



Probationary Membership Policy

(effective August 15, 2017)

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INTRODUCTION

- A. WHEREAS Fort Nelson First Nation is responsible for its membership list pursuant to Section 10 of the *Indian Act* and must determine its membership list according to membership rules adopted by membership on March 31, 2004;

- B. WHEREAS the purpose of determining its membership rules was to promote the cultural integrity, social communal harmony and economic stability of Fort Nelson First Nation and to safeguard the use of the Fort Nelson First Nation's reserve lands for the benefit of its members;

- C. WHEREAS Fort Nelson First Nation may admit an applicant for membership to a two-year probationary period which requires the applicant to prove themselves as a worthy and contributing member of the Nation; and,

- D. WHEREAS membership of an applicant at the end of the two-year probationary period is confirmed unless Chief and Council, or a majority of the membership at a duly convened meeting, give notice that membership should not be confirmed and the reasons are presented.

NOW THEREFORE COUNCIL OF FORT NELSON FIRST NATION RESOLVES:

Section 1 - Title/Purpose

- 1.1. This Policy shall be called the "Probationary Membership Policy".

- 1.2. The Purpose of the Probationary Membership Policy is to adopt a procedure for Chief and Council to consider and determine whether a Probationary Member should be confirmed as a Member according to the Membership Code.

Section 2 - Definitions

- 2.1 In this Policy:
 - a. "Chief" means the member of Council duly selected to be the Chief of the Nation.
 - b. "Council" means the body composed of those persons duly selected to be Council of the Nation and includes the Chief and Councillors.
 - c. "Council Meeting" means a meeting of at least a quorum of Council duly-convened pursuant to this Policy and according to established Council procedures.
 - d. "Fort Nelson First Nation", "FNFN" or "the Nation" means Fort Nelson First Nation, a "band" as defined under the *Indian Act*.

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- e. "Immediate Family" means a spouse, common-law partner, children, parents, grandparents and/or sisters or brothers of an individual, whether by birth, marriage, common-law partnership, adoption or affinity, as well as the children, parents, grandparents and brothers or sisters, whether by birth, adoption or affinity, of the individual's spouse or common-law partner.
- f. "Member" means a person listed on the Membership List or a person who is entitled to have her or his name appear on the Membership List pursuant to the Membership Code.
- g. "Membership" means the body composed of those Members listed on the Membership List or entitled to be listed on the Membership List pursuant to the Membership Code.
- h. "Membership Code" means Fort Nelson First Nation's membership rules which came into force on March 31, 2004, and as may be amended from time to time.
- i. "Membership List" means the list maintained by Fort Nelson First Nation in which the name of every person who is a Member of Fort Nelson First Nation is listed pursuant to section 10 of the *Indian Act*.
- j. "Probationary Member" means an applicant for Fort Nelson First Nation membership admitted to a Probationary Period pursuant to the Membership Code.
- k. "Probationary Period" means the two-year period in which a Probationary Member is required to prove themselves as a worthy and contributing member of Fort Nelson First Nation.
- l. "Registrar" means the person responsible for maintaining the Membership List.

2.2 The Policy applies to Council, Members and Probationary Members.

Section 3 - Council Meeting

- 3.1 If majority of Council agree in a duly held meeting that it has valid reason to question whether a Probationary Member should be confirmed as a Member based on the Probationary Member's conduct during the Probationary Period, Council must call for a Council Meeting to consider and decide whether such Probationary Member should be confirmed as a Member according to the Membership Code.
- 3.2 On holding a Council Meeting under section 3, Council must consider:
 - a. The purposes and conditions of the Membership Code;
 - b. The Probationary Member's conduct during the Probationary Period; including but not limited to whether the Probationary Member has sought to acquire the knowledge of the way of the life of the community and to show her or himself to be a

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worthy and contributing member of the Nation; whether the Probationary Member has shown a genuine interest to reside within the Nations' reserves or to establish an ongoing physical presence within the Nation's traditional territory through visits and participation in the Nations' activities.

- c. Any other factor that is relevant to the health, safety, good order and advancement of the Nation; including but not limited to:
 - i. Whether the applicant has a criminal record of indictable offenses under the *Criminal Code* (Canada) for which a pardon has not been granted and/or a pattern of behaviour which is or could be significantly harmful to the Nation or its individual Members; and,
 - ii. The Probationary Member's Immediate Family or traditional connections to a Member or Members.

3.3.1 Within 15 days of holding a Council Meeting under section 3, Council must decide to:

- a. Take no further steps because it has insufficient or no valid reasons to disallow a Probationary Member to be confirmed as a Member at the end of a Probationary Period;
- b. Obtain further information from the Probationary Member and/or Members, and/or any relevant 3rd party that Council believes has relevant information, before making a decision;
- c. Give Written Notice to the Probationary Member with reasons of its decision that the Probationary Member **may** not be confirmed as a Member at the end of the Probationary Period based on her or his conduct; or,
- d. Give Written Notice to the Probationary Member with reasons of its decision that the Probationary Member **shall** not be confirmed as a Member at the end of the Probationary Period based on her or his conduct.

