

MISSISSAUGA FIRST NATION GOVERNANCE MANUAL



Approved: November 27, 2019

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SECTION 1 – ORGANIZATIONAL INFORMATION

Definitions and Acronyms

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Abuse of Authority

Abuse of authority is considered a form of harassment. It occurs when Chief & Council improperly or unreasonably uses the power and/or authority associated with a position held, in order to endanger another employees job, undermine the performance of that job, offer or withhold training or developmental opportunities, promotional opportunities, or performance evaluations, threaten the employee's economic livelihood or in any way interfere with or influence the employee's career goals or the extension of preferential treatment to one employee to the disadvantage of another. It also includes acts as intimidation, threats, humiliation, and coercion.

Audit

An audit is an examination carried out by a Chartered Accountant firm that can determine if the information on the financial statements is prepared in accordance with Generally Accepted Auditing Principles (GAAP)

Auditor

The accountant appointed by Chief and Council to audit the financial statements, records and inventories of Mississauga First Nation

Band Council Resolution (BCR)

A resolution of Chief and Council passed at a duly convened meeting by a majority of Chief and Council members.

Bullying

Repeated behaviour such as spreading rumours or gossip; using sarcasm and threatening innuendo; isolating and excluding an individual; humiliating a person; teasing in a mean way; getting others to –gang up; giving the worst jobs to an individual; public negative comments and/or hitting, poking, pinching and punching can all be forms of bullying

Canada Labour Code

Part II and III of the Canada Labour Code, an Act that defines both the occupational health and safety requirements and the minimum labour standards that apply to all employees.

Chief

The person who is elected to serve as the spokesperson for the First Nation who will work under the direction and with the assistance of the elected Council members.

Chief & Council	is the governing body of Mississauga First Nation and refers to the duly elected Chief and Council pursuant to MFN Election Code
Child	A member between the ages of 0-12.
Citizen	All individuals registered with Mississauga First Nation.
Community	The community is Mississauga First Nation.
Complainant	The person filing the complaint.
Conflict of Interest	A conflict of interest exists wherever an individual could benefit, disproportionately from others, directly or indirectly, from access to information or from a decision over which they might have influence, or, where someone might reasonably perceive there to be such a benefit and influence.
Council	Collectively, the duly elected Chief and Council of Mississauga First Nation.
Councillor	Individually, the duly elected person of Mississauga First Nation.
Discipline	Discipline means corrective or punitive action taken by the Employer towards any employee to correct misconduct, performance or behaviour
Discrimination & Harassment	Discrimination is an act of differential treatment toward an individual as a member of a group, or toward a group itself, that may create a disadvantage for that individual or group or deny the individual or group an opportunity, without valid reason. The prohibitive grounds for discrimination are outlined as follows: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted.
Director of Operations	Senior employee of Mississauga First Nation who is responsible for overseeing the administration of the Band. Also inclusive in this definition is “Band Manager” or “Chief Operating Officer”. This position is accountable to Council.
Elder	A member who is fifty (50) years of age or older.
Extended Family	A person’s grandparent, grandchild, first degree aunt or uncle, first degree niece or nephew, and individuals who reside in the same household.
Immediate Family	A person’s natural parent, adopted parent, step-parent, or individual whom has demonstrated the settle intention to act as a parent; mother or father; mother-in-law or father-in-law; child; spouse or Common-Law partner; sister or brother; sister-in-law or brother-in-law; and legal guardian.
In Camera	Means a session of Council which is private to the members of Council and whomever they wish to include in the session. The purpose of an In Camera session is to protect the privacy of an individual or individuals, business transactions or other issues

	deemed private by Council. In Camera session minutes are recorded on private record and stored separate from the public record in a secure place.
Member	A person whose name appears or is entitled to appear on the Membership List of Mississauga First Nation in accordance with its membership code, and “Membership” and “Band Member” have corresponding meanings.
Misconduct	Failure to follow the defined rules for keeping the workplace efficient and safe and for conducting professional work practices.
Mississauga First Nation	The Mississauga First Nation, also commonly referred to as Mississagi, Mississauga #8, Mississauga Reserve, or Mississauga Indian Band or Misswezahging.
Nepotism	Nepotism is considered an unfair practice in which people in power give positions in a government or organization to their relatives or friends, rather than to any individual who is well qualified. This can lead to inefficiency in the functioning of the government or organization, since hiring is based on personal connections, rather than ability or merit. Additionally, the perception of unfair practice diminishes the reputation or qualified candidates, as it is believed they were appointed due to a relationship.
Portfolio	Means a defined area of responsibility of a Councillor as designate by the Chief.
Sexual Harassment	The Labour Code defines sexual harassment as any conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation to any employee or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.
Quorum	Fifty percent plus one (50% + 1) of the duly elected Council.
Risk Management and Strategic Planning Director	Senior employee of Mississauga First Nation who is responsible for overseeing the Human Resources of the Band. This position is accountable to Chief & Council.
Undermining Behaviours	Any action, behaviour or comment made by an employee that creates the opportunity to sabotage, destroy or erode the reputation, position or leadership of an organization. Such behaviour leads to a poisoned work environment.
Youth	A member who is between the ages of thirteen (13) and eighteen (18) years of age.

Acknowledgement of Governance Manual

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018, November 27, 2019

Policy:

All Council will sign the Council Acknowledgement form indicating they have read and understood the policies and procedures in this Governance Manual and any approved revisions made to it.

Procedure:

1. Newly elected Council members are required to review the manual during the orientation and to sign the Council Acknowledgement form.
2. After the orientation, should any Council member require clarification on a policy or procedure he or she should contact another Council member or bring clarification request forward at the next regularly scheduled Council meeting.
3. Scheduled release of information to inform community of signing of governance manual.
 - a. Include "Oath of Office" document with community communique.
4. The Chief and Council Secretary will file the signed forms in a secure cabinet.

Philosophy and Mission Statement

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
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VISION, MISSION, PURPOSE

Mississauga First Nation has the following Mission that was developed in 2002 as part of the community plan:

‘A socially and culturally healthy community where individuals have the opportunity to prosper and to achieve their full potential spiritually, emotionally, mentally, and physically through generous and unselfish support for one another, while pursuing balance and harmony within, with each other, and with Mother Earth.’

Philosophy – “Walking in Balance”

At the orientation session in January 2018, Chief and Council developed a new mission statement and value statements specific to their 3 year term

Mission Statement

The Leadership of the Mississauga Nation are advocates of growth focused on the protection and promotion of our rights to achieve a sustainable future grounded in Anishnaabe Values.

Vision Statements to Guide Chief and Council

- **Integrity – is mino Bimaadge living a good life following moral and ethical principles and Anishnaabe values.**
- **Accountability – to each other and the community – a commitment and willingness to accept responsibility and transparency to the community.**
- **Vision – to move forward to a self-determining future**
- **Communication – As leaders we will ensure that all information shared amongst ourselves, staff and community is using the most appropriate form of communication.**
- **The Seven Grandfather teachings – Bravery, Honesty, Courage, Truth, Respect, Wisdom, and Humility.**

Review of Governance Manual

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018, November 27, 2019

Statement

Council understands the changing environment, legislative changes, and the changing needs of the Community members, therefore the Governance Manual will be reviewed, as required, both in terms of content and format.

Purposes for the Review:

This manual shall be reviewed for any one or more of the following reasons:

- Change in governing bodies
- Changes in Mississauga First Nation policies, mandates, programs and services
- Ensure uniformity of content in relation to other MFN documents and reduce conflict
- Improve user friendliness
- Update to procedures and standard of practise
- Reduce duplicity
- Identification and incorporation of required policies not currently identified
- To ensuring consistency with all MFN policies and procedures

Responsibility for the Review

It will be the responsibility of the Director of Operations/Risk Management & Strategic Planning Director to ensure this is part of the orientation process for each newly elected Council.

Procedures

1. The Director of Operations and/or Risk Management & Strategic Planning Director will provide a copy of this Governance Manual to the newly elected Chief and Council within five (5) working days following an election.
2. The Director of Operations in cooperation with Senior Managers and/or Chief and Council shall be responsible for presenting full Council with the recommended operational revisions for approval.
3. Upon approval through Band Council Resolution (BCR) the Director of Operations and/or Risk Management & Strategic Planning Director will be provided with a copy of the revised pages to the Governance Manual to insert into the manual binder and will be directed to discard the previous page(s).
4. The Chief and Council Secretary shall be responsible for the distribution of the revised pages to the Governance Manual to affected persons and Council within two (2) weeks of approval.
5. The Chief and Council Secretary shall maintain a binder of the most recent revised Governance Manual and a copy of the previous Governance Manual for accuracy and accountability.
6. Any major recommended changes to the Governance Manual will be approved through community consultation and ratification.

Organizational Chart

Date Approved: July 14, 2010	Band Council Resolution: 012-14.15
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Policy:

Council recognizes the importance of maintaining an organizational structure which serves the best interest of the community.

Procedure:

1. Review of the organizational chart shall be completed during the orientation session of the newly elected Council.
2. Any recommended changes to the organizational chart will be done through the Senior Management, Director of Operations and Risk Management and Strategic Planning Director after consultation with Program Managers of the Mississauga First Nation.
3. Recommendations will be presented by the Risk Management and Strategic Planning Director to Council at a duly convened meeting.
4. Acceptance of the recommended changes will be done through a Band Council Resolution (BCR).
5. It will be the responsibility of the Risk Management and Strategic Planning Director to convey the approved Organizational Chart and the changes to the management and staff.

Approved by Chief & Council—July 11, 2018



Mississauga First Nation Personnel Policies and Procedures

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018, November 27, 2019

Policy

Mississauga First Nation Chief and Council are committed to providing sound management for the operations of the Band and adhering to employment regulations to protect the staff as well as the organization. The most current Mississauga First Nation Personnel Policies were approved April 12, 2010, amended July 11, 2018.

Procedure

1. Ensure a solid understanding of the Personnel Policies through review of document upon taking office.
2. Chief and Council will commit to upholding the principles of the Personnel Policies during the course of their term.
3. Chief and Council's obligations under the Personnel Policies are:
 - a. To approve the Personnel Policies (pg 7)
 - b. To approve job postings for new positions(pg 19)
 - c. To approve Hiring Committee Recommendations (pg 27) including all terms and conditions of offer of employment (pg 16)
 - d. Determine Hiring Committee for Director of Operations and Risk Management and Strategic Planning Director positions (pg 26)
 - e. Be advised if a position requires a broader distribution if a 2nd posting does not produce more applicants (pg 20)
 - f. To approve end of probationary period and continuation of employment beyond probation period (pg 40)
 - g. To approve disciplinary action up to and including suspension without pay for any other actions, omissions or behavior deemed to be in contravention of the employee's duties and responsibility by the policies (pg 74)
 - h. To approve employment terminations (pg 79)
 - i. To hold hearings to allow an employee to offer a defense to the decision to terminate employment (pg 77)
 - j. To approve rates of pay for all employees after a personnel review (pg. 46)
 - k. To approve dates of pay for employees and dates of release of such pay (pg. 46)
 - l. To approve salary increases (pg 46)
 - m. To authorize vacation credits to be rolled over to another fiscal year for any employee (pg 52)
 - n. To approve requests for Education Leave (pg 56)
 - o. To approve other requests for extended leave (pg)
 - p. To authorize all of the Director of Operation's out of province travel (pg 125)
 - q. To authorize those to speak to the general public or media on behalf of the MFN (pg 127)

Mississauga First Nation Finance Policies

Date Approved: October 21, 2015	Band Council Resolution:012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018, November 27, 2019

Policy

Mississauga First Nation Chief and Council are committed to providing sound financial management for the operations of the Band and adhering to financial management principles. The current Financial Policy and Procedure Manual was approved October 21, 2015.

Procedure

1. Ensure a solid understanding of the Finance Policies through review of document upon taking office.
2. Ensure that the currently appointed auditor attends to train, review and answer any questions upon new Chief and Council elections.
3. Chief and Council will commit to upholding the principles of the Finance Policies during the course of their term.
4. Chief and Council, after review and discussion take under consideration changes and/or amendments to the Finance Policies brought forward by the Director of Operations.
5. Chief and Council's obligations under the Finance Policies are:
 - a. Pg. 6 – Approval of revisions to the Policy and Procedures Manual
 - b. Pg.16 – Council will hear Member's appeal within 30 days at a Council meeting
 - c. Pg. 17 – Authority to Contract
 - d. Pg. 18 – Authority to Borrow
 - e. Pg. 22 - Investment accounts
 - f. Pg. 36 – Housing Loan Guarantees
 - g. Pg. 42– Budgets are approved by the Mississauga First Nation Council
 - h. Pg. 85 – Appointment of Auditor
 - i. Pg. 87 – Signature of Chief on the Audit report
 - j. Council ensures that, where appropriate, the recommendations of the auditor are implemented.
 - k. Acceptance of the final audit report by Council

Mississauga First Nation Advisory Groups

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

Chief and Council recognize the valuable resources available within the community represented by our Elders and our Youth and know that our strength is our Youth and our knowledge is our Elders. It is important to have these two groups as Advisory to the governing work being done through the elected officials.

Procedure

A notice to all Members for interested individuals who are serving, and new individuals interested in serving shall be done at the beginning of the term for a newly elected Chief and Council requesting letters of interest being submitted by the Elders and Youth.

The Elders and Youth Advisory Council has three functions:

1. To ensure that our culture, history, language and traditional ways are passed between our Elders and our Youth
2. To ensure our Elders and Youth have an active voice and hand in our people's governance
3. To ensure the social issues that affect our Elders and Youth are addressed so that we protect our most precious people, both our Elders and our Youth as they are the critical component to ensure our First Nations culture continues for eternity

The Elders and Youth Advisory Council shall adhere to the following guidelines:

1. There shall be one spokesperson to speak to or for the community after the Elders and Youth have had a discussion/talk about an issue/matter to avoid confusion
2. Elders and Youth will decide how to organize the group
3. Any Elder can advise/give direction if asked
4. Many elders remember when the old men used to gather to discuss/ talk about issues/matters now the women also have a voice and contribute their gifts to the Elders and Youth circles
5. Elders and Youth will give direction, not make decisions
6. Elders and Youth may request full disclosure about certain issues/matters in order to give informed direction/advice
7. In keeping with the 7 Teachings, the Elders promote and encourage people to help each other instead of feeling jealousy.
8. The Elders and Youth in assembly will appoint the representatives to the Elders & Youth Advisory Group

Mississauga First Nation Committees

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

Mississauga First Nation is committed to ensuring the community has the opportunity to provide guidance and input into decision making in the overall Band operations therefore it fully endorses and supports the formation of various Committees pertaining to operations.

