



October 30, 1997

To all Métis Nation of Saskatchewan's Local Presidents, Senators and Provincial Métis Council:

Enclosed please find the Position Paper on the Métis Act as well as the Memorandums of Understanding between the Métis Nation of Saskatchewan and Department of Health, Department of Social Services and the new Department of Intergovernmental Affairs.

These important documents will be discussed at the upcoming Métis Nation Legislative Assembly (MNLA) on November 14th and 15th, 1997.

Please ensure that you read and discuss these documents with your membership so that we can make constructive decisions.

The Métis Act is of special importance as it will give us a higher profile when dealing with both the provincial and federal governments. We are the only province in Canada to negotiate enumeration and a Métis Act. We are very fortunate that we have been able to accomplish this, and your continued participation in this process is crucial.

Once again I trust that you will give these documents due attention and come prepared to discuss and make decisions at the MNLA.

Sincerely,

Jim Durocher
President



RESPONSE AND CLARIFICATION REGARDING THE METIS RECOGNITION ACT

1. OVERVIEW:

Negotiations between the Province and the Metis Nation of Saskatchewan regarding recognition of the Metis people in Saskatchewan has been a difficult but worthy process. To date, we have successfully received the Province's assurance The Metis Act will recognize us as a distinct Aboriginal people including the distinctiveness of our culture, communities, language, and contributions to institutions. In addition our administrative arm, the Metis Nation of Saskatchewan Secretariat, will be removed from the classification and requirements of The Non-profits Corporation Act.

Some critics have argued the above actions are not necessary as the Metis are already recognized through the Canadian Constitution and that there is "nothing to be gained by having our Secretariat moved from one provincial Act to another." We strongly disagree with these assertions.

2. FACTS:

While we are recognized as a distinct Aboriginal people within the Canadian Constitution, it is also important that Provincial recognition occurs. By ensuring Provincial recognition, it provides a bilateral platform for future negotiations. In other words, it helps for future negotiations with the Province in matters that are within the Provincial sphere. This recognition helps in future Metis development. On a more common sense level, our situation could be compared to Quebec. On the one hand, the French language is recognized by the Canadian Constitution as being one of two official languages. This does not, however, mean that Quebec does not push for recognition as a distinct society. Rather, the Quebec people have requested that all of Canada recognize their distinctiveness, which includes their French language that is already protected by the Canadian Constitution. Similarly, we as the Metis Nation of Saskatchewan demand that the Province of Saskatchewan recognize us as a distinct Aboriginal Nation regarding our culture, language, communities, and contributions to institutions. Clearly, it is important that the Province recognizes us as a distinct Aboriginal Nation.

Tied to this, is the importance of being freed from The Non-Profit Corporations Act. As mentioned, our administrative arm, the Metis Nation of Saskatchewan Secretariat

Incorporated is presently registered and considered a non-profit corporation. We have always maintained that we are not a non-profit corporation but rather, a Nation of peoples. We have fought hard to remove ourselves from the classification that we are similar to the United Way, Kinsmen or the Elks. We are a distinct Aboriginal Nation not merely a charity organization. By removing our administrative arm from this classification, we have taken one more important step on the road to self-government.

3. FUTURE:

There are many more battles that need to be fought in order to attain our goal of self-government. We are hopeful that the enactment of The Metis Act will be a starting point for further successful negotiations with the Provincial Government. We are pleased with our success to date, however, this does not mean we will give up the fight for our rights to self-government. On the contrary, the Act will be the entrenchment of one step of the future to come.

4. CONCLUSIONS:

In conclusion, the Metis Nation of Saskatchewan has taken important steps to the future. While we wish we could take "giant leaps forward", this is not always possible and in fact, should not be done without input from you, the Metis people. Presently, hearings are being held throughout the province to discuss the above matter. Another round of hearings is scheduled for November and it is expected that The Metis Act, in final form, will be proclaimed in the Spring of 1998.

MEMORANDUM OF UNDERSTANDING

REGARDING THE RELATIONSHIP OF THE MÉTIS NATION OF SASKATCHEWAN WITH THE HEALTH SYSTEM OF THE PROVINCE OF SASKATCHEWAN

between: **HER MAJESTY THE QUEEN IN RIGHT OF SASKATCHEWAN**
as represented by the Minister of Health (hereinafter referred to as
"Saskatchewan")

and: **THE MÉTIS NATION OF SASKATCHEWAN** (hereinafter referred
to as the "Métis Nation")

PURPOSE

The purpose of this Memorandum of Understanding is to establish processes for communication on health issues between the Métis Nation of Saskatchewan and Saskatchewan Health. The Métis Nation and Saskatchewan are willing to enter into this Memorandum of Understanding which will assist in defining future relationships and to facilitate cooperation in the delivery of health services.

