



Senate Policies and Procedures

Version 3.4 Amended

Table of Contents

1	PREAMBLE	4
2	MNBC SENATE	5
2.1	PURPOSE OF THE MNBC SENATE	5
2.2	SENATOR/ELDER RESPONSIBILITIES	5
2.2.1	SENATOR/ELDERS, CHAIRPERSON, SECRETARY, AND ADMINISTRATIVE DUTIES.....	6
2.2.2	SENATOR/ELDERS TERM OF OFFICE.....	7
2.2.3	SENATE MEETINGS.....	7
2.2.4	CEREMONIAL DISPLAY.....	7
2.2.5	AGENDAS, MINUTES AND MEDIA RELEASES.....	7
2.3	SENATOR/ELDER REGIONAL RESPONSIBILITIES	8
2.3.1	SENATE/ELDER ATTIRE	8
2.3.2	METIS NATIONS GOVERNING ASSEMBLY (MNGA).....	9
2.3.3	METIS NATION BC ANNUAL GENERAL MEETING (AGM).....	9
2.3.4	REGIONAL GOVERNANCE COUNCILS (RGA)	9
2.3.5	REGIONAL CHARTERED COMMUNITIES	10
3	CODE OF ETHICS	10
4	SUB-COMMITTEES OF THE SENATE	11
5	WORKING RELATIONSHIPS: MNBC	12
5.1	WORKING RELATIONSHIPS: SENATE CLERK	13
5.2	WORKING RELATIONSHIPS: ADMINISTRATIVE SENATOR/ELDER	13
5.3	WORKING RELATIONSHIPS: MNBC MINISTER OF JUSTICE	13
6	GENERAL PROCEDURAL CONDUCT	14
6.1	SENATE FORMS	14
6.2	APPEALS	14
6.3	DECISION MAKING	15
6.4	WRITTEN DECISION PROTOCOLS	15
6.5	SENATE ACTION NUMBERING SYSTEM	16
6.6	PROTOCOL FOR APPEARANCE BEFORE THE SENATE	16
7	SPECIFIC PROCEDURAL CONDUCT	17
7.1	ELECTION APPEALS	17
7.1.1	CANDIDATE REFUSAL APPEAL	17
7.1.2	DISQUALIFICATION OF A CANDIDATE	17
7.1.3	ELECTION RESULT APPEAL	17
7.1.4	PRESERVATION OF BALLOTS	17
8	CITIZENSHIP AND CENTRAL REGISTRY APPEALS	18
8.1	RESPONSIBILITIES OF MNBC REGISTRY	18
8.2	TIME FRAME FOR CITIZENSHIP APPEAL	19
8.3	APPEAL APPLICATION SUBMITTALS	19
8.4	CITIZENSHIP APPEAL FILE	19

8.5	SECOND GENEALOGICAL OPINION	20
9	REGIONAL AND COMMUNITY DISPUTE RESOLUTION	20
9.1	DISPUTE RESOLUTION METHODOLOGY	20
9.2	CONSENSUS ON DISPUTE RESOLUTION.....	21
10	MEDIATION	22
10.1	MEDIATION PROCESS	22
10.2	MEDIATION METHODOLOGY	23
10.3	CITIZEN CHALLENGES.....	24
10.4	NATURAL RESOURCES APPEAL.....	24
11	SENATE/ELDER CEREMONIAL ACTIVITIES INCLUDING PRAYER SWEARING IN, SASHING, OATHS, AWARDS AND GIFT GIVING	24
12	SENATOR/ELDER ATTENDANCE AT EVENTS	24
13	SENATE POLICIES AND PROCEDURES.....	25
14	APPENDIX 1	26
14.1	ADMINISTRATIVE ELDER/SENATOR	26
14.2	SENATE CLERK	28
14.3	MINISTER OF JUSTICE	31

1 PREAMBLE

At St. Laurent, Manitoba, the Métis council became a permanent aspect of village life. This was a natural progression from hunting councils of earlier times. Traditionally, captains and leaders were elected to office on the eve of a hunt and served only until the hunt ended. The laws developed through this practice, known as the laws of the prairie, served to regulate the hunt, and did not attempt to regulate civil or criminal matters on a permanent basis.

In 1873, the Métis of St. Laurent updated and formalized the laws of the prairie into a written document, known as the Laws of St. Laurent. These laws covered all aspects of Métis life in the district, not just the conduct of individuals engaged in the hunt. The traditional principles remained unchanged, however. Elected representatives of the people made all laws. Hunters governed hunters. Community members were governed by members of the community who had no special status apart from their proven record of ability and generosity. The only exception to this was the priest who, as part of the Catholic Church, represented forces and ideologies that did not develop and emerge directly from with the Métis community.

The Métis established a written system of enforceable guidelines for both the hunt and for preservation for the remaining buffalo herds. By 1873, the scarcity of buffalo was becoming critical and the people of the North West faced the specter of starvation. In September 1874, the federal government received a petition from the Métis of the Hudson Bay Company Fort Qu'Appelle, asking that steps be taken immediately to preserve the remaining buffalo as a food supply for the Aboriginal people.

The government in Ottawa exhibited little concern and no action was taken. This federal government inaction justified the steps taken by the Métis of St. Laurent when creating their own laws for the protection of the buffalo. There were three groups (Metis, European Settlers, and First Nations) on the prairies whose very existence depended upon the buffalo.

The “Buffalo Assembly” and the “Laws of the Prairies” were established by the “community” way of life. These communal commitments ensured the survival of the Métis people during tough times. The basic principles were 1) no “individual” way of thinking and 2) “strength was generated from the collective group.” These principles were the basis of the historic Métis culture. The present-day Metis organizational infrastructure and principles should honor the past.

