

CHIPPEWAS OF THE THAMES FIRST NATION
LEADERSHIP MANUAL



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WHEREAS the Chief and Council of the Chippewas of the Thames First Nation wishes to establish a comprehensive policy to ensure good governance for the First Nation and its Members;

THEREFORE the Chief and Council of the Chippewas of the Thames First Nation at a duly convened meeting resolve to adopt the following policies as our Leadership Manual.

PURPOSE OF POLICIES

The purpose of the policies in this Leadership Manual is to maintain a harmonious and mutually beneficial relationship between Chief and Council and Chippewas of the Thames First Nation Members. These policies describe the political, functional and legal roles and responsibilities of the Chief and Council and staff, particularly the Administrator, and define the operational procedures to ensure and promote good governance.

Chief and Council of the Chippewas of the Thames First Nation desire to serve the people fairly and efficiently; accordingly. Council is determined to establish an effective working relationship with fellow Chief or Councillors and the Chippewas of the Thames First Nation Membership.

By the policies contained herein, the Council hereby affirms the separation of politics and administration while acknowledging they will overlap from time to time. The Council is responsible for the strategic planning and visionary leadership of the First Nation. The day-to-day activity of staff is the job of the Administrator.

The responsibility of the Council in relation to the First Nation owned corporations, Trusts and other entities will be set out in other law, policies and corporate constitutional documents.

EFFECT

These policies are enforceable as laws.

DEFINITIONS

In these policies,

“Administrator” means the Executive Administrator;

“Chief” means the Chief of the First Nation;

“Committee” means a committee of the First Nation approved by Council and includes associations, non-corporate boards, Standing Committees and Adhoc Committees;

“Standing Committee” means a committee of the First Nation approved by Council that will serve a term concurrent with the term of the current Council.

“Adhoc Committee” means a committee of the First Nation approved by Council that will serve a specific term within the current Council’s term

“Community Member” means someone who lives on or off reserve or has close ties with the Community but not necessarily by blood or First Nation membership;

“Member” means a person whose name appears on the Chippewas of the Thames First Nation band membership list from time to time;

“Council” means the elected Chief and Council of the First Nation;

“Councillor” means a member of the Council

“Elder” means a Chippewas of the Thames First Nation member over the age of sixty-five years of age who is a respected Elder in the Community;

“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 a private record and are stored separate from the public record in a secure place.

“Person” means an individual, a corporation, a society or other non-profit organization, a partnership, a government or any government agency or department, a trustee, any unincorporated organization and includes heirs and legal representatives of an individual;

“Advisory Council” means the group appointed by Chief and Council in accordance with this Leadership Manual.

1.1 CORE PURPOSE

Council's purpose is to sustain a healthy, successful community in which all Members have the means to safely live, work, learn and play.

1.2 VISION

We the leadership are committed to working together to govern ourselves to restore our cultural and traditional values and rejuvenate the growth of our Nation, create a self-reliant, safe, healthy and environmentally sound community for all the descendants of Desh-kan-Ziibi.

1.3 VALUES

Our Community require Council to:

- Maintain as a priority a constant focus on the First Nation community;
- Support the involvement of all Community members who desire to participate in advancing our community;
- Respect our history, language and culture;
- Respect various perspectives, opinions and beliefs;
- Wisely use a variety of resources to achieve goals of the First Nation.
- Conduct leadership in a manner that honours the principles of:
 - Respect, Honesty, Bravery, Wisdom, Strength, Love, and Truth

1.4 MISSION STATEMENT

To create a better world for our members, the Council hereby endeavours to:

- Establish and maintain a healthy, productive community by providing quality governance with fair representation for all Members;
- Practice and promote cultural values;
- Protect and manage our resources;
- Operate in a fair and honest manner;
- Mentor and educate our young people.

2.1 GOVERNING STYLE

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

- The sustainable future of the First Nation;
- A clear separation between the roles of the 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 the Council;
- Respect the role of the Chief;
- Speak with one voice, representing all 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 Leadership Manual;
- Monitor and regularly review Council's own process and performance.

3.0 CODE OF CONDUCT

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

3.1 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 Administrator, except as noted in these and other applicable policies or laws.
- Council has the authority to discuss communication issues and appoint a spokesperson to interact with the public, the media or other entities on behalf of Council regarding an issue or issues that affect or may affect the First Nation.
- Council has the authority to assess performance of the Administrator or other Council staff ensuring that the 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 Administrator.

3.2 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 accomplishment of its strategic goals.

3.3 CONFLICT OF INTEREST

Council, Committee members, the Administrator and staff shall comply with the conflict of interest rules of the First Nation as established from time to time.

3.4 ACCEPTING GIFTS

A Chief or Councillor will not, directly or indirectly, accept a fee, gift or personal benefit that is connected with the Chief or Councillor's performance of his/her duties unless the gift or personal benefit is a result of protocol, in which case it will be disclosed, or in authorized compensation.

3.5 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 the 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.

3.6 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 or Councillor, Committee member or staff (including the Administrator) will divulge any personal or other otherwise confidential information that is acquired as a result of his/her office or position role 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 policy by every Chief or Councillor, Committee member, the Administrator, staff or other person(s) invited or permitted to attend the meeting.

3.7 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 the Membership regarding 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.

3.8 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 on 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 annual budget, monthly financial statements, audit reports and First Nation's administrative policies.

Personal information about Members will not be disclosed to any Person except in accordance with the First Nation's privacy laws and policies and, in the absence thereof, generally accepted privacy principles.

3.9 ACCOUNTABILITY

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

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

3.10 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.

4.1 GOVERNANCE

The Council's primary responsibility is to govern as one.

The Council shall wield its authority as a whole and shall speak with one, unified voice. The Chief has limited additional roles including the chair at meetings and the spokesperson for Council. Individual Councillors, including the Chief, cannot make decisions on their own on behalf of the Council or on the First Nation's behalf unless stated otherwise in this manual. Council's staff are obligated to follow the direction of Council, but never obligated to follow the direction of an individual Chief or Councillor acting alone.

Without limiting the generality of the foregoing, Council will govern with an emphasis on:

- Collective leadership;
- Acknowledgement of and appreciation for, differing viewpoints;
- Respect for the separate roles and responsibilities of Council and the First Nation administration; and
- The sustainable future of the First Nation rather than the past or present.

The Council is responsible for the interests of the Membership and the community as a whole and not special interest groups.

The Council is responsible for the best interests of the First Nation and Membership regarding matters affecting traditional and treaty territory, inherent rights, Aboriginal rights, treaties, and First Nation monies. In this respect, the First Nation government's jurisdiction extends to Members who live off reserve. Council is also responsible for matters involving non-members including the enactment of laws, bylaws and approval of policy.

In maintaining its accountability to the Nation and the Members, Council will abide by all legal obligations established from time to time in relation to the Council and the First Nation and Council and all non-First Nation Persons that it deals with.

