

Metis Nation Saskatchewan

Interim Code of Conduct – Conflict of Interest Policy

PURPOSE

To set minimum expectations for the behavior of Provincial Metis Council in carrying out their elected functions.

SCOPE

This Policy applies to all Metis Nation Saskatchewan Provincial Council Members.

DEFINITIONS

Confidential Information: Confidential Information is information that could reasonably harm the interests of individuals or organizations (including the Metis Nation Saskatchewan, Metis Nation Saskatchewan Secretariat Inc., and the Provincial Metis Council) if disclosed to persons who are not authorized to access the information.

Key Principles

PMC - Code of Conduct

1. **Integrity:** All PMC members are keepers of the public trust and must uphold the highest standards of ethical behavior. All PMC officials are expected to:
 - make decisions that benefit the Metis community;
 - act lawfully and within the authorities of the Metis Nation Constitution and laws of the Nation; and
 - be free from undue influence and not act, or appear to act, in a way that gains financial or other benefits for themselves, family, friends, or business interests.
2. **Accountability:** All PMC members are obligated to answer to the responsibility that has been entrusted to them, and are held responsible for the decisions they make. This responsibility includes acts of commission and acts of omission. Decision-making

processes must be transparent and subject to public scrutiny whereas proper records are kept and audit trails in place.

3. **Responsibility:** All PMC members must act responsibly within the law and within the authorities of the Constitution and Nation Laws ensuring they observe the Code of Conduct. This means disclosing actual or potential conflict of interest relating to their public duties and taking steps to resolve the conflict for the protection of public interest. They must exercise all conferred power strictly for the purpose for which the powers have been conferred.
4. **Leadership:** All PMC members must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions, and behavior. Their behavior must build and inspire the public's trust and confidence in their government.
5. **Respect:** All PMC members must conduct public business efficiently, with decorum and with proper attention to the Nations diversity. They must treat each other and others with respect at all times. This means not using derogatory language towards others, respecting the rights of other people, treating people with courtesy and recognizing the different roles others play in government decision making.
6. **Openness:** All PMC members have a duty to be as open as possible about their decisions and actions. This means communicating appropriate information openly to the public about decision- making processes and issues being considered; encouraging appropriate public participation; communicating clearly; and providing appropriate means for recourse and feedback.

PMC - General Conduct

1. When making decisions, All PMC members must consider all relevant facts, opinions and analyses of which they should be reasonably aware.
2. All PMC members are obligated to question any request to act or make a decision that they think may be unethical or unlawful.
3. All PMC members must carry out duties in a manner that allows members and the public to remain informed about government activity and practices.
4. Should there be uncertainty about the ethical issues around a conduct or decision, PMC members should consider the following:
 - Is the conduct or decision lawful?
 - Is the conduct or decision consistent with MN-S policy and laws, PMC objectives and the Code of Conduct?
 - Will the outcome of the decision or conduct provide a private benefit for the individual, family, friends or business interests?
 - Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

Handling of Information

1. PMC members must:
 - Protect information that is specifically marked confidential and other material understood to be confidential in nature;
 - Refrain from discussing/disclosing any confidential information with/to other staff, or any persons outside the organization except as authorized;
 - Take reasonable care to prevent the examination of confidential material by unauthorized individuals;
 - Not use confidential information with the intention to cause harm or detriment to the PMC or any other person or body;
 - Only access confidential information needed for MN-S business;
 - Only use confidential information for the purpose it is intended to be used;
 - Only release information in accordance with established PMC or MN-S policies and procedures and in compliance with the *Freedom of Information and Protection of Privacy Act*;
 - Not disclose decisions, resolutions or report contents from an in-camera meeting of the PMC and/or Executive until a decision has been made for the information to become public;
 - Not disclose details on Executive or PMC in-camera deliberations or specific details on whether individual Members voted for or against an issue; and
 - Except in the normal course of duties, PMC members must not in any way change or alter official records or documents.
2. When dealing with personal information, PMC members must take all reasonable and necessary measures to ensure that the personal or private business information of individuals is protected. Personal information is information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.

