

## Policy Section 900 Senate

New Policy Number and Name	Reference from Existing Manual
Policy 910 Historic Métis Culture	<i>Section 1 Preamble</i>
Policy 911 Mandate of the MNBC Senate	<i>Section 2.1 Purpose of the Senate</i>
Policy 920 Senate Proceedings	<i>Section 2.1 Purpose of the Senate</i>
Policy 921 Senate Policies and Administrative Standards & Practices	<i>Section 13 Senate Policies and Procedures</i>
Policy 922 Role of the Senate Clerk	<i>Section 5.1 Working Relationships: Senate Clerk</i>
Policy 930 Senator/Elder Term, Expectations and Roles	<i>Section 2.2 Senate/Elder Responsibilities &amp; Section 2.2.2 Senate/Elders Term of Office</i>
Policy 931 Senate Code of Ethics	<i>Section 3 Senate Code of Ethics</i>
Policy 932 Role of Senate Chairperson	<i>Section 2.2.1 Senator/Elders, Chairperson, Secretary and Administrative Duties</i>
Policy 933 Role of Administrative Senator/Elder	<i>Section 2.2.1 Senator/Elders, Chairperson, Secretary and Administrative Duties &amp; Section 5.2 Working Relationships: Administrative Senator/Elder</i>
Policy 934 Senator/Elder Attire	<i>Section 2.3.1 Senate/Elder Attire</i>
Policy 940 Meetings of the Senate	<i>Section 2.2.3 Senate Meetings &amp; Section 2.2.4 Ceremonial Display &amp; Section 2.2.5 Agendas, Minutes and Media Releases</i>
Policy 941 Senator/Elder Representation Responsibilities	<i>Section 2.3.2 MNGA &amp; Section 2.3.3 AGM &amp; Section 2.3.4 &amp; Section 2.3.5 Regional Chartered Communities</i>
Policy 950 Senate Committees	<i>Section 4 Sub-Committees of the Senate</i>
Policy 960 Relationship with MNBC	<i>Section 5 Working Relationships MNBC</i>
Policy 961 Minister of Justice Relationship to Senate	<i>Section 5.3 Working Relationships: MNBC Minister of Justice</i>
Policy 980 Procedural Conduct	<i>Section 6 General Procedural Conduct 6.3, 6.4 &amp; 6.6</i>
Policy 981 Election Appeals	<i>Section 7 Specific Procedural Conduct</i>
Policy 982 Citizenship and Central Registry Appeals	<i>Section 8 Citizenship and Central Registry Appeals</i>
Policy 983 Natural Resources Appeals TBD	<i>Section 10.4 Placeholder</i>
Policy 990 Dispute Resolution	<i>Section 9 Regional and Community Dispute Resolution</i>
Policy 991 Mediation	<i>Section 10 Mediation</i>
Policy 992 Senator Remuneration	<i>Senate Act, Article 11</i>

**POLICY 910 HISTORIC MÉTIS CULTURE**

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, however, the traditional principles remained unchanged. 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 within the Métis community.

The Métis established a written system of enforceable guidelines for both the hunt and for preservation of 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. Three groups (Métis, European Settlers, and First Nations) on the prairies 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 Métis organizational infrastructure and principles should honour the past.

**POLICY 911 MANDATE OF THE MNBC SENATE**

The Senate is the judicial arm of Métis Nation British Columbia. It derives its powers from the Senate Act and is responsible for upholding the guiding principles of democracy in accordance with the provisions of the Constitution and Legislation.

The Métis Nation of British Columbia was founded on the principles of democracy meaning rule by its Métis citizens. There are several guiding principles that act as the foundation of a democracy such as rule of law, protected rights and freedoms, free and fair elections, and accountability and transparency of elected officials. Métis citizens have a responsibility to uphold and support these principles.

