

## **CHARTER OF THE CHIEFS OF ONTARIO (COO)**

### **PREAMBLE**

The Chiefs in Ontario affirm that the First Nations possess the inherent right of self-determination. This is the defining measure of nationhood. It is the responsibility of individual First Nation governments to exercise this jurisdiction through the passage of laws, development of program and other initiatives.

The Chiefs of Ontario shall support First Nations in the exercise of their inherent right.

The international Treaties entered into by First Nations shall be respected. This includes Treaties entered into before first contact with the European settlers, and Treaties entered into after first contact. The Treaties are the foundation of a harmonious relationship between First Nations and Canadian governments.

There is a sacred trust and fiduciary relationship between First Nations and the Crown in right of Canada.

### **MISSION STATEMENT**

#### **ARTICLE 1**

The Chiefs of Ontario supports all First Nations in Ontario as they assert their sovereignty, jurisdiction, and their chosen expression of nationhood.

### **VISION STATEMENT**

#### **ARTICLE 2**

First Nations in Ontario are united towards self-sufficiency and vibrancy while never forgetting who we are; this unity is facilitated through the Chiefs of Ontario. We envision a future where our inherent laws, lands, and traditions are recognized and respected by governments, industry and the general public.

### **PRINCIPLES**

#### **ARTICLE 3**

1. There is a sacred and fiduciary relationship between First Nations and the Crown in right of Canada.

2. Relationships between First Nations shall be governed by the values held in the Great Law and the Seven Grandfather Teachings, which include love, kindness, sharing, respect, truth, courage and humility.
3. The Elders shall be respected. They are keepers of the traditional law.
4. The regional and other differences among First Nations in Ontario shall be respected.
5. The protection of All First Nation languages and culture is a key priority.
6. All matters shall be considered with future generations in mind.

**MANDATE  
ARTICLE 4**

1. To support the advancement of the rights and interests of First Nations people in Ontario.
2. To restore and enhance the relationship among First Nations in Ontario, the Crown and the people of Canada.
3. To work in coalition with other organizations that advance the rights and interests of Indigenous People.
4. To provide research, coordination, analysis and political advocacy on issues of common concern affecting the First Nations people in Ontario, as mandated by the Chiefs in Assembly from time to time.

**MEMBERSHIP  
ARTICLE 5**

All 133 First Nations in Ontario have the right to be Members of the Chiefs of Ontario.

**ENTITIES  
ARTICLE 6**

1. The following are established as principal entities within the Chiefs of Ontario:

- Chiefs-in-Assembly;
  - Ontario Regional Chief;
  - The Leadership Council;
  - The Board of Directors;
  - The Secretariat;
  - The Elders Council;
  - The Women's Caucus; and,
  - The Ontario First Nations Young Peoples Council.
2. From time to time, the Chiefs in Assembly may find it necessary to establish other entities.

### **THE CHIEFS-IN-ASSEMBLY**

#### **COMPOSITION ARTICLE 7**

1. The Chiefs-in-Assembly shall consist of all the Chiefs of those First Nations who exercise their right to be Members of the Chiefs of Ontario.
2. Each First Nation shall have one representative in the Chiefs-in-Assembly.
3. In the absence of a Chief of a First Nation, designated representatives, who are accredited officially in writing by a First Nation for that purpose, may participate in the Chiefs-in-Assembly.

#### **FUNCTIONS AND POWERS ARTICLE 8**

1. The Chiefs-in-Assembly is a forum for First Nations to conduct nation-to-nation discussions, consultations and deliberations and to collaborate on any matter within the jurisdiction of First Nations.
2. The Chiefs-in-Assembly has power:
  - a. To discuss any matter related to the conduct or operations of any political entity of the Chiefs of Ontario and to make binding decisions regarding such matters.

- b. To make decisions on any subject matter that Chiefs of First Nations desire to initiate or undertake co-operatively and collectively through the Chiefs of Ontario.
- c. To delegate authority, mandates, tasks, responsibilities or duties to the Chiefs of Ontario whenever such delegation is deemed necessary by the Chiefs of the First Nations.
- d. To ensure that the positions and directions given by First Nations are implemented and to take disciplinary measures whenever the sacred trust and duty to perform and adhere to, in strict compliance with the delegation, is deliberately breached.
- e. To instruct the Leadership Council to oversee the implementation of its decisions regarding any subject matter of a fundamental nature that may affect the jurisdiction, rights and survival of First Nations.
- f. To discipline, suspend or expel the Ontario Regional Chief as per the process set out in Article 17 of this Charter.
- g. To ensure that the Principles enumerated in Article 3 are maintained and put into practice in relation to the role and function of the Chiefs of Ontario and all its regions.
- h. To be, in general, the sole legitimate inherent source of what the Chiefs of Ontario is, what it can do and what it may become in the future.

#### **DECISION MAKING ARTICLE 9**

1. Decisions of the Chiefs in Assembly shall be made as far as possible by consensus or general agreement. When all efforts at achieving consensus have been exhausted without success, decisions shall be recorded via resolution voted on by 50% plus 1 of all registered Chiefs and proxies in attendance at a particular meeting.
2. In the event of voting, each member shall have one vote, which may be exercised by proxy.