This Memorandum of Understanding has been prepared and signed without prejudice to any inherent rights Métis people have to health care or any obligations of Canada to provide health services to Métis people.

This Memorandum has been signed without prejudice to the role which Saskatchewan has to provide hospital and medical services to all qualified residents of the province and its role in ensuring the provincial health services meets the criteria of the *Canada Health Act*.

GOALS

While the principles of the Métis Nation and Saskatchewan may differ, the parties share the common goal of establishing a process that will contribute to the improvement of the health status of the Métis Nation's people as well as the general population. This Memorandum will allow for positive communication and mutual respect between Saskatchewan and the Métis Nation. The intent of this Memorandum is to facilitate the Métis people's input into the Saskatchewan health system, particularly the services delivered through the District Health Boards.

A key component in this Memorandum is to meet the objective in "A Saskatchewan Vision for Health" which is "to involve Saskatchewan residents and health care providers in a partnership with government to plan, deliver and manage health services." The Métis Nation, by signing this Memorandum with Saskatchewan, will be able to present the needs of the Métis people in a formal manner so Métis concerns can be considered.

The Métis Nation wishes to raise health concerns of the Métis people in order that joint initiatives can be undertaken by the Métis community, Saskatchewan and District Health Boards to consider these concerns.

PRINCIPLES

The following section is intended to outline the principles of each of the parties, and does not commit either party to agreeing or disagreeing with the principles as stated by the other party.

MÉTIS NATION OF SASKATCHEWAN STATEMENT OF PRINCIPLES

Métis Nation of Saskatchewan Constitution

"The Métis Nation and people are a distinct SOCIETY within the Aboriginal Peoples of Canada. The Métis are distinct from the Indian and Inuit and are the descendants of the historic Métis who evolved in what is now Western Canada and part of the northern United States, as a people with a common political will and consciousness.

Having experienced physical and political conflict and dispossession in the late 1800s, we are still engaged in a continuing struggle to rebuild our social base and revive our cultural heritage and pride. As such, we are striving for the political, legal and constitutional recognition and guarantees of the rights of our people, including the right to a land and resource base, self-government and self-government institutions. In order to achieve these objectives, we are hereby re-establishing a strong and revitalized organization within the province of Saskatchewan, which must involve all sectors within our Society."

....from Constitution of the Métis Nation of Saskatchewan.

SASKATCHEWAN STATEMENT OF PRINCIPLES

Métis Nation of Saskatchewan Constitution

Saskatchewan recognizes that the Métis people are distinct within the Aboriginal Peoples of Canada, as established in the Constitution, and that they are distinct from the Indian and Inuit people in Canada.

Saskatchewan recognizes that the Métis Nation of Saskatchewan is attempting to rebuild the social base and revive the cultural heritage and pride of the Métis people.

Saskatchewan recognizes that through the Métis Nation of Saskatchewan constitution, the Métis Nation of Saskatchewan has re-established its revitalized organization within Saskatchewan to be involved in all sectors of Métis society, including health.

Self Government

The Métis Nation of Saskatchewan believes that self government is based in Section 91(24) of the Constitution Act, 1867 and that their distinct status as one of the aboriginal people of Canada is recognized within Section 35 of the Constitution Act, 1982. The Métis Nation is actively pursuing the right for self government with both the provincial and federal governments.

Health Services

At the same time, the Métis Nation recognizes the reality that the Métis Nation's people are today dependent on Saskatchewan for all fundamental health services. Also, cooperation is essential if health and wellness are to be improved.

In order to address the health status of Métis peoples, the Métis Nation created a department called the Provincial Métis Health Incorporated (PMHI). PMHI deals on a provincial level with health. Each local and region within the Métis Nation will also deal with health issues on the local and regional level. (See Appendix A for description of Métis Nation structure.)

Self Government

Saskatchewan's position is that this Memorandum shall not be interpreted as altering or affecting either Saskatchewan's rights, powers or authority, or the Métis Nation's assertion of the right to self government, and affirms that this Memorandum is not derogating from any rights to self government which may now exist or which may be determined in the future, including the ability to deliver health services.