The Senate fulfills this mandate, in part, by carrying out the following duties:

- Mediation;
- Citizenship and Central Registry Appeals,
- Election Appeals;
- Regional and Community Disputes;
- Ceremonial Activities and Exchanges;
- Conducting Opening and Closing Prayers;
- Directing Swearing-in Ceremonies and Oaths;
- Displaying Métis Flags and Sashes;
- Natural Resource Appeals; and
- Citizenship Challenges

**POLICY 920 SENATE PROCEEDINGS**

The Senate is governed by the Senate Act, specifically Article Seven which empowers the Senate to prepare, compile and deliver to the MNGA a copy of guidelines, in writing, setting out the Protocol, Code of Ethics and Standard of Conduct pursuant to which the Senate shall conduct its affairs and manage and administer the duties and functions of the Senate.

1. For the purpose of carrying out Senate duties, Senators/Elders are provided the opportunity to request and review all information concerning:
  - 1.1. The MNBC judicial system;
  - 1.2. The policies, procedures, administrative standards and practices, and programs of MNBC and Senate that relate to guiding of the judicial system; and
  - 1.3. Legislative requirements.
2. For greater certainty, the MNBC judicial system includes: Legislation, Policies, Procedures, Administrative Standards and Practices, Guidelines, Programs and Protocol.
3. Senate proceedings are designed to:
  - 3.1. Provide a forum for receipt of information falling within Senate mandate for consideration from various points of view by Senators/Elders.
  - 3.2. Review, advise, guide and submit recommendations for improvement of MNBC judicial practices.
  - 3.3. Provide recommendation for communication of judicially related information to the Métis community, and general public.
  - 3.4. Facilitate development of judicial procedures that maximize the rights and privileges of Métis citizens of British Columbia.
4. Without prejudice to the matter, a response to a question of procedure raised by an appellant, respondent or witness may be made to that question by the Senate.

**POLICY 921 SENATE POLICIES AND ADMINISTRATIVE STANDARDS AND PRACTICES**

In accordance with Article 3.3 of the Senate Act, only the Senate shall determine guidelines for Senate protocol, policy and procedure.

If it is determined that the Senate Policies and Administrative Standards and Practices 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 the Senate Act.

The MNBC Board of Directors and MNBC chartered community presidents will be notified of revisions to Senate Policies and Administrative Standards and Practices.

Current documentation will be included in the *MNBC Board Policy Manual* and available on the MNBC website.

**POLICY 922 ROLE OF THE SENATE CLERK**

**ALL** contact to the Senate will be through the Senate Clerk.

The Senate Clerk reports to the Senate Chairperson and the position is that of Senate Secretariat. The Senate Clerk's key responsibilities include, but are not limited to:

- Screening processes
- Technical support
- Appeal acceptance
- Preparation of correspondence
- Internal communications
- Liaison between the Senate and the MNBC Minister of Justice in coordination with the Senate Chairperson
- Government negotiations

**ROLE DESCRIPTION**

DEPARTMENT: MNBC Senate  
REPORTS TO: Senate Chairperson

EMPLOYMENT STATUS: Half Time  
REVISION DATE: June 2020

**SUMMARY:**

As Senate Secretariat, this role requires various administrative and clerical duties on behalf of the Senate including:

- process all incoming and outgoing documents;
- manage Senate related correspondence;
- receive sensitive and confidential information as primary Senate recipient;
- maintain Senate specific filing system;
- determine when an appeal or mediation will be required after consultation with the Senate;
- arrange monthly teleconferences or in person meetings;
- document Senate minutes and decisions; and
- prepare various forms and reports as mandated by the MNBC Senate Act and the Senate Policies and Administrative Standards and Practices.

The Senate Clerk provides expert advice on MNBC legislation, guidelines, Senate Policies and Senate Administrative Standards and Practices.

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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:

Includes the following; however other duties may be assigned.

