly are special business and are subject to ...” This clause was originally added by the PCMNO in September 2010.

⁸⁸ 2014 amendment moved and replaced second sentence of previous 34.1, “For greater certainty, resolutions to amend MNO policies that have not been previously adopted by the general assembly are not special business.”

⁸⁹ 2014 amendment added this clause.

⁹⁰ 2014 amendment added “the notice provisions in clause 49 and”, replaced “or Special or non-Special Business” with “Special Resolutions or Ordinary Resolutions” and the MNO Policy is renamed from “Process for Conducting Special Business at a General Assembly” to “Process for Conducting Ordinary and Special Resolutions at a General Assembly”. This clause (previously 34.2) was added on June 27th 2011 at the direction of the 2010 AGA (AGA-RES-10-02). The Statement of Prime Purpose was added because it contains MNO’s foundational principles. On August 23–25, 2013, the AGA amended it to read “Any special or non-Special Business resolutions...” Previously read “Any Special Business to be dealt with...” This clause was originally added August 23–25, 2013.

⁹¹ Added by legal counsel in July 2002, so that the Bylaws include the date of approval by the PCMNO and the AGA.

Conflict of Interest⁹²

Conflict of Interest

64. A conflict of interest arises when the private interests of a councilor or citizen supersede or compete with the interests of the MNO or its related entities. Such conflicts of interest, whether real, potential or apparent shall be dealt with according to the *MNO Conflict of Interest Policy* as amended from time to time.

65. Whenever a councilor has a real, potential or apparent conflict of interest in any matter coming before the PCMNO, that councilor shall fully disclose the nature of the interest and shall withdraw from discussion, lobbying, and voting on the matter. Whenever an MNO citizen has a real, potential or apparent conflict of interest in any matter coming before the General Assembly, the affected citizen shall fully disclose the nature of the interest and withdraw from discussion, lobbying, and voting on the matter.

66. The obligation to disclose a conflict of interest is a continuing obligation.

General Provisions

67. In these Bylaws the following definitions apply:⁹³

Definitions

- (a) **"Bylaws"** means these bylaws of the Métis Nation of Ontario Secretariat as amended from time to time;
- (b) **"Community Charter"** means the agreement that affiliates a Community Council with the MNO and by means of which the Community Council agrees to uphold and advance the MNO Statement of Prime Purpose as the foundational and guiding objects, principles and aspirations of the MNO.
- (c) **"Community Council"** means a body of MNO citizens elected to manage the affairs of a Métis community that is recognized by and affiliated with the MNO by means of a Community Charter;
- (d) **"General Assembly"** means a meeting of the citizens and includes the Annual General Assembly;
- (e) **"Ordinarily Resident"** means a person who actually lives and has lived continuously in Ontario for at least one (1) full year prior to the date of the Election. In making such determination, temporary absences from Ontario for reasons such as travel, education, medical treatment, military service or incarceration shall be considered periods of residence provided the person was ordinarily resident prior to such

⁹² 2014 amendment added this section.

⁹³ 2014 amendment adding entire definitions clause.

temporary absences. A person can have only one place of ordinary residence;

- (f) **“PCMNO”** means the Provisional Council of the MNO;
- (g) **“Region”** means one of the nine (9) Regions of the MNO;
- (h) **“Regional Councilor”** means a person who is elected as a councilor of one of the nine (9) MNO Regions;
- (i) **“Registrar”** means the person with the primary responsibility to manage and administer the MNO Registry;
- (j) **“Registry”** means the site where applications and records of MNO citizens and harvester certificate holders are held; and
- (k) **“Special Resolution”** means a resolution passed at a General Assembly, the subject of which is considered a fundamental change and which requires the meeting’s quorum requirements are met and that at least two-thirds (2/3) of the votes cast by the eligible voters in relation to said resolution vote in favour of it. For example, if 100 eligible voters vote on a special resolution, 67 (i.e., “two-thirds (2/3) of the votes cast”) must vote in favour of it in order for the special resolution to be carried.⁹⁴

Committees

68. The PCMNO may appoint committees whose members will hold their offices at the will of the PCMNO. The councilors shall determine the duties of such committees and may fix any remuneration to be paid.

Registration of Bylaws

69. The Bylaws of the MNO shall be registered with legal counsel for the MNO. Once a resolution has been passed to amend or repeal a by-law, the secretary-treasurer shall forward the amending or repealing resolutions to counsel within thirty (30) days. Upon receipt of written resolutions, counsel shall register the Bylaws by making the amendments, annotating the changes, dating the Bylaws and affixing the MNO seal on the first page. Registration of the Bylaws in this manner renders all previous versions of the Bylaws invalid. In the event of any dispute, the registered Bylaws bearing the latest date shall be considered valid. Legal counsel for the MNO shall register the Bylaws and shall return a sealed copy of the newly amended, registered Bylaws to the PCMNO within fifteen (15) days of receiving written resolutions from the PCMNO.⁹⁵

⁹⁴ 2022 amendment revised the previous definition, which read: “means a resolution passed at a General Assembly, the subject of which is considered a fundamental change and which requires the approval of at least two-thirds (2/3) of the votes cast by the eligible voters registered at noon on the first business day of that General Assembly.”

⁹⁵ Added by PCMNO motion #8, June 19, 1996.

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(a) These Bylaws, as amended, were registered by legal counsel on the **12th day of December 2022**.⁹⁶

Books and Records

70. The PCMNO shall ensure that the written consent of each individual elected to the PCMNO and community councils, and all necessary books and records of the MNO required by the Bylaws of the MNO or any applicable statute or law are regularly and properly kept.⁹⁷

Rules and Regulations Confirmed at AGA

71. The PCMNO may prescribe such rules and regulations not inconsistent with these Bylaws relating to the management and operation of the MNO as they deem expedient, provided that such rules and regulations shall have force and effect only until the next annual meeting of the General Assembly when they shall be confirmed, and failing such confirmation at such annual meeting of the General Assembly, shall at and from that time cease to have any force and effect.

72. If MNO gives notice or other document to a citizen at the latest address of that citizen in the MNO's records and the notice or document is returned on three consecutive occasions because the citizen cannot be found, the MNO is not required to give any further notices or other documents to that citizen until the citizen provides MNO with a document setting out the citizen's address.⁹⁸

Interpretation

73. In these Bylaws and in all other Bylaws of the MNO hereafter passed unless the context otherwise requires, words importing the singular number shall include the plural number, and vice versa, and references to persons shall include firms and corporations and the use of either the masculine or the feminine form does not preclude application to a person of either sex.⁹⁹

74. Deleted¹⁰⁰

Corporate Seal

75. The seal, a computer impression whereof is stamped in the margin hereof, shall indicate the seal of the Métis Nation of Ontario Secretariat ("MNO"). Legal



⁹⁶ Added by legal counsel, July 2002, so that the Bylaws include registration.

⁹⁷ 2014 amendment added the phrase "the written consents of the PCMNO and community councils."

⁹⁸ 2014 amendment added this clause.

⁹⁹ Amended at MNO Delegates Assembly, May 5 - 7, 1995, motion #21.