2 MNBC SENATE

2.1 PURPOSE OF THE MNBC SENATE

The Senate

- a. Is governed by the *MNBC Senate Act*.
- b. Ensures that all Senator/Elders are provided with the opportunity to review pertinent information concerning:
 - i. The state of the judicial system, including the condition of its proceedings;
 - ii. The policies, procedures, guidelines, and programs of MNBC and Senate that relate to the guiding of the judicial system; and
 - iii. Legislative requirements
- c. Provide a forum for Senator/Elders to have issues and questions which fall within the Senate mandate addressed from various points of view;
- d. Review, advise and guide, through recommendations for the improvement of the judicial process and practices of the MNBC.
- e. Provide recommendations for the improvement of the transfer of judicial-related information to the Métis community and the public.
- f. Facilitate the development of judicial procedures that maximize the rights and benefits of Métis citizens of British Columbia.
- g. If an inquiry from an appellant, respondent or witness produces a question which can be responded to on a point of procedure, a response can be made to that inquiry by the Senate.

2.2 SENATOR/ELDER RESPONSIBILITIES

Dispute resolution and mediation

Two Senator/Elders selected by the Senate and the Regional Senator

Citizenship appeals

Senate as a whole

Central registry appeals

Two Senator/Elders selected by the Senate and the Regional Senator.

Ceremonial activities and exchanges

As determined by the Senate

Conducting opening and closing prayers

As determined by the Senate

Directing swearing in ceremonies, administering oaths, presenting awards and gifts

As determined by the Senate

Display Métis flags and sashes.

As determined by the Senate

Candidate/Voter refusal appeal and Disqualification appeal

Three Senator/Elders selected by the Senate including cultural knowledge keepers.

Electoral conduct appeal and Election result appeal

Committee of the whole

Board of Directors appeals

Senate as a whole

2.2.1 SENATOR/ELDERS, CHAIRPERSON, SECRETARY, AND ADMINISTRATIVE DUTIES

- 1) The Senate will select a Senator/Elder to act as the Senate Chairperson to conduct the Senate meetings and to set the meeting agenda upon approval by the Senate. The Chairperson`s term is reviewable annually.
- 2) The Senate/Elder Chairperson reports the activities of the Senate to the President of the MNBC Board, Métis Nation Governing Assembly and the MNBC Annual General Meeting.
- 3) The main responsibility of the Chairperson of the MNBC Senate is to maintain order and decorum in the Senate Chamber.
- 4) The Chairperson chairs the sittings of the Senate and presides over votes in the Senate. All vote results are a simple majority (50% + 1). In the case of a tie vote, the Senate Chairperson holds a second vote to break the tie.
- 5) The Chairperson rules on points of order and questions of privilege raised by Senators.
- 6) The Chairperson guides the Senate through the agenda.
- 7) The Chairperson ensures Minutes are kept for each Senate meeting.
- 8) The Senate clerk forwards draft Minutes to the Chairperson within one week to the Chair of the meeting for review. Furthermore, the draft minutes will be circulated to all Senate members (regardless of attendance) within 2-weeks of the meeting and will be ratified at the subsequent Senate meeting after any errors and/or omissions have been corrected.
- 9) The Senate shall elect a member of the Senate to act as the Administrative Senator/Elder (refer to Appendix 1) for a period of one year.
- 10) The Administrative Senator/Elder liaises with the Senate and all political and employees to negotiate and arrange for funding and facilities.

2.2.2 SENATOR/ELDERS TERM OF OFFICE

In adherence to Section 53 of the MNBC Constitution and Article 6.1 of the *MNBC Senate Act*, the term of a Senator/Elder is not less than 2-years. The MNBC Senate is legislated to set the Senator/Elder's term as 4-years from the date of appointment.

2.2.3 SENATE MEETINGS

Meetings generally will be held on a quarterly basis, or as deemed necessary. Conference calls will be held monthly, with exceptions of the months that have a Senate meeting. The number of calls may vary. All meetings and conference calls are subject to the availability of funds.

2.2.4 CEREMONIAL DISPLAY

All meetings of the Senate will have a ceremonial display at the head of the main table to honour Métis culture and people. The display will be presented on top of a traditional red sash. The items placed on the sash will be a bible, feather, braided sweet grass, a smudging shell and the infinity symbol.



2.2.5 AGENDAS, MINUTES AND MEDIA RELEASES

- 1) Agendas for Senate meetings shall be finalized and made available to Senate members not less than seven days prior to the meeting and shall contain copies of correspondence, reports and such information as is necessary for Senate members to make informed decisions.
- 2) Substantive items not on the agenda may be brought to the attention of the Senate at the discretion of the Senate and may or may not be discussed in any detail or decided upon until the next meeting.
- 3) Senator/Elders wishing to have items placed on the agenda may do so by notifying the Chairperson of the Senate at least two (2) days prior to finalizing of the agenda and by submitting any pertinent documentation in support of the items to be discussed.
- 4) Refer to the MNBC guidebook on media release policy.
- 5) Agendas, minutes as well as the Senate Policy and Procedures manual and the Senator/Elder contact information will be signed by the Secretary of the MNBC Senate and posted on the internet for public information. The web site coordinator from MNBC will ensure the site is current. The web site address is www.mnbc.ca.

2.3 SENATOR/ELDER REGIONAL RESPONSIBILITIES

- 1) Senator/Elders will attend all meetings of the Senate or, if unable to attend a meeting, will inform the Chairperson or the Senate Clerk.
- 2) Members of the Senate must be willing to attend scheduled meetings fully prepared to discuss existing and new items.
- 3) Senate members should be informed about current Métis court decisions. In addition, the Senate should be well informed in judicial matters, harvesting policy and regulations, and Métis history/culture. Senator/Elders should have the ability to make informed judgments that will best serve the interests of Métis citizens of B.C.
- 4) Regional Senator/Elders will:
 - a. Attend, but not participate politically in chartered Métis community meetings
 - b. Attend general meetings twice a year in his/her region.
 - c. Handle awards, swearing in ceremonies and cultural events as the Senator/Elder for their region.
 - d. The regional Senator/Elders will attend the Regional Governance Council meetings to provide a verbal report on the activities of the Senate and remain as observers.