4.2 GENERAL COUNCIL POWERS AND RESPONSIBILITIES

Council's powers and responsibility include:

- Make and approve laws, bylaws, regulations, rules, codes, directives, guidelines or other authorizations, standards, declarations, notices, requirements and directions.
- Allocate or administer First Nation funds on behalf of and in the best interests of the First Nation and the Members.
- Designate/appoint an interim Chief when there is a vacancy in the Chief's position
- Call and conduct First Nation community meetings.
- Call and hold referendums
- Approve policies and objectives and ensure the Administrator carries them out.
- Approve new First Nation programs and services.
- Grant interests in the First Nation's land.
- Negotiate with the Crown or its designate concerning Aboriginal title, traditional territory and Treaty implementation
- Communicate with the Administrator in accordance with these policies and other applicable First Nation policies or laws.
- Appoint and dismiss the Administrator with just cause, according to the procedures described in the Personnel Policy Manual or contractual agreement if applicable.
- Approve rules governing Council's own procedure.
- Support the Administrator in decisions made in accordance with this and other First Nation policies and laws.
- Establish Committees.
- Establish complaints and appeals procedures.
- Establish an independent body to resolve disputes.
- Establish and maintain relationships with community people on behalf of the First Nation.
- If there is a conflict between Council members and quorum decides the issue, the other member must be informed of the decision.
- Appoint representation to external agencies and organizations
- Appoint a proxy Councillor to attend political assemblies in the absence of the Chief's ability to attend said function
- Appoint a reliable person, under special circumstances to act as Council's proxy during political assemblies

4.3 STRATEGIC PLANNING

Council recognizes the importance of strategic planning to the future of the First Nation.

Accordingly, Council will undertake the following:

- Establish and review the First Nation’s vision, comprehensive community plan, long and short term goals, objectives, policies, laws, bylaws, regulation and procedures related to First Nation administrative programs and services and ensure that they are followed and implemented.
- Define specific priorities in alignment with the comprehensive community plan for First Nation programs and departments in cooperation with program supervisors and Committees where applicable and revise where appropriate.
- Ensure all programs and services within its jurisdiction are being effectively administered, and that related policy guidelines, objectives, laws and regulations are followed,
- Undertake a comprehensive, annual evaluation and review of First Nation programs and staff roles and responsibilities.
- Regularly review and approve and, where necessary, revise the First Nation’s comprehensive community plan.
- Develop a communication strategy to keep the Membership involved in Council’s decisions.
- Meet with the community at least once annually to discuss the comprehensive community plan and priorities within it
- Ensure that external organizations who are carrying out a function on behalf of the First Nation i.e. SOAHAC, are aligning their strategic planning with COTTFN’s strategic plan

4.4 FINANCE

With respect to the First Nation’s finances, Council’s responsibilities include the following:

- Approve the First Nation’s annual budget and budget’s for all First Nation’s programs, departments and services.
- Authorize certain banks as the dispositions for the First Nation funds.
- Negotiate funding arrangements with Indian and Northern Affairs Canada or its successor and other government departments, and other sources of funding for matters that fall within the First Nation’s jurisdiction, and for which the Council has assumed responsibility.
- Be fully accountable to the Membership and to the First Nation’s funding agents and establish such policies that may be necessary to ensure financial accountability.
- Appoint an auditor on an annual basis to audit the finances of the First Nations.

All cheques issued and banking transactions on the First Nation’s account will require the signature of no less than two Council authorized signing/signatories authorities.

4.5 CAPITAL PROJECTS

Council shall:

- Approve and review the capital plan for the First Nation;
- Approve any new capital or infrastructure projects of the First Nation;
- Negotiate and approve any service and taxation agreements with other governments.

4.6 AGREEMENTS

Council shall cause all contracts and agreements to which the First Nation is a party to be carried out according to their terms.

All contracts, agreements, documents or any instruments requiring execution on behalf of the First Nation will be signed by any two Council authorized signatories, except as provided under these policies or other applicable First Nation policies or laws. Council may, from time to time, authorize the Administrator or other staff to be signatories on behalf of the First Nation.

4.7 OTHER GOVERNMENTS

Council shall:

- Subject to these policies, liaise with all levels of government and government agencies and departments on all matters affecting the First Nation.
- Represent the First Nation's interests and the concerns of its members at meetings and conferences and report back to the Membership including but not limited to key issues and concerns raised at these meetings and conferences.

Council has the discretion to delegate authority to designated bodies at the regional, provincial and national level, to speak on behalf of the First Nation on matters pertaining to the First Nation's interests.

4.8 MEETINGS

Council shall conduct its meetings in accordance with the procedures in Appendix B of this Leadership Manual and any other First Nations laws and policies.

4.9 PORTFOLIOS

Council may establish portfolios whereby an individual Chief or Councillor will be delegated specific responsibilities in a specific area of Council's jurisdiction. Portfolios will be established at the beginning of each Council term as soon as possible, but may be established throughout the Council term as needed.

Role of Portfolio Holders

Portfolio holders are advisors to Council of their portfolio area and will be considered the experts of Council in their given portfolio policy area. The advice of the portfolio holder will assist Council in their decision making process.

Portfolio Holder Activity

- Attend meetings/conferences/functions and assemblies specific to their portfolio area as determined by Council
- Provide written reports of regional, provincial, national and international policy issues effecting the First Nation
- Liaise and network with individuals/organizations within their portfolio policy area as requested by Council
- Propose new and amendments to existing laws, bylaws and policy to the Council within their portfolio policy area
- Research the First Nation's existing laws, bylaws and policies within their portfolio area
- Advocate for the First Nation's issues within their portfolio area

The following is a list of possible Council portfolio areas for consideration:

1. Territory, Lands and Environment
2. Infrastructure
3. Health
4. Social Welfare
5. Governance
6. Treaty and Intergovernmental Affairs
7. Education
8. Justice
9. Culture and Language

4.10 EXTERNAL AGENCY AND ORGANIZATION REPRESENTATION

A distinction exists between representation on organizations that have been developed in whole or in part by Chippewas of the Thames and with non-First Nation developed organizations who voluntarily invite the participation of Chippewas of the Thames.

First Nation Developed Organizations:

Council may appoint the Chief or Councillors to represent the First Nation's interest on external agencies, entities or organization's governance structures. The appointed Chief or Councillor's ultimate loyalty in this regard is consistent with section 3.2 of this manual. In accordance with the policies stated in this manual, the Chief or Councillor appointed to an external representation position will:

- Submit meeting reports to the Council of each meeting attended on behalf of the First Nation
- Provide the Council Secretary with a copy of the organization's latest minutes for file as requested by Council
- Ensure Council has access to the organization's founding and corporate documents
- Consider Chippewas of the Thames' best interest in all decision making matter without prejudice to the organization's mandate
- WILL DISCLOSE ANY HONOURARIUM OR GIFTS RECIEVED FROM THE ORGANIZATION TO THE COUNCIL SECRETARY

Non-First Nation developed Organizations:

- Advocate for Chippewas of the Thames best interest without prejudice to the organization's mandate
- Ensure a positive relationship exists between Chippewas of the Thames and the organization

4.11 CHIEF'S ROLE

The Chief is responsible for providing leadership to the Council and ensuring the integrity of Council's internal processes is preserved such that Council behaves consistently with its own rules and those rules legitimately imposed upon it by Persons having jurisdiction.

Accordingly, the Chief:

- Is the first among equals and holds the authority of Council to act in good faith of Council in exercising decision making regarding matters which require immediate attention, emergency situations and special circumstances affecting the First Nation.
- Will report to Council as soon as possible following his/her decision making process. The Chief should know the Council well enough that the decisions made without Council will meet approval of the Council.
- Speak on behalf of the Council or delegates this authority.
- Represents the First Nation at ceremonial and other special functions or delegates this authority.

- Is the lead on inter-governmental affairs issues and may delegate this role to another member of Council or to a suitable staff person
- Chairs the Council meetings and ensures that the meetings are conducted in an orderly and business-like manner and decides all questions of procedure.
- Ensures all meetings and deliberations involving Council and members will be fair, open, thorough, and orderly and allocated the appropriate amount of time keeping in mind the other matters before Council. If the Chief is unable to carry out these responsibilities, he/she shall relinquish the chair to another Councillor at that meeting.
- Shall ensure that meeting content will be limited to those issues that, according to Council policy, clearly fall exclusively within Council's jurisdiction and not the Administrator.
- Is both a voting member and ex-officio member of all committees of Council. The Chief will only be considered a voting member of a committee when his/her attendance is required to make quorum for the committee.
- Will attend Chief's assemblies, tribal council meetings and other bodies where the Chief is the official representative of the First Nation. The Chief has authority to identify a proxy in absence of Council being able to establish quorum to appoint a proxy. (consistent with section 4.2)
- May delegate to another Councillor any of his/her roles and responsibilities.