Role of Portfolio Holders

The committees are advisory in nature and set up to carry out the mandate and objectives outlined in each particular Committee's Council- approved Terms of Reference¹.

General Roles and Responsibilities of Committees are to:

1. Make recommendations to Council as per their Terms of Reference;
2. Ensure recommendations reflect the community perspective and best interests;
3. Ensure community members are actively involved with the governance of Mississauga First Nation;
4. If applicable and approved by Council, handle band member appeals related to program and service delivery in a fair and consistent manner.

Portfolio Activities

- Attend meetings conferences, functions and assemblies specific to their portfolio area as determined by Council; with an available or reimbursable budget to participate. Portfolio have the option to delegate attendance at meetings to managers with permission of Council.
- Political and technical representatives of Council but do not hold any independent decision making authority
- Liaise and network with individuals/organizations within the portfolio area.
- Propose new amendments to existing laws, by-laws and policy to the Council within their portfolio area.
- Advocate for Mississauga First Nation issues and especially issues directly affecting the Community members within their portfolio area.

Procedures

The following Committees are essential and vital to Chief and Council:

- **Finance Committee – Internal (non-political)**
 - To provide guidance, assistance and ensure the accountability framework is adhered to for the overall operations of Mississauga First Nation
 - To promote efficiencies in operations
 - To ensure consistency in the preparation and processing of financial information
 - To ensure timeliness of the provision of information to Chief and Council
 - To review, revise, recommend changes to the Finance Policies and Procedures as necessary.

¹ [Committee Terms of Reference](#)

- **Program Management Team – Internal (non-political)**
 - To support and promote the vision and mission of Mississauga First Nation
 - To support and act as liaison between each of the program areas
 - To coordinate long term sustainable employment for Mississauga First Nation
 - To provide education and awareness of programs and services available to members
 - To share information and solicit assistance for programs and services
 - To coordinate activities including upcoming events and yearly planning
 - To improve communication
 - To improve service delivery
 - To support staff
 - To ensure consistency with policies and procedures
 - To develop and/or recommend policies and procedures
 - To effectively manage resources including inventory and facilities
 - To follow best practices in management
- **Health and Safety Committee- Internal (non-political)**
 - To identify, evaluate and recommend a resolution on all matters pertaining to health and safety in the workplace, to management
 - To recommend continuing education and training programs in order that all employees are knowledgeable in their rights, responsibilities and duties under the Occupational Health and Safety Act and the Mississauga First Nation Policies and Procedures
 - To address matters related to Hazardous Materials, where applicable
 - To deal with any health, safety or environmental matters that the health and Safety Committee deems appropriate
 - To work in compliance with Section 9 of the Occupational Health and Safety Act.
- **Chi-Naakinagewin Committee**
 - Responsible for the development of Mississauga First Nation Constitution
 - To guide the developmental process for drafting and ratifying the First Nations Constitution
 - To plan and secure community consultation into the future by developing and ensuring effective communication
 - To continue addressing community issues and concerns regarding the Laws of the Constitution
 - To provide support and direction to community citizens by ensuring the MFN Citizens will be exercising their right to self-government
 - To lobby for and secure adequate resources, (human, natural, physical, and financial) for the continuous growth of the community, land base and different levels of the constitution
 - To implement and communicate community drive proves that provides a strong membership voice into all matters affecting Misswezahging First Nation Government
- **Membership Committee**
 - Preserve and promote the integrity and identity of the Mississauga First Nation
 - Determine who shares the rights and obligations of membership
 - Provide Council with the necessary support required to consider new proposed By-Laws
 - Agree to effectively resolve concerns and answer questions regarding our Election Code.
 - Responsible for Mississauga First Nation membership issues
- **Health and Social Services Committee**
 - To develop a working familiarity with existing programs and services within the Health & Social Services Unit.

- To develop a working familiarity with partnering health and social agencies that provide on-site services to the community membership.
 - To ensure enquiries from the membership are brought to the attention of the Committee in a constructive and ethical manner, for deliberations and follow-up, where appropriate.
 - To assist in community education of programs and services, including service limitations, confidentiality requirements and program or client eligibility, assessments and criteria.
 - To identify gaps in services, recognize barriers to service delivery and make viable and constructive recommendations to the Unit, both on a long-term and short-term basis.
 - To participate in the planning and development of new/enhanced services or the restructuring of existing programs in partnership with the Health & Social Services team.
 - To respect the different professional and traditional approaches to care and recognize the strengths of programs and program workers.
 - To review quality assurance indicators and evaluation results to ensure the Unit's financial resources are maximized for the benefit of the community membership.
 - To review quality assurance indicators and receive membership concerns to ensure that services are being equitably and equally delivered within the Mississauga First Nation.
 - To ensure programs are responsive to the needs of the First Nation by reviewing reports, work plans, budgets, and policies, and providing constructive feedback/recommendations.
- **Lands And Resources Committee**
- Assist with the development of the land administration system;
 - Advise Chief and Council on matters respecting Mississauga First Nation lands;
 - Recommend laws, resolutions, policies and practises respecting the management of Mississauga First Nation land to Chief and Council;
 - Hold regular meetings and special meetings of the Committee members to discuss land issues and make recommendation to chief an council on the resolution of these land matters;
 - Assist with the flow of information on land issues between Band members and Band Council;
 - In consultation with the Community, ensure that rules and procedures are developed that address the following matters:
 - Environment protection and assessment in relation to MFN land;
 - Any outstanding issues on the resolution of disputes in relation to MFN land;
 - Inter-Treaty Harvesting Strategy;
 - Land use planning and zoning;
 - Section 39 respecting the spousal separation and;
 - Other duties as assigned by Chief and Council.
- **Housing Committee**
- To provide accurate information to and/on inquiries from the membership regarding housing issues
 - To make recommendations to Chief and Council according to the Housing Policies
 - To ensure that Mississauga First Nation Housing standards are responsive to the needs of the its members
 - To be/stay informed on relevant issues pertaining to housing
 - To provide input based on own observations and experience to identify (new/existing) housing needs
 - To volunteer when able, to assist with tasks, activities, and functions related to housing

- To identify gaps in service, barriers, strengths in all areas of housing
- To participate in the planning and development of housing strategies
- To make recommendations on ways to communicate information, on housing issues, to the First Nation members
- To promote communications, on housing issues with the membership by developing a communication strategy
- **Education Committee**
 - Identify the educational concerns and needs of their community and how it impacts the people
 - Identify alternative methods of addressing education needs and concerns within the community
 - Identify where more community education development is required in order to attain an adequate level of peace
 - Act as liaison between the Community and Chief and Council
 - Assist in promoting Community involvement in the development of an educational community
 - Ensure Chief and Council and Community members are in support of recommendations passed by the Education Committee before implementation
 - Update Community on new education initiatives
 - Work closely with the School Boards and keep open lines of communication with all agencies and service providers within the community and surrounding area
- **Police Advisory Committee**
 - Identify the policing concerns and needs of their community and how it impacts the people
 - To provide input into the Ontario Provincial Police/East Algoma Detachment, First Nation Policing Service, Chief and Council and the residents of Mississauga First Nation.
 - Act as liaison between the Community and Chief and Council
 - To work in partnership with designated First Nation Liaison Officer(s) of the Ontario Provincial Police East/Algoma Detachment, First Nation Police services and the Mississauga First Nation Chief and Council in order that our community is protected and patrolled.
 - Ensure Chief and Council and Community members are in support of recommendations passed by the Police Advisory implementation
 - Update Community on new policing initiatives
- **Infrastructure Committee**
 - To support and promote Mississauga First Nation's Vision and Mission Statements and Seven Guiding Principles
 - To organize and strategize band owned infrastructure
 - To support Infrastructure activities by assisting in proposal writing processes
- **Economic Development Committee**
 - To promote Band Member business activities that have a reason for being and are ideally sustainable
 - To promote Band initiatives that are sustainable business ventures
 - To support Band initiatives that may not be economically sustainable but have a reason for being and are tied to the Vision and Mission Statements and Seven Guiding Principles.

- To make the MFN self-sufficient over a 25 year period so that we do not rely on government funding.
- **Pow-Wow Committee**
 - To act as an advisory to Chief and Council Pow-Wow related issues
 - To make informed recommendations and motions to Chief and Council
 - To keep accurate financial records of the committee's accounts and report it to Chief and Council in the minutes
 - To act as a forum for community members to access cultural information
 - To fundraise, organize and promote committee sponsored events
 - To actively participate in all committee meetings and committee sponsored events
 - To develop and implement objectives each new term to meet the goals of the committee.
- **Elder's Group**
 - Responsible for the Elder's activity planning
- **Youth Group**
 - Responsible for the Youth activity planning

² Terms of Reference

² Committee Terms of Reference, Page 76

Mississauga First Nation Community Approved Organizations

Mississagi Trust

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Statement of Trust Agreement (excerpt Trust Agreement Pages 2, 3)

Mississagi has made a Land Claims Settlement with Her Majesty the Queen in Right of Canada and her Majesty the Queen in right of Ontario, to settle Mississagi's claim concerning the northern boundary of the reservation made in the Treaty of September 9, 1850.

In the Land Claim Settlement Agreement, Her Majesty the Queen in right of Canada and Her Majesty the Queen in right of Ontario agreed to deposit specified amounts of money into the Mississagi Trust Account described in that Agreement;

Mississagi wants to ensure that the money in the Trust Account is managed, used and invested prudently and wisely, for the benefit of the present and future generations of the people of Mississagi, and is therefore creating the Mississagi Trust;

The purpose of this Trust Agreement is to set clear rules for the administration and operation of the Mississagi Trust, and to set rules for the appointment and conduct of the Trustees; and

Mississagi has approved this Trust Agreement by a Vote held on April 27, 1994, and has directed Council to sign this Agreement BCR #006-94-95; now

THEREFORE the parties to this Agreement agree as follows:

1. CREATION OF THE MISSISSAGI TRUST:

- 1.1 Mississagi and the Trustees agree that a trust now referred to as the Mississagi Trust is established pursuant to the terms of this Trust Agreement. Each of Mississagi and the Trustees acknowledges and agrees that the terms and provisions contained in this Trust Agreement are binding upon Mississagi and the Trustees.
- 1.2 Mississagi appoints the Trustees and the Trustees agree to hold the Trust Property in trust for Mississagi, upon the trusts set out in this Trust Agreement.
- 1.3 All beneficial right, title, interest and benefit in the Trust Property shall vest in Mississagi.
- 1.4 All legal, title and interest in the Trust Property shall vest in the Trustees.
- 1.5 This Trust Agreement shall come into effect when each of the following has taken place:
 - 1.5.1 Mississagi approves the Land Claim Settlement and authorizes the Council to enter into this Trust Agreement;
 - 1.5.2 The Council by Resolution appoints the first Trustees;
 - 1.5.3 The first Trustees sign this Trust Agreement;
 - 1.5.4 A majority of Council signs this Trust Agreement; and
 - 1.5.5 Canada deposits Compensation and Ontario deposits Ontario's Compensation into the Trust Account.

Mississauga First Nation Community Approved Organizations

Mississauga First Nation Constables

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

Mississauga First Nation is dedicated to the safety and protection of the community and therefore entered into an Ontario First Nation Policing Agreement between the Province of Ontario and the Government of Canada to provide policing services.

Procedure

1. First Nation Constables shall participate in Community functions at the request of Chief and Council
2. First Nations Constables shall serve as advisors to the Police Services Advisory Committee
3. First Nations Constables shall provide a statistics on a quarterly basis to Chief and Council
4. First Nations Constables shall ensure awareness by Chief and Council and Community of the liaison services offered through the appointed Liaison Officer on Aboriginal Issues
5. Performance evaluations will be completed by local OPP management officials and conveyed to Mississauga First Nation Risk Management and Strategic Planning Director who shall ensure the evaluation is signed by the Chief of Mississauga First Nation and reviewed by whole of Chief and Council upon request.

Mandate of First Nation Policing Agreement

1. Under Clause 4(a)(IV) the agreement provides for a First Nation to police its community with First Nation Constables supported by the Ontario Provincial Police (OPP);
2. Also under Clause 33 © of the Agreement provides that where a community chooses to police with First Nation Constables, supported by the OPP, the First Nation will be the employer of the First Nation Constables;
3. It also provides that the First Nation Governments and the OPP shall jointly administer the police service;
4. The OPP performs a variety of administrative functions in support of the community's police service including management of pay and benefits for the First Nation Constables;
5. The OPP uses its existing procurement arrangements to acquire necessary policing equipment for use in the First Nation;
6. The OPP does not provide these services in the capacity of an employer;
7. First Nation communities **have not** been given the authority to appoint First Nation Constables. There is no provision for this in the Police Services Act;
8. The Commissioner of the OPP exercises this statutory discretion independently of the Ontario First Nations Policing Agreement;
 - a. The First Nations Constables are required under the authority of the Commissioner to enforce and uphold the laws of the Province of Ontario and the Criminal Code;

9. *The purpose of the appointment is to provide the First Nations Constables with the policing authority he/she requires to perform his/her employment responsibilities for the First Nation Community;*
 10. *An appointment as a First Nations Constable confers significant authority and responsibility to an individual;*
 11. *The Commissioner must be satisfied that the individual is an appropriate person to exercise this authority;*
 12. *Section 54 of the Police Services Act authorizes the Commissioner and/or terminate the appointment of a First Nations Constable;*
 13. *This decision relates to the continued suitability/need of the person to exercise the authority of a police officer;*
 14. *It is not a disciplinary process in which the Commissioner has a range of options to exercise;*
 15. *Only the First Nations Constable's employer can impose discipline;**
 16. *Before the Commissioner suspends and/or terminates an appointment he must consult with the Chief and Council of the community where the First Nations Constable is policing;*
 17. *The policing needs of the community will be impacted by a decision to suspend and/or terminate the appointment and the consultation process is intended to address these impacts;*
 18. *As the employer the community will be impacted by any decision to remove the First Nations Constable's policing authority;*
 19. *A decision by the Commissioner to terminate a First Nation Constable's appointment is not a decision to terminate his/her employment;*
 20. *The community, as the employer, must address employment issues;*
 21. *In R. v. Stephens the Ontario Court of Appeals found that the policing authority of First Nations Constable's was not limited to the reserve territory they were appointed to police;*
 - a. *The Court of Appeal determined that it was the Police Services Act and the Commissioner's appointment under Section 54 that created the legal authority to act in the capacity of a police officer and the OFNPA could not have the effect of limiting the policing authority of First Nations Constables;*
 - b. *The Supreme Court of Canada came to similar conclusion in the case of R. v. Decorte;*
 - c. *In this decision the First Nations Constables were authorized to conduct a RIDE program off-reserve the court found that they were appointed for the Province of Ontario, they had the authority and duties of a police officer and they satisfied the definition of peace officer in the Criminal Code, their policing authority was not limited to the reserve territory they were hired to police;*
 22. *First Nations Constables are not subject to the disciplinary process in the Police Services Act, which is applicable to police officers in Ontario;*
 23. *The Professional Standards Bureau of the OPP conducts disciplinary investigations of police officers under the Police Services Act;*
 24. *Where the community, as the employer, undertakes a disciplinary process in regard to a First Nations Constable, it is involved in a purely employment law process;*
 25. *Where the behaviour of concern to the community impacts on the suitability of the continued appointment of the individual as a First Nations Constable the Professional Standards Bureau could conduct an investigation on behalf of the Commissioner pursuant to Section 54 of the Police Services Act;*
 26. *As part of the consultation process the results of the Professional Standards Bureau investigation could be shared with the community and used to address the issue of employment discipline.*
- Excerpt from the Ontario First Nations Policing Program – April 20, 2009***

*Mississauga First Nation will be notified and a consultation will take place with the local detachment management of any disciplinary action deemed necessary.