1. 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.
2. Answers the telephone, responds to questions regarding Senate documents from Métis Citizens, other MNBC departments and the general public.
3. Excellent communication skills.
4. Works in an office environment answering questions and performs tasks related to the receipt, review, and processing of Senate documents.
5. Conducts record searches for background checks at public request:
  - 5.1. Uses computer terminal to search and retrieve records.
  - 5.2. Issues endorsed copies of Senate documents.
  - 5.3. Opens mail, prioritizes, and files requests with appropriate staff/entities.
  - 5.4. Screens initial applications for viability and applies a determinacy for hearing status.
  - 5.5. Ensures that necessary documents are included in all case files before submitting to the Senate.
  - 5.6. 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.
  - 5.7. Must have knowledge of the *MNBC Senate Act* and the Senate Policies and Administrative Standards and Practices. Assists in the continual maintenance of the Senate Policies and Administrative Standards and Practices.
  - 5.8. Acts as a liaison between the Senate and the MNBC Minister of Justice
  - 5.9. Ensures Quality assurance and control of the Senate database and hard copy filing system.
  - 5.10. Works with the Senate in developing various reporting requirements and/or preparing negotiating packages, including budget submissions.

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#### QUALIFICATIONS:

A Senate Clerk candidate is required to possess experience working with the Senate, Métis Nation Governing Assembly, Annual General Meeting, and extensive knowledge of MNBC legislation, guidelines, Senate Policies and Senate Administrative Standards and Practices. Furthermore, the individual must have excellent negotiation skills and be familiar with the various negotiation 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 Métis case law (eg. SCC Powley decision). 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 is also a prerequisite of the position.

#### EDUCATION and/or EXPERIENCE:

- High school diploma or general education degree (GED);
- Seven years related experience and/or training; or equivalent combination of education and experience in office/clerical duties pertaining to the legal sector.
- Knowledge of the English language and spelling.
- Knowledge of modern office procedures, practices, court and/or Senate Policies and Senate Administrative Standards and Practices
- Knowledge of office equipment including on-line resources
- Knowledge of legal terminology and phrases, the methods and procedures of handling and filing court and/or Senate documents.

#### SKILLS:

- Ability to read and interpret documents that may contain legal terminology.
- Ability to write routine reports and correspondence.
- Ability to speak effectively to diverse audiences.
- The level of organizational and documentation abilities must be of the highest standard in order to address phone calls, e-mails, conversations, incoming/outgoing mail, and filing systems in manual and digital forms.
- Ability to create, maintain and disseminate Senate minutes, agendas, applications and other related functions as dictated in Senate Policies, Procedures and Administrative Standards and Practices.



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**PROBLEM SOLVING:**

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

**CERTIFICATES, LICENSES, REGISTRATIONS:**

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

**POLICY 930 SENATOR/ELDER TERM EXPECTATIONS AND ROLES**

In adherence with Section 53 of the *MNBC Constitution* and Article 6.1 of the *MNBC Senate Act*, the term of a Senator/Elder is 4-years from the date of appointment.

Requirements for the role includes that:

1. Senators are required to read, and understand in detail, the provisions of the *MNBC Constitution*, the *Senate Act* and the *MNBC Senate Policy Manual* and further must make themselves familiar with all of the other Statutes of the MNBC. Finally, they must acknowledge that pursuant to Section 9.1 of the *Senate Act* that they are, in all of their deliberations and conduct, mandated to invoke the principles of natural justice whenever and wherever it might apply.
2. Senators acknowledge and understand that given their position as the Judiciary of the MNBC that they are prohibited from discussing any of the matters before them as Senators with anyone other than the Senators which make up the panel on which they sit, and further, acknowledge that the only information upon which they can render a decision will be based on materials, or evidence supplied during a Hearing, or if a Hearing is not held, only on the materials supplied by the Parties in a form acceptable to the Senate's rules and procedures.
3. Senator/Elders attend all meetings of the Senate or, if unable to attend a meeting, will inform the Chairperson or the Senate Clerk.
4. Senators/Elders must be fully prepared to discuss existing, new and evolving items of business.
  - 4.1. Senate members should be familiar with current Métis court decisions.
  - 4.2. In addition, the Senate should be well informed in judicial matters, harvesting policy and regulations, and Métis history/culture.
  - 4.3. Senators/Elders should have the ability to make informed judgments that will best serve the interests of Métis citizens of B.C.