2.3.1 SENATE/ELDER ATTIRE

Dress Code is common sense and should always represent the Senate in the appropriate garb. The three roles are:

- 1) Official (Senate robes)
- 2) Traditional (*three-feather leather vests/ribbon shirts*)
- 3) Professional, casual (*Senate golf shirts/jackets*)

If government officials or other Métis governing member delegates are present at an event, professional attire is recommended as follows:

- 1) Métis Nation Governing Assembly and MNBC Annual General Meeting
 - a. Main Forum and Grand Entry – *Robes*
 - b. Trade Shows, General Business and Workshops – *Traditional*
- 2) Quarterly Senate Meetings – *Professional*
- 3) Hearings
 - a. Testimony Sessions – *Robes*
 - b. In-Camera – *Professional*
- 4) MNBC Meetings (BOD, RGC or Métis Chartered Community) – *Traditional*
 - a. Public Attendance (special guest) High Profile (graduation ceremonies, swearing-in, etc....) – *Robes*
- 5) Moderate Profile (school talks, presentations, etc....) – *Traditional*

6) Low Profile (dinner attendance, fund-raising function, etc....) – *Professional*

2.3.2 METIS NATIONS GOVERNING ASSEMBLY (MNGA)

Senator/Elders can attend all aspects of the Métis Nation Governing Assembly except for the following;

- 1) Legislative or resolution debate and approvals
- 2) Political discussion
- 3) Official procedural MNGA activities

The Senate Clerk must be available for the Métis Nation Governing Assembly to address Senate-related inquiries or to liaise between the two bodies.

A Senator/Elder cannot, at any time during the course of the Métis Nation Governing Assembly, engage in political discussion or resolution debate.

2.3.3 METIS NATION BC ANNUAL GENERAL MEETING (AGM)

Senator/Elders can attend all aspects of the Métis Nation British Columbia's Annual General Meeting with the exception of the following;

- 1) Legislative or resolution debate and approvals
- 2) Political discussion
- 3) Official procedural AGM activities

The Senate Clerk must be available for the Métis Nation British Columbia's Annual General Meeting to address Senate-related inquiries or to liaise between the two bodies. A Senator cannot, at any time, during the course of the Métis Nation British Columbia's Annual General Meeting, engage in political discussion or resolution debate.

2.3.4 REGIONAL GOVERNANCE COUNCILS (RGA)

A Senator/Elder will attend Regional Governance Council meetings in the senator's respective MNBC Region. The Senator/Elder can only conduct the opening and closing prayers and supply the Regional Governance Council with a report on Senate activities.

The Senator/Elder must physically remove themselves from the meeting room during the course of the official business of the Regional Governance Council meeting. If Senate involvement or advice is required by the Regional Governance Council then all communications must be addressed by the Senate Clerk as per Section 4.1, bullet 7 of the *Senate Policies and Procedures*.

2.3.5 REGIONAL CHARTERED COMMUNITIES

A Senator will attend, upon request, a Métis Chartered Community meeting in their respective MNBC Region. The Senator can only conduct the opening and closing prayers and supply the Métis Chartered Community with a report on Senate activities. The Senator must physically remove themselves from the meeting room during the course of the official business of the Métis Chartered Community meeting.

If Senate involvement or advice is required by the Métis Chartered Community then all communications must be addressed by the Senate Clerk as per Section 4.1, bullet 7 of the *Senate Policies and Procedures*. If a Senator is participating in a cultural or celebratory function, the Senator cannot, at any time, during the course of activity, engage in political discussion or legislative debate and/or interpretation.

3 CODE OF ETHICS

- 1) A Senator/Elder shall act in a manner that promotes public confidence in the integrity and the impartiality of the Senate.
- 2) A Senator/Elder shall not allow family, social, political or other relationships to influence the judicial conduct or judgment and shall not permit others to convey that impression that anyone is in a position to influence them.
- 3) A Senator/Elder will not use the prestige of the office to advance pecuniary or personal interests.
- 4) A Senator/Elder will not discriminate in making his/her decisions on the basis of gender, age, race, religion, national origin or sexual orientation.
- 5) A Senator/Elder will perform all duties impartially and diligently; they will be faithful to the law and the Métis culture regardless of partisan interests, public clamor or fear of criticism.
- 6) Senator/Elders will be patient, dignified and courteous to all litigants, witnesses and others who are called before them, and shall require similar conduct of those same persons.
- 7) The Senate may obtain the advice of disinterested parties or legal counsel on applications.
- 8) The Senate shall dispose of all Senate matters fairly, promptly, and efficiently.

- 9) A Senator/Elder shall disqualify his/her self in any proceeding where they will fall into conflict of interest through financial, familial or political involvement with the litigant or where a situation arises which causes the Senator/Elder to doubt their ability to act in an impartial manner. Disqualification due to a conflict of interest may be based on either an actual or perceived conflict with the ultimate objective being the protection of the Senate's integrity.
- 10) A Senator/Elder must divulge an actual or perceived conflict of interest, for themselves or another member of the Senate, immediately prior to the respective Senate case and/or hearing. Upon revealing the details of the conflict, the unaffected Senator/Elders will vote on granting the requested disqualification or denying it. If granted, the disqualified Senator/Elder must immediately remove themselves from all proceedings on the affected case and not be listed as a residing Senator on the written Senate decision. In addition, the conflict of interest must be clearly highlighted within the written decision. If denied, the reasoning for the conclusion must be recorded in writing.

4 SUB-COMMITTEES OF THE SENATE

All Committee's in the pursuit of their business shall carry with them the Powers of the Senate and will abrogate them to none until they have finished the work of the Committee.

"Committee"	<i>"Committee"</i> means a committee of the whole, a select committee, whether standing and , report back to the full Senate for disposition.
"Committee of the Whole"	<i>"Committee of the Whole"</i> means a committee composed of the whole body of the Senate
"Select Committee"	<i>"Select Committee"</i> means a committee composed of less than the whole body of Senators and includes both a standing committee and a special committee;

"Standing Committee"

"*Standing Committee*" means a select committee appointed to consider and to report to the Senate on matters falling within the duties specifically assigned to it by these rules, and on other matters that may from time to time be referred to it by the Senate. This committee remains in place until the end of the Senators term of office and is immediately filled upon the completion of the new Senators elections at their first sitting.

"Joint Committee"

"*Joint Committee*" means a committee composed of members of the Senate and of the MNGA;

"Special Committee"

"*Special Committee*" means a select committee, other than a standing committee, appointed to consider certain matters and to report thereon to the Senate;

"Solicitor Committee"

"*Solicitor Committee*" is chaired by the Agent of the Senate and consists of the Senate Chairperson, Senate Co-Chairperson, Senate Clerk and the MNBC Minister of Justice. This committee will meet twice per year to discuss various issues affecting the Senate. This can include legislative discussion, finance, policy/procedural issues, etc....