Mississauga First Nation Community Approved Outside Organizations

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

Mississauga First Nation Chief and Council strives to be aware and participatory in the affairs regarding First Nation business being conducted by outside organizations and will appoint political and/or administrative representation at various tables to represent the interests of Mississauga First Nation.

Procedure

1. Review of this list of outside organizations and their purpose will commence within thirty (30) days of taking office of the newly elected Chief and Council.
2. Appointment to the various organizations will be conveyed to the appropriate parties of the organization.
3. The following is the list of outside organizations Mississauga First Nation is affiliated with:
 - a. Assembly of First Nation
 - b. Chiefs of Ontario
 - c. Anishnawbek Nation – Union of Ontario Indians
 - d. Ontario First Nations Limited Partnership
 - i. All of the above have the elected Chief as the representative with proxy forms available if the Chief is unable to attend the meeting thereby appointing another Councillor and/or appointed staff member
 - e. Mamaweswen, The North Shore Tribal Council
 - i. The elected Chief and Head Councillor are appointed to the two available seats at this table.
 - ii. Benbowopka Treatment Centre
 - f. Nog-da-win-da-min Family and Community Services
 - i. An Elected Councillor with the Health Portfolio and/or the Health Director and/or an appointed community member
 - g. UOI Annuities Commission
 - i. An Elected Councillor and/or Chief and/or an appointed community member
 - h. Zah-ge-do-win Clearing House
 - i. An Elected Councillor with the Health Portfolio and/or Health Director and/or an appointed community member.

SECTION 2 - GOOD GOVERNANCE

Governing Style

Date Approved: November 27, 2019	Band Council Resolution:
Date Last Reviewed:	Amendment Date Approval: November 27, 2019

The governing style of Council is to focus on leadership that will emphasize:

- The sustainable future of the First Nation through fair and equitable governance based on the next seven (7) generations;
- A clear separation between the roles of Council and staff and while acknowledging that these will overlap from time to time;
- Pro-active rather than reactive leadership;
- Accountability and transparency

In this spirit, Council will

- Be accountable to Members in the performance of its duties and obligations. No Chief or Councillor, individual or Committee of Council will assume this accountability role on their own;
- Conduct their primary role of strategic planning and governance rather than day to day administrative matters;
- Direct, control and inspire the First Nation by carefully studying, reviewing and establishing Council policies;
- Ensure attendance at any meeting or event that requires its attendance;
- Respect the role of Council;
- Respect the role of Chief;
- Speak with one voice, representing Chief & Council members;
- Respect and comply with all First Nations laws, by-laws, codes, rules, regulations and policies;
- Enforce self-policing when Chief or Councillors stray from good governance and the policies contained in this governance manual;
- Monitor and regularly review Council's own process and performance.

Election Code

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

As a positive step towards self-determination Mississauga First Nation developed and approved the Community's own Custom Election Code in 2001, this Election Code was amended and ratified on September 20, 2008.

Procedure

1. Chief and Council are to review the document Mississauga First Nation Custom Election Code to ensure they understand and are adhering to the content and direction of the membership;
2. Any procedures which arise during the term of Chief and Council which requires further instruction should be referred to this document.

Council Conduct

Date Approved: November 27, 2019	Band Council Resolution:
Date Last Reviewed:	Amendment Date Approval: November 27, 2019

Policy

Chief and Councillors are expected to conduct themselves in an ethical, legal and professional manner. This expectation includes proper use of authority and appropriate groups and individual behaviour at all times.

Authority

Chief and Council have the collective authority to govern the First Nation. Unless stated otherwise in any other law or policy passed by Chief and Council, the Chief and Council will only exercise their authority as a collective governing body and not as individuals. Therefore,

- Council must speak with one voice, Only Chief and Council as a whole have the authority to direct the Director of Operations and/or Risk Management & Strategic Planning Director, except as noted in these and other applicable policies and laws.
- Council has the authority to assess performance of the DOO & RMSPD ensuring that performance is assessed against explicit Council policies by the official process governing such performance.
- Council will respect all documents and instruments signed and approved signing authorities acting on behalf of the First Nation, including, without limitation; First Nation Band Council resolutions, contracts, purchases and payments. Council will also respect all approval procedures for such documents as established from time to time.
- Council will ensure that the Council does not advise, instruct, consult, direct, discipline or otherwise interact with staff, except through the Director of Operations.

Loyalty

The Council's ultimate loyalty is to the Members and the First Nation. This loyalty supersedes:

- Loyalty to any advocacy or special interest groups, and membership on other boards or staff.
- The personal interest of any Chief or Councillor acting as an individual user of First Nation programs and services. Defamatory, inflammatory or otherwise false statements made by Council or a Chief or Councillor about the First Nation's public image or credibility, particular in ways that would hinder the First Nation's accomplishments of its strategic goals.

Influence

A Chief or Councillor must not use his/her position to attempt to influence in any way a decision or other action to be made or taken at a meeting or by the staff, if the Chief or Councillor has a financial interest in a matter to which the decision or action relates. A Chief or Councillor must not use his/her position to attempt to influence in any way a decision or action to be made or taken by any person, if the Chief or Councillor has a financial interest in the matter to which the decision or action relates. Pattern of abuse of Councillors influence will result in the implementation of disciplinary process.

Confidentiality

No Chief or Councillor will use or divulge any personal information acquired as a result of his/her role as Chief or Councillor for his/her own benefit or advantage or for the benefit or advantage of any other person.

No Chief of Councillor or staff (including the Director of Operations and/or RMPD) will divulge personal or otherwise confidential information that is acquired as a result of his/her office and must be kept confidential in the best interests of the First Nation as determined by the Council, acting reasonably necessary to ensure that any such information is kept confidential.

The minutes, records or proceedings of any in camera (closed to the public) Council meeting or Committee meeting will be kept in confidence in accordance with this manual by every Chief or councillor, the Director of Operations, Risk Management & Strategic Planning Director, staff or other person(s) invited or permitted to attend the meeting.

Disciplinary Measures for Breach of Codes

If a Councillor is found to be in contravention any of the code of Ethics, Code of Conduct, Confidentiality Code or Conflict of Interest provisions in the carrying out his/her duties or whose actions give rise to criminal charges, the remaining Council quorum has the discretion to make and enforce it's own procedure to reprimand that individual as per the Disciplinary action and/or Termination as per MFN Election Code.

Communications

Council communications will be guided by the following principles:

- Deal with all persons in a fair, responsible and ethical manner and with honest, respectful communication.
- Maintain close communications with membership regarding the First Nation policies, programs and services – the official spokesperson for Council in this regard being the Chief, except where another Councillor or staff person of Council is authorized under these policies to act in such a role.

Reporting and Access to Information

Council will report, on an annual basis or with such greater frequency as may be reasonable required, to the Membership of the First Nation's financial statements and First Nation administered programs and services.

Subject to these policies, Council shall permit members access, at all reasonable times, to the non-confidential minutes of Council meetings; First Nation laws, by-laws and resolutions, the First Nation audit reports and First Nation administrative policies.

Personal information about Members will not be disclosed to any person except in accordance with PIPEDA .

Accountability

Council is accountable to the First Nation and the members in the performance of its duties and obligations.

Chief and Council must carry out their duties in good faith and with diligence, care and skill.

Enforcement

Council has the authority to make and enforce its own rules and penalties for Chief and Councillors who are found negligent in carrying out (or failing to carry out) their duties or are otherwise in contravention with these policies.

Code of Conduct

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy:

As an elected member of Chief and Council through the Custom Election Code it is vital to maintain stability and continuity in the Governance of Mississauga First Nation while performing the duties of office.

Procedure:³

1. I will carry out the duties of my position as a member of Chief and Council conscientiously, loyally and honestly, fulfill the expectations of my role as a sitting member of Chief and Council, remembering that my primary function is to serve the Community as Elected under the Custom Election Code as ratified on September 22, 2008 and that my role is to serve the Community of the Mississauga First Nation.
2. In my actions and words, I will promote and uphold the integrity and dignity of the Mississauga First Nation and its programs as well as the governing Chief and Council.
3. I will use my initiative to find ways of serving the interests of the Community.
4. I will conduct myself in a manner that will bring credit to myself, Chief and Council and the members of the community.
5. I will attend all meetings, workshops and conferences etc., assigned to me as an official delegate of the Mississauga First Nation and will formally report back to Chief and council on the proceedings of these meetings by a briefing note.
6. Any fees, honorariums or other gratuity offered to me as a payment for serving on Boards, Committees, or other Organizations while holding office shall be reported to Chief and Council as a whole with a report on the activities of such Boards, Committees, or other Organizations. Any such fees, honorariums or other gratuity shall be made available to community scrutiny if requested.
7. I will be courteous and polite towards other members of Council, especially when there is a difference of opinion. I will be polite and courteous to all community members and the public at large as an Ambassador of the Mississauga First Nation and member of Chief and Council.
8. I will not publicly criticize employees, policies and programs of the Mississauga First Nation. If I believe changes are needed, I will present recommendations in a constructive manner through proper channels.
9. I will be open to hearing other points of view and respect the differences of opinion that will arise from time to time.
10. I will adhere to the structure of passing motions and honouring the outcomes of Chief and Council decisions which we will arrive at even if I am not in agreement. My views and positions will be duly recorded by motion record and I accept that I will be expected to sign Band Council Resolutions that reflect the motion of record even if I am not in favor of a motion as passed.
11. During my term in office I will not knowingly participate in activities or protests that will bring harm to the community, its reputation or that are in conflict of interest, which do not serve the interest of the community.

³ [Code of Conduct Declaration](#)

12. I will respect the boundaries between Chief and Council and not interfere with workplace issues. In the event that something is brought to my attention as a member of Council in reference to a problem within the workplace, it will be channelled through the appropriate supervisor and the Director of Operations. Only in extreme situations and with confidentiality boundaries through “In-Camera” sessions will any issue be discussed with a view to redirect or support a special situation with input from those directly affected or impacted.
13. As a sitting member of Chief and Council, I will not obstruct, occupy or prevent the administration offices operations unless there is an emergency that threatens the wellbeing or safety of employees or community members. Any direct action, I accept that I will be subject to remedial actions up to and including being removed from Council through our Custom Election Code and or a violation that would subject me to charges and or actions to remedy my involvement or participation as per our Custom Election Code.
14. I will respect the role of the Elders Council and the Youth Council and insure that I am respectful of their input and their role in conjunction with my role on Chief and Council.
15. I will undertake to participate in an orientation with previous Chief and Council which includes familiarizing myself with the Custom Election Code and all policies and procedures that will impact my role as elected Chief or Council.
16. A Band Councillor does not directly or indirectly interfere with service delivery processes and decisions of the various programs delivered by Mississauga First Nation and in particular a specific client or family receiving services under such programs in preference to another client or family and unless in extenuating circumstances Chief and Council may ensure that the safety of community members and clients is respected;
17. A Band Councillor does not engage in any illegal activities and immediately notifies the Chief and resigns as Band Councillor if he or she is convicted of any offence under the criminal code of Canada, unless Band Council specifically waives the requirement of such resignation;
18. Failure to abide by the above standards will result in suspension of duties as Councillor and may necessitate a request for the resignation of the Councillor.

Conflict of Interest

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018, November 27, 2019

Policy

Chief and Council shall at all times act in the best interest of the Community as a whole rather than individual interests. They will perform their duties in such a manner that promotes the Community's confidence and trust in the integrity, objectivity and impartiality of their decisions. While engaged in the affairs of the Community, all members of Chief and Council have an obligation to conduct themselves in such a manner that prevents actual or potential conflicts of interest.

Chief and Council must declare all conflicts of interest and potential conflicts of interest and voluntarily withdraw from all levels of decision making where they have a perceived, real, or potential conflict of interest. Any conduct by any member of Chief and Council that is, or could be perceived as a conflict with the interests of the Community is prohibited.

Procedures:

1. If at any time in the course of carrying out their duties a member of Council believes there may be a potential or real conflict of interest, the member of Council must declare his/her conflict and this shall be reflected in the meeting minutes.
2. If at any time in the course of carrying out their duties, if a fellow member of Council believes there may be a potential or real conflict of interest, then the Councillor must declare their being in a conflict and this shall be reflected in the meeting minutes
 - a. If this transpires and the Councillor does not consider their interest to be in a perceived or real conflict of interest, then a vote shall be called for of the whole Council and the affected Councillor shall abide by the decision of the majority. This shall be reflected in the meeting minutes.
3. If a Chief or Councillor intends to create or benefit from a new business venture, they must declare it when they start any processes to avoid any real or perceived interference in the best interest of the First Nation.