3.4 Written Notice of a decision under this Policy must be delivered personally to the Probationary Member, or by registered Mail to the last-known address of the Probationary Member if the Probationary Member is not ordinarily resident on reserve and which shall be deemed to have been received by the Probationary Member 10 days from the postage date.

Section 4 - Council Meeting with Probationary Member

- 4.1 Where Council decides that a Probationary Member may or shall not be confirmed as a Member under section 3, Council must provide that Probationary Member with an opportunity to meet with Council regarding the decision.
- 4.2. A Probationary Member must initiate a meeting with Council not more than 30 days after receipt of Written Notice that the Probationary Member may or shall not be confirmed as a Member at the end of the Probationary Period based on his or her conduct.
- 4.3 On holding a Council Meeting with the Probationary Member under section 4, Council must:
- a. Provide the Probationary Member with an opportunity to present evidence and/or make oral or written submissions as to why his or her Probationary Membership should be confirmed at the end of the Probationary Period;
 - b. Consider its original reasons for decision, any additional information received from any other Member and any other relevant information including the information outlined in section 3.2; and,
 - c. Within 15 days of holding a Council Meeting with the Probationary Member under section 4, Council must provide a further decision with reasons by Written Notice to the Probationary Member.
- 4.4 Failure of the Probationary Member to contact the Registrar within 30 days of receipt of Written Notice will result in the removal of the Probationary Member's name from the Membership List by the Registrar effective at the end of the Probationary Period, who will notify the Probationary Member in writing and will post Public Notice of this decision.

Section 5 - Consultation with Membership

- 5.1 Council may consult with individual Members or hold a general meeting with Membership to obtain feedback from Members before it makes any decision pursuant to this Policy.

Section 6 - Final Decision before end of Probationary Period

- 6.1 Council may hold as many Council Meetings under this Policy as it believes necessary to make an informed and reasonable decision according to this Policy and the Membership Code but must make a final decision before the end of the Probationary Member's Probationary Period.

Section 7 – Conflict of Interest

- 7.1 A Councillor must not make a decision or participate in making a decision under this Policy if the Councillor knows or reasonably should know that she or he would be in a conflict of interest in the making of the decision.
- 7.2 If a Councillor knows or reasonably should know that she or he would be in a conflict of interest in the making of a decision under this Policy, the Councillor must:
- a. immediately declare the nature and extent of such conflict to Council in writing or by requesting to have it entered into the minutes of a duly-held meeting of Council; and,
 - b. withdraw from making a decision or participating in making a decision regarding the matter at issue.
- 7.3 For purposes of this Policy, a Councillor is in a conflict of interest when she or he makes a decision or participates in making a decision under this Policy that provides an opportunity for that Councillor to benefit or further that Councillor's personal interests or those of his or her Immediate Family.

Section 8 - Appeal to Membership

- 8.1 Where Council determines that a Probationary Member shall not be confirmed as a Member under Section 4, the Probationary Member may appeal that decision to a panel of Members chosen for that purpose by Membership according to the Membership Code and the Membership Appeals Committee Policy.
- 8.3 A Probationary Member must initiate an appeal to a panel of Members not more than 30 days after receipt of Written Notice that the Probationary Member shall not be confirmed as a Member pursuant to this Policy.
- 8.4 Failure of the Probationary Member to contact the Register within 30 days to arrange a Membership Code Appeal will result in the removal of the Probationary Member's name from the Membership List by the Registrar effective at the end of the Probationary Period, who will notify the Probationary Member in writing and will post Public Notice of this decision.

Section 9 - Amendment/Repeal

- 9.1 Council may amend or repeal this Policy by a majority vote in favour of the amendment or repeal at a duly convened meeting of a quorum of Council. Council may review this Policy at its discretion.

Section 10 – Notification

- 10.1 Council must post a copy of this Policy or any subsequent amendment in at least the Band Office and on its website. Council may deliver or post this Policy or any subsequent amendment in any other place that it believes will best reach Members.

Section 11 – Confidentiality

- 11.1 All information received or obtained by Council and its employees or contractors regarding Probationary Members under this Policy must be treated as confidential and only circulated, shared or discussed by Council and its employees or contractors as is necessary to carry out this Policy.

Section 12 - Comes into Force

- 12.1 This Policy comes into force on the issuance of a Band Council Resolution approving the Policy. The Authority for this Policy is derived from Section 10 of the *Indian Act*, the Membership Code and Band Council Resolution # ____.

The Fort Nelson First Nation Probationary Membership Policy was approved and passed at a duly convened meeting of the Fort Nelson First Nation Council on August 15, 2017

Chief Harrison Dickie

Councillor Patricia Capot-Blanc

Councillor Harvey Behn

Councillor Theresa Fincaryk

Councillor Cynthia Burke

Councillor Sharleen Gale