¹⁰⁰ 2014 amendment moved in its entirety to clause 2.

counsel shall be custodian of the seal of the MNO, which he or she shall deliver only when authorized by a resolution of the PCMNO to do so and such person or persons as may be named in the resolution.¹⁰¹

¹⁰¹ 2014 amendment moved the first sentence, which was previously s. 2 and combined with the last sentence, which was previously s. 45. No change in content. Last sentence was originally added by PCMNO February 13, 1997.

Appendix A Statement of Prime Purpose

Where We Got Our Name

“The paternal ancestors of the Métis were the former employees of the Hudson Bay Northwest Fur Companies, and their maternal ancestors were Indian women of the various tribes. The French word *Métis* is derived from the Latin participle *mixtus*, which means “mixed”; in French *mêlé*; it expresses well the idea that is sought to be conveyed. However appropriate the corresponding English expression ‘Halfbreed’ might have been for the first generation of the mixture of blood, now that European blood and Indian blood are mixed in every degree, it is no longer general enough.

The French word *Métis* expressed the idea of this mixture in the most satisfactory manner possible, and thus becomes a proper race name ... why should we care to what degree exactly of mixture we possess European blood and Indian blood? If we feel ever so little gratitude and filial love toward one or the other, do they not constrain us to say: We are Métis!”

- Louis Riel, 1885¹⁰²

Who We Are As a People

We, the Métis are a people of the lands, which gave rise to our history and tradition and culture.

We call those lands the Métis Homelands. The Homelands stretch from the lakes and rivers of Ontario; cross the wide prairies, traverse the mountains into British Columbia and into the northern reaches of the Northwest Territories. They include the hills and valleys of the north-central American States.

These are our lands. They are Métis lands. They are the lands of our past which nurture us today and which we value as the precious foundation of our future.

As Métis who live in the Homelands, we hold it to be a fundamental truth that we are one of the Aboriginal peoples of the Americas.

The Métis Nation continues today to be the embodiment of our past, the source of sustenance for our present while giving rise to our hopes and aspirations for the future.

We are a Nation, born of independence, and self-sufficiency whose teachings are founded on the values of honesty and truth. We are proud of our rich heritage. We

¹⁰² For the French version of this quote see: *The Collected Writings of Louis Riel/Les écrits complets de Louis Riel*, (University of Alberta Press, Edmonton, 1985), Vol. 3; 3-156. *Les Métis du nord-ouest* [Regina]. [85/10-11], at p. 278-279. For the English version see *Hold High Your Heads*, which is an English translation of *l’Histoire de la nation métisse dans l’ouest*, by A.H. de Tremaudan (Pemmican Publications: Winnipeg, 1936) at p. 200.

are inspired by the values and traditions of our ancestors. The strength of our society is based on democracy, freedom, fairness, equality, generosity, justice and the customary and written law of our people. Above all, we cherish harmony and peace.

As Aboriginal people we hold sacred the rights of the individual and of the collective. We have respect for each other, for the land and for the animal and plant life that surrounds us. We are people who honour and respect the family, our elders who hold the key to the past, and our children, who are our future.

Guided by our spiritual values we aspire to attain our highest potential.

Now Therefore We Declare as Follows:

We, the Métis Nation, are a distinct Nation among the Aboriginal peoples in Canada and as such our Aboriginal and treaty rights are recognized and affirmed under Section 35 of the *Constitution Act, 1982*.

We, the Métis Nation, have the inherent right of self-determination and self-government;

We, the Métis who live within the Métis Homelands of Ontario, desiring to bind our people together to collectively promote our common cultural, social, political, and economic well-being, have founded the Métis Nation of Ontario, to be our representative body with the following aims and objectives:

- to research, publish and promote the genealogical documentation of the Métis, and to establish and maintain a registry of the Métis Citizens of Ontario;
- to establish democratic institutions based on our inherent right of self-government;
- to encourage the full participation of all Métis in the Métis Nation;
- to promote and foster community development;
- to re-establish land and resource bases;
- to protect and preserve the land and waters within our homelands for future generations;¹⁰³
- to develop prosperity and economic self-sufficiency within the Métis Nation;

¹⁰³ Amended by 2015 MNO AGA in Midland (AGA-SPECRES2015-003) by adding this additional objective.

- to provide care and support necessary to meet the fundamental needs of the citizens of the Métis Nation;
- to promote the improved health and wellness of the individual, the family and the whole Métis community;
- to establish effective means of communication for the Métis Nation;
- to encourage academic and skills development and to enable citizens of the Métis Nation to attain their educational aspirations;
- to promote the history, values, culture, languages and traditions of the Métis Nation and to create an awareness of our proud heritage;
- to promote Métis artistic and cultural achievement;
- to ensure that Métis can exercise their Aboriginal and Treaty rights and freedoms and in so doing, act in a spirit of cooperation with other Aboriginal and non-Aboriginal people;
- to establish good relations and maintain our historic alliances with all Aboriginal peoples for the pursuit of our common interests and goals;¹⁰⁴
- to continue our affiliation with the Métis National Council for the representation of the interest of the Métis Nation in Ontario at the National and International levels; and
- to gain the recognition and respect of the Métis as a Nation and a people.

¹⁰⁴ Amended by 2015 MNO AGA in Midland (AGA-SPECRES2015-003) by adding “and maintain our historic alliances”.

Context and Application of the Policy

All individuals applying for citizenship within the Métis Nation of Ontario (“MNO”) must follow and meet the requirements of the MNO Registry Policy (the “Policy”). Collectively, this Policy includes this document as well as the attached guidelines, backgrounder and two appendices. Nothing in this Policy alters the MNO Bylaws or the MNO’s definition for citizenship. This Policy provides guidance on how the MNO Bylaws and the MNO’s definition for citizenship are to be interpreted. It also outlines the administrative processes to be followed for registration. The MNO Registrar must follow the MNO Registry Policy.

Self-Identification

This means that applicants to the MNO Registry must see themselves and identify themselves as distinctly Métis. This requires that individuals make a positive choice to be culturally and identifiably Métis. Being Métis is to be part of a proud and old culture and aboriginal society.

If an individual identifies as an Indian (whether status, non-status, treaty or non-treaty) one is identifying as a different aboriginal people—not as Métis. An individual does not become Métis because one is simply not permitted to register as an Indian or Inuit. An individual is not Métis if they are registered as an Indian or Inuit on another aboriginal registry. An individual is not Métis simply because he or she has some aboriginal ancestry, but does not have Indian or Inuit status. An individual does not become Métis simply because he or she has Indian ancestry with parents who do not live on a reserve or parents who cannot pass on Indian status to them.

Proving Historic Métis Nation Ancestry

This means that an applicant must have an ancestral connection to the historic Métis society (the “Historic Métis Nation”). This requires a genealogical connection to a “Métis ancestor”²—not an Indian or aboriginal ancestor. This Métis ancestor must be connected to the Historic Métis Nation.

¹ The MNO Registry Policy has been in place—as an interim policy adopted by PCMNO—since March 2009. In August 2014, the Policy was formally adopted by special resolution of the 21st MNO AGA. Further amendments to the Registry Policy were made by the 2015 and 2019 MNO AGAs.