Senator/Elder duties related to committees, except as otherwise may be determined for an unforeseen requirement, are comprised as follows:

- A. Dispute resolution and mediation - Two Senator/Elders selected by the Senate and the Regional Senator/Elder.
- B. Citizenship Appeals – Senate as a whole.
- C. Ceremonial activities and exchanges - As determined by the Senate.
- D. Conducting opening and closing prayers - As determined by the Senate.
- E. Directing swearing in ceremonies, administering oaths, presenting awards and gifts - As determined by the Senate.
- F. Display of Métis flags and sashes - As determined by the Senate.
- G. Candidate/Voter refusal appeals and disqualification appeals - Three Senator/Elders selected by the Senate including cultural knowledge keepers.
- H. Electoral conduct appeals and election result appeals – Senate as a whole.
- I. MNBC Board of Director appeals - Senate as a whole.

**POLICY 931 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 their judicial conduct or judgment and shall not permit others to convey an 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 a decision 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 pressure 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 called before them.
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 themselves in any proceeding in which a real or perceived conflict of interest related to financial, familial or political involvement with the litigant or otherwise arises which causes the Senator/Elder to doubt their ability to act in an impartial manner. Ultimately, the objective is to ensure the sanctity of the Senate.
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 the proceeding and not be listed as a residing Senator/Elder on the written Senate decision. If the Senate determines a potential conflict of interest will not unduly impact the outcome of a hearing, the rationale for this conclusion must be cited in the written decision for that hearing.

**POLICY 932 ROLE OF THE SENATE CHAIRPERSON**

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.
  - 1.1. The Chairperson's term is reviewable annually.
2. The Senate 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 Chairperson of the MNBC Senate is responsible for maintaining 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/Elders.
6. The Chairperson ensures Minutes are kept for each Senate meeting.
  - 6.1. The Senate clerk forwards draft Minutes to the Chairperson within one week of the meeting for review. Draft minutes are circulated to all Senate members (regardless of attendance) within 2-weeks of the meeting and ratified at a subsequent Senate meeting once any errors and/or omissions have been corrected.

**POLICY 933 ROLE OF ADMINISTRATIVE SENATOR/ELDER**

The Senate shall elect a member of the Senate to act as the Administrative Senator/Elder for a period of one year.

The Administrative Senator/Elder's responsibilities, in part, include:

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.

**ROLE DESCRIPTION**

DEPARTMENT: MNBC Senate

EMPLOYMENT STATUS: Selected by Senate

REPORTS TO: Senate

REVISION DATE: May 2020

**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 related to current and future mandate of the Senate.

**DUTIES AND RESPONSIBILITIES:**

The Administrative Senator/Elder 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;

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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, skills and abilities required for this role:

- a. **EDUCATION and/or EXPERIENCE:**
  - Experience in negotiations and discussions with executive and bureaucratic bodies.
  - Excellent verbal and written communication skills.
- b. **LANGUAGE SKILLS:**
  - Ability to read and interpret budget and various other documents that may contain legal terminology.
  - Ability to provide verbal reports to the Senate.
  - Ability to speak effectively before political and bureaucratic leaders or MNBC employees.
- c. **PROBLEM SOLVING ABILITY:**
  - Ability to apply sound and prudent judgment.
  - Ability to solve complex problems.
  - Ability to engage in hard negotiations internal to the organization and with government and other funding agencies to obtain sufficient resources in support of the the Senate's mandate.
- d. **CERTIFICATES, LICENSES, REGISTRATIONS:**
  - A Métis citizenship card is required.
- e. **SPECIAL CONSIDERATIONS REGARDING THE ROLE**
  - 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/Elder is never a part of any adjudication involving the MNBC government, its employees, officers or agents.