5 WORKING RELATIONSHIPS: MNBC

An important responsibility of the MNBC to the Senate is to lobby for resources from the local, provincial, federal levels of government, Senate and MNBC and from any other appropriate body. All financial logistics are subject to the availability of funds.

Support will include:

- 1) Reimbursement for associated with costs for meeting facilities, travel and accommodations.
- 2) Funds to publicize the work of the Senate.
- 3) Funds for joint projects as agreed upon annually.
- 4) Staffing levels will be agreed upon annually as part of overall funding. Funding agreements will be negotiated annually between MNBC and the Senate.

5.1 WORKING RELATIONSHIPS: SENATE CLERK

The Senate Clerk reports to the Senate Chairperson. The Senate Clerk's responsibilities include but are not limited to:

- 1) Screening processes
- 2) Technical support
- 3) Appeal acceptance
- 4) Preparation of correspondence
- 5) Internal communications
- 6) Liaison between the Senate and the MNBC Minister of Justice
- 7) Government negotiations

ALL contact for the Senate will be through the Senate Clerk

5.2 WORKING RELATIONSHIPS: ADMINISTRATIVE SENATOR/ELDER

The Administrative Senator/Elder's responsibilities include, but are not limited to:

- 1) Liaison between the Senate and the MNBC Minister of Justice
- 2) Professional support for the Senate Clerk
- 3) Government negotiations
- 4) Liaison between the Senate and all political and bureaucratic levels of the Métis Nation of British Columbia (MNBC)
- 5) Assistance to the Senate Clerk in dealings with MNBC to negotiate and arrange for funding and facilities for the Senate
- 6) Administrative Senator is elected by the Senator/Elders

5.3 WORKING RELATIONSHIPS: MNBC MINISTER OF JUSTICE

The MNBC Minister of Justice's responsibilities include, but are not limited to:

- 1) The Senate's representation on the MNBC Board of Directors
- 2) Political lobbyist at the Provincial/Federal Government levels
- 3) Reporting to the Métis Nation Governing Assembly and the MNBC Annual General Meeting on behalf of the Senate
- 4) Working to assist the MNBC Senate in realizing its full potential in collaboration with the Clerk
- 5) Providing a public/social media voice for the Senate

6 GENERAL PROCEDURAL CONDUCT

All notifications and/or applications will be accepted by written documentation only. A Notice of Appeal must be sent by Registered Mail.

6.1 SENATE FORMS

The following Senate forms must be used when applying for an official Senate Appeal; Citizenship Appeal Application

- 1) Citizenship Appeal Consent to Release Confidential Information
- 2) Abandonment/Withdrawal
- 3) Affidavit
- 4) Demands for List and Documents
- 5) Order Declaration (Decision Result)
- 6) Pre-election Appeal
- 7) Electoral Result Appeal Submission
- 8) Mediation/Dispute Applicant Submission
- 9) Mediation/Dispute Respondent Submission
- 10) Notice of Appeal
- 11) Response to Notice of Appeal
- 12) Request for Actions
- 13) Decision Endorsement

These forms are available on the MNBC website, on the Senate webpage (www.mnbc.ca) or can be requested from the Senate Clerk. Senate documentation will be stored in a locked file cabinet inside the secured room utilized by the MNBC Centralized Registry. The Senate Clerk and the Senate Chairperson will have the only keys for the locked file cabinet. Access to the secured Centralized Registry room will have to be coordinated with the Registrar. To ensure privacy standards of the MNBC, the Registrar must be present while either the Senate Clerk or Senate Chairperson accesses the locked file cabinet.

6.2 APPEALS

Upon receiving an appeal application form, the Senate Clerk must immediately date stamp the form and sends a letter within 14-days to confirm the acceptance and/or the denial of a Senate Appeal. If accepted, the letter will highlight the official received date and further instructions on the Appeal process. If denied, the letter will highlight the reasons for denial of Appeal and the appropriate actions, if any, that the applicant may further pursue.

6.3 DECISION MAKING

It is important that all Senate members be familiar with and subscribes to certain basic elements that are important in developing consensus on difficult and complex issues. The following principles will apply to the process:

- 1) The purpose of the negotiations is to seek consensus. Senate members agree to act in “good faith” in all aspects of the negotiations. Senate members accept the concerns and goals of others as legitimate.
- 2) The focus will be on interests and concerns rather than on positions and demands.
- 3) Senate members commit to fully explore issues, searching for solutions in a problem-solving atmosphere.
- 4) Senate members shall faithfully endeavor to reach decisions which best serve the welfare of the Métis Nation British Columbia.

6.4 WRITTEN DECISION PROTOCOLS

Following is the procedure in approving the release of a written Senate decision to the Applicant, Respondent and the MNBC website:

- 1) The Senate, on the day of the case hearing, provides the Senate Clerk with the decision and reasoning to be used in preparation of the written decision.
- 2) The Senate Clerk then prepares the written decision; if clarification is required, the Senate Clerk will liaise with the Senate Chairperson of the pertinent case- hearing.
- 3) The Senate Clerk will provide the draft written decision to the Senate at least five-days prior to the conference call or meeting in which the written decision is slated for approval.
- 4) All Senate written decisions will be approved for public release by either conference call or meeting.
- 5) All electronic versions of the Senate’s written decisions will be released in an Adobe version (.pdf extension).
- 6) Upon approval, the Senate Clerk will conduct the following activities within a 36-hour period:
 - a. Send the Respondent and Applicant an electronic version of the written decision by e-mail, if applicable.
 - b. Send the Respondent and Applicant a hardcopy version of the written decision by regular mail.
 - c. Post an electronic version of the written decision on the MNBC website under the ‘Decisions’ link on the Senate webpage.

6.5 SENATE ACTION NUMBERING SYSTEM

Following is the system assigned in the designation of a file numbering process for any Appeal.