² Many historic documents identify mixed-race aboriginal individuals using terms other than “Métis”. Such terms may include but are not limited to: chicot, bois-brule, half-breed, French breed, other breed, etc. There is no requirement that an applicant must provide a document that specifically uses the term “Métis”. Documents using these other descriptive terms may, taken together with other evidence, be acceptable as proof of Métis ancestry.

Connection to the Historic Métis Nation means that an applicant's "Métis ancestor" must have identified or been identified by others as a Métis who lived in the Historic Métis Nation Homeland at a time after the Historic Métis Nation came into being, which is generally considered to be the late 1700s. In light of this, and without more, evidence of an Indian or aboriginal ancestor who lived outside the Métis Nation Homeland prior to the late 1700s does not provide sufficient proof that an applicant is Métis. Moreover, and without more, evidence of an individual having an Indian or aboriginal ancestor who lived within the Métis Nation Homeland prior to the late 1700s does not provide sufficient proof that an applicant is Métis.

For the purposes of identifying whether the applicant's Métis ancestor was living within the Historic Métis Nation Homeland, the Métis Nation Homeland is considered the land that the historic Métis Nation lived in, used and occupied as its traditional territory. The Historic Métis Nation Homeland was quite large and the limits were not clearly defined. It is a general theory that this territory covered "west central North America" or the "North West" but there were also no hard borders to the Historic Métis Nation Homeland.

The MNO asserts that the Historic Métis Nation Homeland in Ontario is the territory identified in the map attached as Appendix A. If an applicant can demonstrate a genealogical connection to a Métis ancestor who identified or was recognized as a Métis who lived in this territory in the late 1700s or later, that will suffice to demonstrate an ancestral connection to a Métis ancestor. In applying this policy statement, the MNO recognizes that its identified Métis traditional territories are not defined with absolute precision. So, for example, if an applicant has a Métis ancestor who lived just outside one of these identified Métis traditional territories or over the United States or Quebec border the applicant may meet the requirement for demonstrating a Métis ancestor.

Community Acceptance

This means being accepted as Métis by the rights-bearing Métis collective-the Métis Nation. It is part of the basic theory of "peoplehood" that the people defines itself and its citizens. While many may lay claim to being Métis Nation citizens, it is the role of the people themselves to determine who its citizens are and the terms on which those citizens will be accepted. The Métis Nation is not obliged to accept all claimants. The Métis Nation is in the process of developing national guidelines for acceptance and enrolment. In the meantime, the MNO, as the representative government of the Métis Nation in Ontario, accepts all applicants who meet its registration requirements by registering them with the MNO. Registration as a citizen of MNO constitutes acceptance by the rights-bearing Métis community the Métis Nation.

Within 6 months of submitting their application to the MNO Registry, an applicant whose application is not complete or has not been approved by the MNO Registrar shall be notified in writing. Such notice shall contain the reason(s) the application is not approved (i.e. more information needed, failure to establish that the claimed Métis ancestor is Métis, etc.). If the application is incomplete, the onus is on the applicant to provide the needed information to the MNO Registry. There is no appeal process for applications that are incomplete. If the application has not been approved for other reasons, applicants have two levels of appeal, as set out below.

Appeals

The MNO will have a two-stage appeal process. The first stage is a reconsideration of the application by the Registrar. Stage one is a prerequisite for stage two. In stage two an applicant may appeal the reconsideration decision of the Registrar. That appeal application will be reviewed by an independent genealogist with experience in Métis genealogy. The decision of the appeal genealogist will be final and binding on MNO and the applicant. All applications for reconsideration and appeals must be in writing. All reconsideration decisions of the Registrar and appeal decisions by the independent genealogist shall be in writing with reasons and shall be delivered in a timely manner. The MNO may impose fees on applicants for reconsiderations and appeals. In the event that finances are not provided from government to support the Registry, the appeal process may be streamlined or terminated.

Independent and Confidential Registry

MNO shall maintain the Registry as a confidential registry and shall not permit any access to individual files of registry decision making by anyone other than registry personnel and the Registrar. No PCMNO members shall take part in the decision-making with respect to any individual files. No information shall be disclosed from any file except with consent of the applicant or citizen or for research subject to a formal agreement that governs how the information will be used and protected.³

Security

The MNO shall make every effort to protect the Registry from fire, theft, mischief and loss of electronic data.

Pending Applications

The MNO shall only accept files that are complete. Only files that are complete will be listed as pending applications. If a file is incomplete or rejected the MNO Registrar will notify the applicant within a timely manner.

³ The 2015 MNO AGA replaced “from any file without the consent” with “from any file except with consent” and added the phrase “or for research subject to a formal agreement...”.

General

1. The MNO Registry shall be in two separate parts—a Citizenship Registry and a Harvesters Registry.
2. The Registrar shall be solely responsible to register applicants for MNO citizenship.
3. All personal information in the Registry shall remain confidential and no personal information from a file may be disclosed to anyone, including members of the PCMNO, without the consent of the applicant or citizen or for research subject to an agreement that governs how the information will be used and protected.⁴
4. The Registrar shall only register applicants who are citizens of the Métis Nation within the meaning of the Métis Nation Citizenship Definition in the MNO Registry Policy—Backgrounder.
5. ~~No registered MNO citizens will be removed from the MNO Registry unless the Registry receives (a) written consent from that registered citizen; or (b) proof that the 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.~~ Registered MNO citizens may request, in writing, to have their names removed from the MNO Registry.⁵
6. It is the responsibility of the applicant to provide all of the required documents to support an application.
7. Applications that are incomplete will not be accepted for registration.
8. Many historic documents identify mixed-race aboriginal individuals using terms other than “Métis”. Such terms may include but are not limited to: chicot, bois-brule, half-breed, French breed, other breed, etc. There is no requirement that an applicant must provide a document that specifically uses the term “Métis”. Documents using these other descriptive terms may, taken together with other evidence, be acceptable as proof of Métis ancestry.

⁴ The 2015 MNO AGA replaced “shall be kept strictly confidential” with “shall remain confidential” and added the phrase “or for research subject to an agreement...”. These amendments permit the MNO to continue its health research partnership with the Institute for Clinical Evaluative Sciences and to pursue other research relationships.

⁵ The 2015 MNO AGA added the phrase “unless the Registry receives (a)” and clause (b).

9. Evidence provided in support of an application may include but is not limited to scrip applications, photographs, census records, church records, diaries, journals, secondary sources, government documentation, etc.

Applications

10. Repealed.⁶
11. Repealed.⁷
12. Each applicant must provide a head and shoulders photograph of the applicant.
13. Each applicant must sign a waiver permitting access to his or her file for aggregate data. This waiver will not permit access to personal information without the prior consent of the applicant.
14. Each applicant must pay any required application fee.
15. A completed MNO citizenship application form shall include the following information:
 - a. Full name of applicant;
 - b. Address or place(s) of residence;
 - c. Date of birth;
 - d. Marital status (optional);
 - e. The name of any spouse of the applicant (optional);
 - f. The dates of any marriages of the applicant (optional);
 - g. The names and dates of birth of any children of the citizen; and
 - h. The full name and date of birth of that citizen's mother and father.