Health Services

Notwithstanding its position that the federal government is responsible for providing health services to all Aboriginal peoples, including Métis people, Saskatchewan provides those health services covered under the *Canada Health Act* to all residents of the province not provided for by the Government of Canada, including Métis people, without discrimination. Saskatchewan also funds a range of other health services not specified under the *Canada Health Act*, which it also provides to Métis people without discrimination.

Saskatchewan recognizes that the Métis Nation of Saskatchewan has created the Provincial Métis Health Incorporated (PMHI) as its organizational arm to address the health issues of the Métis people. Saskatchewan also recognizes that the local and regional organizations of the Métis Nation of Saskatchewan will also have an interest in local health matters facing Métis people.

Health and Wellness

The Métis Nation recognizes that in the context of standard definitions of health and wellness, the health "status" of the Métis Nation's people is deficient.

The Métis Nation asserts as a fundamental policy objective the creation of an environment for the improvement of the health status of the Métis Nation's people.

The Métis Nation further asserts that Métis people's health must be defined in a holistic manner, taking into account the physical, mental, spiritual and emotional wellness of the individual and allowing for traditional healing approaches to the restoration and maintenance of health.

Health Reform

The Métis Nation respects the aims of Saskatchewan Health's reform process to enhance local control of health service delivery, to improve wellness through healthy lifestyles and prevention, and to rationalize programs by focusing on community-based services. The Métis Nation, through the Provincial Métis Health Inc., will work in partnership with Saskatchewan Health to meet the goals of health reform.

Health and Wellness

Saskatchewan asserts as a fundamental objective the improvement of the health and wellness of all residents of the province, including Métis residents.

Saskatchewan respects the definition of health as defined by Métis people, that is: "Health must be defined in a holistic manner, taking into account the physical, mental, spiritual and emotional wellness of the individual, and allowing for traditional healing approaches to the restoration and maintenance of health."

Health Reform

Saskatchewan's health reform initiatives are based on the following key principles:

- increasing community involvement and control over the health system through district health boards;
- emphasizing disease and accident prevention, healthy lifestyles and community-based programs; and
- increasing coordination and integration of health services to provide a more responsive and efficient health system.

Saskatchewan's wellness goals include the following: ensure health is a priority and responsibility of all sectors of our province; ensure effective and affordable service delivery; empower Saskatchewan people, communities and health professionals; strengthen family and community based support and prevention approaches; enhance health promotion and disease prevention; maintain essential and appropriate services; develop alternative approaches; reduce health inequities; and enhance health research and evaluation.

COMMITMENTS

This Memorandum of Understanding will formalize the recognition of the PMHI by Saskatchewan as being the formal representative body of the Métis Nation of Saskatchewan on health and will form the basis of partnership and cooperation between the Métis Nation and Saskatchewan. This recognition of PMHI by Saskatchewan does not commit Saskatchewan to any form of funding for the PMHI.

Métis Nation of Saskatchewan/Saskatchewan Health, Health Partnership Task Force

The parties agree to the establishment of a Health Partnership Task Force, to consist of representatives of Saskatchewan Health and of the Métis Nation.

The primary focus of the Task Force will be to open and maintain dialogue on health policy issues.

The mandate of the Task Force will include but not be limited to the following:

- to make district health boards and other pertinent agencies of Saskatchewan aware of the shared goal of enhancing the health status and health conditions of the Métis people. The Task Force will encourage the creation of committees at the district health board level to consider and respond to these concerns.
- to discuss health and health-related issues of mutual concern and make recommendations to the appropriate parties and/or other agencies.
- to serve as a forum for sharing information on health, health reform and health-related matters of relevance to Saskatchewan and the Métis Nation.
- to explore options for the participation of the Métis people on district health boards.

The Task Force will invite participation as appropriate from district health boards, and from other health agencies, and may undertake joint problem-solving activities with such groups.

The parties, as equal partners, further agree through this Task Force:

1. To openly consult in developing and initiating strategies so that Métis people receive fair, equitable and ethical treatment by the Saskatchewan Health system.
2. That they will discuss health concerns of the Métis community in order that joint initiatives can be undertaken by the Métis community and the district health boards. Such initiatives may include health services delivered by the Métis community.
3. To promote policies and strategies that will clarify the health needs of the Métis community and address ways to improve the health status of Métis people.