Example: 7-24-07-61-3-00001
(7 is the region)
(24-07-61 is the birth date)
(3 is the authority type as per the MNBC Senate Act)
(00001 is the appeal number 0)

6.6 PROTOCOL FOR APPEARANCE BEFORE THE SENATE

The following process will be administered by the Senate Chairperson when an individual appears (either in-person or via phone) in front of the Senate for testimonial purposes:

- 1) Introductions (all parties)
- 2) Advise the individual that the proceeding is being recorded and ask if they are agreeable.
- 3) Administer the “Oath”

“I swear by the Métis ancestors who went before me, the children who come after me, and the Creator or God who made me; to speak the truth on matters and questions placed before me, so help me Creator or God.”
- 4) Review the rules of conduct such as Senate Code of Ethics, Point 7
 - a. Senator/Elders will be patient, dignified and courteous to all litigants, witnesses and others who are called before them, and shall require similar conduct of those same persons.
 - b. Attendance at the Senate hearing is voluntary. Anyone who becomes uncomfortable and wants to withdraw from the Senate hearing is able to do so. No one is required to remain at the Senate hearing against his or her wishes.
 - c. Be respectful and truthful.
 - d. Everyone will be invited to speak. Individuals must be allowed to speak without interruption using a respectful style of communication.
 - e. Arguing, name-calling, interrupting and put-downs are not acceptable.
 - f. The threat of violence or actual violence will cause the Senate hearing to be immediately terminated.
 - g. The testimony of an individual before the Senate is private. Participants must

respect each other's privacy. A decision of the appeal will be made available to the applicant, respondent and made publicly available on the MNBC website on the Senate webpage's decision link, this will exclude testimony.

7 SPECIFIC PROCEDURAL CONDUCT

7.1 ELECTION APPEALS

7.1.1 CANDIDATE REFUSAL APPEAL

In accordance with Article 42.1 of the *MNBC Electoral Act* pertaining to refuse candidates and voters, the MNBC Senate will render a decision within seven (7) days of the acceptance of the Candidate/Voter Refusal Appeal application. The composition of the Candidate/Voter Refusal Appeal committee is as specified. The Candidate Refusal Appeal will be based on the record supplied to the Chief Electoral Officer at the time of their decision.

7.1.2 DISQUALIFICATION OF A CANDIDATE

In accordance with Article 8.8 of the *MNBC Electoral Act* pertaining to malicious or objectionable practice, the composition of the Candidate Disqualification Appeal committee is as specified in Section 2.2).

The MNBC Senate will render a decision on the appeal for the disqualification of a candidate, seven (7) days from the initial application. The candidate initially be based on the record supplied to the Chief Electoral Officer at time of their decision. However, if applied for, the Senate may grant the right to introduce additional evidence to assist in final decision-making.

7.1.3 ELECTION RESULT APPEAL

In accordance with Article 42.2 of the *MNBC Electoral Act* pertaining to general election appeal, the composition of the Election Result Appeal Committee is as specified in *Section 2.2 j)*. Upon acceptance of the Election Results Appeal application the MNBC Senate will have forty-five (45) days to render a decision. The Election Result Appeal will initially be based on the record supplied pursuant to *Section 42.2* of the *MNBC Electoral Act*. However, if applied for by either party, the Senate may grant the right to introduce additional evidence to assist in their final decision.

7.1.4 PRESERVATION OF BALLOTS

The Senate Clerk will immediately, upon acceptance of the Election Appeal application, send out a "Demand" to the Chief Electoral Officer to preserve all ballots until such matters have been resolved.

8 CITIZENSHIP AND CENTRAL REGISTRY APPEALS

The following is a step-by step general process for the conduct of a citizenship appeal hearing by the Senate:

- 1) Senate Clerk: Appeal file review
 - a. Communication log
 - b. Senate forms (completion review)
 - c. Policy and procedure analysis for compliancy
- 2) Citizenship appeal file review
 - a. Completeness
 - b. Genealogical analysis
- 3) Genealogical second opinion.
- 4) Oral hearings
 - MNBC Central Registry
 - a. Reasoning for denial
 - b. Clarification testimony
 - c. Questions from the Senate
 - Applicant
 - a. Reason for appeal
 - b. Clarification testimony
 - c. Questions from the Senate
- 5) Decision

8.1 RESPONSIBILITIES OF MNBC REGISTRY

The MNBC Provincial Registrar will compile a “Citizenship Appeal” file for any individual that has applied for an appeal.

The file will include the following:

- a) The contents of the original citizenship application file
- b) An appeal check list
- c) An appeal research log
- d) An appeal research summary
- e) An appeal letter
- f) The Senate Clerk will assign an appeal file number

Upon notification of receipt of Intent to Appeal, the Registrar reviews the “Citizenship Appeal” file to ensure it is complete.

8.2 TIME FRAME FOR CITIZENSHIP APPEAL

Upon receipt of a Citizenship Appeal, a decision must be rendered within 6 months and delivered within 30-days of that decision.

8.3 APPEAL APPLICATION SUBMITTALS

- 1) Appeal applications are submitted to the Senate Clerk at the MNBC head- office via: A Regional Registry Clerks or,
- 2) Directly from applicant/s; or,
- 3) Chartered Métis Communities of the MNBC.

8.4 CITIZENSHIP APPEAL FILE

The Citizenship Appeal File:

Citizenship Appeal Checklist: divided into three sections

- 1) Basic Application Elements
- 2) Genealogical Documentation
- 3) Genealogical Documentation notes on the genealogical documentation submitted.

Appeal Research Log divided into seven sections

- 1) Appeal file number
- 2) Date of research
- 3) Location/Call number of sources researched
- 4) Description of sources
- 5) Documents retrieved and identified numerically
- 6) Geographic location of research
- 7) Notes/comments

Appeal research summary: highlights research conducted on the file. Appeal letter: divided into five sections

- 1) Outline of genealogical component.
- 2) Outline of genealogical findings.
- 3) Copy of the National Definition and Jean Teillet's article.
- 4) Notification of the applicant's right to appeal.
- 5) Notification to contact the Registry in writing to indicate of the intent to appeal or withdraw their application

Genogram: user-friendly format for viewing genealogy

8.5 SECOND GENEALOGICAL OPINION

All Citizenship appeals require a second genealogical opinion from La Société Historique de Saint-Boniface, 340, boulevard Provencher, Saint-Boniface, Manitoba. The Senate Clerk will send the requested second opinion as part of the demand letter for the Citizenship Appeal file instructing the MNBC Central Registry to send an additional file to La Société Historique de Saint-Boniface for professional opinion. The MNBC Registry will pay for the search.

