



[FLYING DUST FIRST NATION GOVERNANCE POLICY]

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Table of Contents

Flying Dust First Nation Vision.....	3
Flying Dust First Nation Values and Teachings	3
Flying Dust First Nation Mission Statement	3
Definitions	4
Defining the roles.....	5
Chief.....	5
Council Members.....	5
Committee Members.....	5
Administration	5
Code of Conduct Policies	6
Confidentiality Policy	6
Oath of Confidentiality	8
for the Chief and Council Members and Committee Members.....	8
of the Flying Dust First Nation	8
Oath of Acceptance of the Office of Chief or Councillor.....	9
Code of Conduct of Chief and Council Members	10
Conflict of Interest	12
Procedures for Conflict of Interest Breach	14
Admitted Conflict	14
Reported Conflict.....	15
Disclosure Policy	16
Internal Disclosure (Whistleblowing).....	16
Policy Defining Repercussions of any breach of Policies	19
Integrity Commission	19
Elected Officials and Volunteers Disciplinary Process	20
Reinstatement of Disciplined Personnel Policy	21
Honourarium, Gifts and Gratuities	24
Respectful Workplace Policy.....	25
Professionalism	25
Respect in the Workplace	26
Council Report for Meeting Updates.....	31
References.....	32

Flying Dust First Nation Vision

The Flying Dust First Nations' vision of the future is one of an independent, self-sufficient, vibrant and unified healthy First Nation

Flying Dust First Nation Values and Teachings

Our community and our actions are based on the Seven Teachings.

1. Respect (the Buffalo)
The condition of being honoured
2. Courage (the Bear)
The ability to face danger, fear or change with confidence and bravery
3. Love (the Eagle)
Love must be unconditional
4. Honesty (the Sabe)
Speaking and acting truthfully, and thereby remaining morally upright
5. Wisdom (the Beaver)
The ability to make decisions based on personal knowledge and experience
6. Humility (the Wolf)
To be humble not arrogant
7. Truth (the Turtle)
Is to know and understand the Seven Teachings given to us by the Creator and to remain faithful to them

Flying Dust First Nation Mission Statement

- *To ensure a steady progression toward increased well-being and improved quality of life for individuals, families and the community, and*
- *To carefully manage our Destiny through Treaty implementation, self-determined governance foundations, economic self-sufficiency and the application of our culture.*

Definitions

Confidentiality: confidentiality is information about a person or an issue that shall not be disclosed directly or indirectly to anyone else.

Conflict of Interest: a conflict of interest is a conflict between a person's duties and responsibilities with regard to the review process, and that person's private, professional, business or public interests. A conflict of interest is an interest which, in view of the circumstances, could reasonably be expected to affect independence or impartiality of the person with the interest. Determination of interest and conflict is contextual and to some degree subjective. The increase in the factors such as the following could exacerbate the risk that a conflict of interest in place:

- Potential for professional or personal benefit
- Level of leadership or authority exercised
- Professional or personal proximity to the issue being reviewed or to an applicant of a program or service request
- Direct or indirect financial interest in a competition, issue or application being reviewed

In-Camera: refers to any and all meetings where an exchange of information that is deemed private and/or confidential. All notes, minutes and recordings of an “in-camera” meeting are also considered to be confidential.

To go into an in-camera session within a meeting, there must be a mover, seconder and vote to go into in-camera and a mover, seconder and vote to go out of in-camera. The minutes shall reflect those motions and votes.

Minutes of an in-camera session will be separate from all other meeting minutes and recordings.

Defining the roles

It is understood that attaining an elected position is a privilege which carries significant responsibilities and obligations.

It is further understood that Council members are to be held to a higher standard of behaviour and conduct than the general public.

Council members must be independent, impartial and responsible to the people.

Council Members are expected to act with integrity and impartiality that will bear the closest scrutiny

Chief

The Chief on the Flying Dust First Nation is the elected leader of the Community, the Council and the Committees that are completing tasks and projects on behalf of the First Nation

Council Members

The Members of Council are the elected representatives of the Community and are entrusted with the governance and government operations of the First Nation.

Their role is one of strategizing, planning and financial accountability.

Committee Members

The Members of Council will create ad-hoc, standing and special project Committees to complete their governing roles.

The Members of the Committees will be bound by the same Terms of Reference for the committee and the current policies and procedures of the Chief and Council and Staff as they relate and apply.

Administration

The Administration of the First Nation refers to the day to day operations of the Administration services and the Staff that the First Nation employs.

The Chief or their designate is the Senior Employee and is responsible for the staff, their work performance and the compliance to regulations and policies.

Council is the governance body

Administration is the operations body

The current organizational chart indicates:

- The Chief and Council represent the community and acts on their behalf.
- The actions in this role are governing and governance roles and separate from the administration roles of the staff.
- The senior leadership, for all the paid staff, and is responsible for compliance and adherence of all policies by their staff as well as the hiring, discipline, termination, evaluation and day-to-day supervision of all the employees.

Code of Conduct Policies

Confidentiality Policy

In the course of your elected term, you will receive confidential information about Flying Dust First Nation, Chief and Council, our clients, our customers or suppliers.

Council Members shall respect the confidentiality of information concerning the property, personnel or legal affairs of the First Nation.

Elected Council Members will follow the letter and spirit of provisions of the Freedom of Information and Protection of Privacy Act (FIPPA).

They shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial or other private interests.