4.12 DISQUALIFICATION AND REMOVAL

Notwithstanding policy 3.10, a Chief or Councillor is disqualified from holding his/her office and will immediately relinquish his/her position as Chief or Councillor, if the Chief or Councillor:

- Is absent from 3 consecutive Council meetings without prior authorization;
- Contravenes applicable conflict of interest rules;
- Accepts gifts in contravention of policy 3.4
- Uses his/her influence in contravention of policy 3.5
- Uses confidential information for his/her or other benefit in contravention of policy 3.6
- Is convicted of an indictable offence (see Appendix D)
- s/he dies or resigns;
- if s/he is found to be a mentally incompetent person or becomes of unsound mind;
- is disqualified under section 78 of the Indian Act;

A Chief or Councillor may be disqualified if he/she becomes aware that a Chief or Councillor is acting or has acted in a manner that constitutes grounds for disqualifications under this policy 4.11 and he/she fails to notify Council of such actions within a practical period of time.

If it appears that a Chief or Councillor is disqualified under policy 4.11 and is continuing to act in his/her capacity as a Chief or Councillor, in addition to all available remedies, any Member may file a complaint under policy 11.0.

If a Chief or Councillor is disqualified under this policy he/she will be ineligible to run for Council in the next election.

4.13 REPLACEMENT UPON REMOVAL FROM OFFICE

In the event that the Chief or another Councillor is removed from office pursuant to policy 4.11, Council shall, at their discretion, call an election to replace that Chief or Councillor within 30 days of the date of removal to replace that Chief or Councillor. If quorum of Council is diminished pursuant to section 4.11, an election must be called to re-establish quorum.

4.14 VACANCY

Where there is a vacancy or vacancies on Council, the remaining Chief and Councillors may continue to exercise all the powers of Council until a new Councillor is elected, so long as a quorum of Council remains in office. In the event there is less than a quorum of Council, the Advisory Council may appoint its members as interim Councillors until such time as new Councillors are elected and a quorum of Council has been restored.

4.15 VACANCY IN THE OFFICE OF THE CHIEF

Where a vacancy of the Chief's position occurs,

The Councillor with the most electoral votes will immediately assume the role of interim Chief.

The Council will then determine whether or not a by-election will be called to re-elect a Chief. Council will practice discretion in calling a by-election considering the amount of time left in the Council term i.e. if there is only 6 months left in the Council term then Council may choose not to call a by-election. Notwithstanding the aforementioned, the Council will then:

Appoint the role of interim Chief from amongst the Council members. The Council may choose to appoint up to two Councillors to fill the role of interim Chief and in which case will clearly identify the roles and responsibilities of each interim Chief.

4.16 RECOGNITION

Council will ensure that proper recognition is provided to Member's, community groups, entities and other government and First Nation bodies when those parties contribute to the overall wellbeing of the First Nation.

5.1 CORE PURPOSE

The purpose of orientation is to acquaint each Chief and Councillor with the First Nation, the Council, and the obligations and responsibilities of the individual Chief and Councillor. Orientation will be an ongoing process.

5.2 ORIENTATION TO CHIPPEWAS OF THE THAMES FIRST NATION

Orientation to the First Nation will include the following:

- The broad general scope of the First Nation, including Council’s purpose, vision, values, history, programs and services of the Council.
- A review of all of the First Nation’s laws, bylaws and policies in effect
- The roles and responsibilities, relationships, and structure of all levels of the First Nation operation including Council.
- An overview presentation of the comprehensive community plan
- An overview of the First Nation’s budget
- An overview presentation of each of the First Nation departments’ strategic work plans
- Chippewas of the Thames First Nation intergovernmental agreements
- Chippewas of the Thames First Nation and servicing agreements

An initial orientation should be done before the first Council meeting. It will cover the above information, and the past or incumbent Chief (as the case maybe) will review the Council information while the Administrator will review information about the operation of the First Nation administration. Outgoing Chief or Councillors will act honestly and in the best interests of the First Nation for the purpose of assisting the new Council in the orientation process and to facilitate the transition between Councils and Chief or Councillors.

5.3 ORIENTATION TO THE COUNCIL

Orientation of the Council will be done before or at the first meeting of new Chief and Councillors. A discussion of relevant topics will help re-orient incumbent Chief and Councillors and introduce new Chief and Councillors to the operation, roles and responsibilities of Council. Supporting information will be distributed at this meeting together with the Leadership Manual.

Orientation will focus on these areas:

- The importance of the Council and its contribution to meeting the needs of the First Nation and the members.
- Good governance practices
- Accountability and transparency
- The link between Government and public administration
- A review of the Leadership Manual, the Financial Accountability Policy, the Chippewas of the Thames First Nation Conflict of Interest Rules, and any other policies that Council declares subject to this policy.
- Council's relationship with other organizations, groups and government.
- To assist in the orientation process, outgoing portfolio holders will ensure that current briefing notes, meeting summaries and reports are up to date concerning their portfolio and properly filed and maintained by the Executive Administrator

6.0 UNITY OF CONTROL

Only decisions of the Council acting as one are binding on the Administrator.

Accordingly:

- Decisions or instructions of individual Chief or Councillors or Committees are not binding on the Administrator, except in rare situations when the Council specifically authorizes the exercise of such authority by Council motion or the Chief's exercise of authority as stated in this policy or other policies and laws of the First Nation.
- If an individual Chief or Councillor or Committee member requests information or assistance without Council authorization, the Administrator can refuse those requests that require (in the reasonable opinion of the Administrator) a material degree of staff time or funds, or are disruptive to the Administrator's other responsibilities.
- All requests for information must be made in writing. Personal information about other First Nation members will not be disclosed except in accordance with the First Nation's privacy laws and policies and, in the absence of which, generally accepted protection of privacy measures.
- Except as provided in this Leadership Manual or other First Nation policies or laws, the Administrator is the Council's only link to administrative activities and conduct.

Therefore:

- The Council will never give instructions to persons who report directly or indirectly to the Administrator.
- The Council will refrain from evaluation, either formally or informally, of any staff other than the Administrator or the Council's Policy Analyst.
- The Council will view the Administrator's performance as identical to the performance of the First Nation's administration office. Therefore the accomplishment of Council's stated goals will be reviewed as the success of the Administrator's performance.
 - With respect to the treatment of paid and volunteer staff, the Council and the Administrator will operate within the guidelines in the Chippewas of the Thames First Nation Personnel Policy Manual.

Policy Section: Administration (Administration and Staff)

Policy #: 7.1 – 7.7

Last Date Approved: July 23, 2013

Date Last Revised:

7.1 RESPONSIBILITIES GENERALLY

The Administrator shall, subject to First Nation laws and practices, be responsible for the day-to-day operations of the First Nation office including:

- The implementation of First Nation laws, policies, programs and services.
- Hiring and managing staff.
- All other responsibilities specified or delegated by Council.

7.2 OPERATIONAL PRACTICES

When performing his or her duties, the Administrator will not engage in, cause or allow any practice, activity, decision or organization situation which is unlawful, imprudent, violates the commonly accepted business and professional ethics of Chippewas of the Thames First Nation or adversely impacts the reputation of the First Nation.