#### **ASSEMBLIES ARTICLE 10**

The Chiefs-in-Assembly shall meet in the regular annual All Ontario Chiefs Conference in the months of June or July and in such Special Chiefs Assemblies as occasion may require. Special Chiefs Assemblies may be convened on an urgent basis by either the Ontario Regional Chief, with the approval of the Leadership Council, or by the Leadership Council itself, with a minimum of 5-7 business days notice and depending on the availability of resources.

**PROCEDURE**  
**ARTICLE 11**

The Chiefs-in-Assembly shall adopt its' own Rules of Procedure.

**THE LEADERSHIP COUNCIL**

**Article 12**

The Leadership Council shall have a Terms of Reference that outlines their roles, responsibilities, mandate and accountability, etc. that shall be reviewed and amended every three years.

The Leadership Council approved their current Terms of Reference, which is appended to this Charter at Appendix B.

**THE BOARD OF DIRECTORS**

**COMPOSITION**  
**ARTICLE 13**

Membership in the Corporation shall consist of the following societies or corporations, including their successors as they may be named from time to time:

- The Association of Iroquois and Allied Indians;
- The Grand Council of Treaty No. 3;
- The Nishnawbe Aski Nation; and,
- The Union of Ontario Indians.

The role and function of the Board of Directors are outlined in By-law No. 2 Indian Associations Co-ordinating Committee of Ontario Inc. (the "Corporation"0).

## **ONTARIO REGIONAL CHIEF**

### **ROLE AND FUNCTION**

#### **ARTICLE 14**

1. The Ontario Regional Chief is a member of the Assembly of First Nations Executive Committee.
2. The Ontario Regional Chief coordinates political positions with the Leadership Council, and is accountable to the Chiefs-in-Assembly.
3. The Ontario Regional Chief shall make regular political reports to the Leadership Council and to the Chiefs-in-Assembly.
4. The Ontario Regional Chief has a political role and is the primary spokesperson of the Chiefs of Ontario.
5. The Ontario Regional Chief shall maintain and work collaboratively with the Secretariat in accordance with the directions set by the Leadership Council and the Chiefs-in-Assembly.
6. The Ontario Regional Chief shall act as Chairperson for Leadership Council meetings in an ex-officio capacity.
7. The Ontario Regional Chief shall develop a budget for the office of Ontario Regional Chief and shall retain support staff to work collaboratively with the Leadership Council to carry out the duties and obligations to the First Nations in Ontario.

### **AUTHORITY AND ACCOUNTABILITY**

#### **ARTICLE 15**

1. Any authority the Ontario Regional Chief may have shall derive exclusively and entirely from the authority granted from time to time by the Chiefs-in-Assembly.
2. As a leader who exercises delegated mandates, authority, responsibilities and duties, the Ontario Regional Chief has a sacred political trust to comply in every respect with the direction given by the Chiefs-in-Assembly.

3. Upon election to Office, the Ontario Regional Chief shall sign the Oath of Office and shall abide by the terms of the Disciplinary Policy for the Ontario Regional Chief (attached as Appendix C).

## **ELECTION AND TERM**

### **ARTICLE 16**

1. The Ontario Regional Chief is elected by the Chiefs in Assembly by a majority of 50% plus 1 of the registered representatives of the First Nations in Ontario at an Assembly convened for the purpose of electing a Regional Chief.
2. The Ontario Regional Chief shall be elected for a three-year term and is eligible for re-election at the conclusion of the set three-year term.
3. Upon election to office, the Ontario Regional Chief shall sign an Oath of Office.
4. The Ontario Regional Chief may be removed by 2/3 of the registered representatives of the First Nations in Ontario voting in favour of removal at a Special Assembly convened for that purpose in accordance with the applicable rules and procedures set out in Appendix C.
5. In the event that the Ontario Regional Chief is removed from office in accordance with paragraph 4 of this Article; or in the event he/she dies or resigns, or is found to be medically unfit to carry on his/her duties and complete his/her term of office, the Leadership Council shall assume his/her role and function until such time as other arrangements are made by the Chiefs in Assembly.

## **COMPLAINTS, DISPUTES AND DISCIPLINE – ONTARIO REGIONAL CHIEF**

### **ARTICLE 17**

1. To maintain the integrity of, and public confidence in, COO and its operations, any complaints, disputes, allegations of misconduct, or substantiated media reports that allege an incident of violence, discrimination, harassment, or conflict of interest (collectively a "Complaint") brought to the attention of the Chief Operating Officer or the LC regarding the conduct of the ORC, shall be reviewed and resolved in a

timely and fair manner in accordance with Appendix “C” – Complaints and Disputes.

**COMPLAINTS AND DISPUTES – LEADERSHIP COUNCIL  
ARTICLE 18**

1. To maintain the integrity of, and public confidence in, COO and its operations, any alleged breach of the COO LC Code of Conduct by a member of the LC (an “Alleged Breach”) brought to the attention of the Chief Operating Officer or the LC, shall be reviewed and resolved in a timely and fair manner in accordance with Appendix “C” – Complaints and Disputes.