Each Council Member will swear an oath of confidentiality before assuming the roles and responsibilities of their position.

Breaching this oath will result in disciplinary action as provided for in the applying Policy.

Confidential information includes but is not limited to:

- processes, research and development information
- operational information and organizational information
- organizational business practices
- financial information
- documents, records or other information concerning band membership,
- customer and supplier lists, records and information, including lists of present and prospective customers, suppliers and related information
- information relating to employees, vendors and contractors, including employment status, vendor/contractor status, personnel records, performance information, compensation information and job history
- privileged information, including advice received from professional advisors such as legal counsel and financial advisors
- information contained in manuals, training materials, plans, drawings, designs, specifications, quality-related documents, including ISO or related standards, and other documents or records belonging to Flying Dust First Nation, even if such information has not been labeled or identified as confidential
- All Council Members have a duty to hold in strictest confidence all ‘in camera’ matters.
- No Member shall use confidential information for personal or private gain, or for the gain of relatives, or any person or corporation.
- Council members will only release information in accordance with the *Freedom of Information and Protection of Privacy Act* ("FIPPA") and *Protection of Individual Privacy Act* ("PIPA").

Flying Dust First Nation

It is expected that all elected officials understand that disclosure of such confidential information would be highly detrimental to the First Nations best interests and agree:

1. to exercise all due and diligent precautions to protect and maintain the integrity of confidential information
2. not to disclose, publish or disseminate to any unauthorized person, at any time either during your employment or after it ends, confidential information that includes but is not limited to the information set out above
3. to refrain from making copies of confidential information, except for use in connection with your duties
4. not to remove any confidential information about the First Nation without express permission
5. not to make improper use, either directly or indirectly, of confidential information
6. to safeguard against unintentionally disclosing confidential information (*e.g.*, by not discussing confidential information in public or on a cellphone, and by not working with confidential information on a laptop in public or transmitting such information by unsecured means)
7. to only release confidential information to those authorized to receive it, and then only on a need-to-know basis
8. When your elected term ends, you must immediately return all materials or property belonging to the Flying Dust First Nation
9. You agree not to retain, reproduce or use any confidential or proprietary information or property belonging to the First Nation.

Oath of Confidentiality
for the Chief and Council Members and Committee Members
of the Flying Dust First Nation

I, _____, affirm that I will faithfully carry out my duties as a

On behalf of the Flying Dust First Nation

I affirm that I shall refuse to disclose, without due authority, any confidential information which may be disclosed or made known to me by reason of my role with the Flying Dust First Nation, except those matters as I may be required to communicate in order to properly carry out my duties.

- The Confidentiality Policy states that all Council and Committee members uphold the fundamental right to privacy of individual community members and families by ensuring their right of confidential access to First Nation programs and services.
- The intent of Council in setting out this right is to permit any community member who requires a service or program the comfort of knowing that their use of service will be kept confidential and so enable them to access the services they need.
- Confidential access to services and programs is defined as the protection of the identity of people who use services or programs and the protection of the privacy of any information that relates to their use of service, held either in the providers' knowledge or in written documentation.
- Recognizing that family and personal relationships are important, Council and Committee Members are expected to hold in confidence information received through their position, even when this obligation is in conflict with family or personal relationships or expectations.

I agree and accept full responsibility that if my actions are contrary to the above, I shall receive notification from the Council and that the breach in this confidentiality will result in the application of the current Policies regarding Breach of Confidentiality for Chief and Council

My signature acknowledges the terms of the confidentiality of my position as noted above and as provided for within the Confidentiality Policy of the Flying Dust First Nation.

- In the course of my Council or Committee appointment with the Band, I understand that I may have access to confidential information as defined above.
- I understand that if I breach confidentiality within the terms of the Current Policy and as described above that I will be held accountable for such breach and will be disciplined accordingly and that it could be grounds for dismissal from my Council or Committee role.

Chief, Council or Committee Member

Witness

Date

Oath of Acceptance of the Office of Chief or Councillor

I _____ do solely and truthfully declare that I will well and truly serve the Members of the Flying Dust First Nation in the office of

_____, without favour or affection, malice, or ill will, and I will:

- strictly obey all applicable bylaws and financial regulations
- to the best of my ability endeavour to prevent all contraventions of the said laws and regulations by any member of the Flying Dust First Nation
- report all infractions of the laws and regulations at the earliest opportunity to the authorities concerned
- strive to advance the interests of all the members of the Flying Dust First Nation
- adhere to and respect all current policies and procedures regarding:
 - interaction with staff
 - codes of conduct
 - confidentiality
 - conflict of interest

and other related policies to governing the well-being of the Flying Dust First Nation

I will fulfill all the duties of the office to which I have been elected, to the best of my skill and knowledge.

I agree and accept full responsibility and fully understand that if my actions are found to be contrary to the above, I shall receive notification from the Council and that the breach in my actions may result in my association with the Council could be terminated as provided for in the term so and policies of the Flying Dust First Nation.

Chief, Council or Committee Member

Witness

Date

Code of Conduct of Chief and Council Members

The Members of the Flying Dust First Nation have a right to have the business of the First Nation conducted with impartiality and integrity.

The Chief and Council will support this Code of Conduct to maintain confidence in the First Nations' integrity.

As an elected official the Flying Dust First Nation Council, the members of the First Nation demand that there not be, nor seem to be, any conflict between the private interests of Members of Council and their duty to the First Nation.