4. To develop strategies jointly to address the cultural needs of the Métis in all health services.

The Task Force will be a policy forum and will not be used to address contractual or service issues of a specific nature. For example, the relationship between Saskatchewan Health and the Métis Addictions Council of Saskatchewan, Inc. (MACSI) will remain the same as it has been and will not become a responsibility of the Task Force.

General Provisions

Saskatchewan and the Métis Nation agree to inform appropriate provincial and Métis health agencies of this Memorandum, and to encourage them to adhere to its spirit and intent.

In the event that matters arise that are not dealt with in this Memorandum the parties agree to review this Memorandum with a view to determining if it should be renegotiated.

The parties agree that this Memorandum is not legally binding upon the parties but rather expresses their understandings of how their relationship will be governed. The parties recognize that their relationship may change over time and that these understandings may no longer be accurate. Accordingly, these understandings may be ended by one party by providing to the other 90 days prior notice.

The parties agree that any disputes arising from the interpretation or application of this Memorandum shall be referred to a mediation process and which is acceptable to both parties.

RATIFICATION

This Memorandum of Understanding has been executed on behalf of the Government of Saskatchewan and the Métis Nation of Saskatchewan as of and from this date:

Signed this ____ day of _____, 1997 at _____ in the Province of Saskatchewan.

Jim Durocher, President
Métis Nation of Saskatchewan

Honourable Clay Serby
Minister of Health
Government of Saskatchewan

Don Favel
Minister of Health
Métis Nation of Saskatchewan

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STRATEGIC METIS INITIATIVES IN SASKATCHEWAN

Memorandum of Understanding

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Between

The Government of Saskatchewan

**Represented by
The Minister of Intergovernmental and
Aboriginal Affairs**

And

The Metis Nation of Saskatchewan

**Represented by
The President of the Metis Nation of Saskatchewan**

I. PREAMBLE

WHEREAS the Parties to this Memorandum of Understanding wish to foster a cooperative partnership to implement strategic Metis initiatives in Saskatchewan; and

WHEREAS the Parties will work in partnership to strengthen the economy of Metis communities; and

WHEREAS the Parties will work together to promote social equity; and

WHEREAS the Parties will work collaboratively to enhance the capacity for Metis governance of Metis institutions, organizations and Metis communities; and

WHEREAS the Parties will work with Ottawa to seek clarity on and protection of Metis constitutional rights as one of the Aboriginal peoples of Canada; and

WHEREAS both parties agree that the Metis are a federal responsibility under Section 91(24) of the *Constitution Act, 1867*; and

WHEREAS this Memorandum of Understanding does not abrogate or derogate from the Aboriginal rights of Metis peoples as protected by Section 35(1) of the *Constitution Act, 1982*;

NOW THEREFORE the Parties agree to develop and undertake jointly the strategic initiatives set out below:

II. VISION

The Parties agree to work toward the realization of the following vision:

The Metis are full participants in the provincial economy, and are equal members of Saskatchewan society, with the capacity for governance over their own communities and culture, and with constitutional rights as one of the Aboriginal peoples of Canada.

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III. GOALS

The parties agree to pursue the following goals:

- Economic development
- Social equity
- Community governance
- Recognition for Metis culture and rights

IV. PRINCIPLES

The Parties agree to base all initiatives on the following principles:

- Self-determination
- Mutual Respect
- Partnership, Cooperation and Collaboration
- Openness, Accountability and Affordability

V. INITIATIVES

To achieve the goals set out above, the Parties will work cooperatively to develop and undertake strategic initiatives. The Parties agree to:

1. Economic Development

- Enhance and foster agricultural development, employment, skills training and small businesses in Metis communities by working with Metis entrepreneurs, Metis communities, investors, and public and private institutions.
- Include Canada in cost sharing agreements for strategic economic initiatives through the *Tripartite Process Framework Agreement*; and
- Continue to support the Clarence Campeau Development Fund through contributions from the Associated Entities Fund.

2. Social Equity

- Enter into a Memorandum of Understanding on Social Development with Northwest and Northeast-central Metis community leaders.

3. Community Governance

- Legislate a Metis Recognition Act.
- Participate with Canada in an enumeration of Metis people in Saskatchewan and to enter into a cost-sharing agreement with Canada through the *Tripartite Process Framework Agreement*.
- Strengthen Metis community governance through both the *Bilateral* and *Tripartite Agreements*.
- Facilitate the participation of Metis people in government decision-making process in northern Saskatchewan.
- Continue emphasizing the *Bilateral Process Agreement* and the *Tripartite Process Framework Agreement*.