Conflict of Interest

1. PMC members are expected to make decisions that benefit the community. They are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests.
2. A conflict exists when an individual is, or could be, influenced, or appear to be influenced, by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgment, close mindedness or undue influence.
3. PMC members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in

accordance with statutory requirements. When considering whether or not a conflict of interest exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists.

4. The Common Laws set out requirements with respect to conflict of interest, including procedures mandated for disclosure of such interests and matters relating to the acceptance of gifts, the use of insider information, and the disclosure of contracts. These requirements apply to PMC Members. The common law interprets and applies the law in respect of conflict of interest.
5. PMC Members must be fully aware of the statutory requirements in respect of conflicts and of the related common law, and they must comply with all requirements. In the event of a conflict, or perceived conflict, members may obtain legal advice for clarification.
6. PMC members must fully disclose to PMC, in confidence, any direct or indirect pecuniary interest or any bias or undue influence with respect to any matter they are dealing with as soon as practicable.
7. If a PMC member is uncertain whether a conflict exists, the situation must be immediately presented to the PMC for guidance.
8. PMC members must not use confidential information gained through their official position for the purpose of securing a private benefit for themselves or for any other person.

Examples of conflicts that may be encountered by PMC Members include but are not limited to:

1. ***Obligation to others:*** PMC members must not place themselves in a situation where they may be under obligation to someone who has business dealings with the Nation, and who would benefit from special consideration or treatment.
2. ***Special advantage/disadvantage:*** When PMC members gain special advantage because of their position or when the Nation is disadvantaged as a result of the other interests of Nation.
3. ***Representation to PMC, its Committees, Boards or Tribunals:*** PMC members must not represent any private interest(s).
4. ***Litigation involving the NATION:*** PMC members must not be party to any litigation against or involving the Nation.
5. ***Use of MN-S-owned equipment:*** PMC members must not use Nation owned equipment, materials, staff time, or property, for purposes other than business related to work of the PMC and the Nation, unless specifically authorized by the PMC.
6. ***Discounts/Rebates:*** PMC Members may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the Nation, unless those suppliers offer the same discounts/rebates to the general public.
7. ***Preferential Treatment:*** PMC members must not expect or request preferential treatment for themselves or their family because of their position. They must also avoid any action that could lead members of the public to believe that they are seeking preferential treatment.

Gifts and Personal Benefits

1. Gifts and personal benefits are items or services of value that are received by PMC members for their personal use. Gifts and personal benefits include, but are not limited to, cash, gift cards, tickets to events, items of clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, and invitations to social functions organized by groups or community organizations.
2. The following are not considered to be gifts or personal benefits for the purposes of this policy; compensation authorized by law, reimbursement for out-of-pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event.

What gifts and personal benefits may and may not be accepted?

1. PMC members must not, directly or indirectly, accept a gift or personal benefit that is intended to influence the member's performance of their respective official duties related to the Metis Nation – Saskatchewan.
2. Council members will accept gifts and personal benefits received as an incident of the protocol or social obligations that normally accompany the responsibilities of elected office. PMC Members will accept a gift or personal benefit that meets the following criteria:
 - It has a reasonable value based on custom; and
 - If that value is greater than \$150 it must be reported and catalogued at the head office of MN-S; and
 - Is received as an incident of protocol, representative on activities such as speaking engagements, technical presentations, business meetings, and social obligations reasonably related to their role with the Nation.
3. Notwithstanding section 2, PMC members must never accept a gift of cash (for the purpose of this policy, gift cards constitute cash).
4. Notwithstanding PMC members must never accept a gift or personal benefit that could reasonably be expected to result in a real or perceived conflict of interest in accordance with this policy.
5. PMC members must take all reasonable steps to ensure that their immediate family members do not receive gifts or personal benefits that could appear to an impartial observer to be an attempt to subvert this policy or to influence or secure a favor from the PMC member, immediate family members include parents, spouses, children and siblings.

How must gifts and personal benefits be reported?

