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1.0 Introduction

1.1 In keeping with Papaschase First Nation culture, laws and teachings, this Papaschase First Nation Code of Conduct (*the Code of Conduct*) is attached to and forms a part of the Papaschase IR 136 Descendants Custom Council Election Code (*the Election Code*).

1.2 The Code of Conduct is made under the authority of the Council and applies to the Chief, Councilors, Elders, and those serving with authority through appointments pursuant to the Election Code.

1.3 The Code of Conduct has been proposed, reviewed and approved by the process set out in the Election Code, and is effective as of the date set out on the cover page of this policy.

2.0 Interpretation

2.1 All definitions in the Election Code and the Papaschase First Nation Band Membership Code apply to the Code of Conduct.

2.2 In the Code of Conduct:

- a. **“Administration”** means those Employees, consultants and contractors retained by Papaschase First Nation performing governance functions;
- b. **“Band Member”** or **“Band Members”** means all categories of membership described in the Papaschase First Nation Band Membership Code;
- c. **“BCR”** means a resolution passed by a majority of Council present at a duly convened meeting of Council;
- d. **“Chief”** means the Chief elected pursuant to the Election Code;
- e. **“Councilors”** means the members of the Council elected pursuant to the Election Code and includes the Chief;
- f. **“Code of Conduct”** means the Papaschase First Nation Council Code of Conduct Policy;
- g. **“Confidential Information”** means information or documents acquired by a Councilor by virtue of their office and which is not otherwise known to the public, including but not limited to:
 - i.) information or documents received in an *in-camera* Council meeting,

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- ii.) information or documents that Papaschase First Nation is prohibited from disclosing due to legislation, court order, or contract,
 - iii.) personal information of any individual,
 - iv.) information or documents concerning litigation or potential litigation involving Papaschase First Nation,
 - v.) information or documents concerning negotiations or potential negotiations involving Papaschase First Nation,
 - vi.) information or documents concerning law enforcement matters, and
 - vii.) information or documents subject to solicitor-client privilege;
- h. **“Deputy Chief”** means the Deputy Chief selected pursuant to the Election Code;
- i. **“Employee”** means an employee of Papaschase First Nation its subsidiaries and affiliates, and includes contractors, temporary workers, and casual workers.

2.3 The term “Article” followed by a number refers to the associated article of this Code of Conduct.

3.0 General Conduct of Councillors

Background

3.1 Councillors are the elected leaders of Papaschase First Nation and have traditional, moral, and legal duties to Band Members to govern and conduct themselves in an honest, professional and transparent manner at all times.

3.2 Councillors will adhere to a high standard of personal and professional conduct at all times, follow Papaschase First Nation teachings, minimize financial and legal liability, and foster trust and confidence as a government institution, both internally to Employees, Administration, Band Members, and externally to government institutions and the public.

3.3 Failure to adhere to appropriate standards of behaviour and conduct can lead to lost confidence and financial and legal liability.

Objectives

3.4 The objectives of this Article 3 are to set standards for the ethical conduct of Councillors, and to make the governance of Papaschase First Nation consistent with the teachings and the principles of open, transparent and accountable government.

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Standards of Behaviour

3.5 Councillors will:

- a. act honestly and in good faith to promote the welfare and interests of Papaschase First Nation and Band Members;
- b. perform their functions and duties in a prompt, conscientious and diligent manner and to the best of their ability, with integrity, accountability and transparency;
- c. conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, Committees of which they are members, and other bodies to which they are appointed by Council;
- d. demonstrate fairness, respect for individual differences and opinions, and the intention to work together for the common good and in furtherance of Band Members' interests;
- e. avoid behaviour which is disorderly, abusive, intimidating, harassing, or generally brings Council, or Papaschase First Nation, into disrepute;
- f. maintain confidentiality as required by Article 6;
- g. avoid conflicts of interest as required by Article 7;
- h. respect and promote the culture, language, and territory of Papaschase First Nation;
- i. respect Papaschase First Nation as a self-governing First Nation and encourage public respect for the legislative and governance authority of Papaschase First Nation;
- j. refrain from engaging in public criticism of Administration, Employees, other Councillors, decisions of Council, or Papaschase First Nation generally;
- k. conduct themselves in a manner that promotes confidence of Band Members and will bear close public scrutiny; and
- l. comply with this Code of Conduct.