At the same time, it is recognized that Council Members should enjoy the same rights in their private dealings as any other citizens, unless it can be demonstrated that a restriction is essential to the interest Flying Dust First Nation.

The Chief and Council Members are responsible for ensuring that the conduct of all Council and their advisors comply with the Code also to comply with this Code of Conduct and be aware that the code may be required to be updated from time to time.

In accordance with provincial and federal legal requirements and the agreed ethical standards Chief and Council will:

- manage situations where the interest of a private individual interferes or appears to interfere with the interests of the First Nation as a whole
- not take advantage of property, information or position, or opportunities arising from these, for personal gain or to compete with the Flying Dust First Nation
- restrict the use of non-public information except where disclosure is authorized or legally mandated;
- encourage fair dealing by all employees with their customers, suppliers, competitors and other employees
- protect and ensure the efficient use of the Flying Dust First Nations' assets for legitimate business purposes
- actively promote the compliance with laws and regulations
- encourage the reporting of unlawful/unethical behaviour and actively promote ethical behaviours and protection for those who report violations in good faith

Every Council Member is expected also to comply with this Code of Conduct and be aware that the code may be updated from time to time.

As an official of the Flying Dust First Nation Unceded First Nation, I hereby agree to become familiar with the Human Resources Policy and Procedures.

I agree to fulfill my delegated duties to the best of my abilities, and abide by the policies of the Flying Dust First Nation Unceded First Nation.

Flying Dust First Nation

I hereby also agree to abide by the following Code of Conduct.

1. I will carry out the duties of my position conscientiously, loyally, and honestly, remembering that my primary work task is to serve my Nation and the Flying Dust First Nation Membership
2. In my actions and words, I will promote and uphold the integrity and dignity of the Flying Dust First Nation and its programs, government and staff
3. I will give out official and/or confidential information acquired in the performance of my roles and duties only when the release of such information has been authorized by the Flying Dust First Nation Chief and Council
4. I will use information obtained while carrying out my delegated duties for the intended purpose only and not for my own personal gain or interests
5. I will maintain a positive attitude in dealing with fellow officials, First Nation Members, and the general public
6. I will be courteous and polite towards other Council and Staff members and the general public.
7. I will be prompt and temperate in the performance of my duties and responsibilities
8. I will find ways of doing my work more efficiently, effectively, and economically
9. As an elected official, I will follow instructions conscientiously, be cooperative and work as a team member with other Council Members
10. While both on and off my job duties, I will conduct myself in a manner that will bring credit to myself, my Council, and the Flying Dust First Nation
11. I will show respect for the authority and jurisdictional structures of the Flying Dust First Nation
12. I will continually work towards self-improvement and professional development, through self-evaluation, and availing myself of available literature, upgrading and training, when opportunities arise
13. I will attend all meetings, workshops, conferences in their entirety, assigned to me as an official delegate of the Flying Dust First Nation, and will formally report back to Council through written reports submitted to Council for all meetings, events and conferences that I intend on behalf of the Flying Dust First Nation
14. I will use equipment, property, or supplies which are owned or rented by the Flying Dust First Nation for authorized purposes only, will use such equipment with care, and will report any maintenance required to an appropriate senior staff member
15. I will refuse any fees, gifts, or other tangibles offered to me in reward for duties performed by virtue of my position
16. I will not criticize other employees or the policies of the Flying Dust First Nation Council or individual departments; if I feel changes would be advisable, I will provide constructive suggestions and/or recommendations through proper procedures
17. Within my areas of responsibility, I will recommend changes of policy, priorities, or procedures, when I believe that such changes would help to meet the objectives of my portfolio or the First Nation
18. I will conduct my duties with impartiality and to act in the best interests of the First Nation

Chief, Council or Committee Member

Witness

Dated _____

Conflict of Interest

A conflict of interest exists where there is an actual or perceived incompatibility between a Councillors' duties and responsibilities of office and the private interests of the Councillor or an immediate family member which can include, but is not limited,

- to economic interests including investments and business involvements
- outside employment; community service, whether voluntary or otherwise
- commitments to a board, council or committee or other organization
- personal relationships, including immediate family members and/or spouse.

A Member of Council must at all times avoid being in a position of conflict of interest in order to:

- ensure that the responsibility to act in the public interest and perform the duties of their office in an appropriate and objective manner is not nor is perceived to be impaired
- instill public confidence and trust in the council and their activities that generally is considered to be consistently objective and not impaired

Every elected Role and Staff Member is responsible for furthering and supporting the mandate of Flying Dust First Nation in providing quality services to the members of the First Nation and is expected to act with integrity and impartiality, by placing the interests of the First Nation ahead of any self or private interests.

All Staff and Elected Role will adhere to the following rules:

1. If my employment and/or private interests constitute an actual or perceived conflict of interest, I shall declare this to the Flying Dust First Nation Council who will direct and advise in which manner this may be addressed.
2. I will avoid circumstances which may result in actual or perceived conflicts of interest
3. I will act in manner which promotes and enhances the confidence of the Members
4. I will act honestly and in the best interest of the First Nation
5. I will not advocate on behalf of a Member, but refer the matter to the appropriate personnel to contact the Member and conduct the necessary inquiries and do the necessary actions to provide services to the Member
6. It is acceptable to contact a service provider and ask for an update on the status of such service provisions
7. With respect to services provided by the various programs of the First Nation, a Council Member is prohibited from intervening or advocating on behalf of a person or family being the subject of the respective program services, where there is a process or procedure in place to adequately access the issue of such person or family and such process or procedure is being followed
8. I will comply with the policies, procedures and protocols established by the First Nation in the provision of service delivery
9. I will not use my position, authority or influence to gain an advantage in favour of a First Nation Member receiving services from the Flying Dust First Nation versus another individual
10. I will not release confidential case information to any person
11. I will not release confidential or restricted information with respect to operations of the Flying Dust First Nation, unless expressly authorized by a Flying Dust First Nation Council Resolution