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- It will be the responsibility of the Administrative Senator/Elder to keep information acquired in the performance of duties confidential from other Senator/Elders when release of such information could potentially raise accusations of bias or undue influence, whether real or perceived.
  - Only the Senate Clerk and Chairperson of the Senate are provided with a summary of with a summary of the Administrative Senator's activities.



**POLICY 934 SENATOR/ELDER ATTIRE**

Correct attire is required to always represent the Senate in the appropriate garb.

Specific roles require specific attire, these 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, attire is designated as follows:

1. Métis Nation Governing Assembly and MNBC Annual General Meeting
  - 1.1. Main Forum and Grand Entry – Robes
  - 1.2. Trade Shows, General Business and Workshops – Traditional
2. Quarterly Senate Meetings – Professional
3. Hearings
  - 3.1. Testimony Sessions – Robes
  - 3.2. In-Camera – Professional
4. MNBC Meetings (BOD, RGC or Métis Chartered Community) – Traditional
  - 4.1. Public Attendance (special guest) – Robes
  - 4.2. 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

## **POLICY 940 MEETINGS OF THE SENATE**

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.

### Ceremonial Display

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



### 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 Chairperson and may or may not be discussed in any detail or decided upon until the next meeting.
3. Senators/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. Media releases will be coordinated within, and under the direction of the Senate.
5. Senator/Elder contact information is posted on the MNBC website for public information.

**POLICY 941 SENATOR/ELDER REPRESENTATION RESPONSIBILITIES**

Regional Senators/Elders will:

- a. Attend, but not participate politically in chartered Métis community meetings
- b. Attend general meetings twice a year in their region.
- c. Handle awards, swearing in ceremonies and cultural events as the Senator/Elder for their region.
- d. Where Senate involvement or advice is required by a Métis Chartered Community, advise that all communications must be addressed through the Senate Clerk.
- e. While participating in a cultural or celebratory function cannot, at any time engage in political discussion, legislative debate or related interpretation.

Métis Nation Governing Assembly (MNGA)

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

- a. Legislative or resolution debate and approvals
- b. Political discussion
- c. 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.

Métis Nation 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;

- a. Legislative or resolution debate and approvals
- b. Political discussion
- c. Official procedural AGM activities

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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/Elder cannot, at any time, engage in political discussion or resolution debate.

#### Regional Governance Councils (RGA)

A Senator/Elder will attend Regional Governance Council meetings in the Senator/Elder'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 to the Senate Clerk.

**POLICY 950 SENATE COMMITTEES**

All Committee's in the pursuit of Senate business shall carry with them the Powers of the Senate and will not abrogate these powers until the work of the Committee has been concluded.

**"Committee"** means a committee of the whole, a select committee, whether standing and otherwise, reporting back to the full Senate for disposition.

**"Committee of the Whole"** "means a committee composed of the whole body of the Senate.

**"Select Committee"** means a committee composed of less than the whole body of the Senate and includes both a standing committee and a special 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 and on other matters that may from time to time be referred to it by the Senate. This committee remains in place, as is, until the end of a Senator/Elder's term of office expires, at which time the vacancy is immediately filled by a Senator at first sitting of the Senate

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

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

**POLICY 960 RELATIONSHIP WITH MNBC**

An important responsibility of the MNBC is to lobby on behalf of the Senate for resources from local, provincial, federal levels of government, and from any other sources.

Subject to funding agreements being negotiated annually between MNBC and the Senate, MNBC support will include:

1. Reimbursement of costs related to 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 agreed upon annually as part of overall funding.