No abuse of Council Authority

3.6 Councillors will not use their position, authority, or influence, either directly or indirectly, to:

- a. secure a personal advantage, whether financial or otherwise, for themselves, a member of the Councilor's family, or a business in which the Councilor has a controlling interest;
or
- b. intimidate, abuse, or harass Employees, any Band Member, members of the public, or any other person.

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Adherence to Applicable Laws and Principles of Fairness

- 3.7** Councilors will, at all times:
- a. act lawfully, and in compliance with Papaschase First Nation applicable policies and laws, and applicable federal, provincial and municipal laws;
 - b. avoid engaging in discriminatory conduct towards any individual based on the person's race, ancestry, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, source of income, or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered;
 - c. avoid making arbitrary or unreasonable decisions; and
 - d. make decisions involving Band Members fairly and impartially.

Oath of Office

- 3.8** Upon being elected or re-elected to office, as the case may be, all Councilors will sign an oath of office as required by the Election Code.

Respectful Interactions with Employees, Administration, the Public, and Others

3.9 Councilors will treat one another, Administration, Employees, contractors, Band Members, and members of the public with courtesy, dignity and respect and without abuse, bullying, or intimidation.

3.10 No Councilor will use indecent, abusive, or insulting words or expressions toward another Councilor, Administration, Employees, contractors, Band Members, or any member of the public.

3.11 Councilors will respect the fact that Employees work for Papaschase First Nation as a whole and are charged with making recommendations that reflect their professional expertise and that Employees are required to do so without undue influence from any Councilor or group of Councilors.

- 3.12** Councilors will not:
- a. use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing Employees with the intent of interfering in the Employee's duties; or
 - b. maliciously or falsely injure the professional or ethical reputation, or the prospects or practices of Employees.

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Upholding Formal Commitments

3.13 Councilors will, at all times, uphold their formal commitments made to Council, Administration, committees, other First Nations, First Nation agencies, Indigenous organizations, and government agencies.

Council Communications

3.14 A Councilor will not claim to speak on behalf of Council or Papaschase First Nation unless authorized to do so.

3.15 Unless Council directs otherwise by BCR, Council's official spokesperson is the Chief or, in the absence of the Chief, the Deputy Chief. All inquiries from the media regarding the official Council position on an issue will be referred to Council's official spokesperson.

3.16 Council's official spokesperson will ensure that their statements on behalf of Council accurately reflect the official position of Council as a whole, even if the spokesperson personally disagrees with Council's position.

3.17 No Councillor will make a statement when they know that statement is false or with the intent of misleading Council, Band Members, or members of the public.

Use of Papaschase Assets and Services

3.18 Councillors will use Papaschase property, equipment, services, supplies, and staff resources only for the performance of their duties as Councilors.

Remuneration and Expenses

3.19 Councillors are stewards of Papaschase First Nation resources and will avoid waste, abuse and extravagance in the use of Papaschase First Nation resources.

3.20 Councillors will be transparent and accountable with respect to all expenditures and strictly comply with all Papaschase First Nation laws, bylaws, policies and procedures regarding claims for remuneration and expenses.

Election Campaigns

3.21 No Councillor will use any facilities, equipment, supplies, services, intellectual property (including the Papaschase First Nation logo) or other resources of Papaschase First Nation or any Papaschase First Nation's subsidiary or affiliate for any election campaign or campaign-related activity.

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4.0 Decision-Making

Background

4.1 Council is a democratically elected body which makes decisions by majority vote. Therefore, individual Councillors may not agree with every decision made by Council as a whole. While these disagreements will arise, it is essential to the proper functioning of Council and to the confidence in Papaschase First Nation's elected leadership that Council's authority to make decisions and its processes are respected and adhered to by individual Councillors, both at the time the decisions are made and afterwards.