Self Identification as Métis

16. Each applicant must sign a declaration that they self-identify as Métis.
17. Each applicant must sign a declaration that they are not registered on another aboriginal registry and are not registered as an Indian under the *Indian Act*. For

⁶ The 2019 MNO AGA repealed this clause which previously read: “Each applicant must provide proof that he or she is ordinarily resident in Ontario.”

⁷ The 2019 MNO AGA repealed this clause which previously read: “Each applicant must provide proof of Canadian citizenship.”

greater certainty, Métis National Council membership lists or registries are not considered “another aboriginal registry” and applicants may be concurrently registered or have membership in the Manitoba Métis Federation, Métis Nation-Saskatchewan, Métis Nation of Alberta or the Métis Nation of British Columbia.

Proof of Historic Métis Nation Ancestry

18. The applicant must prove Historic Métis Nation ancestry by providing evidence of a genealogical connection to a Métis ancestor who lived in the Historic Métis Nation Homeland after 1750.
19. There is some flexibility with respect to the exact boundaries of the Métis Nation Homeland. For example, proof that an applicant’s ancestor lived just over the Ontario border in the United States or in Quebec may meet the requirement for demonstrating a Métis ancestor.
20. An applicant must provide documentary proof that links the applicant through each generation to a Métis ancestor.
21. Without more, genealogical proof that the applicant had an Indian ancestor is not sufficient to prove Métis ancestry.
22. Without more, genealogical proof that the applicant had a mixed-race ancestor who lived outside the Historic Métis Nation Homeland is not sufficient to prove Métis ancestry.
23. Without more, genealogical proof that an applicant had a mixed-race ancestor who lived prior to 1750 is not sufficient to prove Métis ancestry.

Community Acceptance

24. The MNO, as the representative government of the Métis Nation in Ontario, accepts all applicants who meet its registration requirements by registering them with the MNO.
25. Registration as a citizen of MNO constitutes acceptance by the rights-bearing Métis community – the Métis Nation.

Harvesters Registry

26. An MNO citizen may apply for a Harvesters Card and shall provide a Captain of the Hunt with proof of the following:
 - a. that he or she is ordinarily resident in and intends to participate in the Métis harvest in his or her traditional territory; and
 - b. if the applicant intends to use firearms or a bow in the Métis harvest, he or she must demonstrate sufficient knowledge of firearms or bow hunting safety or completion of a firearms safety course.

27. Captains of the Hunt shall forward completed applications for Harvesters Cards to the MNO Registry.
28. Harvesters Cards shall have a term of validity of 3 years, which term shall begin from the date of issue.
29. The fee for a Harvesters Card shall be as set by the PCMNO from time to time.
30. An application for renewal of a Harvesters Certificate shall be sent to the applicant's Captain of the Hunt, who shall sign the renewal application form and forward it to MNO for processing.

Appeals

31. Within 6 months of submitting an application to the MNO Registry, an applicant whose application is not complete or has not been approved by the MNO Registrar shall be notified in writing. Such notice shall contain the reason(s) the application is not approved (i.e., more information needed, failure to establish a Métis ancestor, etc.).
32. If the application is incomplete, the onus is on the applicant to provide the needed information to the MNO Registry.
33. There is no appeal or reconsideration for applications that are determined by the MNO Registry to be incomplete.
34. If the application has not been approved for reasons other than being incomplete, an applicant may ask, in writing, to have the decision of the MNO Registrar reconsidered by the MNO Registrar.
35. Written requests for reconsideration must include the grounds for the challenge and may include additional documentation in support of the challenge.
36. Upon receipt of the written request for reconsideration, the MNO Registrar shall consider all the materials in the applicant's file and may consider any additional information during the reconsideration process.
37. The MNO Registrar shall provide a written response to the reconsideration request within 90 days of receiving such request.
38. Reconsideration is a necessary prerequisite to filing an appeal.
39. An applicant may appeal the MNO Registrar's reconsideration decision by:
 - a. in relation to citizenship, completing a MNO Citizenship Final Appeal Request Form. A copy of this Form is attached as Appendix B; or

- b. in relation to a Harvester’s Card, completing a MNO Harvester’s Card Final Appeal Request Form. A copy of this Form is attached as Appendix C; and
 - c. including a payment of \$250.00 to the MNO for the administrative costs associated with the appeal.⁸
40. Upon receipt of the required materials in support of the appeal, the MNO Registrar shall forward the contents of the applicant’s file to an independent, qualified genealogist with experience in Métis genealogy for review and consideration of the applicant’s appeal.
41. This genealogist will review the documents in the applicant’s file based on the MNO Registry Policy, Guidelines, Backgrounder and MNO Harvesting Policy (if applicable). Upon completion of the genealogist’s review, he or she may either uphold or overturn the Registrar’s determination. A letter from the genealogist setting out his or her decision, with reasons, will be provided to the MNO Registrar and the applicant. A copy of the decision shall be placed in the applicant’s file. The decision of the independent genealogist will be final and binding on the parties to the appeal.⁹⁵
42. An applicant must exhaust the MNO reconsideration and appeal process prior to filing any claim or action in a court.

⁸ The 2015 MNO AGA added the phrase “in relation to citizenship” in clause “a” and all of clause “b” as well as the MNO Harvester’s Card Final Appeal Request Form attached as Appendix C.

⁹ The 2015 MNO AGA added the phrase “and MNO Harvesting Policy (if applicable).”

Registry Policy Backgrounder

(August 2019)

The Métis Nation of Ontario Statement of Prime Purpose

The following are relevant excerpts from the MNO Statement of Prime Purpose, which was adopted when the MNO was initially created:

Who We are as a People

We, the Métis are a people of the lands, which gave rise to our history and tradition and culture. We call those lands the Métis Homelands. The Homelands stretch from the lakes and rivers of Ontario; cross the wide prairies, traverse the mountains into British Columbia and into the northern reaches of the Northwest Territories. They include the hills and valleys of the north-central American States. These are our lands. They are Métis lands. They are the lands of our past which nurture us today and which we value as the precious foundation of our future. As Métis who live in the Homelands, we hold it to be a fundamental truth that we are one of the Aboriginal peoples of the Americas....

Now Therefore We Declare as Follows:

We, the Métis Nation, are a distinct Nation among the Aboriginal peoples in Canada and as such our Aboriginal and treaty rights are recognized and affirmed under Section 35 of the Constitution Act, 1982. We, the Métis Nation, have the inherent right of self-determination and self-government;

We, the Métis who live within the Métis Homelands of Ontario, desiring to bind our people together to collectively promote our common cultural, social, political, and economic well-being, have founded the Métis Nation of Ontario, to be our representative body with the following aims and objectives:

- to research, publish and promote the genealogical documentation of the Métis, and to establish and maintain a registry of the Métis Citizens of Ontario; ...