The Administrator and staff will not use or divulge to any person information acquired as a result of his/her role as Administrator for his/her own benefits or advantage or for the benefit or advantage of any Person.

7.3 DELEGATION

While Council is ultimately accountable for the performance of Chippewas of the Thames First Nation, it must, to the greatest extent possible, be free from involvement in the day-to-day administrative operations of the First Nation. Council therefore supports the principle of delegation to the Administrator.

7.4 STAFF POLICY DEVELOPMENT

To promote the utmost performance, the Council hereby delegates staff policy development to the Administrator. These policies must guide the Administrator and staff. Within the limits of these policies, the Administrator may not operate without:

- Administrative policies and procedures that ensure operational and administrative efficiency and consistency;
- Publishing such procedures and making them appropriately available to all staff.
- A procedure that limits conflicts of interest to ensure openness, equal opportunity, and equal access to otherwise “inside” information.

The Administrator will be responsible for:

- Defining and ratifying staff job descriptions and responsibilities.
- Determining compensation of staff by establishing a scale of salaries for specific classes of work based on the appropriate budget.
- Ensuring the staff code of ethics is upheld.
- Ensuring that all staff comply with the First Nation’s personnel policy.

7.5 FISCAL FINANCIAL POLICY

With respect to planning financial matters, the Administrator will not depart from Council’s stated strategic goals or jeopardize the fiscal standard of Council. Thus, the Administrator will:

- Ensure accounting and reporting systems that are consistent with generally accepted accounting principles (GAAP).
- Plan the expenditures in any fiscal year to balance with the operating funds that are conservatively projected to be received in that period.
- Produce a budget which contains sufficient information to facilitate:
 - A reasonable accurate projection of revenues and expenses.
 - A reliable cash flow projection.
 - Subsequent audit trails
 - Planning assumptions.
- Maintain current liquid assets to a level required to meet the First Nation’s current liabilities.

7.6 FINANCIAL ACTIVITIES AND CONTROL

The Administrator will oversee the First Nation's finances in a sound, responsible and prudent manner to limit risk to the First Nation and ensure the proper allocation of funds.

Thus, the Administrator will:

- Only commit or expend funds that have been provided for in a duly approved budget with prior approval from Council;
- Ensure the First Nation's liabilities do not exceed the levels provided for in a duly approved budget;
- Seek Council authorization for the use of any long term serves without;
- Settle payrolls and debts quickly;
- Make all payments or other government payments or filing on time unless otherwise authorized by Council;
- Seek Council authorization for single purchases or financial commitments of greater than \$25,000.00 that is not contained in the annual budget;
- Seek Council authority before acquiring, encumbering, selling, transferring or otherwise disposing of assets and real property;
- Aggressively pursue First Nation receivables as per other First Nation policies or laws.

7.7 ADMINISTRATOR AND POLICIES

The Council will instruct the Administrator through written policies that describe the goals to be achieved and situations and actions to be avoided. The Administrator will interpret these policies in a prudent, ethical and reasonable manner consistent with the First Nations vision, values and strategic plan. Therefore:

- The Administrator will take all actions and develop all activities that are consistent with Council's governance policies.
- The Council will respect the Administrator's choices and decisions if a policy is absent, provided that the Administrator acts in accordance with this Leadership Manual. Through policy, the Council may rescind areas of the Administrator's authority at any time.
- The Administrator, by reporting contraventions to the Council, guarantees that no contravention is intentionally kept from Council or a Committee.
- The Administrator will also report contraventions of policy to the Council as part of his or her normal reporting.
- Council may discipline the Administrator appropriately for contravention of policy.

The Administrator may delegate his/her responsibilities with the consent of Council.

8.0 ASSET PROTECTION

The First Nation's assets must be properly cared for, including property, equipment, membership lists, and computerized data. The Administrator is responsible for adequately maintaining the assets and protecting them from unnecessary risks. To this end the Administrator will:

- Cause all equipment to be adequately maintained, reasonable wear and tear excepted;
- Make purchases with consideration of a balance between cost and long-term quality.
- Not knowingly place information and files at risk of loss or significant damage.
- Arrange for all risks insurance coverage for the First Nation's property in an amount not less than full replacement value.

9.0 GENERAL PRINCIPLES FOR ESTABLISHING COUNCIL COMMITTEES

- Council will create Committees for specific and time-limited purposes with terms of reference established in accordance with Appendix A to this Manual. Council will complete a terms of reference for Committees that are in existence at the time of this Leadership Manual's initial date of execution.
- Council will review all Committees at least annually to decide whether they should continue or be dissolved. Committee serving no useful purpose should be dissolved.
- Council committees shall be created to help council do its job. Committees commonly help council by preparing policy alternatives and implications for council deliberation. This may be done for example by striking a special committee to draft a Citizenship Law or oversee RFP process for financial services.
- Council committees do not speak or act for Council. Council must carefully define the committees' terms of reference so as not to conflict with the responsibilities delegated to the Administrator.
- Council shall sit as non-voting, ex-officio members of each Council committee
- Council committees must not exercise authority over the First Nation Administration or staff.
- Staff persons tasks associated with any committee must be clearly outlined in the committee's terms of reference.
- A staff person's amount of time dedication must not exceed that which is outlined in the committee's terms of reference.
- The Administrator or his/her delegate must authorize all staff involvement with a committee.
- Consistent with Council's broader focus, Council committees will not deal directly with the administration of the First Nation operation.
- Council will determine the functions of committees established including those to develop policy (e.g education Policy Committee), and those established for regulatory or operation purposes (e. School board).
- The names of Council committees should be obvious, based on their form and function. For example, it is clear what the mandate of each of the following committees is:
 - Housing Policy Committee
 - Housing Board (or Housing Authority)

10.0 ADVISORY COUNCIL

The Advisory Council is hereby established with the terms of reference identified in Appendix C of this Leadership Manual. The Advisory Council shall have the following responsibilities and powers once appointed:

- Act as a formal advisory body to Chief and Council when called upon by Council.
- Provide a dispute resolution process for the First Nation in accordance with section 11 of this Leadership Manual.
Appoint interim Councillors in accordance with section 4.13 of this Leadership Manual.

11.0 COMPLAINTS AND DISPUTE RESOLUTION PROCEDURES

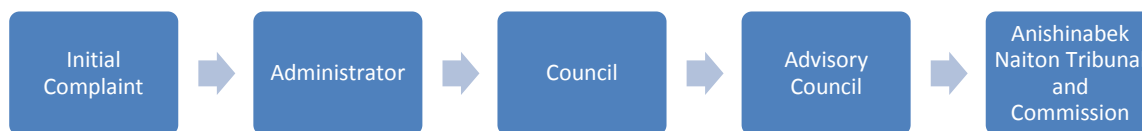
The complaints and dispute resolution procedures referred to in this manual do not have the authority to hear human rights complaints as per the Canadian Human Rights Act. Individuals who wish to address human rights issues should appeal the appropriate local human rights tribunal in their region or to the Provincial or Canadian Human Rights Commissions.

COMPLAINTS CONCERNING COUNCIL

Any member who believes that Council or an individual Chief or Councillor are not following the policies contained in this Leadership Manual and any other policies, laws and bylaws of the First Nation can direct his or her concerns in writing (and in person if s/he so requests) to the Administrator. The Administrator will report the complaint to Council for consideration and the Council will respond to the complainant within 30 days.

If the Member is unsatisfied following the response of Council, s/he may direct his/her reasons and concerns in writing (and in person if s/he so requests) to the Advisory Council for consideration and the Advisory Council will respond within 20 days with its' decision. The Advisory Council will follow rules of procedure as developed and accepted by the Council as amended from time to time

If the Member is unsatisfied following the response of the Advisory Council, s/he may direct his/her reasons and concerns in writing (and in person if s/he so requests) to the Anishinabek Nation Tribunal and Commission for consideration and the Anishinabek Nation Tribunal and Commission will follow their due process. The Anishinabek Nation Tribunal and Commission is the final court for appeal and redress concerning Chippewas of the Thames First Nation.