Objective

4.2 The objective of Article 4 is to set standards for the behaviour of Councillors in relation to Council's decision-making process and the implementation of those decisions.

Respecting the Decision-Making Process

4.3 Decision-making authority lies with Council, and not with any individual Councillor. Decisions of Council are made through BCR passed at a duly convened Council meeting at which there is quorum present. No Councillor will, unless authorized by Council, attempt to bind Papaschase First Nation or give direction to Employees, contractors, consultants or other service providers or prospective vendors to Papaschase First Nation.

4.4 With the exception of those matters that involve Confidential Information or that Council determines to deal with in a confidential manner in an *in-camera* session, Councillors will conduct and convey Council business and all their duties in an open and transparent manner, and in so doing, will allow Band Members to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.

4.5 Councillors will accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

Supporting Decisions and Agreements

4.6 Councilors will adhere to motions passed at meetings of Council or meetings of Members, even if they disagree with those decisions.

4.7 Subject to Article 4.8, Councillors will respect all formal contracts entered into between Papaschase First Nation and others, including those made by past leadership, and will not cause Papaschase First Nation to terminate or breach a formal contract.

4.8 Article 4.7 does not prevent Council or Councillors from taking actions that may terminate or breach a formal contract if:

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- a. Council has received legal advice regarding the potential legal consequences of those actions; and
- b. having considered the legal advice received in accordance with Article 4.8(a), Council authorizes the actions by BCR.

5.0 Role of Council

Background

5.1 Council is the elected governing body of Papaschase First Nation which makes high level strategic decisions. Administration is tasked by Council to implement Council's decisions.

5.2 It is vitally important that the proper relationship between Council and Administration be understood and respected. This includes being separated in form and function respecting established lines of communication between Council and Employees, and that individual Councilors do not get involved in the day-to-day operations of Papaschase First Nation. This is particularly important as Council owes fiduciary duties to Band Members to act in their best interests when making decisions which affect Papaschase First Nation.

5.3 Maintaining effective separation between Council and Administration is intended to:

- a. promote fair and consistent treatment of Employees in accordance with any Papaschase First Nation laws, policies and other applicable law;
- b. minimize issues or claims of political interference, undue influence, or conflicts of interest;
- c. minimize employment-related legal liabilities for Papaschase First Nation, including claims of discrimination and harassment;
- d. minimize legal liabilities such as breach of trust or fiduciary duty for individual Councilors;
- e. maintain Council's ability to focus on higher-level strategic issues; and
- f. promote good governance and best practices.

Objectives

5.4 The objectives of this Article 5 are to clarify the proper roles of and the separation between Council and Administration and identify clear boundaries for Councilors to prevent their involvement in the day-to-day operations of Papaschase First Nation.

Powers, Functions and Duties of Council

5.5 Council is responsible for:

- a. providing good government for Papaschase First Nation;

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- b. establishing Papaschase First Nation laws, policies, and services and other matters for the benefit of Papaschase First Nation and Band Members;
- c. providing stewardship of Papaschase First Nation assets, resources, water, earth, air and lands; and
- d. fostering the current and future economic, social and environmental well-being of Papaschase First Nation and Band Members.

5.6 Without restricting Article 5.5, and subject to any specific conditions and restrictions established under any applicable laws, Council's powers, duties and functions include:

- a. strategic planning;
- b. developing and enacting Papaschase First Nation laws and policies;
- c. appointing members to committees;
- d. overseeing and directing the Chief Administrative Officer, if so appointed;
- e. approving Papaschase First Nation' budgets, financial statements, and borrowing; and
- f. negotiating and entering into agreements on behalf of Papaschase First Nation respecting:
 - i. the undertaking, provision, and operation of works or services; and
 - ii. operation and enforcement in relation to Council's exercise of its regulatory authority.