4. Respect for Metis culture and rights

- Explore Metis rights under Section 35 of the *Constitution Act, 1982* through the *Tripartite Process Framework Agreement*.
- Make available up to 200 acres of land at Palmber Lake to the appropriate Northwest Metis organization.

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VI. OTHER AGREEMENTS

This Memorandum of Understanding is intended to facilitate a partnership approach to achieving the vision, goals and objectives and implementing the activities described herein while recognizing that both parties are involved in other agreements.

This Memorandum of Understanding does not impinge or restrict the activities, either currently underway or planned, of either party.

This Memorandum of Understanding does not supercede or replace any other agreement currently in place between the Government of Saskatchewan or its departments and the Metis Nation of Saskatchewan or its institutions or agencies, such as the *Bilateral Process Agreement* or the *Tripartite Process Framework Agreement*.

VII. DURATION

The Parties agree that this Memorandum of Understanding will remain in force until the objectives set-out above have been achieved.

VIII. GENERAL

Nothing in this Memorandum of Understanding is intended to create binding legal obligations nor will it be used in the interpretation of any other agreement.

IN WITNESS WHEREOF the Parties, in good faith and with a commitment to successful implementation of all agenda items in this Memorandum of Understanding, set their hands on the 15th day of November, 1997.

Honourable Bernhard H. Wiens
Minister
Intergovernmental and
Aboriginal Affairs

James Durocher
President
Metis Nation of Saskatchewan

**MEMORANDUM OF UNDERSTANDING
DATED THIS ___DAY OF ___, 1997**

BETWEEN: HER MAJESTY THE QUEEN, in right of the province of Saskatchewan as represented by the Minister of Social Services. (Hereinafter referred to as "SASKATCHEWAN")

AND METIS NATION OF SASKATCHEWAN, Metis Family & Community Justice Services. (Hereinafter referred to as MFCJS) (Hereinafter jointly referred to as the "Parties")

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PURPOSE:

The purpose of this Memorandum of Understanding is to establish processes for communication on social issues between MFCJS and Saskatchewan. MFCJS and Saskatchewan are willing to enter into this Memorandum of Understanding which will assist in defining future relationships and to facilitate cooperation in anticipated service delivery programs. The goal of this Memorandum of Understanding is to allow for positive communication and mutual respect between MFCJS and Saskatchewan.

WHEREAS:

1. MFCJS is an affiliate of the Metis Nation of Saskatchewan, whom has a mandate to develop and implement a provincial Metis governing body and establish an organization to address justice and social issues as they relate to Saskatchewan Metis.
2. MFCJS has a vision to create an environment in which Metis children are protected and cared for by their families and community.
3. MFCJS's mission is to implement and manage a holistic approach in the development and delivery of social programs and services which focus on the prevention of children coming into care and facilitate the healing of Metis families.
4. Saskatchewan takes the position that the Government of Saskatchewan recognizes the inherent rights of Aboriginal peoples to self-government within the framework of the Canadian Constitution. However, the precise parameters of this right have yet to be determined.

THE PARTIES AGREE THAT:

1. The long term goal of MFCJS is to work in partnership with Saskatchewan to develop community-based programming for Metis families and children.

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**MEMORANDUM OF UNDERSTANDING
DATED THIS ___DAY OF __, 1997**

- 2. The short term goal of MFCJS is to implement Metis Family Service programs, through community consultations, with a priority to develop Metis support homes. This vision also includes the following: to develop a Metis support association; cross cultural training with D.S.S. staff; develop a crisis nursery / intervention centre / healing lodge; develop a Metis staffed D.S.S. urban unit with a community board; expand upon the existing Family Re-unification Program.
- 3. Saskatchewan and MFCJS will work together to ensure Metis people are informed of existing services and benefits which may be available to them.
- 4. Saskatchewan and MFCJS will communicate effectively with each other, through regular meetings, focusing on establishing a consultation process with a well-defined agenda.
- 5. Saskatchewan and MFCJS need to work together in order to deliver services to Metis families in an accountable and responsible manner.
- 6. This Memorandum of Understanding is not a legally binding document between MFCJS and Saskatchewan, and is open for review by way of agreement.
- 7. **IN WITNESS WHEREOF** the Government of Saskatchewan as represented by the Minister of Social Services and Metis Family & Community Justice Services have executed this agreement on the date and year first above written.