Flying Dust First Nation

12. I will not request information for themselves on an individual basis for purposes other than fulfilling their duties and responsibilities with respect to services and operations of the First Nation unless and until release of such information has been approved by a Flying Dust First Nation Band Council Resolution
13. I will not interfere, either directly or indirectly, with the reporting of child neglect or abuse, or with children in the care of the Flying Dust First Nation or with respect to a criminal offence or other illegal act
14. I will remove myself from my official duties and responsibilities associated with the Flying Dust First Nation in the event I am under investigation by the Flying Dust First Nation or the police for alleged neglect or abuse of a child, violence against a person or a criminal offence, and shall not resume my duties and responsibilities until the matter is formally resolved
15. I will not place myself under obligation to any person who might benefit from special considerations on their part
16. I will not use company business contacts for personal gain.
17. I will not participate in any official Flying Dust matters where there is a personal or financial interest that is incompatible with an unbiased exercise of judgment where rules of conduct or procedure to avoid the potential conflict of interest are inappropriate, and have not been agreed to by the Flying Dust First Nation Council
 - a. If a/the Flying Dust Council Members intervenes on behalf of a First Nation Member, such action does not necessarily constitute a conflict of interest, however, in the event they use their position, authority or influence to assist in meeting the best interests of the First Nation Member in cooperation with the Flying Dust First Nation Council interests, such action would generally be interpreted as proper and not a matter of conflict of interest;
18. No Member of Council or Committee of Council may enter into business dealings on Flying Dust First Nation's behalf with any relatives or their relatives businesses without prior approval from Council or the Senior Staff Member.
 - a. Approval may not be granted if the proposed transaction would cause, or appear to cause, a conflict of interest.
19. Any exceptions to this policy are at the discretion of the Chief and Council and must be in writing and approved in advance.

Chief, Council or Committee Member

Witness

Dated _____

Procedures for Conflict of Interest Breach

As a trusted and elected representative of the Community Members; it is your responsibility to identify and report any possible or actual conflict of interest, regardless of whether or not you benefit from it.

The following procedures apply in circumstances where there is a conflict of interest concerning a the Flying Dust Council Member

Admitted Conflict

A Flying Dust Council Member who is, or perceives him or herself to be, in a conflict of interest immediately discloses this matter, orally or in writing to the Council and does not participate in the discussion and/or vote when in conflict of interest;

Conflicts between private interests and public duties can arise when a Council Member(s’):

- stands to make a financial gain from a board decision
- spouse, children, near relative or close personal friend stands to make a financial gain
- holds membership of another organization likely to benefit from a Council decision
- spouse, children, near relatives or close associates are members of an organization affected by Council decisions
- holds share, financial interest or owns a company or is employed by a company which likely to benefit from a Council’s decision

Accordingly Council Members will:

- Openly declare matters of a private interest such as investments, relationships, volunteer work and membership of other groups that may conflict or be perceived to conflict with the Member’s public duty
- Record any issues of conflict to ensure they are transparent and capable of review
- Disqualify themselves from any discussions and decisions where a conflict of interest has, or could, occur

Reported Conflict

In the event a Council Member perceives any other member to be in actual or perceived conflict of interest, such Council Member shall immediately report that matter, orally or in writing, to the Flying Dust Council and/or Chief who immediately submits such report to the Council as a Whole for review at the next Council meeting.

Upon receipt of a disclosure or report respecting a conflict of interest, the Council Member who is the subject of the alleged conflict of interest may remove him or herself voluntarily from all further discussions and activities pertaining to the matter in question.

If the Council Member who is the subject of the alleged conflict of interest does not voluntarily remove himself or herself from all further discussions and activities pertaining to the matter in question:

- the Council as a Whole will investigate the alleged conflict of interest in the absence of the person alleged to be in conflict to determine whether the facts substantiate a conflict
- and formally advise the Council Member of their findings;

If the Council Member is found to be in a conflict by the investigating Committee:

- the Council will ensure that the person in conflict does not participate in further related Council matters
- and any related matters which give rise to the continued conflict as determined by the Council

The minutes of the applicable Council meeting records the disclosure or report of the conflict of interest and the action taken in this regard.

The Council Member who has been removed due to a conflict of interest is automatically subject to the application of the Conflict of Interest Policy Actions and intent.

Disclosure Policy

Internal Disclosure (Whistleblowing)

The Flying Dust First Nation is committed to the highest standards of ethics and integrity. We demonstrate this commitment by achieving full compliance with all governing laws and regulations and by maintaining accountability for our management practices.

The purpose of this policy is to demonstrate our commitment to integrity and to provide a safe means for employees and others to raise concerns about potential or suspected wrongdoing by Flying Dust First Nation employees.

This policy applies to all elected officials, volunteers, employees, contractors, subcontractors.