Conflict of Interest Rules

Date Approved: August 8, 2018	Band Council Resolution:
Date Last Reviewed: New to Manual	Amendment Date Approval:

Each Council member is responsible for furthering and supporting the mandate of Mississauga First Nation in providing quality services to the community and is expected to act with integrity and impartiality, by placing the interests of such community ahead of any self or private interests and in so doing each such person adheres to the following rules:

1. Avoid circumstances which may result in actual or perceived conflicts of interest;
2. Act in a manner which promotes and enhances the confidence of the community in Mississauga First Nation organization as a service delivery provider;
3. Act honestly in the interest of the community;
4. Not advocate on behalf of a member of the community receiving service, but rather refer the matter to the appropriate personnel to make contact with the community member and conduct the necessary enquiries and take the appropriate action in providing service;
5. With respect to services provided by the various MFN programs, a Councillor is individually prohibited or intervening or advocating on behalf of a person or family being the subject of the respective program services, where there is a process of procedure in place to adequately address the issue and such process or procedure is being followed;
6. If a Council member is approached by a member of the community receiving services, to intervene on his/her behalf, the Councillor must decline to do so, and immediately refer such person to the appropriate service provider with the organization;
7. Not use his or her position, authority or influence to gain an advantage in favour of an individual member of the community receiving services versus another individual;
8. Not request information from themselves on an individual basis for purposes other than fulfilling their duties and responsibilities as Councillor with respect to services and operation of MFN, unless and until such release of information has been approved by Chief and Council;
9. Not interfere, either directly or indirectly, with the reporting of child neglect or abuse, or with respect to a criminal offence or other illegal act;
10. Remove himself or herself from the official duties and responsibilities associated with the MFN Band Council in the event such Councillor is under investigation by the Band or the police for alleged neglect or abuse of a child, or any criminal offence, and shall not resume such Council duties and responsibilities until the matter is formally resolved;
11. Not place himself or herself under obligation to any person who might benefit from special consideration on their part;
12. Avoid participation in any official Band matters where such Councillor has a personal or financial interest which may be incompatible with an unbiased exercise of judgement;
13. If a Council member personally intervenes on behalf of a member of the community receiving service, such action does not necessarily constitute a conflict of interest, if the action is properly reported to the appropriate body to handle the situation, however, in the event the Council member uses his or her position, authority or influence to assist in meeting the best interest of the community member in cooperation with the proper body or personnel of MFN, such action would be interpreted as proper and would not constitute a conflict of interest.

Police Records Check

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

According to Mississauga First Nation Election Code Part V – Candidates For Chief and Councillors Qualified Persons to be Candidate Section 59 @ “Not have been convicted of an indictable offence where a pardon has not been granted” all potential members of Chief and Council must provide a Police Records Check. The Police Records Check form indicating application to conduct a search must be provided to the Electoral Officer upon submission of the intent of running for office.

Procedures

1. A Police Records Check form will be included in the package to potential candidates nominated for Chief or Council.
2. Candidates shall sign the Police Records Check form and submit to the appointed person who shall document receipt of the fee and other confirmation papers.
3. Upon election results the successful candidates must have the official Police Records Check to submit to Chief and Council Secretary for filing within 30 days of the election date, which shall be date stamped upon receipt by Chief and Council Secretary.
 - a. Valid Police Records Check will be acceptable if completed within six (6) months of the election date.
 - b. Cost of securing a Police Records Check shall be non-refundable to the candidate.
4. Any discrepancy in a clear Police Records Check shall be conveyed to the elected Chief and Council immediately upon notification
5. According to the Election Code the effected individual shall resign his/her seat and the election code will commence replacement procedures.

Residency Declaration

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

According to Mississauga First Nation Election Code Part V – Candidates For Chief and Councillors Qualified Persons to be Candidate Section 59 (e,f,g) all potential members of Chief and Council must provide evidence of residency.

Procedures

1. A Residency form ⁴ will be included in the package to potential candidates nominated for Chief or Council.
2. Candidates shall sign the Residency Form and submit to the Electoral Officer with the fee and other confirmation papers.
3. Proof of residency shall be provided to the Electoral Officer with documentation such as mail confirming residence address, confirmation from Housing Manager, and other official forms of proof.

⁴ Residency Form, Page 74

Oath of Office

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

Mississauga First Nation Chief and Council respect and recognize the privilege of being elected to hold office by the membership and have committed to serving in the best interest of the Mississauga First Nation.

Procedure

- At the first meeting of a newly elected Chief and Council and/or holding of a by-election the following Oath of Office shall be verbalized by each successful candidate:
I, _____ do solemnly swear to uphold the office to which I was elected by the Mississauga First Nation Electors and agree to abide by the following:
 - I will uphold and comply with the Amended Custom Election Code and all laws of Mississauga First Nation;***
 - I will fulfill the duties and responsibilities of my office under the Custom Election Code and all laws of Mississauga First Nation;***
 - I will carry out my duties faithfully, honestly, impartially and to the best of my abilities;***
 - I will keep confidential, both during and after my term of office, any matter or information which is considered confidential, and;***
 - I will always act in the best interests of Mississauga First Nation in carrying out my duties.***
- A copy of this Oath of Office⁵ shall be signed by the newly elected Chief and Council and kept on file with the Chief and Council Secretary.

⁵ A copy can be found in the Appendix, page 72

Oath of Confidentiality

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

Mississauga First Nation Chief and Council respect and understand the need for confidentiality in identified material, matter, and personnel during and after their term of office and are committed to fulfilling their duty in their service to the Community.

Procedure

1. At the first meeting of a newly elected Chief and Council and/or holding of a by-election the following Oath of Confidentiality shall be verbalized by each successful candidate.
2. A copy of the signed Oath of Confidentiality shall be kept on file with the Chief and Council Secretary.

Duties of Chief

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
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Policy

The Chief is the elected head of Mississauga First Nation and the roles and responsibilities within the governance structure and it is of the utmost importance as he/she is the primary contact with the community and outside organizations. The definition of clarity in roles and responsibilities should be defined to avoid conflict and confusion with the leadership of the community.

Procedure

1. As a member of Council, the Chief's responsibilities, and accountability include the following:
 - a. Acting as the official spokesperson or representative at ceremonies or other special functions and have the responsibility to delegate when not available;
 - b. Speak and express the opinions of Mississauga First Nation when dealing with general matters concerning the First Nation;
 - c. Ensuring Council conducts itself in a manner consistent with its own rules;
 - d. Calling emergency meetings of the Council to discuss important business that cannot wait until the next duly convened meeting and shall have the authority to call an emergency meeting at the request of a majority of Council;
 - e. Making decision in accordance with Council policies on the governance process;
 - f. Ensuring that a mechanism is in place to determine Council's opinion on significant matters and the means of communicating this position externally;
 - g. Help Council be an effective team;
 - h. Ensure Council attends to the work of Council;
 - i. Ensure the long-term needs and goals of the community are at the forefront in decision making;
2. The primary person in the Band Operations responsible for the Director of Operations.
3. Foster an atmosphere of mutually respectful working relationships with the Director of Operations.
4. Ensure that the Council is kept aware of outside political mandates and processes by:
 - a. Ensuring accurate reports of meetings attended are distributed;
 - b. Provide a written report to Community regarding external meetings attended;
 - c. Verbal updates at duly convened Council meetings.
5. Ensure the community is aware of the decisions of Council in a timely manner by:
 - a. Ensuring Community meetings are conducted according to this Governance Manual;
 - b. Verbal and written reports on the work of Council.
6. As a Chief it is expected that participation in community draws is not acceptable.

Duties of Councillors

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
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Policy

The elected Council of Mississauga First Nation has been placed in a position of leadership by the community members and has roles and responsibilities to the community. The definition of these roles and responsibilities should be clearly stated to avoid confusion and conflict.

Procedure

1. As a Councillor for Mississauga First Nation it is expected you will:
 - a. Act in the best interest of the community as whole;
 - b. Be diligent in your position as Councillor;
 - c. Report regularly and fully on Mississauga First Nation finances, projects, programs and services;
 - d. Attend to the duties of Portfolio Holder for specific departments and groups within Mississauga First Nation;
 - e. Ensure written and verbal reports are made available to full Chief and Council on meetings, workshops, conferences attended on behalf of Council business.
2. As a Councillor it is your responsibility to make yourself aware of the political business of the Mississauga First Nation and provide sound advice at Council meetings.
3. It is Council member's responsibility to ensure your mail, Council packages and other relevant information is picked up for review prior to meetings.
4. It is Council member's responsibility to ensure they are adhering to this Governance Manual.
5. It is Council member's responsibility to separate work related issues from Council business.
6. It is Council member's responsibility to ensure they are aware of conflict of interest policies and declare any conflict prior to any discussion on a matter.
7. It is Council member's responsibility to maintain an atmosphere of mutual respect with each other and the Director of Operations and the Risk Management and Strategic Planning Director.
8. It is Council member's responsibility to ensure notification is sent to the Chief and Council Secretary of unavailability for duly convened Council meetings.
9. As a Councillor it is expected that participation in community draws is not acceptable.

Employees in Political Office

Date Approved: NEW	Band Council Resolution:
Date Last Reviewed:	Amendment Date Approval:

Policy

In the event that a Mississauga First Nation employee is elected to political office of Councillor, the employee shall be governed by these conditions;

Procedure

1. The employee shall maintain the expected level of support and service delivery of their office, department and staff to the Employer, the Community and its Members.
2. The employee shall not allow their elected position to interfere with their ability to do their job, fulfill their responsibilities or be fully accountable to their Supervisor and Employer.
3. An employee who is also an Elected Councillor will not hold the portfolio in the same subject area in which they are an employee.
4. An Employee who is also an Elected Councillor has access to more information, some of which is confidential, and shall not use any of this information to enhance their influence or for personal benefit or the benefit of another person.
5. It is important that any Councillor who is also an employee be above reproach and never act in a manner as to be in a position where their conduct in either role can be perceived or found to be questionable in any way.
6. The Employee understands that a contravention of these policies may result in disciplinary action and/or termination their position on Council.
7. When an employee is carrying out the duties of their job, the political position of the employee needs to clear to all involved. Employee Councillors need to proceed with caution in the conduct of their administrative position so as not be viewed as using their political influence on decision making.

Removal of Chief or Councillor - Part XII of Custom Election Code

Date Approved:	Band Council Resolution:
Date Last Reviewed:	Amendment Date Approval:

Conditions for Removal from Office

165. The Chief or a Councillor may be removed from office and shall prevented from for office for five (5) years if he or she:

- a. Violates the Custom Election Code
- b. Fails to attend three (3) consecutive regular meetings of Council without being reasonably excused from attendance by a Quorum of the Council;
- c. Has been convicted of an indictable offence where a pardon has not been granted;
- d. Accepts or offers a bribe, forges a Council document or otherwise acts dishonestly in his or her role;
- e. Is found negligent by the Appeals Board for failing to ensure that safety and protection of Mississauga First Nation members and property;
- f. Is found by the Appeals board as having abused his or her office;
- g. Encourages other to commit any of the above acts or omissions.

Disciplinary Procedures

Date Approved: November 27, 2019	Band Council Resolution:
Date Last Reviewed:	Amendment Date Approval:

Policy

In the event that the Chief and/or Councillors violate their Oath of Office by contravening the Code of Ethics, MFN Election Code, Code of Conduct, the Confidentiality Code or the Conflict of interest they may be subject to the disciplinary process as outlined below.

Other offences such as illegal acts, not declaring conflict of interest, continuing to use confidential information for personal gain, accepting bribes or abusing their powers could result in disciplinary action culminating in a termination from their position.

Process

Any activity by a councillor, including Chief, which is subject to discipline, shall be treated as follows:

1. **First Reprimand** – Following the first offence, the Council member will receive a reprimand in the form of a motion by Council at a duly convened meeting. The Councillor will receive a letter outlining the offence, and referencing the motion number.
2. **Second Reprimand** – Following the second offence, the Council member will be suspended without pay for one month, by the decision of a quorum of Council. The Councillor will receive a letter outlining the offence, indicating that any further discipline may lead to removal from office proceedings, and referencing the motion number.
3. **Final Reprimand** – In the event of third offence, a decision by quorum will lead to the proceedings under the Election Code for Removal from Office. The Councillor must receive a letter outlining the offence, notice of the initiation of Removal from Office procedures, and referencing the motion number.

SECTION 3 – DIRECTOR OF OPERATIONS AND RISK MANAGEMENT AND STRATEGIC PLANNING DIRECTOR

Recruitment of the Director of Operations and Risk Management and Strategic Planning Director

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

The Director of Operations and the Risk Management and Strategic Planning Director are directly responsible to Chief and Council each independent from the other working in conjunction and coordination while effectively and efficiently managing the band operations and staff. According to the Mississauga First Nation Personnel Policy Section 6.3.2 the hiring of the Director of Operations and Risk Management and Strategic Planning Director is solely the responsibility of Chief and Council.

Procedure

1. The Chief and Council approved Hiring Committee will coordinate the recruitment activities for either position with Senior Management or the Chief and Council Secretary.
2. Chief and Council will approve the posting, interview questions and allow the Hiring Committee to proceed with the screening and interviewing of potential candidates.
3. The Hiring Committee has the responsibility to prepare the posting, interview questions and oversee the recruitment process in accordance with these policies.
4. The Hiring Committee will work with the Finance Department to determine a recruitment budget which may include the engagement of a consultant, Hiring Committee expenses, advertisements etc.
5. Recruitment of the Director of Operations and/or the Risk Management and Strategic Planning Director will, as much as possible focus on individuals within the following categories and prioritized as follows:
 - a. Membership with Mississauga First Nation
 - b. Membership from other First Nations
6. Chief and Council are responsible for making the final decisions regarding the employment of the Director of Operations and/or Risk Management and Strategic Planning Director.