**METIS NATION OF SASKATCHEWAN
REPRESENTATIVE**

Jim Durocher

**MINISTER OF SOCIAL SERVICES
PROVINCE OF SASKATCHEWAN**

Lorne Calvert

DRAFT

**MEMORANDUM OF UNDERSTANDING
DATED THIS ___ DAY OF ___, 1997**

MINISTER OF MFCJS

Lorna Docken

CHAIRPERSON OF MFCJS BOARD OF DIRECTORS

Dennis Langan

EXECUTIVE DIRECTOR OF MFCJS

Lance Larose

DEPUTY MINISTER OF SOCIAL SERVICES

Glenda Yeates

DRAFT

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METIS NATION OF SASKATCHEWAN

BOARD OF DIRECTORS

PROPOSED CODE OF ETHICS

Metis Nation of Saskatchewan
Board of Directors

Proposed Code of Ethics

INTRODUCTION

This Board Code of Ethics and Rules of Professional Conduct provides uniform rules and principles of professional conduct and ethics by which Provincial Metis Council will conduct themselves in discharging their professional duties and responsibilities. Any member who contravenes any of these rules and/or principles shall be accountable to the Metis Nation of Saskatchewan or the appropriate affiliate and may be subject to discipline or expulsion from the Board.

A Provincial Metis Council member must always be mindful of his/her responsibilities as a member of the governing body, and (s)he shall carry on duties with fidelity to his/her constituents, fairness to employees of the affiliates, and loyalty to the Board, acting at all times in a professional manner.

Why Do We Need a Code of Ethics?

First, the Code is directed at ensuring and safeguarding the quality of decisions made by the Provincial Metis Council; second, it is directed at maintaining order and dignified relationships among members in the conduct of their duties.

Why should this Board be concerned with safeguarding the standards of performance of its members? There are several strands to the answer. The first is that a Board as a whole has an important social role. The business community, governments, and the public generally rely on the Board for fairly weighted decision making. The economic and social implications of the Board's work are evident, and the Board must accept fully the obligations imposed by the public interest content of the calling. Second, most members of the affiliates, because they do not share the Board's expertise and knowledge of the "big picture", have difficulty in understanding the rationale behind decisions made by the Board. Frequently they have to rely on the quality and amount of information they receive from management and the Board in order to feel comfortable with the direction taken by the Board; this can be very important since it is ultimately the staff which will be the vehicle by which the Board direction is carried out. Third, the very nature of the Board's work involves dealing with confidential personal and business matters and often with the future of the affiliates. For all these reasons it is essential that the profession should enjoy the confidence of the public, of its affiliates, and of employees. This necessary confidence can only be won and maintained only if the Board itself takes steps to ensure the competence and integrity of its members and the standards of performance which they deliver.

A code of professional ethics alone is not sufficient to support public confidence. It is buttressed in practice by other mechanisms addressed to creating and maintaining professional standards including;

- ∞ the initial training and any continuing competence requirements of the Board members.
- ∞ the establishment and maintenance of appropriate disciplinary action to ensure Board members' compliance with these standards of behavior and professionalism.

The second broad aim of the Code, maintaining ordered and dignified relationships between members is the conduct of their duties and responsibilities, is apparent in rules relating to such matters as duties to the constituents, to the public, conflict of interest, and relations between the Nation and government bodies.

Similar rules are found in most professional, business and volunteer boards; indeed such rules express the traditional essence of the Metis Nation of Saskatchewan, reflecting as they do the sense of a profession as an intellectual self-regulating body. At all times, professional courtesy and cooperation are expected and honest dealing is demanded.

How Does the Code Work?

There are three mechanisms. First the Code provides a set of standards which members can regard as a minimum level of acceptable conduct. It makes it clear to a member the kind of behavior professional colleagues deem essential. It is, therefore, useful to the member in assessing day-to-day actions and responsibilities.

Second, it provides to the public an assurance that the Metis Nation of Saskatchewan and its affiliates are imposing on themselves high standards by which they are willing to be judged. It provides to constituents, employees, and the public generally a measuring rod against which to assess the Board's performance.

Third, the Code forms the basis of the disciplinary procedure through which allegations of misconduct are addressed.

Disciplinary Procedure

In joining the Provincial Metis Council, one is obliged to be governed by its ethical code. In theory this agreement is founded on contract. The new entrant voluntarily assumes obligations which are over and above the requirements of the law. Indeed most, if not all, of the precepts in the Code are unknown in the general law, and breach of them would constitute neither crime nor tort. But such a breach can be a very serious professional matter. The Board has the right to discipline members guilty or fault or misconduct in the practice of their duties to the Metis Nation of Saskatchewan, and a breach of the Code would, in most cases, be cause for disciplinary action.

For those disciplined, penalties may have serious consequences, as reputations and self-esteem may be impaired. While, in general, the courts would leave it to the Board to decide what its own standards and code of behavior should be and what penalties are appropriate for breach, there are obviously issues of public policy at stake in the exercise of these considerable powers by domestic tribunals.

The courts have, therefore, been prepared to intervene in certain circumstances, such as when;

- a) the principles of natural justice have not been observed by a governing body such as this Provincial Metis Council;
- b) there is a question of law at issue, and;
- c) the restriction imposed by a code go beyond what can reasonably be related to professional standards of behavior, particularly if a member's livelihood is in jeopardy, although this is unlikely in the case of this Provincial Metis Council.

The fact that disciplinary disputes within voluntary boards so infrequently reach the courts can be taken as an indication that the rules formulated for the conduct of the profession have been applied with responsibility and fairness and have won widespread acceptance and support.

Conflict of Interest

Even though it is recognized that a Provincial Metis Council member's first duty and loyalty must be to the Metis Nation of Saskatchewan and to the constituents who appointed him/her, on rare occasions, however, there may well be conflict between the requirements of business or personal matters and professional ethics. While such conflicts are inevitable, in most cases they will be resolved by good sense and goodwill on both sides and will not become fundamental issues of conscience. But if the Provincial Metis Council member finds her/himself irreconcilably at odds with Board or Nation policy on a matter of professional ethics, a very difficult situation emerges. If (s)he is satisfied that his/her own view is the only tenable one and that the issue is sufficiently grave, resignation may be his/her only option. In reaching his/her decision on such very difficult questions, so long as there is no breach of confidentiality, the Provincial Metis Council member will have served their function with dignity and purpose.

Conclusion

It would be wrong to overemphasize the punitive or prohibitive aspect of the Code of Ethics. Far from being onerous, the fact that the Code does require high standards, and that the public is aware of this, should be a source of pride for most Provincial Metis Council members as well as the Metis Nation of Saskatchewan, its affiliates and the constituents at large. They are happy to be judged by the Code's precepts and consistently aim at performance well above the required minimum. Thus the Code play an important part in assuring that Provincial Metis Council members will perform their duties and responsibilities with competence and integrity.

DEFINITIONS

101 MNS

The Metis Nation of Saskatchewan

101.1 Affiliate

The use of the word affiliate refers specifically to the various societies and institutes affiliated with the Nation, such as the Gabriel Dumont Institute of Native Studies and Applied Research Inc., Metis Employment and Training of Saskatchewan Inc., Metis Family and Community Justice Services, Sask Native Economic Development Corporation, Sask Metis Sports, Culture, Recreation and Youth Inc., and any others that may develop.

102 The Board

The Board of the MNS and affiliate organizations.

103 Constituents

The persons to whom the Board are primarily responsible and reportable, namely the citizens of the Metis Nation of Saskatchewan.

104 Employees

Persons employed by the Metis Nation of Saskatchewan or any of the affiliates.

105 Member

An individual serving on the Board.

DUTIES TO THE PUBLIC

A Member -

201 MNS Integrity

Shall uphold the MNS Constitution.

202 Public Interest

Shall safeguard the interests of the constituents, employees, the Provincial Metis Council and the general public.

203 Breach of Trust

Shall not breach the trust of the Provincial Metis Council, Metis Nation of Saskatchewan or an Affiliate.

204 Known Omission

Shall disclose in his communication to the affiliates any material fact or information known to them which is not confidential at the Board, the omission of which would make that information misleading.

205 Independence

1. This rule does not apply as long as appropriate disclosure of any conflicting relationship is made in full to the chairperson or the Board.

For the purpose of this rule, independence is a question of fact based upon a member's ability to exercise professional judgement with objectivity, but;

- i) A member is not independent if they are a director, officer, or employee of the organization or of an affiliate of the organization, or a partner, employer, or employee of a director, officer, or one of the immediate family of a director or officer.
- ii) A member is not independent if they, one of the immediate family, partner, or one of the immediate family of this partner owns or controls, directly or indirectly, a material interest in a share or a debt obligation of the organization or any of its affiliates, and;
- iii) A member is not independent if they are associated in any manner with an organization or firm which is conducting business with the Nation of any of its affiliate organizations.