**ADVISORY COUNCILS**

**COUNCIL OF ELDERS**

**COMPOSITION  
ARTICLE 19**

The composition of the Elders Advisory Council shall be in keeping with the composition of the Ontario First Nations Leadership Council:

- 2 Elders (one male and one female if possible) from each of the Anishinabek Nation; Association of Iroquois and Allied Indians; Grand Council Treaty #3; Nishnawbe Aski Nation
- 2 Elders (one male, one female if possible) from Independent First Nations
- 2 Elders (one male, one female if possible) from Six Nations of the Grand River
- 2 Elders (one male, one female if possible) from Mohawks of Akwesasne
- 2 Elders (one male, one female if possible) from Mushkegowuk Tribal Council
- 1 Elder selected by the Ontario Regional Chief to be the Regional Elder

The process of selecting Elders for the Elders’ Advisory Council will be determined internally by each of the organizations/communities listed above.



**ROLE AND FUNCTION**  
**ARTICLE 20**

The Ontario First Nations Elders' Advisory Council is a group of Elders who have been selected and collectively recognized by First Nations organizations/communities.

The Elders' Advisory Council is mandated by the Chiefs in Assembly to help guide the collective decision-making processes of the Ontario First Nations leadership on priority issues, providing advice based on their experience, accumulated knowledge and wisdom, as the keepers of First Nations customs, traditions and way of life.

This advisory role is carried out through meetings in advance of and participation in Assemblies and meetings of Ontario First Nations leadership, and through joint meetings with the Ontario First Nations Young Peoples Council and the Ontario First Nations Women's Caucus, in keeping with the mission of the Chiefs of Ontario.

**TERM**  
**ARTICLE 21**

Once Elders are selected by their organization/community to sit on the Elders' Advisory Council, their term of membership on the Council will coincide with the term of office of their own leadership (from within their respective organization/community). Each organization/community will determine in consultation with the Elders and their leadership, whether their Elders' participation on the Council should be renewed, and for how long.

Given that the timing of leadership selection processes vary among organizations/communities, it is intended that this staggered approach regarding tenure on the Elders' Advisory Council and replacement of Members will ensure continuity on the Council and reduce the likelihood of having to replace several Members at any one time.

**FIRST NATIONS WOMEN'S CAUCUS**

**COMPOSITION**  
**ARTICLE 22**

The First Nations Women's Caucus (FNWC) should be comprised of one representative of the Nishnawbe Aski Nation, the Association of Iroquois and Allied Indians, the Independent First Nations, and Six Nations of the Grand River. A seat will remain open for the Grand Council Treaty #3.

**ROLE AND FUNCTION  
ARTICLE 23**

The purpose of the FNWC is to act as an advisory body for the Chiefs of Ontario advocacy efforts for ending violence against women and girls, and to ensure a First Nations community-based approach is utilized in the development of a strategy to end violence against women and girls.

The FNWC is accountable to First Nations political leadership and will provide annual reports/updates at the All Ontario Chiefs Conference.

**TERM  
ARTICLE 24**

An evaluation of FNWC activities will take place prior to the end of each fiscal year. The evaluation will be based on the success in collectively achieving strategic goals, objectives and deliverables as set out in the strategic plan.

**ONTARIO FIRST NATIONS YOUNG PEOPLES COUNCIL**

**COMPOSITION  
ARTICLE 25**

The Ontario First Nations Young Peoples Council (OFNYPC) shall consist of 1 male and 1 female representative from each of the four regional organizations as well as two representatives (1 male, 1 female) of the Independent First Nations.

**ROLE AND FUNCTION  
ARTICLE 26**

The OFNYPC received its mandate through Chiefs in Assembly resolution 03/04 dated November 19, 2003. The OFNYPC will work along side the Chiefs in Assembly and the Leadership Council in their decisions relating to, but not limited to: Governance, Social Development, Economic Development, Education and Health. The OFNYPC will identify issues that affect First Nations youth in Ontario

and develop projects to address them. The OFNYPC will also act as role models and ambassadors at regional, national and international forums and will promote the importance of living a healthy lifestyle.

**TERM**  
**ARTICLE 27**

**THE COO SECRETARIAT**

**COMPOSITION**  
**ARTICLE 28**

The Chiefs of Ontario Secretariat shall be comprised of the Board of Directors and such administrative, technical and support staff as the Chiefs of Ontario may require.

**FUNCTIONS**  
**ARTICLE 29**

1. The COO Secretariat shall function in accordance with its By-laws and will ensure the implementation of the decisions of the Chiefs in Assembly, and those of the Leadership Council consistent with the decisions of the Chiefs in Assembly.
2. The COO Secretariat shall provide administrative, technical and support services to the Chiefs in Ontario.
3. The COO Secretariat shall receive, administer and distribute monies and transact business and engage in such activities as are ancillary to, or necessary for, the realization of the decisions of the Chiefs in Assembly, the Leadership Council and the Board of Directors.

**ADOPTION OF THE CHARTER**  
**ARTICLE 30**

This Charter is approved by resolution of the Chiefs in Assembly or their duly accredited representatives of the First Nations present at (insert location and date of Assembly where Charter is approved).