Posting Procedures

7. The job advertisement may contain:
 - a. Position title and statement, if position is regular or contract
 - b. Reporting relationship
 - c. Qualifications required
 - d. Overview description of duties
 - e. Job posting closing date and time
 - f. Statement that references will be required to be included in application
 - g. Statement that “This position requires successful candidate to have a valid driver’s license, clear Police Records Check”
 - h. Statement that salary is based on qualifications and experience
 - i. Address to submit application
 - j. Statement that only those selected for an interview will be contacted

- k. Statement that “Hiring of Aboriginal people will be given preference”
- 8. The advertisement will be circulated to:
 - a. According to the Level Circulation agreed upon by the Hiring Committee
- 9. The job posting will be posted for a period of 1-6 weeks as determined by the Hiring Committee.
- 10. The Chief and Council Secretary, in consultation with the Hiring Committee and/or Consultant, will draft the job posting and circulate accordingly.
- 11. Re-posting may occur due to an insufficient number of qualified applicants as determined by the Hiring Committee. In the event that a re-posting is necessary, the applicants received from the first posting may be included in the second round of the screening process.
- 12. Incoming applications will be dated with the current date and logged as incoming correspondence by the receptionist. Recorded applications will be forwarded to the Chief and Council Secretary and placed in a file until the deadline date.
- 13. The Hiring Committee and/or Consultant will draft the sample interview questions for Chief and Council review and forward to the Chief and Council Secretary to prepare and include as part of the package for the screening of applicants.

Screening

- 14. The Chief and Council Secretary will coordinate a screening date for the Hiring Committee.
- 15. The Hiring Committee will screen applications and determine candidates to be interviewed.
- 16. Any Hiring Committee member must declare a conflict of interest following the conflict of interest guidelines.
- 17. The Chief and Council Secretary will schedule a screening date to occur within ten (10) days of the closing date and notify the Hiring Committee of the names of the applicants.
- 18. The Chief and Council Secretary will prepare the Screening Criteria Form based on the required qualifications according to the job posting.
- 19. Information packages will be prepared prior to the screening and distributed to the Hiring Committee at the time of the screening. Information packages shall include: all resumes, job posting, screening criteria forms, job description and draft interview questions.
- 20. Resumes received must be held in confidence by the Hiring Committee and all documents shall be returned to the Chief and Council Secretary upon completion of screening.

Interviews

- 21. The Chief and Council Secretary will schedule the interviews, prepare and forward to the candidates an information package containing the job posting, program brochures, annual reports and web-site address.
- 22. Applicants selected for an interview will be asked to bring a copy of their academic degree and/or diplomas; driver's license (if required); then names and contact information for three (3) work related references; and the Police Reference Check.
- 23. All documents will be kept by Mississauga First Nation for two (2) years. Documents concerning the successful applicant will be maintained in his/her personnel file.
- 24. The Chief and Council Secretary will prepare an information package for the Hiring Committee consisting of approved questions, resumes, job posting. The lead Hiring Committee member package will contain the Consent for Release of Information, and salary grid.
- 25. Each Hiring Committee member will rate each applicant separately during the interview.
- 26. Prior to leaving the interview each Candidate will sign the Consent to Release Information. Provide the documents which pertain to the job posting.
- 27. The total scoring results of the interviews will be verified by a selected member of the Hiring Committee.

Decision and Reference Checks

28. The Hiring Committee may make the decision to re-post after the interview if the scores for the applicants are too low.
29. The Hiring Committee will tabulate independent results and the lead Committee member will conduct Reference Checks for the successful candidate, on appropriate form. Personal/work references will be completed utilizing the reference check form provided by the Chief and Council Secretary.
30. The results of the interview questions and information packages shall be held in confidence and returned to the Chief and Council Secretary immediately after the interviews are completed.
31. The results of the interviews shall be kept on file for two (2) years. However, the results for the successful candidate will be kept in a sealed envelope in the Mississauga First Nation personnel files.
32. Failure of any of the checks will require the lead Hiring Committee member to reconvene the Hiring Committee to render a decision to make an exception, re-post or proceed with completing the appropriate checks on the next candidate, prior to sending to full Chief and Council with the hiring recommendation. Failure of checks includes but is not limited to any one of the circumstances listed below:
 - a. Applicant knowingly provides false information on their resume or during the interview
 - b. An education check reveals the applicant does not possess the credentials stated
 - c. Personal/work references prove unacceptable

Offer

33. Upon presentation of the recommendation to full Chief and Council by the Hiring Committee and final approval on hiring successful candidate the lead person on the Hiring Committee will prepare a package and a verbal offer, which shall be conditional upon signing of the final employment contract will be made.
34. The Chief and Council Secretary will prepare two (2) contracts for the Chief's review and signature. The Chief and Council Secretary will contact the successful candidate when the package is ready and will arrange to the successful candidate meet with the Chief to review and sign the contract prior to commencing employment. Once the contract has been signed the Chief will forward one copy to the Chief and Council Secretary to be filed in the personnel file. The successful candidate will retain the other signed copy. In the event that the successful candidate is from outside the region, the package will be mailed and must be returned and signed prior to commencing employment.

Notice of Intentions

35. Upon receipt of signed contract, notices shall be prepared by the Chief and Council Secretary for the unsuccessful interviewed applicants for the Chief's signature.
36. The Chief or lead from the Hiring Committee will ensure appropriate staff members are notified of the status of the successful candidate and the start date and request the Chief and Council Secretary to assist with orientation requirements.
37. The lead of the Hiring Committee may share certain information with the unsuccessful applicants who request information on the results of their interview. This information includes a description of the interview process and a general overview of how they did during the interview. Applicants will not be allowed to view the documented results of the screening or interview process.

Performance Evaluation

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

A probationary performance evaluation, which will be identified in the employment contract shall be conducted for the Director of Operations and/or the Risk Management and Strategic Planning Director and annually thereafter by Chief and Council. Members of senior management, Chief and Council members will be consulted for feedback regarding the position(s).

Procedure

1. The Director of Operations and/or Risk Management and Strategic Planning Director will be provided with performance appraisal form at hire and will be advised that a probationary evaluation will occur according to the terms of the employment contract and annually thereafter based on the start date of employment.
2. The Chief and Council Secretary will ensure that the Chief is aware of the evaluation dates three months prior to the date. The Chief will ensure the evaluation is placed on the Agenda for scheduling and evaluation meeting date.
3. On behalf of Chief and Council the Chief and Council Secretary will provide members of Chief and Council with their copies of the evaluation form and provide the members of Senior Management with copies of their evaluation forms with a letter indicating the expected date of completed forms to be returned.
4. The Director of Operations and/or Risk Management and Strategic Planning Director are required to complete a self-evaluation and submit to the Chief and Council Secretary for the evaluation meeting package.
5. A summary of the input will be provided to Chief and Council during their evaluation meeting to be completed by the Chief and/or their designate. Upon the receipt of the summary document, the document will be sealed in an envelope and filed in Chief and Council filing cabinet by the Chief and Council Secretary.
6. The Chief and Council Secretary will prepare the evaluation meeting package which will include the following:
 - a. Director of Operations and/or Risk Management and Strategic Planning Director self-evaluation
 - b. Director of Operations and/or Risk Management and Strategic Planning Director reports
 - c. Performance appraisal tool
 - d. Director of Operations and/or Risk Management and Strategic Planning Director work-plan
 - e. Director of Operations and/or Risk Management and Strategic Planning Director previous evaluation.
7. The Director of Operations and/or Risk Management and Strategic Planning Director self-evaluation are required to identify examples, of areas she/he believes his/her behaviour has exceeded or is below standards.
8. Review the position description understanding the roles, responsibilities and expectations.

9. Exceeding standards and/or not meeting standards in an area must be accompanied by examples to clarify or support the rating.
10. Examples of performance 'feedback' provided should be concrete, specific and timely and should focus on performance or the specific behaviour and not the personality of the Director of Operations and/or Risk Management and Strategic Planning Director.
11. Feedback should provide the Director of Operations and/or Risk Management and Strategic Planning Director with clear information regarding what the Director of Operations and/or Risk Management and Strategic Planning Director is achieving and what has not been achieved and constructive criticism regarding areas where performance requires ongoing development or is not acceptable.
12. Specific statements or 'feedback' used in discussions with the Director of Operations and/or Risk Management and Strategic Planning Director regarding performance should:
 - a. Deal with facts
 - b. Refer to a particular behaviour and/or event:
 - i. The behaviour should be described so the Director of Operations and/or Risk Management and Strategic Planning Director understands what is being referred to;
 - ii. The consequences of the behaviour should be indicated explaining if and why the behaviour is a problem;
 - iii. Chief and Council should seek a commitment from the Director of Operations and/or Risk Management and Strategic Planning Director to agree to change or improve the behaviour;
 - iv. Chief and Council should focus on what the Director of Operations and/or Risk Management and Strategic Planning Director has done or not done;
 - v. Evidence to support feedback should be obtained by Chief and Council to avoid second-hand information;
 - vi. The Director of Operations and/or Risk Management and Strategic Planning Director can provide evidence to support ratings or to seek a change from Chief and Council.
13. The section "Summary Comments" is completed by the Chief and Council and includes areas of strengths, areas for ongoing improvement/development and areas where performance outcomes have not been met.
14. At the end of the performance review meeting, the Director of Operations and/or Risk Management and Strategic Planning Director and the Chief and Council should mutually establish performance goals for the following year. Performance goals should be:
 - a. Specific
 - b. Measurable
 - c. Attainable
 - d. Results Orientated
 - e. Time Orientated

The Chief and the Director of Operations and/or Risk Management and Strategic Planning Director will sign the performance appraisal and will be placed in the appropriate file with a copy provided to the Director of Operations and/or Risk Management and Strategic Planning Director

Progressive Discipline

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

The Director of Operations and the Risk Management and Strategic Planning Director are expected to carry out his/her responsibilities in accordance to their defined job description as approved by Chief and Council. If these responsibilities are not fulfilled progressive discipline will be taken.

Procedure

1. Chief and Council may raise a concern regarding the Director of Operations and/or Risk Management and Strategic Planning Director performance, however this will be done during the in-camera portion of the meeting.
2. The Chief with the Councillor who holds the Administration Portfolio will be responsible to confirm that the behaviour or actions breached policy or Chief and Council directive and determine what progressive discipline is required.
3. Where progressive discipline is warranted, the Chief and the Administration Portfolio holder shall refer to the Progressive Discipline Policy contained in Mississauga First Nation Personnel Policy Chapter 7, Section 7.1 and determine the appropriate course of action.
4. The Chief and/or the Administration Portfolio holder will be responsible for implementing the Progressive discipline policy and reporting back to Chief and Council in-camera.
5. All records of progressive discipline will be sealed and filed by the Chief and Council Secretary in the Chief and Council files.
6. Chief and the Administration Portfolio holder will monitor to ensure that the issue is resolved.

Termination

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

The Director of Operations and/or Risk Management and Strategic Planning Director may be terminated, without notice, for reasons of just cause. Legal opinion will be requested before the final decision to terminate is made by Chief and Council. Where this policy conflicts with the termination clause of the written contract between Mississauga First Nation and the Director of Operations and/or Risk Management and Strategic Planning Director, the contract shall supersede this policy.

Procedure

1. Mississauga First Nation Personnel Policies identify that some inappropriate conduct are grounds for immediate termination rather than progressive discipline. A single act of inappropriate conduct may be regarded as sufficient cause for termination. Examples include, but are not limited to:
 - a. Excessive absenteeism
 - b. Repeated instances of not satisfactorily performing his/her duties as outlined in his/her contract
 - c. Failure to observe the policies, rules and regulations approved by Mississauga First Nation Council
 - d. The use or possession of alcoholic beverages and/or drug use or possession while on duty
 - e. Assault, including fighting on the job or other forms of physical abuse
 - f. Dishonesty
 - g. Theft or fraudulent behaviour, including forgery
 - h. Breach of confidentiality
 - i. Misappropriation of funds
 - j. Wilful damage to Mississauga First Nation property
 - k. Accessing files without proper authorization
 - l. Serious insubordination
 - m. Any form of sexual harassment or assault
 - n. Any actions or behaviours in the workplace which in fact or by analogy may violate the human rights of another employee, elected official or member of the public
 - o. Repeated instances of less serious offences.
2. Should Chief and Council, at a duly convened meeting determine that termination is necessary then Chief and Council will pass a resolution in-Camera to initiate termination process of the Director of Operations and/or Risk Management and Strategic Planning Director. The motion will include direction to the Chief to contact legal counsel to seek an opinion and required actions necessary to terminate the relationship.
3. Chief and the Councillor with the Administration Portfolio will meet to discuss the situation and review all documentation leading up to the decision to terminate the Director of Operations and/or Risk Management and Strategic Planning Director including the current contract. This meeting will occur within one week of Chief and Council's decision.

4. Chief and the Councillor with the Administration Portfolio will determine who will be legal counsel's primary contact. Legal counsel will be contacted as soon as possible and will be provided with the documentation related to the situation.
5. Once a legal opinion has been received detailing options and/or steps, the Chief and the Councillor with the Administrative Portfolio will ensure the material is presented during an In-Camera meeting with full Council.
6. Upon consideration of the legal opinion and if the recommendation to terminate has been approved through Band Council Resolution and recorded in the minutes of the In-Camera session, Chief and Council will develop a plan for termination with assigned responsibilities and timeframes inclusive of a request for legal counsel to draft a letter of termination and a settlement waiver if required.
7. The Chief and Councillor with the Administration Portfolio will meet with the Director of Operations and/or Risk Management and Strategic Planning Director to present the letter of termination. The Director of Operations and/or Risk Management and Strategic Planning Director will be given the opportunity to review the document and then will be required to collect their personal belongings and immediately leave the premises. If the Director of Operations and/or Risk Management and Strategic Planning Director are not on the premises, the documents will be delivered to their home address.
8. Chief and Councillor with the Administration Portfolio will determine the most appropriate way to advise other employees and immediately implement the RECRUITMENT PROCESS contained in this document.
9. Chief and Councillor with the Administration Portfolio will forward to the Finance Department any financial amounts owing to the Director of Operations and/or Risk Management and Strategic Planning Director in accordance with their contract or any other negotiated settlement.
10. The Director of Operations and/or Risk Management and Strategic Planning Director may be terminated at any time during their first three months of their probation period without notice or pay in lieu of notice.
11. After completion of the first three months of probation, termination may still occur at any time during the balance of the probationary period for just cause or without just cause, provided that two (2) weeks notice, or pay in lieu of notice is provided unless otherwise stated in their employment contract.
12. Upon termination of the Director of Operations and/or Risk Management and Strategic Planning Director the Chief and Councillor with Administration Portfolio must ensure access to codes are changed, retrieval of keys, and other organization property is secured, and accompany the Director of Operations and/or Risk Management and Strategic Planning Director to remove their personal effects.