Powers, Functions, and Duties of Administration

5.7 Council may, if it so directs, delegate to Administration the powers, functions and duties of the day-to-day operations and administration of Papaschase First Nation, including but not limited to:

- a. establishing and documenting all Papaschase First Nation procedures;
- b. developing policies respecting the day-to-day operations and administration of Papaschase First Nation and recommending those policies to Council for approval;
- c. all human resources matters except hiring and supervising of a Chief Administrative Officer, if so appointed;
- d. all matters relating to the financial administration of Papaschase First Nation except as specifically reserved to Council in the Code of Conduct;
- e. purchasing and maintaining insurance coverage for Papaschase First Nation, including for Councillors, Administration, and Employees; and

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- f. managing Papaschase First Nation' assets, including any tangible capital assets reserve funds, in accordance with any applicable Papaschase First Nation laws, policies, and legislation.

Prohibition against engaging in Day-to-Day Operations

5.8 If Papaschase First Nation appoints individuals as Administration; except as expressly set out in this Code of Conduct, Councilors will not engage in the day-to-day operations and administration of Papaschase First Nation.

No involvement in Human Resource Matters

5.9 Consistent with 5.8, Councilors will not involve themselves, either directly or indirectly, in any human resource matters other than hiring and overseeing a Chief Administrative Officer. Without limiting the generality of the previous statement, no Councilor may:

- a. become involved in any decisions regarding Employees, unless the Councilor is a member of a committee and the matter is within the jurisdiction assigned to that committee; or
- b. influence, or interfere with, any Employee hiring process or candidate selection process, or any disciplinary process (including termination) of any Employee.

Councilors may not Directly Instruct Employees

5.10 Except as expressly authorized by Council or this Code of Conduct, Councilors will refrain from making direct requests of any Employees in their capacity as Councilors.

5.11 If a Councilor makes a direct request of an Employee in contravention of this Code of Conduct, the Employee in question is not obliged to perform the request and is obligated instead to report the request to their direct reporting lines, if they exist and Council if a reporting line does not exist.

Procedure for requests from Employees and Members

5.12 When approached by an Employee or by a Member with a request, Councilors will:

- a. bring the matter to the attention of Council; and
- b. refrain from taking any further action.

6.0 Confidential Information

Background

6.1 In the course of exercising the functions of office and the carrying out of its duties, Council may be privy to a significant amount of sensitive and private information which Council has an obligation to hold in confidence. There are several reasons why information may be confidential.

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For example, the information may be commercially sensitive, may be personal information of an Employee, may be confidential legal advice, or could otherwise be information that Council has an obligation at law to keep confidential.

6.2 The improper disclosure of Confidential Information may be extremely harmful to Papaschase First Nation, Members, and outside organizations. This type of disclosure can not only damage business and personal relationships between Papaschase First Nation and others, but can also lead to legal liability where the breach of confidentiality undermined a legal position or negotiation, was contrary to law, or was in breach of an agreement to which Papaschase First Nation was a party.

6.3 This obligation of confidentiality is particularly important where discussing sensitive matters involving Employees or other individuals, as the use of their personal information is restricted by federal and Alberta legislation.

Objectives

6.4 The objectives of this Article 6 are to set out the obligations Councillors have with respect to Confidential Information while exercising their duties, to prevent the improper disclosure of Confidential Information by Councillors, to establish and to minimize liability to both Papaschase First Nation and individual Councillors personally.

Protection of Confidential Information

6.5 Councillors will refrain from disclosing or releasing any Confidential Information except where required by law or as expressly authorized by Council and in a manner consistent with the Councillor's official duties.

6.6 Councillors will not use Confidential Information for their personal benefit or to benefit any other person or organization except as authorized by Council or any Papaschase First Nation law or policy.

6.7 The obligations in Articles 6.5 and 6.6 survive the end of a Councillor's term in office.

Process in the event of Potential Disclosure of Confidential Information

6.8 Where a Councillor becomes aware that they or another Councillor may have disclosed Confidential Information in breach of this Code of Conduct (a "**Potential Breach**"):

- a. the Councillor will immediately report the Potential Breach to the Chief Administrative Officer; if one is so appointed, and
- b. the matter will be placed on the Council agenda for the next Council meeting.