COMPLAINTS CONCERNING ADMINISTRATION

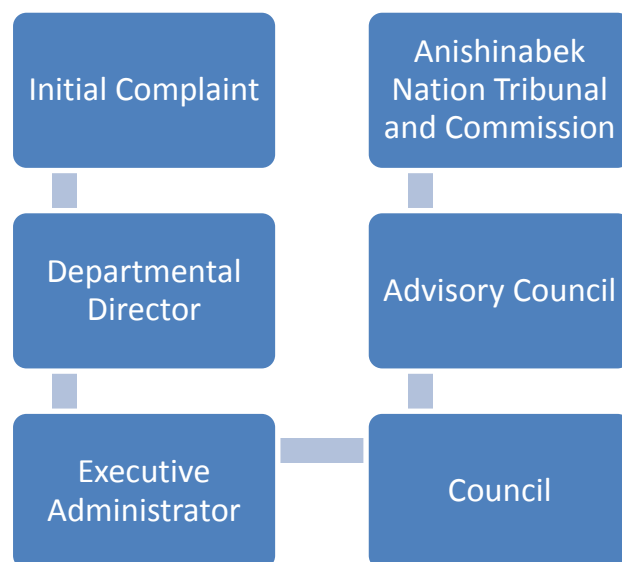
Any member who believes that the Administrator or other staff are not following the policies contained in this Leadership Manual and any other policies, laws and bylaws of the First Nation can direct his or her concerns in writing (and in person if s/he so requests) to the appropriate departmental director (if applicable) for consideration and the departmental director will respond to the complainant within 15 days.

If the Member is unsatisfied following the response of the departmental director, s/he may direct his/her reasons and concerns in writing (and in person if s/he so requests) to the Administrator for consideration and Administrator will respond with 15 days.

If the Member is unsatisfied following the response of the Administrator, s/he may direct his/her reasons and concerns in writing (and in person if s/he so requests) to the Council for consideration and Council will respond with 15 days.

If the Member is still unsatisfied following the response of Council, s/he may direct his/her reasons and concerns in writing (and in person if s/he so requests) to the Advisory Council for consideration and the Advisory Council will respond within 20 days with its' decision. The Advisory Council will follow rules of procedure as developed and accepted by the Council as amended from time to time

If the Member is unsatisfied following the response of the Advisory Council, s/he may direct his/her reasons and concerns in writing (and in person if s/he so requests) to the Anishinabek Nation Tribunal and Commission for consideration and the Anishinabek Nation Tribunal and Commission will follow their due process. The Anishinabek Nation Tribunal and Commission is the final court for appeal and redress concerning Chippewas of the Thames First Nation.



Policy Section: Revisions

Policy #: 12.0

Last Date Approved: July 23, 2013

Date Last Revised:

12.0 REVISIONS

From time to time, the policies in this Leadership Manual may require revision. Council will review these policies on an annual basis and revise as necessary. Policy revisions may arise from the implementation of this Leadership Manual and may therefore in some cases may be administratively driven by nature.

Proposing a policy amendment to this Leadership Manual

Chiefs and/or Councillors may propose an amendment to this Leadership Manual by way of a written policy analysis and proposal which must include:

- Identification of policy section(s) to be amended
- Title of policy amendment
- Statement of issues with the current and effective policy (dated)
- Research findings summary – explanation of what best practices exist in this policy area in other jurisdictions
- Alternative wording to the current policy (can be one or more alternatives) with factual impacts of each alternative
- Recommendation to the Council for policy amendment

Policy issues with this Leadership Manual may arise from time to time either through implementation at the Council level or operationally at the administrative level. In such a case, either the Executive Administrator or any Chief or Councillor may flag the issue in Council. Council may then deliberate as to whether or not a policy analysis is to be completed and who shall conduct the analysis.

Appendix A

Terms of Reference for Establishing a Committee

Following is a list of the standard elements and definitions of the elements that should comprise a Committee/Board's "Terms of Reference":

Be it noted: Council, Committee members, the Administrator and staff shall comply with the conflict of interest rules of the First Nation as established from time to time.

Definitions

- Define any acronyms that are used in the Terms of Reference.
- Define any other groups (e.g. "Members refers to ...)

1. Name and Type

- What type of Committee/Board is this (i.e. advisory, Ad Hoc, Standing, Steering, Decision Making, etc.)
- What will this committee/Board be named?
- Give a general overview of how and why the Committee/Board was established.

2. General Purpose and Mandate:

- Authority given to the Committee/Board by Council to carry out specific tasks on its' behalf.
- A statement that the Committee/Board will be provided with copies of the First Nation Mission Statement, bylaws, program and policy manuals as reference materials. This will ensure the Committee/Board is oriented to the same goals as the empowering body.
- From whom does the committee/board receive its authority?
- Generally, what is the Committee/board expected to achieve on the empowering body's behalf?
- How much freedom does the Committee/Board have?
- What is the term of the Committee/Board?

3. Key Duties and Responsibilities:

- What are the objectives of the Committee/Board?
- What are its powers and limitations?
- What are the specific tasks of the Committee/Board?
- How will it work towards accomplishing these tasks?
- What is the Committee/Board's role in relation to the empowering body (i.e. where does it fit in on an organization chart)?

4. Appointments and Composition:

- How are members selected or removed?
- How long do members serve?
- Will there be alternate members and if so, how will they be identified?
- What is expected of members in the way of experience, ability, knowledge, etc?
- How the chairperson identified and how long does he/she serve?

5. Meetings:

- How often are meetings held?
- How are meetings scheduled?
- A requirement that all agendas be provided to Committee members and Council in advance.
- Who organizes and notifies other members of meetings?
- Who takes the minutes?
- Can community members attend some, all or none of the meetings?
- How is this communicated?

6. Resources:

Financial

- What funds are allocated to the Committee/Board?
- What is the purpose of these funds (technical assistance)?
- Are there restrictions on expenditures?
- Are approvals for expenditures necessary?
- Are there timing considerations?

Staff

- Which staff will work with this Committee/Board?
- How much staff time is allocated to the work of the Committee/Board?
- What restrictions apply?
- How does the Committee/Board obtain additional time?

7. Specific Annual Objectives:

- What are the specific annual objectives that the Standing Committee or Board needs to accomplish?

8. Reports and Targets Dates:

- To whom does this Committee/Board report?
- How often?
- What elements must the report contain?
- Does the whole group report, or just the Chairperson?
- Must the Committee/Board seek approval from the empowering body before they act, or do they report after the fact?

9. Review and Evaluation process:

- How will Committee/Board be evaluated?
- What will be the mark of success?
- Who will evaluate?
- Who will initiate the evaluation process?
- Do the Terms of Reference require adjustment for the next term/period?
- What is necessary before adjustments can be made to the Terms of Reference?

10. Approval and Review Date:

- How much time should elapse before the empowering body reviews and approves the continuation of this Committee/Board?
- When will the empowering body make a commitment to review and approve the continuation of the Committee/Board again?

All terms of Reference shall be dated.