Personnel File

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
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Policy

The Chief with the assistance of the Chief and Council Secretary will ensure a personnel file is created and maintained for the Director of Operations and/or Risk Management and Strategic Planning Director. The file will be kept in a confidential and secure manner, providing access and disclosure only as necessary and defined by policy.

Procedure

1. The Director of Operations and/or Risk Management and Strategic Planning Director shall be aware of the documentation placed in their personnel file and has the right to have copies of this information, except for documents that contain their personal information of others such as interview notes and reference checks.
2. The personnel file will include:
 - a. Personnel file checklist
 - b. Resume
 - c. Letter of Offer
 - d. Criminal Reference Check
 - e. Verification of education and training
 - f. Copy of the front and back of Driver's License
 - g. Completed performance appraisals
 - h. Documentation of training completed
 - i. Documentation of disciplinary action
 - j. Confidentiality Agreement
 - k. Orientation checklist
 - l. Job interview documents and results of reference checks in a sealed envelope)
 - m. Medical information if required
 - n. Other relevant employment information
3. Administrative information such as benefits, next of kin contacts, income tax, etc., will be kept by the Payroll Clerk.
4. Access to the file will be limited to the Chief and/or the Chief and Council Secretary under the direct guidance of the Chief or his/her designate.
5. The personnel file will be retained for a period of seven years following the termination of employment.

SECTION 4 – COMPLAINTS

Complaints against a Member of Chief and Council and/or Council as a Whole

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
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Policy

Mississauga First Nation Chief and Council are committed to the membership who elected them into office and have an obligation to address community and/or membership concerns in a timely manner. Complaints vary in severity and complexity therefore a consistent and fair handling of all inappropriate behaviour will follow a defined process. It is important to ensure this procedure is accessible and user-friendly for the membership.

Procedure

Informal Complaints

Informal procedures are intended to solve problems quickly rather than proceeding to an investigation and substantiating of complaints. The purpose is to seek agreement and a shared understanding and develop methods to avoid problems in the future. Informal complaints procedures are appropriate when:

- a. The person complaining wants to do it informally;
- b. The allegations are less serious;
- c. There is a chance of quickly stopping the problem before it develops;

Informal Complaints Procedure

1. Observation of unacceptable behaviour and take action, even though no one has complained;
2. Observe unacceptable behaviour and take action, even though no-one has complained;
3. The person complaining deals with it themselves but may seek advice from a member of the complaints committee;
4. The person complaining asks the complaint committee deal with it and they jointly or individually after consulting the other members confidentially convey the concerns to the person being complained about without making any judgements, and re-state policy;
5. The person lodging the complaint negotiate individually to reach agreement;
6. The complaint committee bring the two sides together to conciliate, and the issue is resolved without investigation;

Formal Complaints

Formal procedures are for substantiating a complaint with evidence, or at least bringing the individuals involved together to try to reach a satisfactory outcome for all.

Formal action is usually appropriate when:

- a. The person complaining wants to do it formally;
- b. Informal attempts have failed;
- c. The allegations are serious;

- d. Discipline is a possible outcome if the allegations are substantiated;
- e. The allegations are denied and the person complaining wants to try to substantiate them;
- f. The person complaining has been victimised for complaining.

Procedure

1. Document every step to ensure consistency and fairness
2. interview the person complaining and document the allegations
3. inform the person being complained about of the details, and ask them to respond
4. if the facts are disputed, seek more information including evidence from any witnesses
5. find whether the complaint has substance
6. report the process, the evidence, the finding and recommend an outcome
7. implement the outcome or decide on other action.

The staff involved can have support people with them at any interviews or meetings.

Be impartial

It is important for anyone investigating or mediating a complaint not to jump to any conclusions but to hear both sides of the story. This means being fair to both people involved in a complaint throughout the investigation.

The person the complaint is against must be:

- given all the information about the complaint, including the name of the person making the complaint
- given the opportunity to present their side of the story
- told of their right to seek support (from their union, for example).

Considering evidence

There are often no witnesses to discrimination and harassment. In dealing with a formal complaint, you may need to consider surrounding evidence such as:

- supporting evidence from other staff, family or medical professionals
- reports of changes in behaviour or performance
- requests for transfers, shift changes or increased sick leave
- complaints from other staff
- records kept by the person complaining
- consistency of the evidence presented by the people involved
- no evidence where logically it should exist.

A formal complaint of discrimination or harassment should not be dismissed because no-one saw or heard the incident.

SECTION 5 – MEETINGS AND PLANNING

Attendance

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

According to Mississauga First Nation Election Code Part XI-Rules of Procedure for Council Section.

Attendance at Council meetings is mandatory. All elected officials are to make themselves fully aware when Council meetings are scheduled and every effort to attend. When a Councillor is absent from a meeting it limits Council's ability to conduct regular Band business. However, it is seldom possible for Councillors to attend all meetings. If Councillor must be absent, they must give notification to the Director of Operations and/or Chief & Council Secretary and the reason why prior to the meeting day.

Procedure

1. Chief and Council are responsible for notifying Chief and Council Secretary via telephone or e-mail of their absence at a duly convened meeting of Chief and Council by the Monday prior to the meeting stating their reasons for absence.
 - a. Attending meeting on behalf of Chief and Council
 - b. Illness
 - c. Out of country
 - d. Prior notice of vacation
 - e. General personal family emergency – immediate family
2. All valid absences must be approved by Chief and Council at the duly convened meeting.
3. Unexcused absences at a duly convened meeting are subject to the following penalties:
 - a. Following one unexcused absence a warning shall be issued by the Chief and/or their designate;
 - b. Following two unexcused absences the Chief and/or Council member will forfeit 50% of their honorarium in the following month; or at the discretion of Council \$250.00 per meeting.
 - c. Any pattern of unexcused absences shall be addressed by Chief and Council upon which a decision to address their concern with the individual shall commence following the rules of Conflict Resolution contained in this document;
 - d. Following three unexcused absences Chief and Council shall implement Part XII – Removal of Chief or Councillor Section 165 (b), and payment of honorarium will cease to be provided to the Councillor affected by this procedure.

In-Camera Meetings

Date Approved: July 30, 20114	Band Council Resolution: 012-14-15
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Policy

Mississauga First Nation Chief and Council recognize that an active and informed community is a fundamental element of good governance. In order to achieve this Mississauga First Nation Chief and Council believes that the community members must have clearly defined access to the decision making process, except where provided by this policy, all Chief and Council meetings shall be open to the citizens.

Procedure

1. In-Camera Meetings shall be closed to the public.
2. The discussions of In-Camera Meetings are confidential.
3. No one, including Chief and Council members or administrative staff, may discuss or reveal the content of an In-Camera meeting unless specifically directed by a motion.
4. Chief and Council shall determine which staff members or members of the public, if any, are permitted to attend a specific In-Camera Meeting. If a member of Chief and Council disagrees with the Chairperson's decision, they may make a motion to overturn the decision, upon which a roundtable discussion shall take place and a final vote shall commence on the issue. The result of the vote will be final.
5. The following confidential issues may be addressed at an In-Camera meeting:
 - a. personal matters, where it is reasonable to assume that an individual or individuals may be identified, including but not limited to Mississauga First Nation employees;
 - b. a potential or imminent purchase or sale of any goods or services where the public release of the information could negatively affect Chief and Council's interest in the transaction;
 - c. any matters related to the security of Mississauga First Nation territory, the people of Mississauga First Nation, or Mississauga First Nation Chief and Council;
 - d. personnel relations, staffing issues, or employee negotiations;
 - e. intergovernmental relations, including lobbying and negotiation strategies;
 - f. litigation or potential litigation;
 - g. any advice or communications that are subject to solicitor-client privilege; or
 - h. any issue covered by another policy, by-law, or applicable legislation that requires Chief and Council to meet privately
 - i. Any item may be deferred to request more information.
6. Any issue not covered by Section 4.5 must be discussed at an Open Meeting.
7. By motion, Council may declare a portion of the Open Meeting to be In-Camera in order to address any issue under section 5.
8. By motion, Council may declare a portion of the In-Camera Meeting to be open in order to address any issue not covered by Section 5.

In-Camera Records of Decisions will be handled confidentiality and will be filed separately from general meeting minutes in a locked cabinet and are the responsibility of the Director of Operations/RMSPD and/or Chief and Council Secretary. In-Camera Record of Decisions are protected from membership requests.

Council Procedure for the Conduct and Content of Council Meetings

Date Approved: November 27, 2019	Band Council Resolution:
Date Last Reviewed:	Amendment Date Approval:

Policy

Mississauga First Nation Chief and Council will conduct band business at duly convened meetings, as part of good Governance Chief and Council will ensure that meetings are productive, cohesive team work and results driven.

At times Chief and Council will receive approval to travel to external meetings on behalf of the First Nation and must adhere to the procedure outlined below.

Procedure

1. Council will meet on a regular basis and no less than once per month to conduct its business
2. Council will hold its first meeting within the month immediately following an election.
3. Council will issue an annual schedule of monthly Chief and Council meetings and schedule of Community members meetings on or about January 1st of each year.
4. The agenda will be posted for Community members information.
5. Each Councillor will receive adequate notice in writing of the date, time and location of all Council meetings and other meetings which Council is expected to attend.
6. Any Councillor may call an emergency meeting of the Council to discuss important business, which cannot wait until the Council's next regularly scheduled meetings.
7. If a Councillor travels to a meeting; it is mandatory that they provide a written report to full Chief and Council in the report template provided. It is not the responsibility of Program staff to provide the written report.
8. If the written report is not received within five (5) days upon returning from the meeting, the Council member will not be eligible to attend other external meetings until the written report is received.
9. If a Council member has received approval by Chief and Council to attend a meeting and does not attend the full meeting, Council will make a decision with regards to reimbursement of costs, ie. Travel, accommodations and meals.

Band Members Wishing to Address Council

Date Approved: November 27, 2019	Band Council Resolution:
Date Last Reviewed:	Amendment Date Approval:

Policy

Band Members concerns related to administrative matters such as housing, education, public work, health, etc., are to be forward or voiced by each Band member to the most applicable Mississauga First Nation staff member. If members are unsure of whom they should address about their matter, assistance is available from the Director of Operations. If the Band member remains concerned after following this process, the next step is brining the matter to the attention of Council.

Procedure

1. Any member or group of members of the Mississauga First Nation may request to be added to the agenda of a Council meeting by providing written notice to Council outlining what they wish to discuss and must follow the process set out as outlined.
2. Conducting the meeting with the members attending Council meetings; members must be respectful towards Council.
3. The Band member will be asked to be wait in the reception area until Chief and Council are ready to meet.

The Chair of the meeting will follow the process outlined below:

- i. review the written notice;
 - ii. speak slowly and clearly;
 - iii. direct Council to quickly discuss the matter;
 - iv. when they come in the Chair will review their concerns outlined in their letter;
 - v. ask the member if there is a way they want to issue to be resolved and/or outcome desired;
 - vi. the Chair will remind them of their tone in a calm way if required;
 - vii. they will thank the member for attending the meeting and bringing their concerns forth; and,
 - viii. Council must then decide how best to proceed with the matter, and indicate whether the topic should be added to the In Camera session.
4. All decisions/motions made by Chief and Council regarding the matters will be final. A written letter will be sent to the Band member outlining the decision as soon as possible.

General Meetings with Membership

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

Mississauga First Nation Chief and Council recognize that an active and informed community is a fundamental element of good governance. In order to achieve this Mississauga First Nation Chief and Council believes that the community members must have clearly defined access to information and access to the Chief and Council and receive periodic updates on the activities and goals of the Council.

Appropriate notice of meeting dates, times, location and agenda will be posted and handed out to Community members and will provide password protected live streaming of meetings for out-of-town Members.

Procedure

1. At the beginning of each year Chief and Council shall identify dates set aside to have three(3) to four(4) community meetings with membership.
2. All members of Chief and Council are required to attend these meetings with membership and non-attendance shall be considered a missed duly convened meeting.
3. All members of Chief and Council are expected to attend community functions as part of their duty to encourage participation and cooperation within the community.
4. The process for the Community Meeting with membership shall follow this format:
 - a. Opening Prayer
 - b. Presentation of Agenda
 - c. Chief and Council reports on Portfolio business
 - d. Presentation by programs as required
 - e. Question and Answer period
 - i. To be moderated for appropriateness;
 - ii. All question and answers shall be recorded for accuracy and reported back to all citizens via Mississauga First Nation web-site;
 - iii. Any unruly individuals shall be requested to leave the meeting;
 - iv. If meeting becomes disruptive the meeting shall be concluded.
 - f. Closing Prayer

The information package prepared for the annual meeting must include copies of:

- Most recent Audited financial statement;
- Each BCR/motion passed by Council since the pervious Annual Meeting
- The current status reports for Chief and Council

Strategic Planning Sessions

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

It is important to the well-being of the whole community to work towards a common goal and purpose for governing purposes. Strategic planning is a method of determining the on-going programs and services and to learn what is needed in the community and plan accordingly. Planning is a critical component of good management and governance. Strategic Planning will help assure that Mississauga First Nation remains relevant and responsive to the needs of its community and contributes to organizational stability and growth. It provides a basis for monitoring progress, and for assessing results and impact. It facilitates new program development. It enables an organization to look into the future in an orderly and systematic way. From a governance perspective, it enables Chief and Council to set policies and goals to guide the organization and provides a clear focus to the Director of Operations and staff for program implementation and management.

Procedure

1. Agree on a strategic planning process.
2. Review any strategic planning documents available for community development as well as programs and services.
3. Ensure documentation is done for a community environment scan is completed.
4. Identify key issues, questions, and choices to be addressed as part of the planning process.
5. Define or review Mississauga First Nation's values, community vision and mission.
6. Develop a shared vision for Mississauga First Nation.
7. Develop a series of goals or organizational statements which describe the organization in a specified number of years.
8. Agree upon key strategies to reach goals and address key issues identified by the environmental scan.
9. Develop an action plant that addresses goals and specific objectives and work plans on an annual basis.
10. Finalize a written strategic plan that summarizes the results and decisions of the strategic planning process.
11. Build in procedures for monitoring, and/or modifying strategies based on changes in the external or internal environment.