**AMENDMENTS TO CHARTER**  
**ARTICLE 31**

This Charter may be amended by resolution of the Chiefs or their duly accredited representatives of the First Nations present at any Annual Meeting or Special Meeting of the Chiefs in Assembly provided that at least 60 days written notice is given to the First Nations in advance of the Annual Meeting or Special Meeting at which such amendment is to be tabled.

## **AMMENDMENTS TO APPENDICES ARTICLE 32**

The Charter appendices may be amended pursuant to recommendations by a working group duly appointed by the Leadership Council. Any amendments to the Charter appendices shall be approved by the Leadership Council. The Leadership Council shall advise the Chiefs in Assembly of any approved amendments to the Charter appendices as soon as reasonably possible.

### **APPENDIX "A"**

#### **1.0 ELECTORAL RULES FOR THE OFFICE OF THE ONTARIO REGIONAL CHIEF AND TRADITIONAL ELECTION PROCESS**

##### **Candidates for Ontario Regional Chief**

1. An incumbent Ontario Regional Chief must declare his/her candidacy on or before three (3) months from the start of the All Ontario Chiefs Conference of the election year.
2. Should the incumbent Ontario Regional Chief decide to run for re-election, travel funds will be restricted to specific COO business in the 30 days leading up to the All Ontario Chiefs Conference of the election year.
3. The incumbent Ontario Regional Chief shall not use COO resources or funds to campaign for re-election.
4. Any individual that has declared candidacy for Ontario Regional Chief shall not be compensated or reimbursed for any expenses related to attendance or participation in any COO-related events or meetings, as may be applicable, in the three (3) months leading up to the election.

##### **2.0 Timing of the Election**

1. The election for the Office of Ontario Regional Chief shall take place on the morning of the second day of the All Ontario Chiefs Conference at which the election is to occur.

### **3.0 Traditional Election Process**

This section outlines the process that is utilized to conduct Regional Chief elections. The sections are apportioned into three different categories: ceremonial, nominations, and election processes.

#### **Ceremonial Processes**

1. Seven pipe ceremonies during the election process
  - a. Welcome – utilize community resident pipe carrier if one is available
2. Nomination
3. Sweat lodge
4. Sunrise ceremony
5. Before election
6. Ceremony with elected Ontario Regional Chief
7. 3<sup>rd</sup> morning of the assembly
8. Sweat lodge on the night of nomination day
9. Feast after the sweat lodge
10. Sunrise ceremony – election morning
11. Women ceremony with elected Ontario Regional Chief

## Nomination Process

1. Smudge building
2. Chairs for 133 Chiefs will be set in the circle
3. Chiefs will be invited to the Circle. Invited by the drum.
4. The Election Officer will address the assembly.
5. The Oshkabewis will explain the rules prior to nomination.
6. Conduct a Chief's Introduction Circle; Chiefs will have an opportunity to introduce themselves. A microphone will be passed clockwise to each of the Chiefs – Proxies, beginning at the doorway.
7. The drum will play a second song to invite Ontario Regional Chief candidates to the Circle.
  - a. Rules
    - i. After the Chiefs Introduction Circle, candidates for Ontario Regional Chief that are not in the circle will be invited by the Election Officer to join the circle and sit next to their Nominator and Second. Nominators sit on the right side of the candidate; Second sits on the left-hand side of the candidate.
    - ii. The candidate(s) must be a citizen of a First Nation community within the Ontario Region. The nominator and second must be a Chief or a Proxy from a First Nation community within the Ontario Region.
    - iii. The Nominator will offer tobacco to their Nominee during the circle. If the tobacco is accepted, the Nominee is considered to have accepted the nomination.
    - iv. The Nominee will have to be seconded during the circle. Youth Council members will record the Nominations, Nominator, and

Secunder, please identify yourself as a Nominator or Secunder to ensure that the proper information is recorded.

8. Elder will conduct a pipe ceremony and speak to begin the circle. Talking stick.
9. The pipe ceremony will identify that nominations are open. No photos when the pipe and stem are together. This is a ceremonial process.
10. The nominations for Ontario Regional Chief will occur during the ceremony. The Youth will record names of nominees, nominators, seconds. A microphone will be passed clockwise to each of the Chiefs/Proxies, beginning at the doorway to the circle.
11. The Nominators for Ontario Regional Chief will have 5 minutes to introduce their Nominee. The Drum will keep time.
12. The nominee will be asked whether they accept the nomination.
13. The seconder will have 5 minutes to speak about the candidate. The Drum will keep time.
14. The Oshkabewis will ask three times if there are any further nominations.
15. When Elder takes the pipe apart, nominations will be closed, after the circle.

**Photos may be taken after the pipe is taken apart.**

16. The Oshkabewis will ask for a motion to accept the nominations.

17. Nominees will have an opportunity to address the All Ontario Chiefs Conference tomorrow morning prior to the stand-up election.
18. An optional sweat lodge will be conducted for Nominees and others that may be interested this afternoon at approximately 5:00pm. Candidates are encouraged to attend to express their intentions to the Creator, but attendance is optional. Everyone is invited to attend.
19. A feast will be held for sweat lodge participants after the sweat lodge. Candidates that were unable to attend the sweat lodge are encouraged to attend the feast.