**POLICY 961 MINISTER OF JUSTICE RELATIONSHIP TO SENATE**

The Senate's expectations regarding the relationship between itself and the Minister of Justice, in part, include:

1. Will represent the Senate in all matters pertaining to it when required before the MNBC Board of Directors.
2. Be a 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. Work to assist the MNBC Senate in realizing its full potential in collaboration with the Senate Clerk.
5. Providing a public/social media voice for the Senate.

**ROLE DESCRIPTION**

DEPARTMENT: Ministry of Justice

LIASES WITH: MNBC elected representatives

ASSISTANCE/SUPPORT: Senate Clerk

**SUMMARY:**

Provides a political voice for the Senate

**DUTIES AND RESPONSIBILITIES:**

Includes the following; and other duties as may be assigned.

- a. Take the concerns and issues of the Senate to MNBC Board of Directors, Metis Nation Governing Assembly and/or Annual General Meeting.
- b. Provide political support when the Senate Clerk is negotiating on behalf of the Senate.
- c. Be available to speak publicly to the media.

**QUALIFICATIONS:**

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

**POLICY 980 PROCEDURAL CONDUCT**

Notifications and/or applications will only be accepted in written documentation. A Notice of Appeal must be sent by mail or an electronic means.

**1. Decision-Making**

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

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

**2. Written Decision Protocols**

The following is the procedure in approving the release of a written Senate decision to the Applicant, Respondent and posting on MNBC website:

- 2.1. The Senate, on day of the case hearing, provides the Senate Clerk with the decision and reasoning to be used in preparation of the written decision.
- 2.2. The Senate Clerk then prepares the written decision. If clarification is required, the Senate Clerk will liaise with the Senate Chairperson.
- 2.3. 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 review and approval.
- 2.4. All electronic versions of the Senate’s written decisions will be released in an Adobe version (.pdf extension).
- 2.5. Upon approval of a written decision, the Senate Clerk will undertake the following actions within a 36-hour period:
  - 2.5.1. Send Respondent and Applicant a copy of the decision.



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2.5.2. Post the decision on the Senate website.

### 3. Conduct of Appeals

All appeals must be addressed in a timely manner.

### 4. Protocol for Appearance before the Senate

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

- 4.1. Introductions (all parties)
- 4.2. Advise the individual that the proceeding is being recorded and seek their concurrence.
- 4.3. 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."*
- 4.4. Review the rules of conduct such as Senate Code of Ethics:
  - 4.4.1. Senator/Elders will be patient, dignified and courteous to all litigants, witnesses and others who are called before them, and shall require similar conduct by those individuals called before them.
  - 4.4.2. Attendance before a Senate hearing is voluntary. No one is required to remain at a Senate hearing against their wishes. However, if the evidence they possess is crucial to a fair and equitable resolution to a dispute, and they have refused to provide that evidence, unless it would be self incriminating, then that witness can be compelled to attend and give evidence.
  - 4.4.3. Be respectful and truthful.
  - 4.4.4. Everyone will be invited to speak without interruption using a respectful style of communication.
  - 4.4.5. Arguing, name-calling, interrupting and put-downs are not acceptable.
  - 4.4.6. Threats of, or actual violence will immediately cause the Senate hearing to be terminated.

### 5. Appeals Decisions

Appeal decisions will be made available to the applicant, respondent and with the exclusion of testimony, be posted on the Senate website.

**POLICY 981 ELECTION APPEALS**Candidate Refusal Appeal

In accordance with Article 42 of the *MNBC Electoral Act* pertaining to refusal by a Chief Electoral Officer to accept the eligibility of a candidate or voter, 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.

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 a Tribunal or Special Committee appointed by the Senate as a whole.

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

Election Result Appeal

In accordance with Article 42 of the *MNBC Electoral Act* pertaining to general election appeal, the composition of the Election Result Appeal Committee is a Tribunal or Special Committee appointed by the Senate as a whole.

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* 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.

Preservation of Ballots

The Senate Clerk will immediately, upon acceptance of the Election Appeal application, send a “Demand Letter” to the Chief Electoral Officer requiring preservation of all ballots until the appeal has been concluded.