9 REGIONAL AND COMMUNITY DISPUTE RESOLUTION

The following steps and forms must be utilized when initiating a dispute resolution process, via the MNBC Senate:

- 1) A “Notice of Appeal Form” must be fully completed and submitted to the Senate Clerk.
- 2) Response to the “Notice of Appeal” to the Senate will be forwarded by the Senate Clerk to the Parties indicating either the acceptance or denial of the Appeal request.
- 3) A “Dispute Resolution Introduction Letter” will be sent by the Senate Clerk to the Parties which details instructions on the submissions process.
- 4) An “Applicant’s Submission Form” must be fully completed and forwarded to the Senate Clerk and the Respondent within 30-days of receiving the “Dispute Resolution Introduction Letter”.
- 5) A “Respondent’s Submission Form” must be fully completed and forwarded to the Senate Clerk and the Applicant within 30-days of receiving the “Applicant’s Submission Form” as stated in the previous step.

The Senate Clerk will then notify the Applicant and the Respondent of the hearing date and any potential times for clarification testimony (either in-person or by phone).

9.1 DISPUTE RESOLUTION METHODOLOGY

In order to have a structured approach to all dispute resolution cases, the Senate revisited the process applied for Senate Action No. 1-30-04-47-1-0008, *Dahl vs. MNBC Board of Directors*. The process applied in that case was deemed to be a good starting point for the establishment of a process to be used in future cases. The methodology is as follows:

- 1) Senate Clerk accepts a case as bona fide for Senate jurisdiction as per the screening process;
- 2) Senator/Elders read the submission;
- 3) The Senate reviews and sort facts from each submission – do not apply interpretations, look for agreed to facts only;
 - a. Appellant

- b. Respondent
- 4) Senate or/Elders review to understand agreed upon facts;
- 5) Sort contradictory facts from each submission;
- 6) Clarify difference between facts and opinions;
- 7) REVIEW – all above steps;
- 8) Identify issues;
 - a. Appellant
 - b. Respondent
- 9) Review each submission to provide clarity on issues – sorting, look at questions from each side to provide clarity;
- 10) Interview preparation/protocol;
 - a. No new evidence can be accepted during interviews,
 - b. Identify who needs to be interviewed,
 - c. Develop questions for each interviewee – prepared by Senate, based on each party’s submission
 - d. Hearsay as evidence is not permitted.
- 11) Analysis now begins as follows:
 - a. Predetermined points – collate information,
 - b. Use a consensus-based approach (refer to Section 9.3),
 - c. What does the Senate need to consider? (i.e. policies and procedures pertinent to the submissions and hearing),
 - d. Questions after final analysis – look again at the legislation, regulation, policies and procedures, clear and evident meanings/wording, etc....,
 - e. Revisit analysis applied to the situation,
 - f. Review interviews, analyze again
- 12) Render final decision based on facts and actions of both parties.

9.2 CONSENSUS ON DISPUTE RESOLUTION

Common meaning of “consensus” is a general or collective agreement among the Senate members of the MNBC Senate, each of whom exercises some discretion in decision-making and follow-up action. Consensus can also be viewed as the collective thought or agreement of the Senate, recognizing that there can still be a high degree of variation among Senator/Elders, and if there is to be individual commitment to follow-up the decision with action, this variation remains important. Consensus usually involves collaboration, rather than compromise. Instead of one opinion being adopted by a plurality, Senator/Elders are

brought together until a convergent decision is developed. Genuine consensus typically requires focus on developing relationships among the Senator/Elders, so that they work together to achieve agreements based on willing consent.

10 MEDIATION

Parties are encouraged to look at alternative ways to resolve the conflict/disagreement before bringing a request to the Senate. The following steps and forms must be utilized when initiating a mediation process via the MNBC Senate:

- 1) A “Request for Mediation Form” must be fully completed and submitted to the Senate Clerk.
- 2) Response to the “Request for Mediation” to the Senate will be forwarded by the Senate Clerk to the Parties indicating either the acceptance or denial of the Mediation request, within seven days of the Clerk receiving the request. The Senate Clerk may also carry out preliminary inquiry to ensure awareness of other processes that can be used for conflicts/disagreements, and that the parties have exhausted other avenues to deal with the conflict/disagreement.
- 3) A “Mediation Introduction Letter” will be sent by the Senate Clerk to the Parties, along with instructions on the submissions process. The instructions will include a “Mediation Invitee Acceptance” for the party to fill out and return with their submission package.
- 4) Each invited party who elects to participate in the mediation will be required to prepare and forward a submission package within fifteen days of receiving the Mediation Introduction Letter.
- 5) The Senate Clerk, within seven days of receiving the submission packages forwards copies of the submissions to the participating parties.
- 6) The Senate Clerk notifies the parties of the mediation of the time and place of the mediation (either in-person or by phone).
- 7) Within seven days of the hearing, the Senate Clerk will forward copies of the submissions of both parties.

10.1 MEDIATION PROCESS

The following steps and forms must be utilized when initiating a mediation resolution process, via the MNBC Senate:

- 1) A “Request for Mediation Form” must be fully completed and submitted to the Senate Clerk.
- 2) Response to the “Request for Mediation” to the Senate will be forwarded by the Senate Clerk to the Parties indicating either the acceptance or denial of the mediation request, within seven days of receipt of the request.

- 3) A “Mediation Introduction Letter” will be sent by the Senate Clerk to the Parties along with instructions on the submissions process.
- 4) A “Mediation Participation Agreement Form” and the submission from the invited parties must be fully completed and forwarded to the Senate Clerk within 14-days of receiving the “Mediation Introduction Letter”.
- 5) The Clerk will forward the submission packages from each party to the other participating invitees within seven days of receipt of the submissions.
- 6) The Senate Clerk will notify the participating invited parties of the hearing date (either in-person or by phone). The hearing will take place approximately 30 days after the Clerk receives the submissions from the parties, dependent upon the ability to arrange for the session.
- 7) The parties may bring their legal representatives to provide advice, however, the legal representatives will not be part of the actual mediation process.