For the purposes of this policy, wrongdoing means:

- any violation or suspected violation of any Federal Act or regulation (ie. Applicable laws applying to respective programs and those being funded by contributions agreements)
- improper or fraudulent financial reporting or accounting practices
- unethical business conduct in contravention of Flying Dust First Nation's code of conduct policy
- conduct or practices that present a danger to the health, safety or well-being of Flying Dust First Nation's employees, Chief and Council or third parties, where applicable

Role of Elected Officials or Volunteers

For the purposes of this policy, the section applies to all elected positions, committee members, volunteers and persons working on behalf of the community not in a paid staff role.

This is a leadership role and the expectation is that all persons in these roles are to set to example for all others to match.

If an elected positions, committee members, volunteers and persons working on behalf of the community not in a paid staff role observes any breach or perceived breach of First Nation policies they are expected and charged to:

- act in a professional manner
- exemplify the Code of Conduct and Confidentiality policies
- disclose any wrongdoing or suspected wrongdoing to the First Nation Chief and/or Chief or their designate or the Council Liaison for their committee
- Ensure the information is disclosed in an accurate, non-judgmental and fair manner to the appropriate person in a timely manner
- Allow the administrative or council processes to be undertaken and accept the outcomes of the process
- act in good faith when reporting any suspected wrongdoing and to refrain from making vexatious or unsubstantiated allegations with the intent to harm the reputation of any individual or the Flying Dust First Nation as a whole

Role of the Chief in administration

The role of the First Nation Chief or their designate is to act as a neutral party to facilitate and process internal reports of suspected wrongdoing.

Note *Where there may be a conflict with the Chief or their designate and Council may appoint a Council liaison.

This facilitation and report investigation includes:

- providing education and advice on the terms of this policy
- ensuring that employees have ready access to this policy
- assisting individuals who wish to file an internal disclosure report
- receiving and processing internal disclosure reports
- assessing internal disclosure reports and determining if there are sufficient grounds to warrant further action
- determining what action must be taken to address the suspected wrongdoing, including providing a report to Chief and Council or to outside law enforcement agencies, where necessary
- implementing measures to protect individuals who report suspected wrongdoing in good faith from reprisals
- making recommendations for sanctions if an internal disclosure report is filed maliciously or in bad faith
- keeping records of all internal disclosure reports and any investigations or
- remedial action taken

Role of Supervisor

Supervisors are expected to:

- provide education and advice about this policy to employees
- be open and accessible to employees who express concerns about suspected wrongdoing
- act promptly and in good faith when employees raise concerns about suspected wrongdoing
- co-operate with the Chief or their designate or Council in enforcing this policy and in conducting any related investigations
- protect employees who report suspected wrongdoing from reprisals

Role of employees

All employees are expected to:

- handle confidential and proprietary information responsibly and in good faith
- disclose any wrongdoing or suspected wrongdoing to their supervisors, the Chief or their designate or the respective Council Liaison for their committee
- act in good faith when reporting any suspected wrongdoing and to refrain from making vexatious or unsubstantiated allegations with the intent to harm the reputation of any individual or the Flying Dust First Nation as a whole

Freedom from retaliation

The intention of this policy is to encourage anyone to raise legitimate concerns about suspected wrongdoing in a safe and secure manner.

- If you file a report in good faith, you will not be subjected to any form of penalty or reprisal.
- However, if you file an internal disclosure report maliciously or in bad faith, with the intent to harm an individual or the Flying Dust First Nation as a whole, you may be subject to discipline, up to and including termination.

Reported Breach of Policy

- Any reported breach of policy will be investigated and researched to ensure accurate and impartial information is determined.

Upon completion of this research, the appropriate party;

- the Chief for all elected roles, volunteers and committee members
 - the Chief or their designate or all employees, contractors and consultants working on behalf of the First Nation
- will administrate the applicable disciplinary process as noted.

Policy Defining Repercussions of any breach of Policies

Integrity Commission

To ensure that the Flying Dust First Nation Council and Staff act impartially and with appropriate transparency, an Integrity Commission is to be formed to act on behalf of the First Nation and maintain the highest degrees of conduct and integrity for all Members and actions of Council and Staff.

- This Commission comprised of three (3) Elders as appointed by at a Community Meeting on an annual basis who are seen by the Community as those who are live and demonstrate the Grandfather Teachings in their daily lives.
- This Commission reports to Council as an independent body of review regarding any breaches or reported breaches of policy or procedure.
- The Commissions' role is to perform the functions assigned by Council with respect to the application of a code of conduct, confidentiality, conflict of interest or any other matters governing Members of Council, Committees or Volunteers actions while working on projects with Council.

The Commission's functions may include:

- Accepting reports of improprieties from Council Chief, Members
- Conducting inquiries into complaints
- Providing written reports on all such interactions to Council In-Camera
- Make formal suggestions for action by Council based on the current policies and processes
- If the Commission reports that a Member has contravened the code of conduct, the current policy of discipline will be referred to Council to take recommend action

Integrity Commission Criteria

- The Integrity Commission is independent from both Council and Staff and operates on behalf of the Community and the Flying Dust First Nation
- Individual appointee(s) who reports to Council for a term of three years and is responsible for performing in an independent manner the functions assigned by the First Nation Policies with respect to the code of conduct, confidentiality, conflict of interest or any other matters governing Members of Council, Committees or Volunteers while working on projects with Council the procedures, rules and policies of the First Nation
- The Commission has the power to conduct an inquiry only if requested by Council about whether a member of Council Committee or Volunteer has contravened the Codes of Conduct, Confidentiality and/or Conflict of Interest
- The Commission is entitled to free access to all books, accounts and records, things or property belonging to or used by the First Nation that they believe to be necessary in the performance of their investigation.
- The Commission may only make formal reports and recommendations to Council for their undertaking.
- The Integrity Commissioner will be reimbursed for reasonable expenses incurred in the performance of their duties.
- All official correspondence of the Integrity Commission must be formally accepted by Council
- Records of the Integrity Commission must be retained for a period of not less than 3 years.