The Historic Métis Nation and the Historic Métis Nation Homeland

The Métis are the children of the fur trade and the unions between Indian women and Euro-Canadian men in what was historically known as west central North America or the North West. While the children of the earliest Indian and Euro-Canadian unions had mixed ancestry, the creation of a distinct Métis identity and culture was a process that took some time. It was the subsequent intermarriages between these men and women of mixed ancestry that resulted in the genesis of a new aboriginal society by the late 1700s, which we call the Historic Métis Nation.

The Historic Métis Nation developed a collective identity and consciousness, a language (Michif with regional dialects), a distinctive culture and a way of life. The Historic Métis Nation lived in, used and occupied a large territory from Ontario to British Columbia and includes parts of the Northwest Territories and the northwestern United States. The Métis call this area the Métis Nation Homeland.

The members of the Historic Métis Nation were highly mobile. They moved regularly throughout the Métis Nation Homeland as they exercised their customs, practices and traditions and participated in the fur trade, the buffalo hunt and other cultural, social and economic institutions that were important to their existence. Members of the Historic Métis Nation established their own distinct settlements within the Métis Nation Homeland and lived in or used other settlements established by Indians and non-aboriginal peoples. The mobility of the members of the Historic Métis Nation maintained their extensive kinship connections throughout their Homeland.

Today, the Historic Métis Nation continues and refers to itself and is referred to by others as the Métis Nation. The Métis Nation's contemporary assertions of aboriginal nationhood are grounded on well-recognized international principles for the recognition of Indigenous people, which includes a shared identity, history, culture, language and territory.

The Royal Commission on Aboriginal Peoples

In 1996, the Royal Commission on Aboriginal Peoples recognized the principle that aboriginal citizenship must be determined by the aboriginal nation itself. Specifically, in relation to Métis citizenship, the Commission recommended that:

Every person who

- (i) identifies himself or herself as Métis and
- (ii) is accepted as such by the nation of Métis people with which that person wishes to be associated, on the basis the criteria and procedures determined by that nation be recognized as a member of that nation for the purposes of a nation-to-nation negotiations and as Métis for that purpose.

The Métis National Council Definition

In September 2002, after years of discussion, the Métis National Council General Assembly unanimously adopted a National Definition for Citizenship within the Métis Nation (“Métis Nation Citizenship Definition”). In doing so, the Métis Nation exercised its inherent right to define itself and its citizenship.

The Métis Nation Citizenship Definition reads as follows:

Métis means a person who self-identifies as Métis, is of historic Métis Nation Ancestry, is distinct from other Aboriginal Peoples and is accepted by the Métis Nation.

“Historic Métis Nation” means the Aboriginal people then known as Métis or Half-Breeds who resided in Historic Métis Nation Homeland.

“Historic Métis Nation Homeland” means the area of land in west central North America used and occupied as the traditional territory of the Métis or Half-Breeds as they were then known.

“Métis Nation” means the Aboriginal people descended from the Historic Métis Nation, which is now comprised of all Métis Nation citizens and is one of the “aboriginal peoples of Canada” within s.35 of the *Constitution Act, 1982*.

“Distinct from other Aboriginal Peoples” means distinct for cultural and nationhood purposes.

R. v. Powley

In 2003, the Supreme Court of Canada handed down its reasons for judgment in *R. v. Powley*. That case set out a general definition of Métis and made several observations that are relevant to a discussion about who is Métis for constitutional purposes. With respect to the identification of the Métis community, the Supreme Court held that,

[12] A Métis community can be defined as a group of Métis with a distinctive collective identity, living together in the same geographic area and sharing a common way of life.

[17] The inclusion of the Métis in s. 35 represents Canada’s commitment to recognize and value the distinctive Métis cultures, which grew up in areas not yet open to colonization ...

With respect to identification of Métis individuals, the Supreme Court held that,

[31] ... the claimant must self-identify as a member of the Métis community. This self-identification should not be of recent vintage...

[32] ... the claimant must present evidence of an ancestral connection to the historic Métis community...

[33] ... the claimant must demonstrate that he or she is accepted by the modern community whose continuity with the historic community provides the legal foundation for the right being claimed...

[49] ... The development of a more systematic method of identifying Métis rights-holders for the purpose of enforcing hunting regulations is an urgent priority.

The Métis Nation of Ontario Definition

In July 2004, the MNO as the Métis government representing the Métis Nation in Ontario, adopted the Métis Nation Citizenship Definition by consensus at its Annual General Assembly.

As well, the Métis Nation Citizenship Definition has been adopted by other Métis governments representing the Métis Nation across the Métis Nation Homeland. These Métis governments include the Manitoba Métis Federation, Métis Nation – Saskatchewan, Métis Nation of Alberta and Métis Nation British Columbia. All of these Métis Nation governments are now in the process of implementing the Métis Nation National Definition.

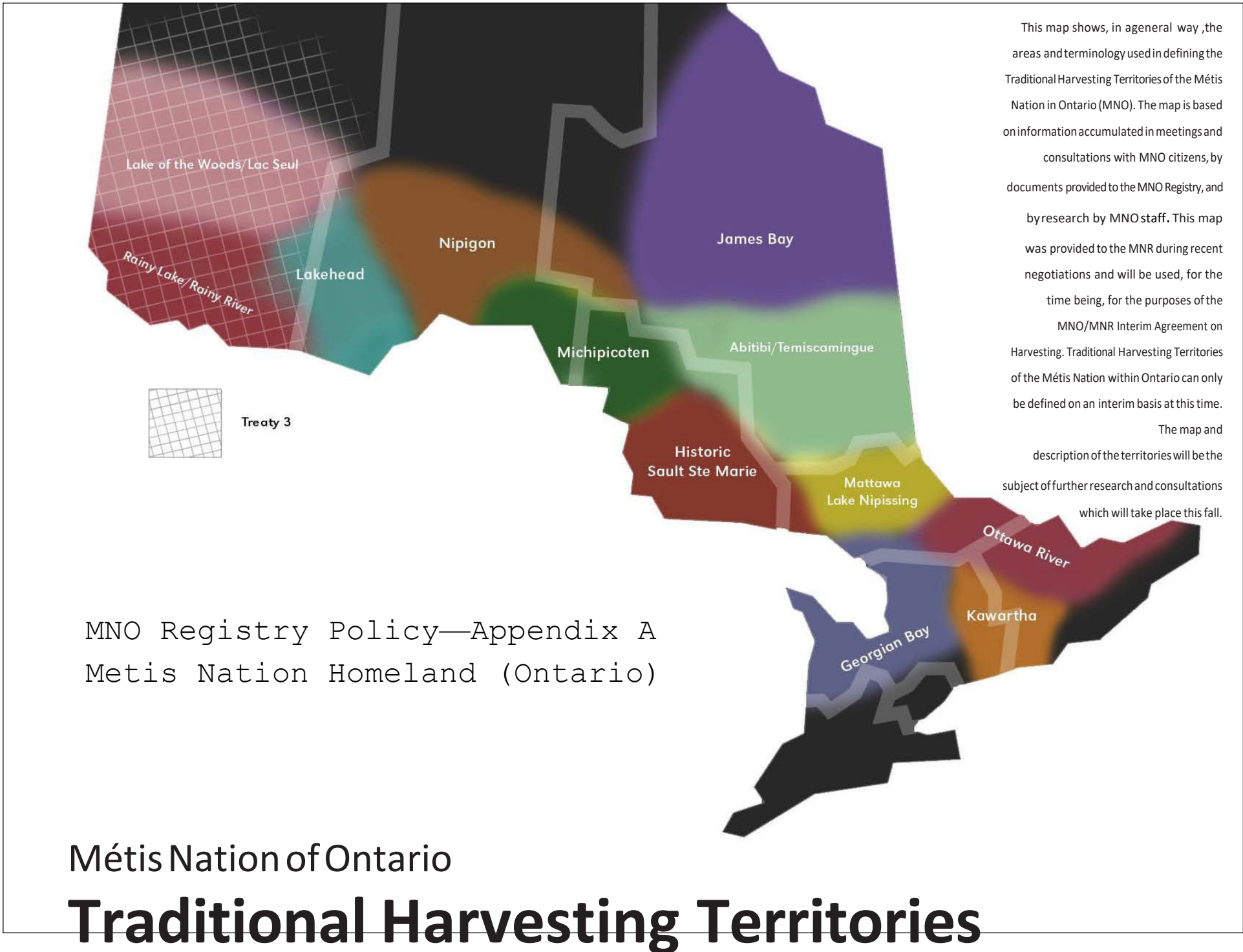
In Ontario, the MNO is implementing the Métis National Definition through its Registry process. The MNO Registry is based on the Métis Nation's inherent right to register and identify its citizens based on its own customs, practices and traditions. As the representative government of the Métis Nation within Ontario, the MNO Registry is mandated to register and identify all citizens of the Métis Nation who live in Ontario.