SECTION 6 – ACCOUNTABILITY and TRANSPARENCY

Reporting

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

Mississauga First Nation acknowledges its responsibility to operate in a transparent and accountable manner and shall provide good governance by committing to the principles of transparency, accountability and openness. Those principles are the essentials of good government which enhance community trust. They are achieved through adopting policies and establishing processes which demonstrate the principles that will guide Chief and Council and Mississauga First Nation personnel.

Mississauga First Nation shall:

- Conduct its business openly, honestly, and with integrity;
- Ensure decision-making is open, clear, transparent and accountable;
- Make information accessible so that it is consistent with legislative requirements under the Freedom of Information and Protection of Privacy Act;
- Use transparency and accountability mechanisms, including public engagement that helps to ensure that Chief and Council decisions reflect citizen needs and priorities;
- Encourage and enable a culture of proactive disclosure throughout the organization. Make use of best practices and routinely release Chief and Council records and non-confidential information to the public, while also protecting privacy;
- Manage financial resources and all Mississauga First Nation assets in an efficient and effective manner.

Procedures

Transparency and Accountability Mechanisms and Practices

1. Transparency is the foundation of accountability. Mississauga First Nation ensures transparency and accountability by way of various policies, procedures and practices that have been divided into the following categories:
 - a. Financial Accountability, Oversight and Reporting
2. An ongoing commitment to accountability and transparency in financial management is one of Mississauga First Nation's most strongly held values. Top quality financial reporting is essential if the organization to be fully accountable to citizens and other parties with an interest in the organization's finances. Mississauga First Nation will ensure sound financial oversight, governance of financial assets, and demonstrate effective stewardship of public funds through the following practices:
 - a. Comprehensive annual financial statements;
 - b. Implementing, reviewing and maintaining Policies and Procedures that ensure sound financial governance and accountability;
 - c. Implementing, reviewing and maintaining Finance Policies and Procedures that ensure sound financial governance and accountability
 - d. Quarterly and annual reports to Chief and Council and citizens on department business plans and budgets;

- e. An annual report to membership

Reporting of Chief and Council Expenses

- 3. Chief and Council is committed to transparency and accountability by reporting expenses related to communications, business expenses, travel, courses and seminars.
 - a. In accordance with Chief and Council direction, the Director of Operations shall post updated Expense Reports on a quarterly basis on Mississauga First Nation website;
 - b. Publishing the Chief and Council's expenses on a quarterly basis on Mississauga First Nation;

Performance Measurement and Reporting

- 4. Mississauga First Nation is accountable to citizens and enhances transparency throughout the organization by implementing various results-orientated tools to measure progress on the achievement of performance measures, service standards, goals and Chief and Council's priorities. Mississauga First Nation is dedicated to producing performance information that measures how the organization is doing in all areas over which it has responsibility, from financial reporting to service delivery, including:
 - a. Quarterly and annual reports to Chief and Council and citizens on department business plans and budgets;
 - b. Use of benchmarking, performance measures and best practices information to improve service effectiveness and efficiency and communicate to membership the cost and value of services they receive;
 - c. Developing strategies and processes to measure and report on the organization's response to service requests from membership through the development of a Membership Service Request (CSR) system; and

Open Government

- 5. Chief and Council Meetings Mississauga First Nation is accountable and transparent by providing governance in an open manner. The following are policies, procedures and practices that reflect Mississauga First Nation's ongoing effort to improve the ease-of-access and transparency of the legislative process to ensure citizens are aware of how decisions are made and carried out:
 - a. The conduct of Chief and Council and Committee meetings shall be governed by this Governance Manual
 - b. All meetings are open to the membership except where it is appropriate and permitted to consider a matter in a closed meeting
 - c. Chief and Council and Committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Freedom of Information and Protection of Privacy Act
 - d. Membership shall be provided with a range of opportunities to participate in Committee meetings and Chief and Council meetings

Access to Chief and Council Records and Decisions

- 6. One of Chief and Council's priorities is to make it easier for citizens to get the information they need. The following policies and practices will enhance membership's access to Chief and Council records and decisions, therefore:
 - a. All Chief and Council, Committee, and Committee agendas shall be posted online on Mississauga First Nation's website for the public to access once published and are available for membership to access at any time by searching the Chief and Council record.

- b. All reports and other documents considered by Chief and Council and Committee shall be made available to the public at the meeting at which they are being considered, except where a report or document is held confidential under the PIPEDA.
- c. All reports and other documents not falling into the confidential category under the PIPEDA Act shall be released to the public.
- d. All Committee and Chief and Council minutes shall be made available to the public once confirmed by Chief and Council, except any specific portions that are held confidential under the PIPEDA.
- e. Agenda cover pages for in-camera meetings shall be made public containing as much information as possible on the items for discussion without revealing confidential or personal information.
- f. All Policies adopted by Chief and Council shall be posted in the Chief and Council Policy Library on Mississauga First Nation's website and be made available to the public.

Public Engagement

- 7. Mississauga First Nation recognizes the value that citizens contribute to planning, delivering and evaluating Community programs and services. Mississauga First Nation will engage the public throughout its decision-making process. This process will be open, visible and transparent, while balancing the need for the decision-making process to be efficient and effective by adhering to the following:
 - a. Wherever possible, Mississauga First Nation shall engage membership and provide opportunities for the membership to participate in and provide feedback on programs and services and clarify their priorities about how monies dollars should be spent.

Responsibilities

- 8. Chief and Council and Mississauga First Nation employees are responsible for:
 - a. Building public trust and adhering to the parameters of this policy and for ensuring accountability for their actions and transparency of Band operations;
 - b. Promoting and maintaining a culture of transparency and accountability.

SECTION 7 – RISK MANAGEMENT

Assessing Risk

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

Effective risk management ensures the continuity of Band operations, and the maintenance of services to, and protection of the interests of, the community of Mississauga First Nation and its members.

Because all manner of risks are present throughout Band Operations, successful delivery of program and service is contingent upon effective and cohesive management of those risks.

The importance of risk management has been growing steadily during the last several years. There is increasing awareness and expectation in Canada and abroad of the need to manage risks, rather than leaving them solely to insurance.

Risk management can be extremely cost-effective when the Band Operations departments assess their risks properly and determine the most economical way to avoid them entirely or reduce them to a minimum and limit potential expenditures arising from accidents or emergencies.

Risk management is a logical step-by-step process to protect, and consequently minimize risks to, the Band's property, interests and employees. Risk includes the chance of damage to or loss of Band's property, and the chance of incurring second- or third-party liability to outside entities.

Procedure

1. Each department within the Band Operations must prepare a risk assessment yearly utilizing the following criteria.

Before an incident:

Phase 1 - identifying risks and the entities exposed to and in control of the risks; and

Phase 2 - Minimizing risks and their cost;

During an incident:

Phase 3 - containing the effects of any damaging or harmful incident; and

After an incident:

Phase 4 - compensating or restoring and recovering in the event of such incidents, and providing feedback of information as a basis for improving the management system.

2. Submission of this report will be discussed and approved by Chief and Council at a duly convened meeting.

Chief and Council Liability/Insurance Review

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

Mississauga First Nation Band Operations ensure the continued liability and insurance coverage for Chief and Council is relevant and current to protect the leadership and the Band property.

Procedure

1. Review annually prior to year end of each March the policy documents which are in renewal phase.
2. Ensure there is complete understanding of the coverage for Chief and Council members.
3. Understand the liability and insurance component for the Band Operations and Band Property.
4. Approve the renewal of Liability and Insurance for Mississauga First Nation yearly.

Access to Legal Counsel

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

Mississauga First Nation is committed to providing legal services to Chief and Council business and Band Operations day-to-day business. Authorized individuals of Mississauga First Nation may, from time to time, engage outside legal counsel to act for the organization and through it for its officers with respect to any responsibilities discharged in the name of Mississauga First Nation. This policy sets out the authority, criteria, and process for the retention of external legal counsel.

Authority

The following individuals have full authority to access legal counsel:

- The Chief of Mississauga First Nation
- Director of Operations
- Risk Management and Strategic Planning Director – as it relates to employment purposes
- Band Representative – as it relates to Child Welfare issues only

Procedure

1. Legal counsel shall be appointed through a Band Council Resolution;
2. Once external counsel has been retained at fees agreed upon in advance, the initial communication to counsel concerning the case should include as much pertinent information as possible, all relevant supporting documentation, a precise statement of the issue on which a legal opinion is required (if applicable), and an indication of the date when a response is required.
3. When a legal opinion is being sought on documents such as letters, agreements, contracts and responses to external bodies, such documents shall be prepared internally and submitted to legal counsel for review. Unless the matter is legally complex, counsel should not be requested to undertake initial drafting of such documents.
4. All invoices for services rendered shall be submitted by legal counsel directly to the Finance Department with a copy to the initiator of the respective service. The Finance Department shall be responsible for verifying and processing invoices for payment.
5. Reports to Chief and Council shall be provided in a timely manner on the legal counsel engagement work done.
6. A periodic review of all procedures respecting the use of legal counsel, including monitoring the status of matters in progress, the selection and performance of counsel, the level of fees and budgetary provisions, and will advise the Chief regarding continuance the specific matter and final decision will be Chief and Council.

Conflict Resolution

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

The Policy has the following objectives:

- To establish an effective, equitable and voluntary process for the resolution of disputes that involve or are related to Chief and Council;
- To maintain a high level of service to the community, staff and each other as councillors by ensuring that any disputes are resolved as quickly as possible;
- To define procedures that enable disputing parties to identify and resolve issues of contention on a mutually acceptable basis;
- To ensure consistency and fairness in the manner in which Chief and Council deals with and resolves disputes;
- To minimize litigation and/or contracting Consultants in the resolution of disputes

Procedures

Conflict avoidance

1. Open consultation between affected persons or stakeholders can help prevent the initiation of disputes.

Early Initiation

2. Dispute resolution procedures should be initiated as early as possible. This will help avoid parties becoming locked into inflexible positions of conflict.

Face-to-face contact

3. Parties should be able to meet each other on a face-to-face basis. Meetings should allow parties to explain details, express points of view, confine issues and resolve differences in an atmosphere conducive to reconciliation.

Self-resolution of differences

4. The parties should be encouraged to resolve differences by direct negotiation amongst themselves.

Hiring of Mediator(s)

5. Chief and Council may from time to time make agreements with suitable persons or bodies for the provision of mediation services. Such persons or bodies must be capable of providing mediation services that meet recognized standards of mediation services.

Outcome of mediation

6. Any agreement arising from mediation should be documented in a Mediation Agreement signed by all of the parties. A Mediation Agreement is not legally binding, but is made in good faith.

SECTION 8 – INFORMATION MANAGEMENT

Public Relations

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

The maintenance of good public relations with is an integral part of Mississauga First Nation's overall promotional strategy. A unified approach in communicating messages is crucial in maintaining a positive image with the membership and the population at-large.

The Chief shall act as the major spokesperson regarding various forms of media including but not limited to: television, radio, newspapers, podcasts, and video-conferences, etc. The Chief shall also sanction the release of any written articles released to the media and articles to the Mississauga First Nation website, or letters of support requested from membership and/or outside person(s).

Procedure

1. Any staff member being requested to speak to the media or on behalf of Mississauga First Nation shall decline and refer the request to the Chief and/or Director of Operations. Only media relations contained in approved Program Work Plans shall be exempt from this policy.
2. The Director of Operations shall consult with the Chief and gain permission in the absence of the Chief, if the issue cannot be deferred to a future convenient time for the Chief's comments.
3. All formal media releases should be forwarded to the Director of Operations who is then responsible for forwarding media releases to the Chief.
4. All formal media releases shall be provided to Council.
5. The initiator of the release is responsible for, and has discretion over, all factual content but the Chief has the final discretion over style, presentation, and tone.
6. Sensitive issues should be referred to the Director of Operations who will work in conjunction with the Chief to prepare a media statement and release as soon as possible to reduce the impact of negative publicity.
7. Councillors who have questions should approach the Chief to discuss the issue to seek a viable solution to media and/or other types of communication requests.

Dissemination of Meeting Packages and Miscellaneous Information

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

Reduce, reuse, re-cycle is a fundamental part of the operations of the Band therefore Chief and Council will make every effort to utilize multi-media electronic, e-mail, and computer to conduct its business.

Procedure

1. Chief and Council Secretary is to make every effort to distribute information electronically.
2. Chief and Council Secretary is to ensure meeting packages are scanned and sent to Chief and Council when prepared.
3. Chief and Council Secretary shall ensure all paper files are shredded when requested by Chief and/or Council members.

Council Self- Assessment

Date Approved: November 27, 2019	Band Council Resolution:
Date Last Reviewed:	Amendment Date Approval:

Mississauga First Nation Councillors believe that their performance as community leaders impact the Community and administration of the band affairs. The Council shall evaluate itself as an elected Council, not as individual Counsellors.

The self-assessment is a constructive process aimed at improvement in:

- The relationship between Council and the Community;
- The relationship between Council and the staff;
- The relationship between elected officials;
- The effectiveness of policy and procedure development;
- The Nation's governance structure and practices; and
- The effectiveness of band administration.

The self assessment shall lead to the development of new objectives, goals and strategies for improvement. These should be agreed upon by Chief and Council at the beginning of each year and a self-assessment done at the end of each year to determine successes or what still needs to be address.

SECTION 9 – Forms

Mississauga First Nation Terms of Reference for Committees

Date Approved: July 30, 2014	Band Council Resolution: 012-14-15
Date Last Reviewed: September 11, 2013 December 12, 2013, March 18, 2014, July 9, 2014	Amendment Date Approval: August 8, 2018

Policy

Mississauga First Nation is committed to the operations and procedures of each Committees purpose and mandate and shall formalize the business of committees through the Terms of Reference template.

Procedure

____ Committee
Terms of Reference
Date

Introduction

The ____ Committee is a committed group of volunteers, council members and staff who advise Chief and Council on ____ related activities and support all activities pertaining to the ____ Department.

Accountability

The ____ Committee is directly accountable to Chief and Council through submission of monthly minutes.

Goals

The Goals of the Mississauga First Nation ____ Committee are: (EXAMPLES ONLY)

- ✓ To support and promote Mississauga First Nation's Vision and Mission Statements and Seven Guiding Principles
- ✓ To promote Band Member involvement in ____ activities
- ✓ To host Annual
- ✓ To support ____ activities by actively participating in fundraising initiatives

Membership

The ____ Committee is made up of, but not inclusive of:

- Chairperson
- ____ Administrator
- Councillor(s) with Portfolio
- Members

Membership of the ____ Committee is open to all community members however non-band members do not have voting privileges.