## POLICY 982 CITIZENSHIP AND CENTRAL REGISTRY APPEALS

### Appeal Application Submittals

Appeal applications are submitted to the Senate Clerk by the applicant, or to a Regional Registry Clerk, or through a Chartered Metis Community of MNBC.

### Process Regarding Appeals

Citizenship appeals are conducted through the following process:

1. Senate Clerk: Appeal file review
  - 1.1. Communication log
  - 1.2. Senate forms (completion review)
  - 1.3. Policy and *Administrative Standards and Practices* analysis for compliancy
2. Citizenship appeal file review
  - 2.1. Completeness
  - 2.2. Genealogical analysis
3. Genealogical second opinion
  - 3.1. 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 a Demand Letter instructing the MNBC Central Registry to send the related citizenship file to La Société Historique de Saint-Boniface for a professional opinion. The MNBC Registry will pay for the search.
4. Oral hearings
  - 4.1. MNBC Central Registry
    - 4.1.1. Reasoning for denial
    - 4.1.2. Clarification testimony
    - 4.1.3. Questions from the Senate
  - 4.2. Applicant
    - 4.2.1. Reason for appeal
    - 4.2.2. Clarification testimony
    - 4.2.3. Questions from the Senate
5. Decision

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### Timeframe 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.

### Citizen Challenges

1. Applicants contact the Senate Clerk directly. 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.

**POLICY 990 DISPUTE RESOLUTION**Dispute Resolution Initiation

The following procedures 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 with detailed instructions on the submission 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”.

The Senate Clerk will then notify the Applicant and the Respondent of the hearing date and any potential times for clarification testimony.

Dispute Resolution Methodology

In order to have a structured approach to all dispute resolution cases, the Senate revisited the process applied in 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;
  - 3.1. Appellant
  - 3.2. Respondent

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4. Senator/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;
    - 8.1. Appellant
    - 8.2. Respondent
  9. Review each submission to provide clarity on issues – sorting, and reviewing questions from each side to provide clarity;
  10. In the event the Senate determines that a hearing is not necessary the investigative nature of the complaint will be as follows:
    - 10.1. The parties will be interviewed either separately or together under the following protocol:
      - 10.1.1. Identify who needs to be interviewed,
      - 10.1.2. Develop questions for each interviewee – prepared by Senate, based on each party’s submission,
      - 10.1.3. Only evidence of which the witness, appellant or respondent has direct or personal knowledge can be tendered by them as evidence.
  11. In the event it is determined by the Senate that a hearing needs to be held then the procedure for all of the parties in attendance will be as follows :
    - 11.1. In the event any of the parties give evidence at the hearing they will be required to:
      - 11.1.1. take the oath as prescribed in paragraph 3 under Policy 980 Protocol for Appearance before the Senate,
      - 11.1.2. provide evidence either in oral or written form with any written evidence having first been provided to the Senate and the opposing party one week prior to the hearing.
      - 11.1.3. at the hearing the party tendering written evidence will be required to authenticate it before it can be accepted as evidence in the dispute.
      - 11.1.4. after providing evidence the party or witness will be required to answer any questions on that evidence put to them by the opposing party or members of the Senate.
      - 11.1.5. if a party requires testimony from a person who has evidence critically germane to the issues raised in the appeal that party may request that the Senate mandate that person’s appearance before them at the place

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and date of the hearing together with any written or other evidence in their possession.

12. The analytical process used by the Senate begins as follows:
  - 12.1. Predetermined points – collate information,
  - 12.2. Use a consensus-based approach,
  - 12.3. What does the Senate need to consider? (i.e. policies and administrative standards and practices pertinent to the submissions and hearing),
  - 12.4. Questions after final analysis – look again at the legislation, regulations, policies and administrative standards and practices, clear and evident meanings/wording, etc.,
  - 12.5. Revisit analysis applied to the situation,
  - 12.6. Review interviews and analyze again.
13. The Senate, after hearing all of the evidence adduced at the hearing, will render their judgement according to established procedures.