United Nation Declaration on the Rights of Indigenous People

In 2007, the right of an aboriginal people to determine its own identity and citizenship, in accordance with its own customs, practices and traditions, is recognized in international law.

Article 33 of the United Nation's *Declaration on the Rights of Indigenous People* reads:

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship in the States in which they live.
2. Indigenous peoples have the right to determine structures and to select the membership of their institutions in accordance with their own procedures.



Citizenship Final Appeal Request Form
Registry Policy—Appendix B

I, _____ [insert name] received the MNO Registrar's reconsideration decision dated _____ in which the Registrar upheld her initial decision to reject my application for citizenship.

By sending in this Form, I hereby request an appeal of the MNO Registrar's reconsideration of my application for citizenship.

Additional Materials for Consideration on this Appeal

- I have no additional materials for the appeal.
- I enclose the following additional materials may be submitted for consideration as part of an appeal. (Please list and attach to your Form)

1. _____

2. _____

3. _____

4. _____

More documents may be listed on a separate paper.

My contact information is:

Name: _____

Address: _____

Phone: _____

Email: _____

Fax: _____



Harvester's Card Final Appeal Request Form

Registry Policy—Appendix C

I, _____ [insert name] received the MNO Registrar's reconsideration decision dated _____ in which the Registrar upheld her initial decision to reject my application for a Harvester's Card.

By sending in this Form, I hereby request an appeal of the MNO Registrar's reconsideration of my application for a Harvester's Card.

Additional Materials for Consideration on this Appeal

- I have no additional materials for the appeal.
- I enclose the following additional materials may be submitted for consideration as part of an appeal. (Please list and attach to your Form)

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

More documents may be listed on a separate paper.

My contact information is:

Name: _____

Address:

Phone: _____

Email: _____

Fax: _____

Policy #2023-001: Citizen Removal Appeals Policy

(Adopted by the MNO Special Assembly held on June 17, 2023)

1. Policy Name, Definitions, and Effective Date

This policy, entitled, MNO Policy #2023-001: *Citizen Removal Appeals Policy* (the “**Policy**”), is authorized pursuant to the MNO Bylaws and is effective as of June 17, 2023 (the “**Effective Date**”).

The Policy makes use of defined terms in the MNO Bylaws, unless otherwise specified in the Policy.

2. Background and Context for the Policy

In 1993, the MNO adopted its *Statement of Prime Purpose* as a foundational document that sets out the following aims and objectives, among others:

- “to establish democratic institutions based on our inherent right of self-government,”
- “to research, publish and promote the genealogical documentation of the Métis,” and
- “to establish and maintain a registry of the Métis Citizens of Ontario.”

Over the last 30+ years, the MNO has—based on the inherent Métis right to self-government—changed its definition of “Métis” for the purposes of citizenship within the MNO Bylaws to reflect the direction and will of its citizens and the Métis communities comprised of those citizens. Since its creation, MNO AGAs have repeatedly amended the MNO Bylaws to ensure Métis rights-holders and Métis communities are being represented by Métis.

In 2004, the MNO AGA adopted a new definition of “Métis” within the MNO Bylaws. In 2014, the *MNO Registry Policy* was formally adopted to provide further clarity on “who” the MNO represents as well as clear direction to the Registrar on the documentary requirements each MNO citizen must meet for their citizenship file to be considered “complete.”

In addition, given the utmost priority the MNO places on the advancement of collectively-held Métis rights, self-government, and claims against the Crown, the MNO—as a Métis government—needs to be able to verify it represents Métis rights-holders in its negotiations with other governments, and ensure the Métis communities it represents are being represented by verified Métis rights-holders. As the Supreme Court of Canada recognized in *R. v. Powley* based on arguments advanced by the MNO:

It is important to remember that, no matter how a contemporary community defines membership, only those members with a demonstrable ancestral connection to the historic community can claim a s. 35 right. Verifying membership is crucial, since individuals are only entitled to exercise Métis aboriginal rights by virtue of their ancestral connection to and current membership in a Métis community.

Policy #2023-001: Citizen Removal Appeals Policy

(Adopted by the MNO Special Assembly held on June 17, 2023)

In 2017, as a part of its mandate to engage in negotiations and reach agreements with other governments to recognize and respect Métis rights, self-government, and claims, the MNO initiated a Registry Review. This review included an assessment of all MNO citizenship files to determine whether they are “complete” or “incomplete” based on the current citizenship requirements set out in the MNO Bylaws and the *MNO Registry Policy*. “[I]ncomplete” files include those with missing documentation or other necessary forms. All MNO citizens have been made aware of the status of their file by the Registrar.

In May 2021, the results of the Registry Review were released, and province-wide consultations were undertaken throughout 2021 and 2022. In the summer of 2022, a “What We Heard” report from these consultations was publicly released.

In August 2022, the MNO AGA adopted a resolution directing the MNO to hold a province-wide plebiscite (“**Plebiscite**”) asking all MNO citizens over the age of 16 years whether individuals with “incomplete” citizenship files should be removed as citizens, and for the PCMNO to call a Special Assembly based on the results of the Plebiscite.

The Plebiscite was held over an 82-day period between December 8, 2022 and February 28, 2023 based on Métis democratic traditions that all citizens have the right to be heard. MNO citizens across the province voted online, via phone or by mail-in ballots. MNO citizens with “complete” and “incomplete” files were allowed to vote in the Plebiscite.