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6.9 A Councillor who is the subject of a report under Article 6.8 will remove themselves from any further involvement in the matter, and will not participate in any Council meetings, discussions or activities concerning the Potential Breach.

6.10 Council will discuss the Potential Breach in an *in-camera* meeting, will determine whether a Councilor has disclosed Confidential Information in breach of this Code of Conduct, and will record that determination in the meeting minutes.

6.11 If Council determines that Confidential Information has been disclosed by a Councilor in breach of this Code of Conduct, Council may, but is not obligated to, publish the name of the Councilor in the minutes of the Council meeting where Council made its finding. In making this decision, Council may consider:

- a. the nature and scope of the Confidential Information that was disclosed;
- b. the potential harm to Papaschase First Nation, Members, Employees, or third parties;
- c. whether the Councillor self-reported the Potential Breach;
- d. whether the Councillor has a history of disclosing Confidential Information in breach of this Code of Conduct;
- e. any potential harm to the Councilor; and
- f. any other factor Council considers relevant.

6.12 Council members shall ensure that when using audio or video conferencing programs, no person outside of the authorized attendees of the meeting is able to see or hear any portion of an *in-camera* meeting. No confidential information should be included in e-mail messages, texts, *facebook* or other social media.

6.13 For greater certainty, nothing in the Code of Conduct limits any other remedy that Council may have against a Councilor to respond to a disclosure of Confidential Information in breach of this Code of Conduct, including seeking restitution from the Councilor personally or initiating proceedings to have the Councilor removed from office under the Election Code.

7.0 Conflicts of Interest

Definitions

7.1 In this Article 7:

- a. **“Conflict of Interest”** means any situation where a Councilor is or could reasonably be perceived to be influenced by a personal interest when carrying out their public duties as a Councilor.
- b. **“Councilor’s Family”** means, with respect to a Councilor, that Councilor’s:
 - i. great-grandparent;

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- ii. grandparent, step-grandparent, or spouse's grandparent;
 - iii. parent, step-parent, parent-in-law, immediate aunt/uncle, or immediate aunt/uncle-in-law;
 - iv. sibling, step-sibling, sibling-in-law, or first cousin;
 - v. child, step-child, child-in-law, or immediate niece/nephew; or
 - vi. grandchild; and
- c. **"Private Interest"** includes direct or indirect financial interests, immediate family or other relationships, bias, pre-judgement, close-mindedness, and undue influence, but excludes interests that:
- i. are the same as those of a broad class of Band Members;
 - ii. are so remote or insignificant that they could not reasonably be regarded as likely to influence the individual in the exercise of a power or performance of a duty or function; or
 - iii. relate to any honouraria or benefits that are or may be paid to Councilors in their capacity as Councilors, provided those honouraria and benefits are reasonable and comparable to other organizations of similar size and circumstance.

Background

7.2 A Conflict of Interest may occur where a Councilor is in a position where actions or decisions made in their official capacity may be influenced by a Private Interest.

7.3 Conflicts of Interest can erode trust in Council and Papaschase First Nation, damage the reputation of Council and Papaschase First Nation, create financial risk for Papaschase First Nation, and potentially cause liability to Papaschase First Nation or put Papaschase First Nation in breach of its obligations under funding agreements. A Councilor who acts in a Conflict of Interest can also potentially be in breach of the fiduciary duties they owe to Papaschase First Nation and Members, which can lead to personal liability on the part of that Councilor.

Objectives

7.4 The objectives of this Article 7 are to:

- a. identify circumstances that may give rise to a Conflict of Interest, and
- b. provide a process to respond to Conflicts of Interest.