#### **Election Process**

1. Sunrise ceremony – 6 am. Women from the PTOs and Independents will remove blanket (bonnet) from the Ontario Regional Chief. Thank the Ontario Regional Chief for their contributions to the Ontario Region.
2. The Election Officer will address the Assembly.
3. The Drum will call all Chiefs/Official Proxies to the circle for the election.
4. Each Nominee for Ontario Regional Chief will have 10 minutes to address the Assembly. The Drum will keep time. The nominees will speak by order of nomination.
5. The Chiefs of Ontario election is following the Traditional method of selecting the Ontario Regional Chief.
6. Break.
7. Drum will call Chiefs/Proxies and candidates back into the circle.



8. The Oshkabewis will confirm the number of Chiefs/Proxies that have registered with Chiefs of Ontario staff.
9. The Youth will be invited into the circle.
10. Acknowledge the Youth for the important work that they will be doing during the election.
  - a. 1st ballot
11. Stand-up election for the Ontario Regional Chief will be conducted. The Nominees will be called up by order of nomination and will be lined up in different directions. Elder will line up the candidates during the drum song. The candidates are lined up in directions towards the drum.
  - a. The Drum will play a drum song.
  - b. Chiefs or Official Proxies will be asked to stand behind their candidate during the drum song.
  - c. The candidates will be lined up in lines of 10 to assist the Youth in obtaining the right count.
12. Youth Council members will count the number of Chiefs/Proxies behind each candidate and report this information to the Election Officer. The Chiefs/Proxies will have yellow lanyards.
13. The candidate with the least number of Chiefs/Proxies will be asked to sit and will have 2 minutes to thank their supporters. Chiefs/Proxies will return to their seats.
  - a. 2<sup>nd</sup> ballot

14. This process will continue until one candidate has the majority of the registered Chiefs/Proxies lined up behind them.
15. Announce the successful candidate. The runner(s) up will be allowed 2 minutes to thank their supporters.
16. All Chiefs/Proxies will then be asked to stand behind the successful candidate.
17. The Ontario Regional Chief will dance with all the Chiefs/Proxies. The Drum will play a unity song.
18. Break.
19. A pipe and blanket ceremony will be conducted with the Ontario Regional Chief.
  - a. Pipe ceremony by Elder, or Woman Elder, depending on if a female or male is elected.
  - b. Blanket ceremony conducted by the Women. Women will also provide instruction to the Ontario Regional Chief, then raise the Ontario Regional Chief and wrap the blanket around her/him.
  - c. Religious ceremony.
20. The Ontario Regional Chief will address the All Ontario Chiefs Conference. Youth set up a blanket and bring in giveaway gifts.
21. Giveaway for Nominators if applicable.
22. Giveaway. Elders, Chiefs, Community, Visitors.
23. Giveaway song.

24. Youth will serve strawberries and water.

25. The Ontario Regional Chief will sign the oath of office.

**Appendix B – Leadership Council Terms of Reference**

DRAFT

## **APPENDIX “C” – COMPLAINT AND DISPUTES**

### **1 INTERPRETATION**

1.1.1 The terms in Appendix “C” shall have the same meaning as defined in the Charter of the Chiefs of Ontario unless otherwise indicated.

### **2 CONSITUTION OF INTEGRITY COMMITTEES**

2.1.1 The ORC Integrity Committee and LC Integrity Committee shall convene only where a Complaint or Alleged Breach is brought to the attention of the respective committee.

2.1.2 The purpose of the ORC Integrity Committee and LC Integrity Committee is to ensure that Complaints and Alleged Breaches are addressed promptly and fairly to maintain the integrity of, and public confidence in, COO and its operations.

#### **2.2 ORC Integrity Committee**

2.2.1 LC shall annually appoint the following to the ORC Integrity Committee:

- a) 1 (one) member of LC, whose role will be to assess, investigate and address a Complaint in accordance with the provisions of this Appendix.
- b) 1 (one) member of Elder Committee whose role will be to assess, investigate and address a Complaint in accordance with the provisions of this Appendix and assist and advise the ORC Integrity Committee in ensuring that the principles and processes of restorative justice are applied with trust, honour, respect and integrity, and
- c) 1 (one) member of COO Board whose role will be to assess, investigate and address a Complaint in accordance with the provisions of this Appendix. The COO Board member is responsible for any administrative functions set out in this Appendix, including convening meetings, preparing reports, and coordinating investigations.

2.2.2 The ORC Integrity Committee shall exercise consensus-based decision-making when performing its functions pursuant to this Appendix. Where the ORC Integrity Committee is not able to reach consensus at any stage of its handling of a Complaint, the ORC Integrity Committee shall report the matter to the LC for further direction.

## **2.3 LC Integrity Committee**

2.3.1 LC shall annually appoint the following to the LC Integrity Committee:

- a) 1 (one) member of LC, whose role will be to assess, investigate and address an Alleged Breach in accordance with the provisions of this Appendix,
- b) 1 (one) member of Elder Committee whose role will be to assess, investigate and address an Alleged Breach in accordance with the provisions of this Appendix, and assist and advise the LC Integrity Committee in ensuring that the principles and processes of restorative justice are applied with trust, honour, respect and integrity;
- c) ORC whose role will be to assess, investigate and address an Alleged Breach in accordance with the provisions of this Appendix, and
- d) COO Chief Operating Officer who is responsible for any administrative functions set out in this Appendix in respect of an Alleged Breach, including convening meetings, preparing reports, and coordinating investigations. The COO Chief Operating Officer shall not have any authority to assess, investigate and address an Alleged Breach.