Appendix B

Council Procedures and Regulations for the Conduct and Content of Council Meetings

Meetings of the Council

- Council will meet on reserve on a regular basis and no less than once per month to conduct its business.
- Council will hold its first meeting within the month immediately following an election.
- Each Chief or 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.
- Any Chief or Councillor may call an emergency meeting of the Council to discuss important matter concerning public safety which cannot wait until the Council's next regular meeting.
- Each Chief and Councillor will attend all First Nation community and Council meetings that are called by the Council and follow all approved meeting procedures.
- No Chief or Councillor shall be absent for three consecutive duly convened meetings without being so authorized by Chief and Council.
- If a Chief or Councillor is absent for three consecutive duly convened meetings without authorization, they will be disqualified and removed from their Council office.

Quorum

- Quorum for Council meetings is a majority of Council
- If quorum is not present within 20 minutes of the time appointed for the meeting, the names of the member(s) present will be recorded and the council will adjourn all matters until the next meeting. Those Councillors present will receive a full meeting honorarium for their attendance.

Council Decisions

- Council's decisions will be effective upon a duly passed First Nation Council Motion that has gone through a second reading by Council. Council may make decisions by Council Motion that are stated effective immediately.
- All decisions to be made by the Council must be decided by a majority of the Councillors present.
- All Councillors present shall vote unless they are excluded due to a conflict of interest. On every vote taken, Councillors shall announce their vote individually and openly.

Order of Business at regular meetings

- The order of business at Council meetings shall be:
- Presentations from individual First Nation members or groups;
- In-Camera meeting (if called upon by Council)
- Administrator's update

- Reading, correcting and adopting the minutes of the previous meeting;
- Unfinished business from the previous meeting;
- Presentation and reading of correspondence;
- Presentations and consideration of reports and petitions;
- New business;
- Adjournment

Minutes

Public Minutes

Council will retain minutes of all Council and General Meetings. Council shall appoint the Council Secretary to take the minutes at each such meeting.

The minutes of Council and General Meetings will be made available to Membership following their adoption at the next regular meeting. Council will provide copies of minutes to Members upon request. . Personal information about other First Nation members will not be disclosed in accordance with generally accepted protection of privacy measures unless otherwise approved by Council.

In-Camera Minutes

Council must file the minutes of In Camera meetings in a secure file cabinet within the First Nation vault. In Camera parts of the Council meeting will not be inserted in the public minutes taken. These minutes are closed to the public unless and until such matter, as determined by Council. Minutes of Council meetings held in camera will not be disclosed to Members. Descriptions of in-camera discussions will be published for the public record without disclosing private or sensitive information.

Members Attendance and Participation in Council Meetings

Council will provide one week's notice of Council and General Meetings to Membership.

Except for meetings held in camera and discussions that deal with personal information or that the Council considers confidential or is otherwise protected under generally accepted privacy law, regular Council meetings are open to all Members.

No Member will be excluded or removed from Council or General Meeting except for conduct deemed disruptive by Council or an In Camera session is called.

Unless otherwise authorized or invited by Council, only those Members who are directly affected by an item on the agenda may participate in Council discussion during Council and committee meetings.

Council will not vote to adopt a law at a meeting that is closed to the public.

Agenda

- The Council Secretary, in consultation with Chief and Council and the Administrator will prepare an agenda for each meeting.
- The agenda lists the order of items to be discussed and resolutions to consider.
- The agenda, minutes of the previous meeting and background information will be distributed in a practical amount of time to ensure all Chief and Councillors have an opportunity to properly prepare for the meeting.

Additions to Agenda

Proposed additions to meetings agendas will be dealt with as follows:

- Upon achieving quorum and opening the meeting, the Chief or designated chairperson will poll each Councillor present for any additions to the agenda. Councillors must then voice their addition to the agenda at that time. Council may decide to agree to add an item for discussion at any point in the meeting under extraordinary circumstance.

Appendix C

Advisory Council (AC) Terms of Reference

1. Purpose

The purpose of the Advisory Council is to enhance the governance structure of the First Nation by promoting accountability and transparency through the implementation of policy statements within the Leadership Manual. The Advisory Council will only act in the capacity as set out in the Leadership Manual.

2. Key Roles & Responsibilities

- Act as a formal advisory body to Chief and Council when called upon by Council.
- Provide a dispute resolution process for the First Nation in accordance with section 11 of this Leadership Manual.
- Appoint interim Councillors in accordance with section 4.13 of this Leadership Manual.
Abide by all of the First Nation laws, bylaws and policies in practice and in principle

3. Appointment of the Chair

The AC shall have a chair person that will be on a rotating basis at every meeting.

4. Advisory Council Members

- a. The AC will be appointed by Council in accordance with these terms and will be comprised of five members of the First Nation as follows;
 - 1 at large
 - 3 elders
 - 1 youth (18-25);

For the formation of the first Advisory Council, the two members with the most points will serve a three year term; the two members with the second most points will serve the two year term; and the member with third most points will secure the one year term.

- b. Each AC member will possess awareness/knowledge of the community.
- c. Each AC member will not be actively engaged in litigation with the First Nation.
- d. Length of term is 3 years, on a staggered basis.
- e. AC members must adhere to the same confidentiality and discipline guidelines that apply to Council as outlined in this Leadership Manual.
- f. In the event of a vacancy in the AC, member selection will be done by formal written application, interview and if successful, appointment by Chief & Council. Selection will be based on a pointed system, based on the following criteria:

- Good listener /5
- Well organized /5
- Interested in the future of the community; /5
- Drug and alcohol free; /5
- Punctual and responsible; /5
- Trustworthy /5
- Previous involvement/volunteer work in the community. /5

5. Removal

AAC member shall cease to be a member of AC if any of the following apply:

- a. S/he becomes bankrupt or suspends payment of compounds with his creditors or makes an authorized assignment of is declared insolvent;
- b. If s/he is found to be a mentally incompetent person or becomes of unsound mind;
- c. Is s/he dies;
- d. If s/he is convicted of an indictable offence;
- e. If s/he resigns;
- f. If s/he fails to attend three successive duly called meetings of the AC without proper authorization;
- g. Upon removal by motion of the Council.

6. Minutes and Meeting Dates

The AC will be provided a minute-taker by the Administrator for all AC meetings and will follow the same policy on minutes as Council. The AC will meet on an as-needed basis, as determined by Council or procedure.

7. Resources

- a. Staff will provide support to the AC as directed by the Administrator.
- b. The Administrator will ensure that the AC has funds as needed to conduct its work.

Appendix D

Conflict of Interest Rules for Council, Staff and Committee Members

Application

1. These rules apply for members of the Chippewa of the Thames First Nation Council and employees and members of committees/boards of the Chippewa of the Thames First Nation. (C.O.T.T.F.N).

Related Person

2. In these rules, "Related Person" in relation to a person subject to these rules, means a spouse, parent, parent in-law, sibling, child, grandchild, dependant, aunt, uncle, niece, nephew, 1st cousin, any person with whom that person currently resides, or a corporation or other organization in which that person has an interest.

Financial Benefit

3. In these rules, "Financial Benefit" includes, but is not limited to:
 - a. Employment benefits;
 - b. Contract benefits;
 - c. Educational, medical or other social benefits;
 - d. Honorariums which are above those previously agreed upon;
 - e. The payment of any money; and
 - f. The allotment, leasing or other grant of an interest in COTTFN lands.

Prohibition

4. A Chief or Councillor, employee or member of a committee must avoid all circumstances that may result in actual or perceived conflicts of interests.

When Conflict of Interest Arises

5. For purposes of these rules, a "conflict of interest" will arise when:
 - (a) A Chief or Councillor, employee, or member of a committee exercises an official power or performs an official duty or function in the execution of his or her office, job or committee and at the same time knows or ought to know that in the performance of the duty or function or in the exercise of the power there is opportunity to receive a Financial Benefit for themselves or to provide a Financial Benefit to a Related Person or to otherwise create an advantage for him or her or a Related Person over and above any other member of the public; or
 - (b) Chief or Councillors, employee's or committee member's personal interests supersede or compete with their dedication to the best interests of the First Nation.