Avoiding Conflicts of Interest

7.5 Councilors will:

- a. avoid circumstances that are likely to result in a Conflict of Interest;

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- b. refrain from exercising a public duty as a Councillor if doing so will result in a Conflict of Interest;
- c. not be involved in any transaction, decision, or matter which relates to that Councillor's Private Interests; and
- d. on an annual basis, sign a declaration in such form as may be established by Council from time to time disclosing relevant information regarding their personal interests which could result in a Conflict of Interest.

Inside Information

7.6 Councillors will not use any information which was obtained in the performance of their office and is not available to the public:

- a. to take personal advantage of a business or investment opportunity being considered by Papaschase First Nation; or
- b. for the purpose of gaining personal advantage over or causing harm to other members of the public, or for the purpose of gaining or furthering a direct or indirect personal benefit.

Gifts

7.7 Councillors will not accept, directly or indirectly, any fees, gifts or other personal benefits that are offered to the Councillor which go beyond normal courtesy and hospitality, except as provided for in a Papaschase First Nation law or policy.

7.8 Notwithstanding Article 7.7, a Councillor may accept a gift or benefit if the gift or benefit:

- a. is within normal protocol exchanges or social obligations associated with the Councillor's office or duties, or is common to ordinary business relationships;
- b. falls within the Papaschase First Nation practice of exchange of cultural gifts;
- c. is of nominal or little value;
- d. forms part of the Councillor's regular employment remuneration; or
- e. is given to the Councillor by the Councillor's Family.

Disclosure and Determination of Conflicts of Interest

7.9 Where a Councillor believes that a matter being considered by Council will place them in a Conflict of Interest, they will:

- a. a. immediately report the potential Conflict of Interest to Council; immediately leave the meeting or the part of the meeting where the matter is under consideration;

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- b. refrain from taking any steps, whether direct or indirect, to influence Council’s decision on the matter; and
- c. refrain from voting on, or signing any BCR or other document, relating to or arising from the potential Conflict of Interest.

7.10 If a Councilor is uncertain as to whether a matter being considered by Council will place them in a Conflict of Interest:

- a. they will immediately report the perceived potential Conflict of Interest to Council, who will determine whether a potential Conflict of Interest exists; and
- b. unless and until Council determines that no potential Conflict of Interest exists, they will abide by the procedure set out in Article 7.9(b) and (c).

7.11 If a Councilor (the “**First Councilor**”) believes that another Councilor (the “**Second Councilor**”) is in a Conflict of Interest:

- a. the First Councilor will immediately report the perceived Conflict of Interest to Council;
- b. if the Second Councilor agrees they are in a Conflict of Interest, they will comply with the procedure set out in Article 7.9(b) and (c);
- c. if the Second Councilor disagrees that they are in a Conflict of Interest, then Council will decide whether a Conflict of Interest exists; and
- d. unless and until Council determines that the Second Councilor is not in a Conflict of Interest, the Second Councilor will abide by the procedure set out in Article 7.9(b) and(c).

7.12 Council may determine whether a Conflict of Interest or potential Conflict of Interest exists by way of a motion at a Council meeting or via BCR.

8.0 Compliance and Enforcement

Background

8.1 Councilors are required by their oath of office to uphold and comply with this Code of Conduct. Any Councilor who breaches this Code of Conduct or otherwise fails to uphold their oath of office may be removed from office in accordance with the Election Code.

Objectives

8.2 The objectives of this Article 8 are to ensure compliance with this Code of Conduct and to set out enforcement steps and options for sanctioning a Councilor who does not comply with this Code of Conduct.

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General

8.3 Councilors will uphold the Code of Conduct.

8.4 The Chief and Deputy Chief are responsible for applying and enforcing this Code of Conduct, including by addressing any potential breaches of the Code of Conduct by a Councilor that are brought to the attention of the Chief or Deputy Chief, as the case may be.

8.5 Councilors have a duty to cooperate in every way possible to facilitate the compliance with, application of, and enforcement of this Code of Conduct.

8.6 Councilors will not:

- a. undertake or threaten any act of reprisal against any person for providing relevant information to Council, the Chief, the Deputy Chief, or the Chief Administrative Officer, if a Chief Administrative Officer is so appointed; or
- b. obstruct Council, or any other person, in carrying out the objectives or requirements of this Code of Conduct.