8,270 MNO citizens cast ballots in the Plebiscite, representing the largest voter turnout the MNO has ever had in its 30+ year history. A clear majority (5,898 citizens representing 71% of total votes cast) voted to remove individuals with “incomplete” citizenship files as MNO citizens.

On April 28, 2023, the PCMNO called a Special Assembly under the MNO Bylaws to follow through on the direction of the 2022 MNO AGA and to give effect to the will of MNO citizens as demonstrated through the Plebiscite.

At the Special Assembly held on June 17, 2023, this Policy was adopted to put in place a process for individuals who want to appeal their impending removal as an MNO citizen.

This Policy reflects the desire to ensure all MNO citizens have been provided with reasons from the Registrar as to why their citizenship file does not meet the MNO’s current requirements, and to potentially identify any administrative oversights or errors made by the Registrar in determining a citizenship file does not meet the MNO’s current citizenship requirements.

The Policy also exceeds the minimum removal requirements set out under section 51 of the *Not-for-Profit Corporations Act*.

Policy #2023-001: Citizen Removal Appeals Policy

(Adopted by the MNO Special Assembly held on June 17, 2023)

3. The Citizen Removal and Appeal Process

The removal and appeal process set out below shall apply if the Registrar determines that an MNO citizen does not meet the current requirements for MNO citizenship as set out in the MNO Bylaws and the *MNO Registry Policy*.

Stage 1: Removal Notice

1. The Registrar shall provide written notice to the affected individual confirming the individual's pending removal as an MNO citizen 90 days from receipt of the written notice (the "**Removal Notice**"). The Removal Notice shall be sent to the MNO citizen's email address or last known mailing address, if the MNO Registry does not have an email for the MNO citizen.¹
2. If an MNO citizen does not have a current email or mailing address on file and the MNO Registry has, on at least three prior occasions, attempted to follow up with the MNO citizen without success, the MNO citizen is deemed to have waived receipt of notice, including of their Removal Notice, and is still subject to removal pursuant to step 3 below. The onus is on each MNO citizen to provide the Registrar with up-to-date contact information and the documentation necessary to complete their citizenship file.
3. An MNO citizen subject to a Removal Notice shall be removed from the MNO Registry and cease to be an MNO citizen immediately following the conclusion of the 90 days' notice period, unless the citizen appeals the Registrar's decision in accordance with this Policy and the process set out below. An MNO citizen who has filed an appeal shall remain as an MNO citizen pending a final determination in their appeal under this Policy.

Stage 2: Filing an Appeal

4. An MNO citizen subject to removal may appeal their Removal Notice. Due to the fact-specific nature of each MNO citizen's file, appeals will be determined on an individual, case-by-case basis, and cannot be combined with another citizen's appeal (i.e., no "group" appeals). In addition, and consistent with the confidentiality requirements in the *MNO Registry Policy*, information under this Policy cannot be shared with or disclosed to anyone other than the affected MNO citizen, subject to the consent requirements under the *MNO Registry Policy* being satisfied.
5. An MNO citizen may only appeal their Removal Notice on one or a combination of the following appeal grounds:
 - (a) insufficient notice has been provided to the MNO citizen based on this Policy;

¹ Under this Policy, a document sent by mail is deemed to have been received on the fifth day after it was sent, and a document sent by email is deemed to have been received immediately after it was sent unless notification is provided otherwise (e.g., a bounce back or undeliverable message).

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- (b) the citizen has not been provided written reasons from the Registrar as to why their citizenship file is “incomplete” based on the current requirements for citizenship set out in the MNO Bylaws and *MNO Registry Policy*; or
 - (c) the citizen has identified an existing record or document in their citizenship file that the Registrar failed to consider, which fully addresses the reasons why the Registrar has determined they do not meet the current requirements for citizenship set out in the MNO Bylaws and *MNO Registry Policy*.
6. To file an appeal, the affected MNO citizen must complete the Citizen Removal Appeal Form (“**Appeal Form**”) attached as Appendix A to this Policy, and detail their reasons for the appeal based on the appeal grounds set out above. No new documentation may be submitted as part of the appeal process.
 7. The Appeal Form must be submitted by the affected MNO citizen to the individual or firm appointed to manage the administrative aspects of the appeal (the “**Appeal Administrator**”). The Appeal Form must be received by the Appeal Administrator on or before the last day of the 90 days’ notice period to avoid removal under step 3 above.
 8. The Appeal Administrator shall forward the Appeal Form to the Registrar within a reasonable period. The Registrar shall maintain authority to “revoke” (i.e., reverse) the Removal Notice throughout the course of the appeal process if they determine, at any time, that an MNO citizenship file is now “complete” and meets the current requirements for citizenship as set out in the MNO Bylaws and *MNO Registry Policy*.

Stage 3: Document Sharing Between the Parties to the Appeal

9. Upon receipt of the Appeal Form, the Registrar shall forward copies of the Removal Notice, assessment letter, and any re-assessment letters (the “**Appeal File**”) to the Appeal Administrator. Best efforts will be made by the Registrar to forward the Appeal File within 30 days of receiving the Appeal Form.
10. Upon receipt, the Appeal Administrator will forward a copy of the Appeal File and Appeal Form to the individual appointed by the PCMNO to independently review and consider the appeal (the “**Appeal Decision-Maker**”) based on this Policy. A copy of the Appeal File will also be provided to the MNO citizen in digital form only, subject to any confidentiality requirements identified by the Registrar.

Stage 4: The Appeal Decision

11. The Appeal Decision-Maker will review the Appeal Form and Appeal File, and issue a written decision with reasons confirming whether or not they believe a ground for the appeal has occurred (“**Appeal Decision**”). For clarity, the Appeal Decision-Maker has authority to “impose” (i.e., affirm) the Registrar’s Removal Notice, but not “revoke” (i.e., reverse) it. Best efforts will be made by the Appeal Decision-Maker to provide the Appeal Decision within 60 days of receiving the Appeal File.

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12. An MNO citizen whose appeal is unsuccessful shall be removed from the MNO Registry and cease to be an MNO citizen immediately after receipt of the Appeal Decision.

Stage 5: Reconsideration Decision

13. An MNO citizen whose appeal is successful based on one of the appeal grounds set out above shall have their citizenship file sent back to the Registrar for reconsideration, taking into account the appeal grounds identified in the Appeal Decision.

14. After review of the Appeal Decision, the Registrar shall issue a written decision with reasons to the MNO citizen (the “**Reconsideration Decision**”) confirming whether or not the Registrar’s original decision has been affirmed or reversed. Best efforts will be made by the Registrar to provide the Reconsideration Decision within 60 days of receiving the Appeal Decision.

15. If the Registrar reverses its original decision and decides the citizen’s file meets the current requirements for MNO citizenship, the MNO citizen shall remain on the MNO Registry and be issued a new MNO citizenship card.

16. If the Registrar affirms its original decision that the citizen’s file does not meet the current requirements for MNO citizenship, the individual shall be removed from the MNO Registry and cease to be a citizen of the MNO immediately after receipt of the Reconsideration Decision by the MNO citizen. The Reconsideration Decision is considered final and binding with no further right of appeal.