Perceived Conflict

6. For the purposes of these rules, a Chief or Councillor, employee or committee member has a perceived conflict of interest where it could be perceived, or appears, that private interests could improperly influence the performance of duties - whether or not this is in fact the case

Uncertainty

7. Where a Chief or Councillor, employee or committee member is uncertain as to whether a conflict of interest may exist, the situation must be disclosed to Council, and Council will decide whether a conflict of interest does exist.

Entire Council

8. In the event that actual or perceived conflict of interest affects the entire Council, any member of the COTTFN may arise the matter with the COTTFN administrator who may refer the matter to the Advisory Council for a decision. Should the Advisory Council be unable to make a decision, the matter will be referred to the COTTFN membership.

Duty to Report

9. In the event a Chief or Councillor, employee or committee member believes another Chief or Councillor, employee or committee member to be in an actual or perceived conflict of interest, such person shall immediately report the matter to the Council or other person or body empowered to ensure the effectiveness of these rules.

Gifts

10. A Chief or Councillor, employee or committee member will not, directly or indirectly, accept a fee, gift or personal benefit that is connected with his or her performance of his her duties unless the gift or personal benefit is a result of protocol, in which case it will be disclosed, or the fee is authorized compensation.

Influence

11. A Chief or Councillor or committee member must not use his or 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 or committee member has a financial interest or other private interest in matter to which the decision or action relates. A Chief or Councillor or committee member must not use his or 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 or committee member has a financial interest in the matter to which the decision or action relates.

Inside Information

A Chief or Councillor, employee or committee member or former Chief or Councillor, employee or committee member shall not use any information that was obtained in the performance of his or her office and is not available to the general public or for the purpose of gaining or furthering a direct or indirect Financial Benefit.

Duty to Avoid Conflict

12. Chief and Councillors, employees and committee members will arrange their private affairs and conduct themselves in a manner to avoid a conflict of interest under these rules.

Procedure

13. A Chief or Councillor, employee or committee member with an actual or perceived conflict of interest will, without delay, declare the actual or perceived conflict of interest as follows:
 - (A) If a Chief or Councillor or administrator, to Council;
 - (B) If an employee other than the administrator, to the administrator, who will notify Council;
 - (C) If a committee member, to the applicable committee, which will notify Council and shall advise of the appropriate action in each case.

A Chief or Councillor, employee, or committee member who attends a meeting and has reasonable grounds to believe that he or she has an actual or perceived conflict of interest in a matter that is being considered, will disclose the general nature of the actual or perceived conflict of interest and will:

- (a) Not participate in any discussion or decision of or vote on any question in respect of the matter;
 - (b) Immediately leave the meeting or the part of the meeting during which the matter is under consideration;
 - (c) Not sign a First Nation Council Resolution, committee resolution or letter in respect to the matter;
- And
- (d) Not attempt in any way, whether before, during or after the meeting, to influence the opinion or vote of the Council or committee on any question in respect of the matter.

Council Disclosure

14. The Chief and each Councillor (and any interim replacements thereof) must disclose the following information upon election or appointment of office and whenever there is a change in the information disclosed under this section:
 - A. All employment currently held by him or her;
 - B. Any existing conflicts of interest;

- C. The name of any company or organization in which the Chief or Councillor holds a financial interest. i.e. ownership of business or entity
- D. Existing contracts with the First Nation and First Nation authorities

Exception

- 15. Notwithstanding and without limiting the generally of these rules, in circumstances where it is not possible for a Chief or Councillor to avoid the appearance of according preferential treatment to a Related Person, the Chief or Councillor, employee or committee member, as the case may be, will be guided by the COTTFN values of respect for family, fairness, accountability and professionalism in any decision.

Penalty

- 16. Any Chief or Councillor, employee or committee member who fails to or makes an incomplete disclosure of a conflict of Interest may lose their position without prejudice to any other disciplinary or legal action the council, on behalf of COTTFN, may take. Elected officials will face penalty as per section 4.12 of the Leadership Manual.

Examples of Conflict of Interest

- 1. There must be no self-dealing or any conduct of private business or personal services, direct or indirect, between a Chief or Councillor and the COTTFN unless controlled by prior approved procedures to ensure openness, competitive opportunity and equal access to otherwise “inside” information.
- 2. A Chief or Councillor, employee or committee member must not have an interest, direct or indirect, in any transaction or contract to which the COTTFN or COTTFN Corporation or other organization is a party, unless the interest is fully disclosed and the transaction or contract is ratified in advance.
Without limiting the generally of the foregoing, Chief and Councillors must not take part, either personally or through other means, in any decision making process of the COTTFN Council where such decisions involve:
 - a) any business or undertaking of the Chief or Councillor or Related Person;
 - b) any property or interest of the Chief or Councillor or Related Person;
 - c) A Related Person.
- 3. If a Chief or Councillor is to be considered for employment by the COTTFN, he or she must temporarily withdraw from all Council discussions and decisions in relation to such employment.
- 4. Chief or Councillors must not place themselves in a situation where they may be under obligation to someone who has business dealings with the COTTFN and who would benefit from special consideration or treatment.

5. A Chief or Councillor or Committee member shall not:
 - a) Seek, for private gain, to make use of information not available to the general public to which they have access by reason of their office;
 - b) Undertake employment or have any pecuniary interests that conflict or appear to conflict with the responsibilities or duties he or she has to the COTTFN;
6. Put himself or herself in a position where his or her judgement in his or her exercise of an official power or performance of an official duty or function could be adversely affected by friendship or by influences of other parties;
7. Under no circumstances should a Chief or Councillor, employee or committee member choose his or her self interest over the interests of the community that he or she is employed or engaged to serve.

Note: These are examples only; as such, any reliance on them must be read with reference to the Conflict of Interest Rules.

Appendix E

List of Indictable Offences

Definition: Indictable Offense—Generally, a more serious criminal charge as distinguished from a summary offence. However, in Canada, the distinction between indictable offenses and summary offenses is somewhat blurred. In some instances, according to the provision of the Criminal Code, the crown may determine whether an offence is nonetheless indictable because, in the prosecution chose, it could proceed in respect of it summarily. Originally, indictable offenses were tried only by the higher courts. This is still the case with reference to offenses such as murder and treason under s.469 of the criminal code, R.S.C. 1985, c. C-46. However other indictable offenses can only be tried by magistrate or provincial court judge, while still others may, at the option of the accused, be tried by a magistrate or county court judge, either alone or with a jury.