Elected Officials and Volunteers Disciplinary Process

Consequences for failing to adhere to policy will result in the application of the current policies and the Official or Volunteer is subject to removal of duties and/or removal from office.

Disciplinary levels

Level 1

A written notification of the breach of policy and a formal reprimand with a warning to cease any further breaches as well as a reminder to review and adhere to all First Nation policies as well as seeking any training or mentoring from Chief or their designate in interpreting and maintaining the policies.

Level 2

A Second written notification of the breach of policy and a formal reprimand with a warning to cease any further breaches as well as a reminder to review and adhere to all First Nation policies.

In addition, a Level 2, disciplinary action will include a notice of warning that any further breaches of related policies will result in termination of the position held by the elected official, volunteer or committee member.

Level 3

An Elected Official or Volunteer or committee member that is subject to Level 3 disciplinary action has been given the opportunity to amend their processes and received training and guidance on policies.

The person in this position has been given a clear warning and is deemed not to have followed her learned from that process, therefore, they will be asked to resign their position and return all files and equipment belonging to the First Nation, effective immediately.

A written notice of the request to resign will be created and delivered to the person in this position with a witness.

The minutes of council will reflect this documents creation and date of delivery.

Reinstatement of Disciplined Personnel Policy

In order to maintain the highest standards and ethics within the Flying Dust First Nation government and administration services, the following policy applies to any personnel that have had a Level 3 disciplinary action taken against them resulting in their removal from office or position and they are seeking consideration for nomination for election, assignment to Council committees or applying for staff or volunteer positions.

- Within 18 months of the disciplinary action being instituted, no personnel will be considered for nomination for election, assignment to a Council committee, or be considered for any staff or volunteer positions.
- Within 19 to 24 months of the disciplinary action personnel will be considered for nomination for election, assignment to a Council committee or any Staff or Volunteer positions, subject to the review and approval of Chief and Council.
- 25 to 36 months of the disciplinary action personnel will be considered for nomination for election, assignment to a Council committee or any Staff or Volunteer positions subject to the review and approval of Chief or their designate subject to the review and approval of Council.
- 3 years after the disciplinary action, all personnel will be considered for nomination for election, assignment to a Council committee or any Staff or Volunteer positions

Elected Officials and Volunteers Disciplinary Process

The application of the current policies via the Chief for Elected roles, Volunteers and Committee Members and Senior Staff

Breach of Confidentiality

Breaches of confidential information pertaining to Council matters and business of the First Nation are seen to be, and dealt with as, very serious infractions.

1. An unintentional disclosure of information that is not detrimental to either the First Nation, the elected officials, committee members, staff members or community members will be deemed as a Level 1 infractions.
2. Deliberate disclosure of information that is not detrimental to either the First Nation, the elected officials, committee members, staff members or community members will be deemed as a Level 2 infraction.
3. Deliberate disclosure of information that is detrimental to the First Nation, the elected officials, committee members, staff members or community members will be deemed as a Level 3 infraction.
4. Deliberate disclosure of information that is providing financial gain to the person disclosing the information, their family or friends for close associates will be deemed as a Level 3 infraction.

Non-Compliance to Code of Conduct

1. First Offence
 - a. will be deemed as a Level 1 infraction
2. Second Offence for same Non-compliance
 - a. will be deemed as a Level 2 infraction
3. Second Offence for different Non-compliance
 - a. will be deemed as a Level 1 infraction
4. Third Offence for same Non-compliance
 - a. will be deemed as a Level 3 infraction
5. Third Offence for different Non-compliance
 - a. will be deemed as a Level 2 infraction

Breach of Conflict of Interest

1. An unintentional failure to disclosure a Conflict of Interest that is not detrimental to either the First Nation, the elected officials, committee members, staff members or community members will be deemed as a Level 1 infractions.
2. A Deliberate Failure to disclosure a Conflict of Interest that is not detrimental to either the First Nation, the elected officials, committee members, staff members or community members will be deemed as a Level 2 infraction.
3. A Deliberate failure to disclosure a Conflict of Interest will be deemed as a Level 3 infraction.
4. A Deliberate failure to disclosure a Conflict of Interest that is providing financial gain to the person disclosing the information, their family or friends for close associates will be deemed as a Level 3 infraction.

Breach of Conflict of Interest (continued)

The consequences of a Council Member debating and voting on a matter in which the member has an undisclosed monetary conflict of interest are:

- The Member can be disqualified from holding office
- The Member's vote can be invalidated, which could change the result if the margin was one vote (a tie vote is negative)
- The resolution voted on could be invalid on the basis that the Member's conflict tainted the entire vote
- The Member can be required to repay to the First Nation any financial gain realized by the member

The consequences of a Council Member debating and voting on a matter in which the member has NO monetary conflict of interest can result in a challenge to the validity of the individual's vote or an action of the Council

Honourarium, Gifts and Gratuities

Council Members should not accept gifts or benefits likely to place them under an actual or perceived financial or moral obligation to other organizations or individuals.