Investigation and Sanctions

8.7 If Council has reason to believe a Councilor may have breached this Code of Conduct, Council may:

- a. investigate the potential breach; and
- b. following the investigation, determine whether the Councilor has breached this Code of Conduct.

8.8 Council will conduct all investigations and make all determination regarding potential breaches of this Code of Conduct in good faith and in accordance with the principles of procedural fairness.

8.9 Council may take any one or more of the following actions to sanction a Councilor upon a determining that the Councilor has breached this Code of Conduct:

- a. publishing a letter of reprimand addressed to the Councilor;
- b. formally censuring the Councilor in official minutes of a Council meeting or by BCR;
- c. requesting the Councilor issue a letter of apology;
- d. publishing the request for apology and the Councilor's response to that request;
- e. suspending or removing the Councilor from some or all committees or other bodies to which the Councilor was appointed by Council;

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- f. seeking financial restitution from the Councilor personally for any damages, losses, claims, fees, or costs incurred by Papaschase First Nation because of the Councilor's breach of this Code of Conduct, by agreement or through the courts;
- g. initiating proceedings to have the Councilor removed from office under the Election Code; or
- h. any other sanction Council deems reasonable and appropriate in the circumstances, provided that the sanction does not prevent a Councilor from fulfilling the legislated duties of a Councilor and the sanction is not contrary to any applicable law.

9.0 General

9.1 This Code of Conduct applies to the Chief, the Deputy Chief, all other Councilors, and, where they are specifically referenced, the Chief Administrative Officer and Employees.

9.2 Council may amend this Code of Conduct from time to time to reflect changes in applicable law, other Papaschase First Nation policies and practices, or any other relevant circumstance.

Leadership will instruct whether they wish for only membership to amend the Code of Conduct in the same manner as an amendment to their Election Code or whether a majority of Council should have that authority

10.0 Dispute Resolution Process for Council

10.1 Papaschase First Nation is committed to establish a process to amicably resolve disputes among Council members, or between Council member(s). The dispute resolution process set out below is applicable to disputes between Council members, not otherwise dealt with in the Papaschase First Nation Code of Conduct Policy.

10.2 Within two months of a Council's term in office, Council shall by a majority vote at a duly convened Council meeting, approve a list of at least three qualified people having experience with mediation or restorative justice processes.

10.3 A Council member who is in a dispute with another Council member or believes that a situation may soon result in a dispute shall, within five days, discuss the issue(s) they have with that other Council member. If the other Council member does not want to participate in the informal process, or if the parties cannot resolve the dispute themselves within five days, either Council member may seek the assistance of Council.

10.4 Council shall, after receiving a request for assistance, schedule the matter to be heard during an *in-camera* portion of the next regular Council meeting.

10.5 If the matter cannot be resolved to each Council member's satisfaction, during the *in-camera* meeting either Council member may initiate a formal resolution process.

10.6 A Council member who is a disputant described in 10.3 may choose:

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- a. to select as a proposed mediator one of the people described in 10.2 for the purpose of convening a formal process designed to resolve the dispute between the parties, or
- b. to submit the dispute to the Elder’s Council for mediation.

10.7 If a 10.2 mediator is chosen, the formal process used will depend on the mediator and agreement of the parties. Where the parties cannot agree on a 10.2 mediator, the Council will determine the choice for the parties.

10.8 Each Council member involved in the dispute shall be responsible for paying half of the cost of the mediation.

10.9 If the Elder’s Council is chosen, three Elders who are not directly related to the disputing Councilors shall hear the dispute.

10.10 The Elder’s Council shall determine:

- a. who hears the dispute, and
- b. the process to be applied to hear the dispute, provided that the process is consistent with the principles of natural justice.

10.11 The mediator, or the Elder’s Council, as the case may be, shall provide a copy of their written decision to the disputant Councilors and to Council.