For a visual illustrating the above-noted removal and appeal process, see Appendix B of this Policy. For clarity, Appendix B has been provided for reference and illustrative purposes only, and the terms of this Policy shall govern to the extent of any conflict or inconsistency.

4. Compliance with the *Not-for-Profit Corporations Act*

While the MNO—as a Métis government—asserts it has the right to determine who are its citizens based on the inherent Métis right to self-government and self-determination, this Policy also fulfills the requirements in the *Not-for-Profit Corporations Act* for membership removal to be undertaken in “a fair and reasonable manner,” and that the requirements set out in section 51(3) of the *Not-for-Profit Corporations Act* are met.

The discharge of the processes set out in the Policy equate to good faith under section 51(2) of the *Not-for-Profit Corporations Act* being demonstrated to an MNO citizen who has received a Removal Notice. No further rights or procedural fairness is owed.

5. Effect of Technical Non-Compliance with the Policy

A failure to comply with this Policy is an irregularity and does not render a Removal Notice, an Appeal Decision, a Reconsideration Decision, or the removal of an MNO citizen from the MNO Registry a nullity, invalid, or otherwise ineffective.

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6. Interpretation

The terms of this Policy shall be given such fair, large, and liberal construction and interpretation as best to ensure the attainment of its objects. Nothing in this Policy shall be interpreted in a way that alters or modifies the MNO Bylaws or *MNO Registry Policy*. To the extent of any conflict, the MNO Bylaws or *MNO Registry Policy* shall prevail.

For clarity, no appeal under nor any provision in this Policy, including related to the Appeal Decision-Maker's review of the Registrar's decision shall be interpreted as altering or changing the Registrar's authority, as set out in the MNO Bylaws and *MNO Registry Policy*, to be the ultimate and final decision-maker as to whether an individual meets the current citizenship requirements of the MNO.

In addition, no provision in this Policy, nor an MNO citizen's participation in an appeal under this Policy, creates any rights beyond those set out in the MNO Bylaws.

7. Adoption and Implementation

This Policy was adopted by a special resolution duly passed at the MNO Special Assembly held on June 17, 2023, based on the MNO's inherent right to self-determination and self-government as well as the authorities set out in the MNO Bylaws.

Any decision made under this Policy following its Effective Date are final and any subsequent changes made by an MNO AGA to this Policy shall not invalidate any previous response made under this Policy or give rise to a claim against the MNO.



Citizen Removal Appeal Form

(Citizen Removal Appeals Policy – Appendix A)

By signing this Form, I consent to the MNO Registry providing a copy of the required contents of my MNO citizenship file to the Appeal Administrator and Appeal Decision-Maker. *(Failure to complete and sign this Form will prevent the MNO Registry from being able to forward the relevant information in your file necessary for the appeal. This is because all personal information in the MNO Registry is considered confidential under the MNO Registry Policy and may not be disclosed without an MNO citizen's consent).*

Name: _____

MNO Citizenship #: _____

Address: _____

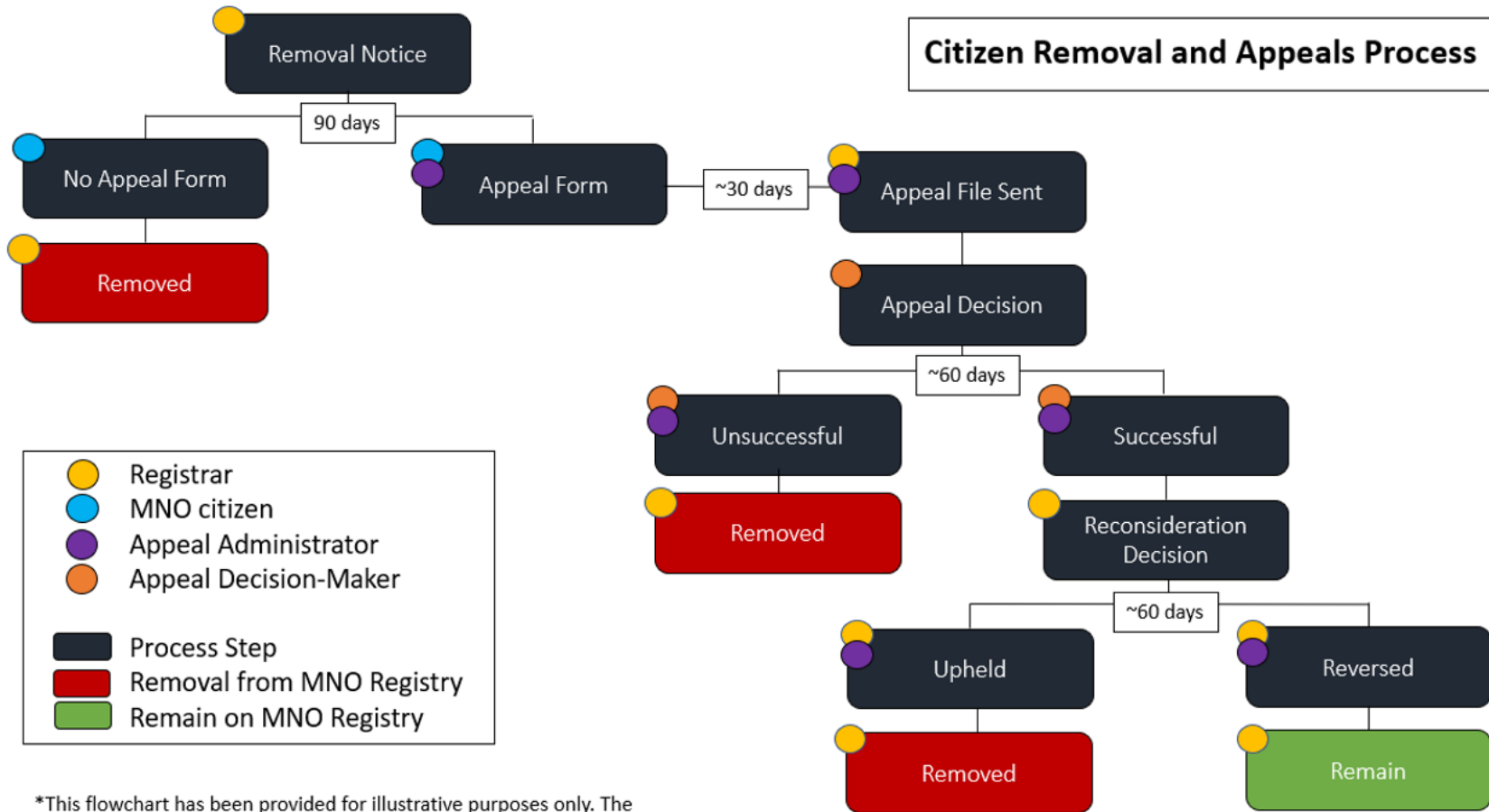
Phone #: _____

Email: _____

Signature: _____ **Date:** _____

Citizen Removal and Appeals Process Flowchart

(Citizen Removal Appeals Policy – Appendix B)



*This flowchart has been provided for illustrative purposes only. The terms of the *Citizen Removal Appeals Policy* govern to the extent of any conflict or inconsistency.