Examples of strictly Indictable Offenses as noted in the Criminal Code of Canada 2012 are as follows:

Strictly Indictable Offenses as noted in the Criminal Code of Canada 2012 are as follows:

Forge Passport or use forged passport - s.57(1)
Possession, forged passport – s.57(3)
Fraud, use of citizenship certificate – s. 58
Riot – s. 65
Hijacking – s.76
Endangering aircraft – s.77
Take weapon or explosive on board – s. 78
Seizing control of ship – s.78.1
Breach of duty of care, explosives, causing death – s.80(a)
Breach of duty of care, explosives, causing harm – s. 80(b)
Explosives, intent to cause bodily harm – s. 81(1)(a) & (b)
Explosives, placing or making – s. 81(1)(c) &(d)
Explosives, possession without lawful excuse – s.82(1)
Explosives, for benefit of criminal organization – s. 82(2)
Financing terrorism – s. 83.02
Providing property for terrorist purpose – s. 83.03
Using property for terrorist purposes – s. 83.04
Participating in activity or terrorist group – s. 83.18
Facilitating terrorist activity – s. 83.19
Committing offence for terrorist group – s. 83.2
Instructing to carry out activity for terrorist group – s. 83.21
Instructing terrorist activity – s. 83.22
Harbouring terrorist – s. 83.23
Terrorist hoax, causing death – s. 83.231(4)
Use of a firearm or imitation, commission of offence - s. 85
Possession of firearm knowing possession unauthorized - s. 92
Weapons trafficking – s. 99
Possession of weapons for purpose of trafficking – s. 100
Importing or exporting (weapons) knowing it is unauthorized – s. 103

Bribery of judicial officers – s. 119
Bribery of officers – s. 120
Frauds on the government – s. 121
Breach of trust of public officer – s. 122
Municipal corruption – s. 123
Influencing or negotiating appointments – s. 125
Disobeying a statute – s. 126
Perjury – s. 131, 132
Contradictory evidence with intent to mislead – s. 136
Fabricating evidence – s. 137
Offences relating to affidavits – s. 138
Obstructing justice – s. 139(2)
Compounding indictable offence – s. 141
Prison breach – 144
Permit or assist to escape – s. 146
Rescue or permit escape – s. 147
Incest s.155
Parent or guardian procuring sexual activity s. 170 (a) & (b)
Householder permitting sexual activity - s. 17(a) & (b)
Corrupting children – s. 172
Obstructing or violence to clergy – s. 176(1)
Common nuisance - s.180
Dead body – s. 182
Possession, etc. of device for surreptitious interception of private communications – s. 191
Disclosure of information – s. 193
Disclosure of information, radio-based telephone communications – s. 193(1)
Keeping gaming or betting house – s. 201(1)
Betting, pool-selling, , book-making, etc. – s. 202
Placing bets on behalf of others – s. 203
Lotteries or game of chance – s. 206(1)
Keeping common bawdy house – 210(1)
Procuring (prostitution) – s. 212(1)
Living on avails of person under 18 – s. 212(2)
Living on avails of person under 18 and using violence – s. 212(2.1)
Obtain sexual services of person under 18 – s. 212(4)
Cause death by criminal negligence - s.220(a) & (b)
Cause bodily harm by criminal negligence - s.221
Murder – s. 229 – 231, 235
Manslaughter - s. 234, 236(a) & 236(b)
Infanticide - s.237
Attempt murder – s. 239(a), 239(a.1) & 239(b)
Accessory after fact, murder – s. 240
Discharging firearm with intent, use restricted or prohibited firearm, or any firearm, in committing for criminal organization – 244(2)(a)
Discharging firearm (other) with intent – s. 244(2)(b)
Causing bodily harm with intent, use of air gun or pistol – s. 244.1
Administering noxious thing with intent to endanger life or cause bodily harm – s. 245(a)
Administering noxious thing with intent to aggrieve or annoy – s. 245(b)

Overcoming resistance to commission of offence – s. 246
Dangerous operation of vehicle, etc., injury occurs - s.249 (3)
Dangerous operation of vehicle , etc., death occurs - s.249 (4)
Send unsafe vessel or aircraft – s. 251
Fail to stop at scene of accident knowing bodily harm caused – s. 252(1.2)
Fail to stop at scene of accident knowing person is dead; or reckless whether death results – s. 252(1.3)
Impaired Operation Causing Bodily Harm - s. 253(1), 255 (2), (2.1),(2.2)
Impaired Operation Causing Death - s. 253, 255 (3), (3.1)(3.2)
Aggravated assault - s.268
Torture - s.269.1
Aggravated assault of peace officer – s. 270.02
Sexual assault with weapon, threats or causing bodily harm - s. 272(2)(a), (a.1), (b)
Aggravated sexual assault - s.273 (2)(a), (a.1), (b)
Kidnapping - s.279 (1), (1.1)(a), (1.1)(a.1), (1.1)(b)
Trafficking in persons – s. 279.01(1)(a), (b)
Trafficking in person under 18 - 279.011(1)(a), (b)
Material benefit, human trafficking – s. 279.02
Destroying documents – s. 279.03
Hostage taking – s. 279.1(2)(a), (a.1), (b)
Abduction of a person under sixteen - s.280
Abduction of a person under fourteen - s.281
Defamatory libel known to be false – s. 300
Advocating genocide – s. 318
Theft over \$5000 - s. 322 – 332, 334 (a)
Criminal breach of trust – s. 336
Public servant, refuse to deliver property – s. 337
Fraudulently take cattle or deface brand, etc. – s. 338(1)
Cattle theft – s. 338(2)
Take possession of drift timber, etc. – s. 339(1)
Robbery - 343, 344(1)(a), (a.1), (b)
Stop mail with intent – s. 345
Extortion - s.346(1), (1.1)(a), (a.1), (b)
B & E with intent - s.348
Disguise with Intent - s.351 (2)
Possession of Instruments for Breaking into Coin Operated Devices etc. s.352
Possession of property over \$5000.00 obtained by crime – s. 354, 355(a)
Theft by mail – s. 356
Bring to Canada property obtained by crime – s. 357
False Pretence, property Over \$5000.00 - s.362 (2) (a)
Obtain credit, etc, by false pretence – s. 362(3)
Obtain execution of security by fraud – s. 363
False Messages s.372 (1)
Draw document without authority – s. 374
Obtaining, etc., based on forged document – s. 375
Fraud Over \$5000.00 or re: testamentary instrument - s.380 (1) (a)
Using mails to defraud – s. 381
Manipulation of stock exchange – s. 382
Fraud in relation to minerals – s. 394

Possession of stolen minerals – s. 394.1
False prospectus – s. 400
Intimidation of justice system participant – s. 423.1
Secret commissions – s. 426
Wilful mischief endangering life - s.430(2)
Attack internationally protected premises – s. 431
Attack on U.N. premises – s. 431.1
Delivering explosives – s. 431.2
Arson, disregard to human life – s. 433
Arson- Property - s.434, 434.1
Arson for a Fraudulent Purpose s.435
Arson by Negligence s.436
Possession of Incendiary Device s.436.1
Make counterfeit money – s. 449
Counterfeit money – s. 450, 452, 460
Attempt & accessories, indictable, – s. 463(a), 463(b)
Counsel indictable offence – s. 464(a)
Conspiracy, murder – s. 465 (1)(a)
Conspiracy to prosecute – s. 465(1)(b)(i), 465(1)(b)(ii)
Conspiracy to commit other indictable offence – s. 465(1)(c)
Participating in criminal organization – s. 467.11
Commission of offence for criminal organization – s. 467.12
Instructing offence for criminal organization – s. 467.13

Strictly indictable offence under Controlled Drugs and Substances Act (2012)

5(1) & 5(2) CDSA – Schedule 1
5(1) Schedule 2 & 7 (less than 3 kgs)
6(1) CDSA (importing) Schedule 1 & 2
7(1) CDSA Schedule 1 & 2

The Chippewa of the Thames First Nation Leadership Manual was ratified at a duly convened Council meeting on July 23, 2013 under the following motion.

Item 6.4 - Leadership Manual

(13)

Moved by Harley Nicholas, seconded by Betsy Kechego that this Council of the Chippewas of the Thames First Nation hereby approves the Leadership Manual dated for reference June 7, 2013 with noted amendments to be made.

**CARRIED
EFFECTIVE IMMEDIATELY**

Chief: _____

Councillor: _____

Councillor: _____

Councillor: _____

Councillor: _____

Councillor: _____

Councillor: _____

Councillor: _____

Councillor: _____

Councillor: _____

Councillor: _____

Councillor: _____

Councillor: _____

This document can be amended and updated from time to time when deemed necessary.

Date of Amendment:

Date Updated: