

Metis Settlements Appeal Tribunal Code of Conduct

Introduction

General

The role of the Metis Settlements Appeal Tribunal (MSAT) is to independently resolve disputes in a fair and effective manner while preserving Metis culture and identity under the *Alberta-Metis Settlements Accord*.¹ To fulfill this role, MSAT members² and staff commit themselves and each other to the principles of *fairness, effectiveness, and accountability* set out in this Code of Conduct.

In addition, two fundamental values underlie this Code. First, MSAT members and staff recognize that professional and personal integrity is critical for fair investigations and proper decision-making. Second, members and staff recognize and value that MSAT has a unique mandate to consider Metis culture and identity when investigating and resolving disputes.

The standards of conduct set out in this Code apply throughout all stages of MSAT's work. These standards can be relied on by all those who use MSAT, as well as by the Minister of Aboriginal Relations and by the Metis Settlements General Council.

The Appeal Tribunal Chair is responsible for MSAT's administrative affairs. This includes following, overseeing, and ensuring the uniform application of the standards set out in this Code.

1. Fairness

Statement of principle

Fair dispute resolution processes lead to outcomes that are respected and followed. In fulfilling their roles, MSAT members and staff will act with integrity, honour, and cultural sensitivity.

Rules

- 1.1 *Conduct*: MSAT members and staff must treat colleagues and all participants with courtesy and respect.
- 1.2 *Roles*: the role of MSAT staff is to provide intake services, collect raw materials, identify issues and legislative frameworks relevant to the dispute. This role is not to be confused with the role of MSAT members, which is to make decisions and to resolve disputes through mediation or adjudication.

¹ *The Accord*: Signed in 1989, the *Alberta-Metis Settlements Accord* ushered in a new era. The Accord called for joint action by the Government of Alberta and the Metis Settlements General Council to protect Settlement lands and to build viable and vibrant Metis communities with good local and collective governance systems. The Accord provided tools for developing a full body of Metis Settlement law through General Council Policies, local by-laws, and judicial (MSAT) decisions.

² MSAT members are the three Tribunal members appointed by the Metis Settlements General Council, the three members appointed by the Minister, and the Chairperson, who is appointed by both.

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1.3 *Independence*: MSAT is a legislated and independent institution. Its members and staff must perform their responsibilities in a neutral manner with impartiality and objectivity.

1.4 *Integrity*: MSAT members and staff must be fair and appear to be fair. The following considerations apply:

- a. allow participants to present and consider all evidence and arguments;
- b. seek clarification of evidence and opinions, but do not act as an advocate;
- c. do not allow participants to be disruptive, abusive, or discourteous to each other or to the Panel;
- d. do not discuss impressions of the dispute in issue other than with fellow members;
- e. allow participants the right to representation by counsel; and
- f. MSAT members are to avoid direct communications with participants until the dispute is resolved.

1.5 *Bias/conflicts of interest*: MSAT members and staff must approach disputes with an open mind. MSAT members and staff must tell the Chair if they believe they cannot objectively deal with a dispute, or if they think others may hold or form a reasonable apprehension of bias concerning their involvement. When coming to this determination, consider whether:

- g. the matter originates within a MSAT member or staff's home Settlement;
- h. the investigation or decision will affect an immediate family member, including spouse, children, parents, parents-in-law, brothers, sisters, grandparents, nieces or nephews, where perceived bias is likely; or
- i. there is a direct or indirect financial interest³ in the outcome.

1.6 *Public confidence*: MSAT members and staff must refrain from personal or professional conduct that brings discredit to MSAT, including, but not limited to the following considerations:

- j. accepting payments, honorariums, or other rewards for any work done in connection with their duties to MSAT

³ MSAT members and staff will not be considered in conflict where the conflict or benefit is so remote or the amount of financial interest is so insignificant that it cannot reasonably be regarded as likely to influence decision making.

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for which a prescribed salary or other rate is already received;

- k. using information acquired during the investigation or hearing process for personal gain; or
- l. accepting appointments to Metis or provincial political offices during their tenure as MSAT members.

1.7 *Cultural integrity*: MSAT members and staff are committed to learning about Metis Settlement history and culture, and to valuing and sharing their learning.

1.8 *Transparency/Openness*: MSAT decisions are public documents, and hearings will be open to the public unless directed otherwise by the panel Chair.

1.9 *Harassment*: MSAT members and staff must not verbally harass or threaten a colleague, staff, hearing participant, or any other person.

1.10 *Mediation*: the best resolutions are those developed by the parties themselves. MSAT staff is committed to fostering understanding amongst parties and MSAT members are committed to facilitating mediated agreements amongst parties.

2. Effectiveness

Statement of principle

MSAT members and staff are committed to resolving disputes in a timely and competent manner with the view of preserving Metis culture and identity.

Rules

2.1 *Timeliness*: MSAT members and staff must not allow processes or decisions to be unduly delayed by either their own conduct or by the conduct of others. This includes ensuring that all appeals assigned to MSAT members are decided before the expiration of their terms.

2.2 *Practicality*: MSAT members and staff are committed to using legal instruments and forms as tools—not as end results onto themselves—to enhance its processes and to produce consistent results that make sense to MSAT's stakeholders.

2.3 *Reviews*: MSAT members and staff must work to improve investigation and decision-making processes through communications and consultations with stakeholders, internal reviews, and strategic action planning.

2.4 *Capacity-building*: To ensure continued competency, MSAT members and staff will strategically build or maintain required skill sets.

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3. Accountability

Statement of principle

MSAT members and staff are committed to upholding the highest standards of conduct on both personal and professional levels so as to retain the trust, respect, and confidence of colleagues and stakeholders.

Rules

- 3.1 *Accountability*: MSAT members and staff will hold themselves and each other to the principles and rules set out in this Code.
- 3.2 *Concerns or complaints*: If a MSAT member, or staff, or stakeholder at large has personal knowledge of improper conduct, they will discuss the matter with the individual involved. If the issue is not settled, the matter may be raised with the MSAT Chair or Vice-Chair as required.
- 3.3 *Removal*: Nothing in this Code negates the right of a party to seek relief under section 183(1) of the *Metis Settlements Act*, which reads that MSAT members may be removed before the expiration of their term by agreement between the Minister and the Metis Settlements General Council.