2.3.2 The LC Integrity Committee shall exercise consensus-based decision-making when performing its functions pursuant to this Appendix. Where the LC Integrity Committee is not able to reach consensus at any stage of its handling of a Complaint, the LC Integrity Committee shall report the matter to the LC for further direction.

## **3 ONTARIO REGIONAL CHIEF – COMPLAINTS AND DISPUTES**

### **3.1 Complaints and Disputes**

3.1.1 A Complaint regarding the ORC may be delivered or received, either verbally or in writing by any person, to the Chief Operating Officer or any member of the LC.

3.1.2 The Chief Operating Officer or member of the LC shall notify the ORC Integrity Committee when they receive a Complaint concerning the ORC.

3.1.3 Where the ORC Integrity Committee is made aware of a Complaint concerning the ORC, the ORC Integrity Committee shall duly convene a meeting

within fourteen (14) days for the purpose of assessing a Complaint and considering the best course of action to be taken.

## **4 ONTARIO REGIONAL CHIEF – DISCIPLINE POLICY AND PROCEDURE**

### **4.1 Purpose of the Discipline Policy**

4.1.1 This discipline policy is a framework for the LC to respond to misconduct where the ORC does not adhere to the Oath of Office, AOCC Code of Conduct and all other policies and standards of Chiefs of Ontario. The purpose of this policy is to deal with allegations of misconduct fairly and ensure that discipline is proportionate to the seriousness of the misconduct.

4.1.2 The purpose and application of this discipline policy is to be applied, to the greatest extent possible, in accordance with the principles of restorative justice.

### **4.2 Investigation**

4.2.1 ORC Integrity Committee may, in its sole discretion, decide whether to investigate a Complaint and the depth of investigation required, in order to determine if:

- a) a person or persons have been harmed by conduct that is the subject of the Complaint;
- b) the ORC has been the cause of such harm;
- c) the ORC takes responsibility for causing the harm (where harm has been found to have occurred, and where the ORC is found to have caused the harm);
- d) what steps can or should be taken to promote reconciliation, restoration, and healing for the persons harmed by the ORC's conduct; and
- e) whether measures are in place to ensure that the reasonable probability of further, similar harm can be prevented, including through steps taken by the ORC to address underlying causes, issues, and challenges that may have given rise to the conduct causing harm.

4.2.2 Any investigation, including the preparation of a report, shall be completed within three (3) months.

4.2.3 Where the ORC Integrity Committee concludes that no harm has occurred, or at least no harm caused by any conduct of the ORC, the consideration of the complaint shall be closed, with this result and (where appropriate) reasons provided by the ORC Integrity Committee to the complainant.

4.1.4 Where the ORC Integrity Committee determines through an investigation that:

- a) Harm has been caused by the conduct of the ORC, but the ORC does not take responsibility for causing such harm; or
- b) The harm caused by the conduct of the ORC is not of a nature that can be adequately addressed through restorative measures,

the ORC Integrity Committee shall take such further steps as are necessary and appropriate to ensure that the conduct of the ORC is disciplined in accordance with the progressive discipline provisions of this Appendix.

4.2.4 The ORC Integrity Committee shall report the existence and outcome of any investigation, and the imposition of any discipline as a result of an investigation, to the Chiefs in Assembly in a manner that reasonably ensures the protection of the privacy of the individuals involved.

4.2.5 The outcome of any investigation and any discipline imposed as a result of the investigation shall be communicated in writing to the ORC.

4.2.6 The outcome of any investigation and any discipline imposed as a result of the investigation may be communicated to a complainant at the discretion of the ORC Integrity Committee.

4.2.7 The ORC Integrity Committee may, in its sole discretion, determine whether and to what extent it is necessary to suspend the ORC during an investigation into a Complaint. The ORC Integrity Committee will confirm the suspension in writing to the ORC.

4.2.8 Suspension of this kind is not a disciplinary penalty and does not imply that any decision has been made about a Complaint. The ORC suspended pending investigation will continue to receive their full compensation and benefits during the period of suspension and will remain bound by the terms and conditions of their position. During a suspension, the ORC is required to cooperate with investigative procedures such as interviews or document disclosure.

### **4.3 Confidentiality**

4.3.1 The ORC Integrity Committee is committed to addressing a Complaint with respect for the privacy of any individuals involved and will treat as confidential any information communicated to them in connection with an investigation or disciplinary matter, subject to any reporting obligations described in this Appendix.

### **4.4 Progressive Discipline**

4.4.1 In cases where the ORC Integrity Committee deems discipline an appropriate response to ORC misconduct, a progressive discipline approach will be adopted. If misconduct persists, more serious penalties will be applied as described in this policy, up to and including removal from office.