Committee members who miss 3 consecutive meetings without good reason are not recognized as active committee members. The seat will then be assumed vacant and a replacement will be actively recruited.

The Committee's membership must be approved by Chief and Council

Term

The _____ Committee's term is three years. The committee dissolves at the same time Chief and Council's term ends. New committees are formed after each Chief and Council election.

Community Participation

Community members who are not part of the _____ Committee can voice their concerns at any regularly scheduled committee meeting.

Community members can address their concerns to either:

- Program Manager/Director
- Chairperson of the Committee
- Councillor with Portfolio for the Committee

The concern must be submitted in writing along with a proposed recommendation or resolution.

Conflict of Interest

Members of the Committee, including the Executive, must declare Conflict of Interest on issues that affect their immediate family. Immediate family includes: mother, father, brother, sister, son, daughter, spouse or any other person residing in the committee member's household.

The person declaring conflict of interest must remove themselves from the room. They do not become actively involved in any discussions or decisions when conflict of interest is declared.

Any committee member may raise any potential conflict of interest for discussion.

Quorum

The quorum of the _____ Committee is ____ voting members.

Responsibilities

The responsibilities of the _____ Committee are as follows:

- ❖ To act as an advisory to Chief and Council on _____ related issues
- ❖ To make informed recommendations and motions to Chief and Council
- ❖ To recommend new or amended policies to Chief and Council with the assistance of the _____ Program Manager/Director
- ❖ To act as an appeal mechanism for Band Members as the issue relates to policies
- ❖ To keep accurate financial records of the committee's accounts and report it to Chief and Council in the minutes
- ❖ To act as a forum for community members to access information
- ❖ To fundraise, organize and promote committee sponsored events
- ❖ To actively participate in all committee meetings and committee sponsored events
- ❖ To develop and implement objectives each new term to meet the goals of the committee
- ❖ To sign and adhere to the Committee Code of Conduct.

Appeals Process

Band Members can appeal decisions made by the ____ Program Managers/Directors/Program Staff. The process is as follows:

- if a Band Member does not agree with a decision made by the ____ Program Manager/Director/Program Staff, the Band Member appeals in writing to the appropriate Manager within 10 working days of the decision. The Program Manager/Director must review the appeal within 5 working days and render a decision to the Band Member
- if the Band Member is not satisfied with the appeal decision of the ____ Program Manager/Director, the Band Member can then appeal to the ____ Committee in writing within 10 working days of the Program Manager/Director's appeal decision. The ____ Committee must review the appeal within 5 working days and render a decision to the Program Manager/Director and the Band Member.
- If the Band Member is not satisfied with the appeal decision of the ____ Committee, they can then appeal to Chief and Council within 10 working days of the ____ Committee's decision. Band Council must review the appeal at the first regularly scheduled meeting upon receipt of the appeal and render a decision to the Program Manager/Director and Band Member.

Band Council's decision is final and no further appeals will be accepted.

Meeting Dates

The ____ Committee meets once a month in the _____. Meeting dates are set for the ____ of the month.

Emergency meetings may be called as required.

Agenda

The agenda of the ____ Committee meeting is as follows:

1. Opening
2. Adoption of Agenda
3. Declarations of Conflict of Interest
4. Approval of Minutes
5. Business Arising
6. New Business
7. Reports
8. Date of Next Meeting
9. Adjournment

Roles and Responsibilities

Chairperson

- To chair the meetings, to keep order and continuance
- Ensures quorum
- Sets agenda for the meetings in consultation with Program Managers/Directors
- Ensures members declare conflict of interest when applicable

- Is allowed to vote only in the event of a tie
- Asks for comments/inputs from all committee members and/or community members in attendance
- Records all votes (in favour, opposed, abstentions)
- Is the official signing authority on committee correspondence.

Program Managers/Directors

- Is a resource and advisor to the committee
- Supports committee recommendations
- Reports on activities in the ____ Department
- Develops and reviews policies in cooperation with the committee
- Ensures appropriate information is available to the committee for motions and/or recommendations
- Ensures appropriate committee funds, if available, are flowed from the budget to the committee
- Is NOT allowed to vote

Council with Portfolio

- Actively participate in committee meetings
- Support committee activities and recommendations
- Represent Council at meetings and activities of the committee
- Report to Council on activities of the committee

Other Members

- Is allowed to vote
- Actively participates in all committee meetings and functions



Oath of Office

I, _____, do solemnly swear to uphold the office to which I was elected by the Mississauga First Nation Electors and agree to abide by the following:

- a. I will uphold and comply with the Amended Custom Election Code and all laws of Mississauga First Nation;
- b. I will fulfill the duties and responsibilities of my office under the Custom Election Code and all laws of Mississauga First Nation;
- c. I will carry out my duties faithfully, honestly, impartially and to the best of my abilities;
- d. I will keep confidential, both during and after my term of office, any matter or information which is considered confidential; and
- e. I will always act in the best interests of Mississauga First Nation in carrying out my duties.

Signature

Date



Code of Conduct
Chief and Council Mississauga First Nation #8

1. I will carry out the duties of my position as a member of Chief and Council conscientiously, loyally and honestly, fulfill the expectations of my role as a sitting member of Chief and Council, remembering that my primary function is to serve the Community as Elected under the Custom Election Code as ratified on September 22, 2008, and that my role is to serve the Community of the Mississauga First Nation.
2. In my actions and words, I will promote and uphold the integrity and dignity of the Mississauga First Nation and its programs as well as the governing Chief and Council.
3. I will use my initiative to find ways of serving the interests of the Community.
4. I will conduct myself in a manner that will bring credit to myself, Chief and Council and the members of the community.
5. I will attend all meetings, workshops and conferences etc., assigned to me as an official delegate of the Mississauga First Nation and will formally report back to Chief and Council on the proceedings of these meetings by a briefing note.
6. Any fees, honorariums or other gratuity offered to me as a payment for serving on Boards, Committees, or other Organizations while holding office shall be reported to Chief and Council as a whole with a report on the activities of such Boards, Committees, or other Organizations. Any such fees, honorariums or other gratuity shall be made available to community scrutiny if requested.
7. I will be courteous and polite towards other members of council, especially when there is a difference of opinion. I will be polite and courteous to all community members and the public at large as an Ambassador of the Mississauga First Nation and member of Chief and Council.
8. I will not publicly criticize employees, policies, and programs of the Mississauga First Nation. If I believe changes are needed, I will present recommendations in a constructive manner through the proper channels.
9. I will be open to hearing other points of view and respect the differences of opinion that will arise from time to time.
10. I will adhere to the structure of passing motions and honouring the outcomes of Chief and Council decisions which we will arrive at even if I am not in agreement. My views and position will be duly recorded by motion record and I accept that I will be expected to sign Band Council Resolutions that reflect the motion of record even if I am not in favor of a motion as passed.

11. During my term of office I will not knowingly participate in activities or protests that will bring harm to the community, its reputation, or that are in conflict of interest which does not serve the interests of the community.
12. I will respect the boundaries between Chief and Council and not interfere with workplace issues. In the event that something is brought to my attention as a member of Council in reference to a problem within the workplace, it will be channeled through the appropriate supervisor and Direct of Operations. Only in extreme situations and with confidentiality boundaries through 'In-Camera' sessions will any issue be discussed with a view to redirect or support a special situation with input from those directly affected or impacted.
13. As a sitting member of Chief and Council, I will not obstruct, occupy, or prevent the administration office's operations unless there is an emergency that threatens the well-being or safety of employees or community members. After any direct action, I accept that I will be subject to remedial actions up to and including being removed from Council through our Custom Election Code and/or actions or charges to remedy my involvement or participation as per our Custom Code.
14. I will respect the role of the Elders Council and the Youth Council and ensure that I am respectful of their input and their role in conjunction with my role on Chief and Council.
15. I will undertake to participate in an orientation with previous Chief and Council which includes familiarizing myself with the Custom Election Code and all policies and procedures that will impact my role as elected Chief or Council.
16. I will not directly or indirectly interfere with service delivery processes and decisions of the various programs delivered by Mississauga First Nation and in particular a specific client or family receiving services under such programs in preference to another client or family.
17. I will not engage in any illegal activities and immediately notify the Chief and resign as Band Councillor if I am convicted of any offence under the Criminal Code of Canada; unless Band Council specifically waives the requirement of such resignation.
18. I understand that failure to abide by the above standards will result in my suspension of duties as Councillor or Chief and may necessitate a request for my resignation.
19. I have read, fully understand, and will abide by the Code of Conduct for the Mississauga First Nation Chief and Council.

Signature

Date



Statement of Qualification to be a Candidate

In the matter of the Nomination Meeting held on **November 1**, 2017 the following conditions must be met to be nominated as a Candidate for Chief or Councillor in the December 6th General Election:

1. Be a Member of Mississauga First Nation
2. Be at least 18 years of age or older as of the date of Nomination Meeting
3. Not have been convicted of an indictable offense where a pardon has not been granted
4. Not be a senior employee of Mississauga FN, such as Band Manager or Program Director
5. If running for the position of Chief be an Ordinary Resident on Mississauga FN
6. If running for the position of Councillor be an Ordinary Resident on Mississauga FN
7. If running for the position of Councillor reserved for a person who is not an Ordinary Resident on MFN and resides within a fifty (50) km radius of Mississauga FN (up to two (2) Councillor's off-reserve if they place within the top nine,
8. Not have an active litigation against Mississauga FN; and,
9. Not be prevented from running for elected office under any of the above eligibility rules.

I, _____, solemnly declare that;

(Please print your name)

☐ I **accept** the nomination as a Candidate for the position of [CHIEF / COUNCILLOR].

☐ I **decline** the nomination as a Candidate for the position of [CHIEF / COUNCILLOR].

☐ I **make this solemn declaration conscientiously believing it to be true and knowing it has the same force and effect as if made under Oath. I understand that it is an offence to make a false statement in this Declaration.**

Signature of Candidate

Date

Witness

This signed "Statement" must be returned to Director of Operations or Finance or Stacy Bissiallon by the 4:00 p.m. on (Insert date).

Schedule of Changes

Date	Section 1	Section #	Para. #	Item	Pag #
Nov 27/19	MFN Committees		#2 and 3		14
Summary of Change: Detailed the roles and responsibilities of the Committees were added Portfolio Activities listed bullet form					
Date	Section 1	Section #	Para. #	Item	Pag #
Nov 27/19	Terms of References Committees				70
Summary of Change: Added Committee members sign and adhere to the Committee Code of Conduct					
Date	Section 2	Section #	Para. #	Item	Pag #
Nov 27/19	Good Governance		All		24
Summary of Change: New policy – Governing Style It outlines the governing style of Council is to focus on leadership; identifying various aspects of leadership; clear roles, pro-active, accountability and transparency.					
Date	Section 2	Section #	Para. #	Item	Pag #
Nov 27/19	Good Governance		All		26
Summary of Change: New Policy – Council Conduct The council conduct outlines how council are expected to conduct themselves; it expands into more detail than the code of conduct. Each of these areas go in to detail on conduct: Authority, Loyalty, Influence, Confidentiality, Disciplinary Measures for Breach of Codes, Communications, Reporting/Access to Information, Accountability and Enforcement.					
Date	Section 2	Section #	Para. #	Item	Pag #
Nov 27/19	Employees In Political Office				39
Summary of Change: New Policy This outlines how employees must conduct themselves if they are elected into political office.					
Date	Section 2	Section #	Para. #	Item	Pag #
Nov 27/19	Sec. 2 New Disciplinary Procedures		ALL		41
Summary of Change: New Policy Outlines the disciplinary process (1 st , 2 nd and Final Reprimand) if the Councillor violates any Codes as outlined in the governance manual.					
Date	Section 5	Section #	Para. #	Item	Pag #
Nov 27/19	Meetings and Planning				53
Summary of Change: Attendance					

Expanded on the importance of attendance at Chief and Council meetings. 3.b. – Forfeit of honorarium for missed meetings					
Date	Section 5	Section #	Para. #	Item	Pag #
Nov 27/19	In Camera Meetings				54
Summary of Change: Expanded on how minutes are to be filed and protected.					
Date	Section 5	Section #	Para. #	Item	Pag #
Nov 27/19	Band Members- Addressing Council				56
Summary of Change: New policy and process for band members requesting a meeting with Chief and Council.					
Date	Section 5	Section #	Para. #	Item	Pag #
Nov 27/19	General Meetings with Membership				57
Summary of Change: Added notice of meeting dates, times, location and agenda to membership Annual Meeting packages to include Audit, BCR/Motions since previous Annual meeting.					
Date	Section 8	Section #	Para. #	Item	Pag #
Nov 27/19	New- Council Self assessment				68
Summary of Change: New Chief and Council evaluation as a governing body (not individual assessment)					
Date	Section	Section #	Para. #	Item	Pag #
August 8, 2018	Definitions & Acronyms	1			3
Summary of Change: Added definitions: Abuse of Authority, Audit, Auditor, Bullying, Canada Labour Code, Chief and Council, Discipline, Discrimination and Harassment, misconduct, nepotism, portfolio, sexual harassment and undermining behaviours.					
Date	Section	Section #	Para. #	Item	Pag #
August 8, 2018	Philosophy of Mission	1			8
Summary of Change: Added new mission and value statements for Chief and Council developed January 2018.					
Date	Section	Section #	Para. #	Item	Pag #
August 8, 2018	MFN Committees	1			18
Summary of Change: Added the following Committees: Police Advisory Committee, Infrastructure Committee and Economic Development					

Date	Section	Section #	Para. #	Item	Pag #
August 8, 2018	MFN Terms of Reference	1			22
Summary of Change: Under Roles and Responsibilities: Remove the Vice-Chairperson, Treasurer and Secretary.					
Date	Section	Section #	Para. #	Item	Pag #
August 8, 2018	Code of Conduct	2			31
Summary of Change: Addition of # 16,17, 18 #16- Interfere with delivery processes & decision of program: addition in extenuating circumstances Council ensuring the safety of community members and clients is respected. #17- Councillor does not engage in illegal activities; #18 – Failure to abide by the above standards – result in suspension					
Date	Section	Section #	Para. #	Item	Pag #
August 8, 2018	Conflict of Interest Rules	2			33
Summary of Change: Added new section: Conflict of interest rules					