2. For the purpose of this rule:
- i) The immediate family of the member means the spouse, father and mother, son and daughter, and other relative of that member, and a relative of the spouse of that member who has the same home as that person;
 - ii) A partner of the member means any person with whom they carry on in partnership in a business who does business with the MNS or affiliates.
3. A not-for-profit organization may be subject to statutory provisions which preclude a member from serving on the Board if any partner is an officer or director of the organization. Accordingly, the member should not accept an appointment to a position as an officer, director, or other position where they might have the right or responsibility to make decision affecting the management of the institution, corporation, or organization.
- There may, however, be instances which would not preclude a member from accepting an honorary or advisory position other than as an officer or director with a not-for-profit organization where they do not assume administrative or financial responsibilities or make decisions affecting the management of the organization.
4. A member shall, within ninety (90) days after they become aware that their appointment contravenes this rule, either:
- i) eliminate the circumstances that cause them to be in contravention, or
 - ii) resign from the Board.

207 Support of Board Decisions

Shall support in full all decisions agreed to by the majority of the Board even where it requires that personal feelings or biases are at odds with the Board position.

If a member is unable to adhere to this rule, they must resign their position on the Board.

208 Acknowledged Standards of the Profession

Shall adhere to the acknowledged standards of the Board.

The phrase “acknowledged standards of the Board” expresses a wide meaning, namely that body of principles and practices which have been generally adopted by the profession and which are applied in the decision-making process.

SECRECY OF CONFIDENTIAL INFORMATION**A Member -****301 Confidentiality**

Shall as a member be aware that it is an implied term of the agreement with the Metis Nation of Saskatchewan or affiliate that the member will not disclose the Board's affairs to any person, save with the Board's consent or within the terms of certain recognized exceptions as follows:

- a) where disclosure is required in or for a legal process;
- b) where a member becomes aware of an apparent or suspected criminal activity and decides to report it to authorities or forthwith obtain advice from any member of the appropriate Provincial or Territorial Law Society as to their duties and obligations as a citizen in the context of Board activities (a member so doing shall not be in violation of this Rule regarding confidentiality by reason only of the seeking or following of such legal advice or reporting);
- c) where a member is properly acting in the course of his/her duties; or
- d) where such information is required to be disclosed by the Board or any of its Committees appointed thereby in the proper exercise of its duties.

302 Information Used for Personal Advantage

Shall not, without the Board's consent, use confidential information relating to the business of the Metis Nation of Saskatchewan or affiliate to directly or indirectly obtain a personal advantage.

DUTIES OF THE METIS NATION OF SASKATCHEWAN**A Member -****401 Conduct**

Shall always be mindful of his duties and responsibilities toward the Metis Nation of Saskatchewan, and on all occasions shall act in a manner which will enhance the image of the MNS.

401.1 Shall comply at all times with the principles, obligations and responsibilities in the Code.

402 Compatible Activities

May engage in any profession, trade, industry, office, or duty except where these undertakings are detrimental to the public good or to the standards of the MNS, its boards or affiliates.

403 Unlawful Activity

Shall not lend their name, themselves, or their services to any activity which they know, or which a reasonably prudent person would believe, to be unlawful.

404 Discredit

Shall not lend themselves knowingly to any practice, pronouncement, or act which would discredit the Board or MNS.

405 Detrimental Situations

Shall report to the Board any situation of which he has sufficient personal knowledge and which he thinks may be detrimental to the Board or MNS.

406 Criticism of Member

Shall not criticize another member without first submitting this criticism to that colleague for explanation. The member thereafter shall inform that colleague as to the action taken concerning the criticisms. The definition of the word colleague includes any Board member. The lodging of an Ethics complaint against a colleague is considered a criticism under this rule.

407 Legal Action Against Member

Shall, before entering into a legal action against another member which might discredit the Board, advise that member of this intention. They shall also give the Board as much notice as is possible of this intention, outlining the basis of the proposed action.

408 Discrimination

Shall not discriminate against a person because of the race, colour, sex, age, religion, national extraction, sexual orientation or social origin of such person.

409 Reputation

Shall report any fact known to them which puts, or seems to put, the reputation of the Nation or the Board in doubt.

410 Bankrupt

Shall immediately notify the Board if they become bankrupt.