#### Consensus on Dispute Resolution

Common meaning of “consensus” is a general or collective agreement amongst MNBC Senate members, each of whom exercises their 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 between 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.

**POLICY 991 MEDIATION**

Parties are encouraged to look at alternative ways to resolve a conflict/disagreement before bringing a request for mediation to the Senate.

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

Mediation Process

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.
  - 2.1. The Senate Clerk may also carry out a preliminary inquiry to ensure awareness of other processes that can be used for conflicts/disagreements, and ensure 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. 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. 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”.
6. The Senate Clerk, within seven days of receiving the submission packages, forwards copies of submissions to the participating parties.
7. The Senate Clerk will then notify the parties of the time and place for the mediation session.
8. The parties may bring their legal representatives to provide advice, however, the legal representatives will not be part of the actual mediation process.



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## Mediation Overview

### **Background**

To have a structured approach for all mediation sessions, the Senate reviewed and modified the process used in 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.

### **Methodology**

1. 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 the mediation session 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.

**POLICY 992 SENATOR REMUNERATION**

Pursuant to Section 11.1 and 11.5 of the *Senate Act* related to Fees and Expenses to be paid Senators upon satisfactory completion of their duties and obligations as set out in the Senate Policy Manual.

Senator Expense Recovery, Honorariums and Stipends for the performance of their duties and obligations while holding office in accordance with section 53 of the MNBC *Constitution* as set out in the MNBC Policy Manual with particular emphasis on policies 930, 931, 932, 933, 934, 940, 941, and 980 as prescribed by section 11.1 and 11.5 of the *Senate Act*.

1. Each Senator upon the satisfactory completion of their duties and responsibilities as set out in policies 930, 931, 932, 933, 934, 940, 941, and 980, and subject to the availability of allocated funding within the Senate budget, will be entitled to receive a stipend of \$3,000.00 per quarter commencing April 1st in each calendar year. Determination as to whether or not a Senator's performance has met the required standards related to their duties and responsibilities will be determined by a majority decision of a committee comprised of the Clerk of the Senate, the Senate Chairperson, and the Administrative Senator.
2. Each Senator is required to submit a Quarterly Activities Report to the Senate Clerk in advance of the stipend review dates which are April 1st, July 1st, October 1<sup>st</sup> and January 1<sup>st</sup>.
3. If the Senator under review is the Chairperson or the Administrative Senator, their replacement on the Committee will be determined by a majority vote amongst the unaffected Senators.
4. In the event it is determined by the Committee referred to in paragraph one, that a portion of the honorarium is appropriate, rather than the entire sum, the Committee has the discretion to allocate an amount they deem appropriate but not exceeding \$3,000.00.

5. Should the Committee choose not to allocate the entire \$3,000.00 to a Senator the Committee will provide detailed reasons in a response to the affected Senator together with remedial recommendations.
6. The decision of the Committee is final.
7. Each Senator, in order to recover those business expenses incurred, except meals, will be required to submit receipts to the Senate Clerk for reimbursement.
8. No Senator is to incur an expense prior to consultation with the Clerk of the Senate, except in extraordinary circumstances.
9. In addition to the remuneration referred to in paragraphs one through five, and again subject to the availability of allocated funds within the Senate budget, each Senator, upon being issued with notification by the Clerk of the Senate that a meeting is to be held at a location determined in consultation with the Senate Chairperson and Administrative Senator, will receive a stipend of \$300.00 per day, while in attendance as well as for travel both to and from. This fee will be in addition to any expenses incurred by the Senator on the same conditions set out in paragraphs seven and eight of this Policy. This remuneration is intended to be in addition to the stipend remuneration allocated in paragraphs one through five and per diem allowances, and is in recognition of the dislocation and personal inconvenience required of the Senators on such occasions.