4.4.2 While progressive discipline normally escalates in response to continued misconduct, the ORC Integrity Committee reserves the right to repeat any progressive discipline step, or to commence disciplinary actions at any step up to and including recommending suspension or removal from office, where justified by the circumstances.

### **4.5 Misconduct**

4.5.1 Examples of behaviour that will normally be treated as misconduct and subject to discipline under this policy include:

- a) Minor breaches of the ORC Oath of Office, AOCC Code of Conduct, Charter, articles, by-laws or written policies of the Chiefs of Ontario.
- b) Minor damage to Chiefs of Ontario property, or minor misuse of Chiefs of Ontario property.
- c) Use of obscene language or other offensive behaviour at Chiefs of Ontario offices, meetings, events or in the course of representing Chiefs of Ontario.

### **4.6 Gross Misconduct**

4.6.1 Examples of behaviour by the ORC in the course of fulfilling their duties as a representative of COO, that will be treated as gross misconduct and which will justify a more serious disciplinary response up to and including removal from office include:



- a) Serious breaches of the ORC Oath of Office, AOCC Code of Conduct, Charter, articles, by-laws or written policies of the Chiefs of Ontario.
- b) Theft or fraud.
- c) Workplace harassment, meaning engaging in a course of vexatious comment or conduct against an employee in a COO workplace that is known or ought reasonably to be known or unwelcome, including on the basis race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.
- d) Workplace sexual harassment, meaning engaging in a course of vexatious comment or conduct against an employee in a COO workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome.
- e) Workplace violence or bullying, including: (a) the exercise, or attempted exercise, of physical force by a person against a worker, in a COO workplace, that causes or could cause physical injury to the worker; or (b) a statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a COO workplace, that could cause physical injury to the worker.
- f) Unlawful discrimination, meaning any form of unequal treatment based on basis race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability, whether imposing extra burdens or denying benefits and whether intentional or unintentional.
- g) Deliberate and serious damage to Chiefs of Ontario property, or serious misuse of Chiefs of Ontario property.
- h) Criminal conviction
- i) Bringing Chiefs of Ontario into disrepute.
- j) Breach of confidentiality
- k) Misrepresentation of overtime, expenses, etc.

- l) Use, possession, distribution or sale of alcohol, recreational cannabis, illicit drugs or intentional misuse of medication while on the COO premises or in the course of fulfilling the OCR's duties as a representative of COO.
- m) Dishonesty.
- n) Breach of workplace safety policies or procedures that exposes the ORC or others to serious risk of injury.

#### **4.7 Verbal Warning**

4.7.1 Where prior progressive discipline is not a factor, minor incidents of misconduct will be addressed by the ORC Integrity Committee through a verbal warning. The verbal warning will identify the misconduct and communicate expectations for improved conduct, including the completion of additional training and skills development. A note recording the details of the verbal warning will be placed in the ORC's personnel file.

#### **4.8 Written Warning**

4.8.1 In cases of gross misconduct or those where the ORC has previously received a verbal warning for similar conduct, an ORC may be given a written warning by the ORC Integrity Committee. If so, a formal disciplinary letter will be given to the ORC and placed in their personnel file. This letter will detail the misconduct, expectations for improvement, including the completion of additional training and skills development, and the consequences of further misconduct, including the possibility of suspension or removal from office.

#### **4.9 Suspension**

4.9.1 In cases of gross misconduct or those involving repeated misconduct following earlier progressive discipline warnings, the ORC Integrity Committee may recommend to the Chiefs in Assembly a paid or unpaid suspension for a period appropriate in the circumstances.

4.9.2 If a disciplinary suspension is approved, the ORC Integrity Committee will meet with the ORC to provide a suspension letter detailing the misconduct, the duration and conditions of the suspension, expectations for improved conduct and the consequences of further misconduct, including the possibility of removal from office. The ORC will then be placed on the suspension and return when the suspension period ends.

#### **4.10 Final Written Warning**

4.10.1 The ORC Integrity Committee may recommend to the Chiefs in Council a final written warning where:

- a) Misconduct persists despite earlier warnings and/or suspension issued through the progressive discipline process; or
- b) An incident of gross misconduct is sufficiently serious to warrant a final written warning.

4.10.2 If a final written warning is approved, the ORC will be provided with a final written warning letter explaining expectations for improved conduct and the circumstances under which the ORC will be removed from office upon further incidents of misconduct.

4.10.3 A final written warning may be combined with a disciplinary suspension under this policy.

#### **4.11 Removal from Office**

4.11.1 The ORC Integrity Committee may recommend the ORC's removal from office as a discipline measure where:

- a) The ORC has engaged in repeated misconduct despite several progressive discipline interventions and despite the provision of a final written warning, and restorative justice measures have been determined to be either ineffective or unwelcome; or
- b) An incident of gross misconduct is so severe that it is incompatible with the ORC's continued representation of the Chiefs of Ontario.

4.11.2 Where the ORC Integrity Committee determines that the ORC's removal from office is the appropriate discipline measure:

- a) the ORC Integrity Committee shall provide written notice, including reasons for imposing the discipline measure, to the ORC and the Chiefs in Assembly; and
- b) the Chiefs in Assembly shall convene a Special Meeting no sooner than fourteen (14) days following the receipt of the notice to consider the recommendation of the ORC Integrity Committee.