1. PMC members must disclose any gift or personal benefit they have accepted that is valued at more than \$150.

2. If a PMC member receives multiple gifts or personal benefits valued under \$150 from a single individual or source in one calendar year, the gifts must be disclosed if the combined value of these gifts for the year is more than \$150.
3. PMC members in receipt of gifts or personal benefits that they do not wish to accept have the option of immediately relinquishing the gift or personal benefit to the MN-S Secretariat.
4. Where a disclosure is required, it must be filed with the MN-S Secretariat as soon as practicable in written form. The disclosure must include:
 - the name of the individual in receipt of the gift or personal benefit;
 - a description of the gift or personal benefit, estimated value, and date that it was received;
 - the source of the gift or personal benefit (if from a corporation, the full names and addresses of at least 2 individuals who are associated with the corporation);
 - the circumstances under which the gift or personal benefit was given and accepted; and
 - the final disposition of the gift or personal benefit.
5. Responsibility for relinquishing gifts and personal benefits in accordance with the section set about above and filing of the disclosure form in accordance with this policy lies solely with the recipient of the gift.

How are gifts and personal benefits valued?

1. For the purposes of this policy, the value of each gift or personal benefit shall be determined by its replacement cost.
2. Where the value of a gift or personal benefit is unclear, the MN-S CEO shall take all reasonable effort to determine its value.

Ownership of Relinquished Gifts

The MN-S Secretariat will maintain records of all gifts and personal benefits received. The Gift will become the property of the MN-S and be displayed in individual offices, general office space, or in public MN-S areas.

Breaches and Disciplinary Action

1. PMC Members are to abide by the requirements of this Code of Conduct, and shall endeavor to resolve interpersonal disputes in good faith.
2. Alleged breaches of this Code of Conduct by a PMC member(s) shall be submitted in a written complaint addressed to the PMC as a whole within three (3) months of the alleged breach.
3. Upon receipt of a complaint a PMC special committee shall be established by the PMC to consider the complaint within thirty (30) days, should this not be possible the PMC will appoint an independent third party facilitator, identified and agreed upon between the

Complainant(s) and Respondent(s) as having the necessary professional skills, knowledge and experience to investigate the complaint (the “Third Party Investigator”).

The Third Party Investigator:

- May conduct a preliminary assessment of the complaint, at the conclusion of which the Investigator may determine to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond jurisdiction or unlikely to succeed;
- If the Third Party Investigator determines to continue the complaint, the Third Party Investigator shall:
 - Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential, and otherwise accords with the principles of due process and natural justice;
 - Provide an investigation update within ninety (90) days of his or her appointment to the non-effected members of the PMC, as applicable, and to the Complainant and the Respondent;
 - Provide a written confidential report (the “Report”) of the findings of the investigation, including findings as to whether there has been a breach of this Code of Conduct, to the non-effected PMC members, as applicable, and to the Complainant and the Respondent; and
 - Provide recommendations in the Report as to the appropriate resolution of the complaint, which recommendations may include:
 - a) dismissal of the complaint; or
 - b) public censure of a PMC Member for misbehavior or a breach of this Code of Conduct;
 - c) a requirement that a PMC Member apologize to any person adversely affected by a breach of this Code of Conduct;
 - d) provide counselling of a PMC Member, and/or
 - e) such other recommendations as are deemed appropriate in the professional judgment of the Third Party Investigator.

The MN-S will receive and retain all prepared Reports.

Where a PMC member alleges a breach of this Code of Conduct by a fellow PMC member, all non-effected PMC members shall refrain from commenting on such allegations at meetings of the PMC, unless discussed in an In-Camera session.

Adopted by The Provincial Metis Council _____

Recorded Vote: For _____ Against _____ Abstentions _____

I _____ have fully reviewed and understand this policy and will, to the best of my ability, abide by this Policy as a member of the Provincial Metis Council, and will accept any reasonable disciplinary action taken by the MN-S/PMC/Third party recommendation as a result of a breach of this Policy.

_____ signature of PMC Member