10.2 MEDIATION METHODOLOGY

To have a structured approach to all mediation sessions, the Senate reviewed and modified the process used in the RCMP Community Justice Forums, along with processes applied by the Senate for other types of cases. The processes applied in those forums were deemed to be a good starting point for the establishment of a process to be used in future cases.

- 1) The methodology is as follows. Senate Clerk accepts case as bona fide for Senate authority as per the screening process;
- 2) The Senate Clerk works with the Senate Mediation Team to determine the time, date and place for mediation and invites participants to the mediation;
- 3) The Senate Mediation Team becomes familiar with all aspects of the conflict/disagreement;
- 4) The Senate Mediation Team reviews and sorts facts from each submission looking for agreed to facts only;
- 5) The Senate Mediation Team greets each party upon arrival and invites the parties to wait in separate areas/rooms;
- 6) The Senate Mediation Team introduces each party to the process of mediation. and the team establishes ground rules, provides order, sequence, and continuity.
- 7) The Senate Mediation Team reviews the Mediation Agreement with the parties. All individuals sign to abide by the agreement and the mediation process;
- 8) The Senate Mediation Team meets with each party separately to review submissions, to understand agreed-upon facts as well as to understand the interests of each party;
- 9) The Senate Mediation Team formulates questions from each meeting to bring to the other party to discuss perceptions and facts about the circumstances around the matter in conflict/disagreement;
- 10) The Senate Mediation Team meets with the parties to discuss possible resolutions to the conflict/disagreement;

- 11)The Senate Mediation Team works with the parties to draft an Agreement for the parties to review and sign;
- 12)The Mediation Agreement constitutes a legally binding contract between the parties.

10.3 CITIZEN CHALLENGES

Applicants contact the Senate Clerk directly either via phone, text or e-mail. The Senate Clerk will request a written letter from the individual containing the name of the individual whose citizenship is being challenged. Depending on the nature of the challenge, the Senate Clerk will contact the Registrar and respond to the individual who is challenging to ascertain if they are a citizen or not. If the challenge is of a nature that will require a hearing, the Senate Clerk will initiate the application and consent process.

10.4 NATURAL RESOURCES APPEAL

Presently being developed in conjunction with the B.C. Métis Assembly of Natural Resources and the MNBC Ministry of Natural Resources (yet to be developed).

11 SENATE/ELDER CEREMONIAL ACTIVITIES INCLUDING PRAYER SWEARING IN, SASHING, OATHS, AWARDS AND GIFT GIVING

The inaugural ceremony for swearing in Elected Officials is as follows:

Step 1 The Senator/elder escorts the elected official to the podium, upon which the Senate/Elder Chairperson conducts the official swearing in ceremony.

Step 2 The newly sworn in elected official proceeds in front of the tables to shake hands with the remaining Senator/Elders in their semi-circle. The elected official walks this step alone.

Step 3 Upon completing the handshakes, they will proceed to sign and witness the oaths to office document. Either the Senate Clerk or Annual General Meeting Clerk will assist in this process. An opportunity for photography will be provided.

Step 4 The escorting Senator/Elder who is still by the podium accompanies the official back to their seat.

12 SENATOR/ELDER ATTENDANCE AT EVENTS

Large-Scale Events (provincial/regional): Please forward the request for permission to attend the event to the Senate Clerk via e-mail and/or fax. The attendance of the Senate will depend on the availability of funding.

Small-Scale Events (community): Please contact your regional Senator/Elder either by e-mail and/or phone. The attendance of the Senator will depend on the availability of funding.

13 SENATE POLICIES AND PROCEDURES

If it is determined that the *Senate Policies and Procedures* can be improved by an amendment, addition or deletion, the Senate has the power to make such changes provided they are in keeping with the spirit and intent of the MNBC's mandate, vision statement and management principles.

Copies of the *Senate Policies and Procedures* will be sent to the MNBC Board of Directors and each MNBC chartered community president and will be included in the *MNBC Board Policy and Procedures Guide Book* and posted on the MNBC website.

14 APPENDIX 1

14.1 ADMINISTRATIVE ELDER/SENATOR

ADMINISTRATIVE SENATOR/ELDER

Department: MNBC Senate

Reports To: Senate

Employment Status: Selected by Senate

Prepared Date: October 2012

SUMMARY:

Responsible to act as liaison between the Senate and all political and bureaucratic levels of the Métis Nation of British Columbia (MNBC). In particular, it will be the responsibility of the Administrative Senator/Elder, after having received instruction from the Chairperson of the Senate, to assist the Senate Clerk in dealings with the MNBC government, directors, officers and employees to negotiate and arrange for funding and facilities associated with the current and future mandate of the Senate.

DUTIES AND RESPONSIBILITIES:

The Administrative Senator/Elder in the absence of the Senate Clerk will be responsible to:

- 1) Take concerns and issues, on behalf of the Senate, to the Board of Directors, Métis Nation Governing Assembly and/or the MNBC Annual General Meeting;
- 2) Provide logistical support to the Senate Clerk in dealings with MNBC when negotiating for the MNBC Senate;
- 3) Liaise and negotiate with MNBC bureaucracy and political leadership in regard to resources, programs, functions and activities ordained within the Senate's mandate;
- 4) Represent the Senate at negotiations with federal and provincial funding bodies, such as the Office of the Federal Interlocutor (OFI) and the Ministry of Aboriginal Relations and Reconciliation (MARR);
- 5) Represent the Senate in negotiations with all bodies outside the MNBC who provide similar services with a view to enhancing its own role through education, training and funding.

QUALIFICATIONS:

Must be a sitting Senator/Elder and be elected to the position by the Senate. The requirements listed below are representative of the knowledge, skill and/or ability required.

EDUCATION and/or EXPERIENCE:

Experienced in negotiations and in discussions with executive and bureaucratic bodies. Excellent verbal and written communication skills.