Council or Committees of Council Members will Not:

- Demand or accept in connection with their official duties any fee, favour, reward, gratuity or remuneration of any kind, outside the scope of their entitlements as a Council or Committee Member
- Use their position for personal profit or gain
- Accept a gift if it could be seen by the public, knowing the full facts, as intended or likely to cause a Member to act in a particular way or deviate from their duty.

Entertainment and Gifts

- No Member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office.
- The following are exceptions:
 - Food, lodging or transportation and entertainment provided by another government body
 - Food and beverages consumed at banquets and receptions
 - A suitable memento of a function honouring the member
 - Gifts that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation
 - A political contribution otherwise reported by law
 - You may not accept gifts, entertainment or services from members or suppliers, other than the customary exchange of gifts that are of nominal value (if the value of the gift does not exceed \$100), such as Christmas gifts.
- If you receive a gift that is of more than nominal value or you are uncomfortable with a gift you have been offered or given, provide appreciation to the person or persons offering the gift and suggest that they may honour the community by making an equal donation to one of our community programs

Public Appearances and Communication

The Chief is the duly elected public face of the First Nation.

- Council Members may not make any public appearances or publish any documents in which you appear to be representing Flying Dust First Nation without prior approval from the Chief and Council.
- Council Members may not use Flying Dust First Nation's letterhead for personal correspondence.

Respectful Workplace Policy

The Flying Dust First Nation is committed to providing and maintaining a professional working environment that is based on respect for the dignity and rights of everyone in the organization.

It is First Nations' goal to provide a healthy and safe work environment that is free of any form of harassment or violence.

This policy applies to all elected officials, employees, contractors and consultants.

It applies in any location in which you are engaged in work-related activities.

This includes, but is not limited to:

- the workplace
- during work-related travel
- at restaurants, hotels or meeting facilities that are being used for business purposes
- in company-owned or leased facilities
- during telephone, e-mail or other communications
- at any work-related social event, whether or not it is company sponsored

This policy also applies to situations in which you are harassed or subjected to violence in the workplace from individuals who are not employees of the organization such as customers and suppliers, although the available remedies may be constrained by the situation.

Professionalism

- Council Members will accurately and adequately communicate the decisions of Council, even if they disagree with a majority decision.
- Council Members are to respect the decision making processes of Council.
- Councillors must convey and conduct Council business in an open and public manner (other than those matters excluded by 'In Camera' sessions so that stakeholders may learn the process, logic and rationale which are used to reach conclusions or decisions.
- Council will periodically use formal or informal opportunities to seek public input as part of the decision making process on issues which have broad impacts on the community.
- Council Members shall conduct themselves with decorum at Council meetings
- Council members will act collectively to ensure good governance.
- No Member shall use the influence of his or her office for any purpose other than for the exercise of official duties.
- No Member may promise an appointment or use his or her influence to obtain an appointment to any position as a reward for any political activity or contribution.

Respect in the Workplace

- Council members will speak respectfully of each other, Staff, the Community and all Council decisions.
- Council Members shall treat the Chief other Council Members, Staff and delegations with courtesy, respect and good faith.
- Council Members shall be respectful of the role of Staff to advise based on objectivity and without undue influence from any individual member of Council.
- Councillors will not comment on other Council Members or Staff in a manner which casts aspersions on their professional competence and/or credibility.
- Only Council as a whole can direct Staff members to carry out specific functions.
- Council Members agree that Staff Members have a duty to the entire Chief and Council body rather than any individual Council Member.
- No Member shall use, or attempt to use, their authority or influence for the purposes of intimidating, threatening, coercing, commanding, or influencing any Staff Member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

Harassment in the Workplace

Flying Dust First Nation is committed to providing and maintaining a professional working environment that is based on respect for the dignity and rights of everyone in the organization.

Working in an environment that *is not* based on mutual respect can create a climate of harassment.

All Elected Officials and Staff Members as well as outside contractors and consultants expect to be treated with respect and it is the responsibility of everyone involved in the organization to ensure that that positive working environment is in place.

Situations that make any person feel uncomfortable in the performance of their duties that persist after a statement noting the uncomfortableness would be considered a form of harassment.

It is the responsibility of all people within the organization to not only express their feelings regarding situations with caring this and respect for each other, it is also our responsibility to respond in a proper and appropriate manner when comments or expressions of concern are provided to us.

If any person feels uncomfortable due to comments, actions, or nuances of activities they have the right within this workplace to advise the alleged perpetrator of their feelings and interpretation.

Once we are made aware of these feelings of uncomfortableness or perceived harassment, we have a responsibility to respond to provide a more comfortable and less harassing environment for our coworkers.

If at any time there is a dispute regarding perceptions and activities, Staff members will approach the Chief or their designate or and Council Members, Volunteers and other Elected Officials will advise the Chief.

If the situations are not able to be resolved by either the Chief or their designate, the Integrity Commission may be utilized to determine the outcome in a neutral and impartial way.

Sexual Harassment

Sexual harassment includes conduct or comments of a sexual nature that the recipient does not welcome or that offend him or her.

It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of his or her gender.

Both men and women can be victims of harassment, and someone of the same or opposite sex can harass someone else.