4.11.3 The Leadership Council shall be responsible for arrangements for the Special Meeting convened pursuant to section 4.11.2, including the selection of the chair and preparation of the agenda.

4.11.4 The ORC may provide a written response to the notice described in section 4.11.2 to the ORC Integrity Committee and Chiefs in Assembly prior to the commencement of the Special Meeting convened to consider the ORC's removal from office.

4.11.5 A representative of the ORC Integrity Committee shall be permitted to address the Chiefs in Assembly at the Special Meeting convened to consider the ORC Integrity Committee's recommendation to remove the ORC from office.

4.11.6 The ORC shall be permitted to address the Chiefs in Assembly at the Special Meeting convened to consider the ORC Integrity Committee's recommendation to remove the ORC from office.

4.11.7 Following any submissions by the ORC Integrity Committee and the ORC, the Chiefs in Assembly at the Special Meeting shall vote on the recommendation of the ORC Integrity Committee.

#### **4.12 Safekeeping and Retention of Investigation Documents**

4.12.1 Documents associated with an investigation into an allegation of misconduct by the ORC (including a copy of any complaint, any notes of and investigator, witness statements, any investigator findings, corrective action taken, and the communication of the results of the investigation to any complainant and ORC), will be stored in a secure location at Chiefs of Ontario.

4.12.2 These documents will not be disclosed unless necessary to investigate a complaint or incident of misconduct, to take corrective action, or otherwise as required by law.

4.12.3 Documents associated with a misconduct complaint will be retained by Chiefs of Ontario for a minimum of three years following the conclusion of the investigation. Documents associated with workplace violence or harassment complaint of a sexual nature, may be retained longer at the discretion of the Chief Operating Officer.

## **5 LEADERSHIP COUNCIL – BREACH OF COO LC CODE OF CONDUCT**

### **5.1 Breaches**

5.1.1 Notice of an Alleged Breach by a member of the LC may be delivered or received, either verbally or in writing by any person, to the Chief Operating Officer or any member of the LC or LC Integrity Committee.

5.1.2 The Chief Operating Officer or member of the LC shall notify the LC Integrity Committee when they receive an allegation of a Breach by an LC.

5.1.3 Where the LC Integrity Committee is made aware of an Alleged Breach concerning an LC member, the LC Integrity Committee shall duly convene a meeting within fourteen (14) days to consider the Alleged Breach in respect of the LC member and consider the best course of action.

## **6 LEADERSHIP COUNCIL – ADDRESSING ALLEGED BREACH**

### **6.1 Investigation and Addressing an Alleged Breach**

6.1.1 The LC Integrity Committee may, in its sole discretion, determine whether the conduct described in the Alleged Breach relates to activities undertaken by an LC member on behalf of COO.

6.1.2 Where the LC Integrity Committee determines that the conduct described in the Alleged Breach relates to activities undertaken on behalf of COO, the LC Integrity Committee shall provide notice to the appropriate provincial territorial organization (“PTO”) or community.

6.1.3 Where the LC Integrity Committee determines that the conduct described in the Alleged Breach does not relate to activities undertaken on behalf of COO, LC Integrity Committee may refer the matter to the appropriate PTO or community.

6.1.4 The LC Integrity Committee may, in its sole discretion, decide whether to investigate an Alleged Breach in respect of an LC member and the depth of investigation required.

6.1.5 Any investigation shall be completed and reported to the LC Integrity Committee within three (3) months.

6.1.6 An Alleged Breach shall be investigated before the LC Integrity Committee takes any steps to address an Alleged Breach.

6.1.7 Within fourteen (14) days of the receipt of an investigation report, the LC Integrity Committee shall determine whether and to what extent to address an

Alleged Breach including, referring the matter to the appropriate PTO, training, mediation, or recommending the suspension or removal of the LC member from the LC to the [LC and] Chiefs in Assembly. In making the determination of whether and to what extent to address an Alleged Breach, the LC Integrity Committee shall be, to the greatest extent possible, informed by principles of restorative justice and the promotion of reconciliation, restoration and healing.

**Commented [ZT1]:** Confirm whether the recommendation to suspend or remove an LC member will be made to the LC and/or Chiefs in Assembly.

6.1.8 The LC Integrity Committee shall report the existence and outcome of any investigation, and any steps taken to address an Alleged Breach, to the [LC and] Chiefs in Assembly in a manner that reasonably ensures the protection of the privacy of the individuals involved.

**Commented [ZT2]:** Confirm whether LC Integrity to report to the LC and/or Chiefs in Assembly.

6.1.9 The outcome of any investigation and any steps taken to address an Alleged Breach shall be communicated in writing to the LC member.

6.1.10 The outcome of any investigation and steps taken to address an Alleged Breach may be communicated to a complainant at the discretion of the LC Integrity Committee.

## 6.2 Confidentiality

6.2.1 LC Integrity Committee is committed to addressing an Alleged Breach with respect for the privacy of any individuals involved and will treat as confidential any information communicated to them in connection with an Alleged Breach, subject to any reporting obligations described in this Appendix.