LANGUAGE SKILLS:

Ability to read and interpret documents such as legal terminology and budget documents. Ability to provide verbal reports to the Senate. Ability to speak effectively before political and bureaucratic leaders or employees of the organization

PROBLEM SOLVING ABILITY:

Ability to apply sound and prudent judgment based on a simple perception of the situation or facts to carry out instructions furnished in written, oral or diagram form. Ability to deal with problems involving several concrete variables in standardized situations. Ability to engage in hard negotiations internal to the organization and with government and other funding agencies to obtain sufficient resources for the Senate functions.

CERTIFICATES, LICENSES, REGISTRATIONS:

A Métis citizenship card is required. The administrative senator/Elder will, of necessity, be required to interface and negotiate with all levels of MNBC, it will be the responsibility of the Chairperson of the Senate to organize the affairs of the Senate so that the Administrative Senator is never a part of any adjudication involving the MNBC government, its employees, officers or agents. Further, it will be the responsibility of the Administrative Senator/Elder to keep confidential from any of the other Senator/Elders any information acquired in the performance of duties. Only the Clerk and the Chairperson of the Senate are provided with a summary of with a summary of activities. This is done to protect the Senate against any possible accusations of bias or undue influence whether real or perceived.

14.2 SENATE CLERK

SENATE CLERK

Department: MNBC Senate

Reports To: Senate Chairperson

Employment Status: Full Time

Revision Date: October 2012

SUMMARY:

The Senate Clerk performs routine clerical duties involved in processing requests for Senate documents and prepares a variety of forms and reports as mandated by the *MNBC Senate Act* and the *Senate Policies and Procedures*. The Senate Clerk provides expert advice on MNBC legislation, guidelines, policies and procedures. The Senate Clerk also works with the Administrative Senator/Elder in negotiations, on behalf of the Senate, for MNBC with both federal and government partners.

DUTIES AND RESPONSIBILITIES:

- 1) Includes the following; however other duties may be assigned.
- 2) Receives and files documents and vital records; maintains all files as keeper of files and records for the Senate. Responds in a timely manner to all emails.
- 3) Answers the telephone, responds to questions regarding Senate documents from Métis Citizens, other MNBC departments and the general public.
- 4) Excellent communication skills.
- 5) Works in an office environment answering questions and performs tasks related to the receipt, review, and processing of official, Senate documents.
- 6) Conducts record searches for background checks at public request
 - a. Uses computer terminal to search and retrieve records.
 - b. Issues endorsed copies of Senate documents.
 - c. Opens mail, prioritizes, and files requests with appropriate staff/entities.
 - d. Screens initial applications for viability and applies a determinacy for hearing status.
 - e. Ensures that necessary documents are included in all case files before submitting to the Senate.
 - f. Receives and processes cases; assigns Senate Action numbers, submits them to the Senate, issues, demands, requests, records adjournments, files reports; may notify Senate Chairperson and other MNBC departments about completed cases.
 - g. Must have knowledge of the *MNBC Senate Act* and the *Senate Policies and*

Procedures. Assist in the continual maintenance of the *Senate Policies and Procedures.*

- h. Act as a liaison between the Senate and the MNBC Minister of Justice
- i. Quality assurance and control of the Senate database and hard copy filing system.
- j. Works with the Senate in developing the various reporting requirements or preparing negotiating packages, including budget.

QUALIFICATIONS:

An individual must perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill and/or ability required. Must have experience working with the Senate, Métis Nation Governing Assembly, Annual General Meeting, and extensive knowledge of MNBC legislation, guidelines, policies and procedures. The individual must have excellent negotiation skills and be familiar with the various negotiations tables of the MNBC (i.e. tripartite, bilateral and multilateral).

Additionally, the individual is to be well versed in aboriginal law and more specifically have a thorough understanding of the Métis case law (i.e. SCC Powley decision). Must have experience in understanding the Central Registry process, electoral conduct and the three-level governance structure of the MNBC (Board of Directors, Regional Governance Councils and Métis Chartered Communities) as well as a working knowledge of the Aboriginal peoples of Canada.

EDUCATION and/or EXPERIENCE:

High school diploma or general education degree (GED); with one-year related experience and/or training; or equivalent combination of education and experience in office/clerical duties pertaining to the legal sector. Good knowledge of the English language and spelling. Requires knowledge of modern office procedures, practices, court and/or Senate procedures and office equipment including on-line computer terminal. Should have some knowledge of legal terminology and phrases, the methods and procedures of handling and filing court and/or Senate documents.

LANGUAGE SKILLS:

Ability to read and interpret documents such as legal terminology. Ability to write routine reports and correspondence. Ability to speak effectively before applicants/respondents or employees of the organization.

The level of organizational and documentation abilities must be of the highest standard. The ability to document phone calls, e-mails, conversations, mail and fax is critical. A filing system is present for both hard copy and digital files and the organizational abilities of the Senate Clerk are crucial in the performance of this position. The Clerk is also responsible for

the creation and maintenance of the Senate's minutes and agendas. Specific timelines for the production of minutes, agendas, decisions, applications and other various functions of the Senate are listed in the *Senate Policies and Procedures* and must be adhered to.

PROBLEM SOLVING ABILITY:

Ability to apply common sense understanding to carry out instructions furnished in written, oral, or diagram form.

CERTIFICATES, LICENSES, REGISTRATIONS:

A Métis Citizenship Card is encouraged. All other qualifications are required. Preference will be given to Metis, First Nations and Inuit applicants.

14.3 MINISTER OF JUSTICE

MINISTER OF JUSTICE

Department: Ministry of Justice

Reports To: MNBC Board of Directors

Assistance/Support: Senate Clerk

SUMMARY: Provide a political voice for the Senate

DUTIES AND RESPONSIBILITIES:

Include the following; however other duties may be assigned.

- 1) Take concerns and issues, on behalf of the Senate, to the MNBC Board of Directors, the Métis Nation Governing Assembly or the MNBC Annual General Assembly.
- 2) Provide political support to the Senate Clerk when negotiating for the MNBC Senate.
- 3) Be available to speak publicly, in a media situation (television, newspaper, email Smart Phone, Twitter), on behalf of the Senate.

QUALIFICATIONS:

Must be a duly elected official on the MNBC's Board of Directors. Must be appointed as MNBC's Ministry of Justice by the President of the Métis Nation British Columbia.