Some examples of sexual harassment may include:

- sexual advances or demands that the recipient does not welcome or want
- threats, punishment or denial of a benefit for refusing a sexual advance
- offering a benefit in exchange for a sexual favour
- leering (persistent sexual staring)
- displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic Web sites or other electronic material
- distributing sexually explicit e-mail messages or attachments such as pictures or video files
- sexually suggestive or obscene comments or gestures
- unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex
- persistent, unwanted attention after a consensual relationship ends
- physical contact of a sexual nature such as touching or caressing
- sexual assault

Discriminatory Harassment

Discriminatory harassment includes comments or conduct based on the protected grounds in the Federal Human Rights Code which the recipient does not welcome or that offends him or her.

Some examples of discriminatory harassment include:

- offensive comments, jokes or behaviour that disparage or ridicule a person's membership in one of the protected grounds such as race, religion or sexual orientation
- imitating a person's accent, speech or mannerisms
- persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children
- inappropriate comments or jokes about an individual's age, sexual orientation, personal appearance or weight
- harassing comments or conduct can poison someone's working environment, making it a hostile or uncomfortable place to work, even if the person is not being directly targeted
- deliberately excluding or socially isolating another individual from the team; for example, taking coffee orders and deliberately omitting to ask the individual
- displaying offensive or sexual materials such as posters, pictures, calendars, Web sites or screen savers
- distributing offensive e-mail messages or attachments such as pictures or video files
- practical jokes that embarrass or insult someone
- jokes or insults that are offensive, racist or discriminatory in nature

Discrimination

Workplace discrimination includes any distinction, exclusion or preference, based on the protected grounds in the Federal *Human Rights Code*, which nullifies or impairs equality of opportunity in employment, or equality in the terms and conditions of employment.

The protected grounds of discrimination are:

- race, colour, ancestry, citizenship, ethnic origin or place of origin
- creed, religion
- age
- sex (including pregnancy and breastfeeding)
- gender identity and gender expression
- sexual orientation
- family, marital (including same-sex partnership) status
- disability or perceived disability
- a record of offences for which a pardon has been granted under the federal *Criminal Records Act* and has not been revoked, or an offence in respect of any provincial enactment

Preventing Harassment and Violence

It is our mutual responsibility to ensure that we create and maintain a harassment-free and violence-free workplace, and address violence and/or the threat of violence from all possible sources (including customers, clients, employers, supervisors, workers, strangers and domestic/intimate partners).

Flying Dust First Nations' Commitment

Flying Dust will do its part by not tolerating or condoning discrimination, harassment or violence in the workplace.

This includes making everyone in our organization aware of what behaviour is and is not appropriate, assessing the risk of workplace violence, investigating complaints and imposing suitable corrective measures.

Duties of Supervisors and Managers

Supervisors and managers are expected to assist in creating a harassment-free workplace and to immediately contact the Health and Safety Committee if they receive a complaint of workplace harassment or violence, or witness or are aware of harassing or violent behaviour.

Supervisors and managers must also take every reasonable precaution to protect employees from workplace violence, including evaluating a person's history of violent behaviour to determine whether and to whom this employee poses a risk.

In making this evaluation supervisors should consider:

- whether the person's history of violence was associated with the workplace or work
- whether the history of violence was directed at a particular employee or employees in general
- how long ago the incidence of violence occurred

Flying Dust First Nation

In certain circumstances, supervisors and managers may have a duty to provide information about a risk of workplace violence from a person with a history of violent behaviour if an employee can be expected to encounter that person during the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury.

Supervisors and managers will only release as much personal information about the person with a history of violent behaviour as is reasonably necessary to protect the employee from physical injury.

Supervisors and managers are required to consult with the Workplace Health and Safety Committee prior to releasing information about a person with a history of violence.

Duties of All Employees

All Staff must do your part by ensuring that their behaviour does not violate this policy and by fostering a work environment that is based on respect and is free of harassment.

All Staff are also required to report to their supervisor or the Health and Safety Committee the existence of any workplace violence or threat of workplace violence.

Council Report for Meeting Updates

Throughout the completion of their duties, Flying Dust First Nation Council Members will be required to attend various meetings and conferences.

To ensure the investment of both time and resources on behalf of the First Nation are being respected and the best return possible is being provided, a report regarding the meeting or event that was attended is expected to be provided to the Flying Dust First Nation Chief and Council within 2 weeks of the completion of that meeting.

Such reports should include:

- time and date of meeting or event
- purpose of meeting or event
- budget investments and time investments made
- attendees names
- information that was covered during the meeting or event
- how that information directly relates to the activities of the First Nation or its programs or services
- itemized action plans that arose from the meeting or event
- expected timelines to complete any action items, if applicable
- next steps or expected outcomes

These reports will become part of any documentation or correspondence adopted by council within one of its regularly scheduled meetings and therefore part of the records and files of the Flying Dust First Nation.

Failure to provide timely reports may result in a Council Member being requested to provide the report prior to the next scheduled Chief and Council meeting.

The responsibility to ensure that all reports are properly completed and submitted and adopted lies with the Chief and the Council as a whole and the Council will be the spokesperson on their behalf.

The provision of these reports by individual Council Members is part of their Code of Conduct that they have agreed to prior to undertaking their roles.

References

- www.oipc.bc.ca
- The *Freedom of Information and Protection of Privacy Act* ("FIPPA") applies to over 2,900 "public bodies" including ministries, local governments, schools, crown corporations, hospitals, municipal police forces, and more;
- www.cio.gov.bc.ca
- The *Personal Information Protection Act* ("PIPA") applies to over 380,000 private sector "organizations" including businesses, charities, associations, trade unions and trusts.