



Algonquins of Ontario

Item 5_MOTION 20220517-01

Confidentiality Agreement and Code of Conduct for the Members of the Algonquin Enrolment Board and the Algonquin Tribunal

Moved By: Barb Sarazin

Seconded By: Stephen Hunter

BE IT RESOLVED that the Algonquin Negotiation Representatives approve the “Confidentiality Agreement and Code of Conduct” (as attached) for the Members of the Algonquin Enrolment Board and the Algonquin Tribunal.

Approved by ANRs

Approved: 13

Opposed: 0

Abstain: 1

Absent: 0

Non-Voting Alternates: 2

CONFIDENTIALITY AGREEMENT AND CODE OF CONDUCT

THIS CONFIDENTIALITY AGREEMENT and CODE OF CONDUCT (the “**Agreement**”) dated this _____ day of _____, 2022.

BETWEEN:

Algonquins of Ontario (the “AOO”)

- and -

_____ (the “**Member**” or “**you**”)

Introduction and Background

1. You have been appointed as a Member of the Algonquin Enrolment Board (the “**Board**”) or the Algonquin Tribunal (the “**Tribunal**”) (the “**Appointment**”) to carry out functions as described in the Special Resolution of the Algonquin Negotiation Representatives on the Algonquins of Ontario Enrolment and Appeal Board (approved on April 20, 2021) (the “**Special Resolution**”).
2. In that position and as a result of the Appointment, you will receive Confidential Information as a result of the Appointment and are expected to conduct yourself in a manner consistent with the obligations associated with the importance of the Appointment.
3. The Agreement shall be read in a manner consistent with the Special Resolution and all terms capitalized in the Agreement will have the mean ascribed to them in the Special Resolution.
4. The Agreement is made in furtherance of the duties, obligations and constraints applicable to the Appointment

IN CONSIDERATION OF and as a condition of the you Appointment and you receiving Confidential Information in addition to such other valuable and other consideration that is associated with the Appointment, the receipt and sufficiency of which consideration is hereby acknowledged, you agree as follows:

Confidential Information

5. In the course of carrying out duties as a Member of the Board or the Tribunal, you acknowledge that you will have access to and will be entrusted with highly sensitive confidential information:
 - a) relating to individuals or groups of individuals who are seeking to become proposed beneficiaries under the proposed Treaty between the AOO and the Governments of Ontario and Canada or whose status as proposed beneficiaries is being challenged, which information includes, but is not necessarily limited to, the identity of proposed beneficiaries, identifying documents, family trees, genealogical documents, voters lists, community lists, schedules of ancestors and all written and oral correspondence with applications and/or beneficiaries or any other personal information about an identifiable individual, documents containing any information pertaining to any person be they alive or deceased, or other such items which a person acting reasonable would consider to be personal and/or confidential to a proposed beneficiary or a person seeking to be a proposed beneficiary, including summaries or copies thereof;
 - b) relating to discussions and deliberations by and amongst other Members of the Board and/or the Tribunal, including, but not limited to, verbal communications, written communications, such as emails, texts, notes, draft decisions/rulings and the like, including summaries or copies thereof.

(collectively, the “**Confidential Information**”)

6. You acknowledge that your responsibilities require you to manage the Confidential Information in a sensitive and responsible manner such that all Confidential Information that comes into your possession by any means remains confidential for the entirety of your Appointment and forever in perpetuity thereafter. You acknowledge that while in the possession of any

Confidential Information, you will take steps that are reasonable in the circumstances to ensure that the Confidential Information in your custody or control is protected against theft, loss and unauthorized use or disclosure and to ensure that the records containing the Confidential Information are protected against unauthorized copying, modification or disposal.

7. You acknowledge that if the unauthorized disclosure of Confidential Information may result in irreparable harm to the operations and reputation of the AOO, the Board and/or the Tribunal.
8. You acknowledge that any unauthorized disclosure or failure to safeguard the Confidential Information by you may result in disciplinary action up to and including referring the matter to the Algonquin Negotiation Representatives for termination of your Appointment.
9. You acknowledge and agree that the Confidential Information will at all times remain the sole property of the AOO and that you will not make copies of the Confidential Information except as authorized by the Chairperson of the Board or the Chairperson of the Tribunal, as the case may be.
10. You agree that upon the conclusion of any appeal, protest or review or upon earlier request by the Chairperson of the Board or the Chairperson of the Tribunal, you will return to the Advisory Member any and all Confidential Information pertaining to that appeal, protest or review that is in your possession.
11. You agree that upon the expiry of your Appointment or upon earlier request by the Chairperson of the Board or the Chairperson of the Tribunal, for whatever reason, you will return to the Advisory Member any and all Confidential Information in your possession or control that has not already be returned to the Advisory Member.

12. You acknowledge and agree that your obligations with respect to Confidential Information are legal obligations that may be enforced by a court of competent jurisdiction.
13. You agree not to take advantage of Confidential Information obtained through your Appointment to obtain a personal benefit.

Code of Conduct

14. The spirit and intent of the Teachings of the Seven Grandfathers, which follow, shall inform all of your communications and dealings associated with the Appointment:
 - a) Gwayakwaadiziwin (Honesty): Honesty in facing a situation is to be brave;
 - b) Dabaadendiziwin (Humility): Humility is to know yourself as a sacred part of Creation;
 - c) Minaadendamowin (Respect): To honour all Creation is to have Respect;
 - d) Aakode'ewin (Bravery): Bravery is to face the foe with integrity;
 - e) Nibwaakaawin (Wisdom): To cherish knowledge is to know Wisdom;
 - f) Zaagi'idiwin (Love): To know Love is to know peace; and
 - g) Debwewin (Truth): Truth is to know all of these things.
15. This Code of Conduct is further informed by shared values, ethics and principles to which you are dedicated in the course of your Appointment, including:
 - a) Operating with integrity, honesty, impartiality and trustworthiness.

- b) Relating to Members, staff, professionals and those that come before the Board and the Tribunal in a respectful, friendly and professional manner.
 - c) Keeping an open mind while hearing all sides of an argument.
 - d) Recognizing that it is essential that the work of the Board and the Tribunal not only to be done in a manner that is just, fair and impartial but also be done in a manner that will seen by Algonquins as being just and fair and will not give rise to a reasonable apprehension of bias.
 - e) Recognizing that the Board and the Tribunal ultimately speak through their decisions and that Members are to refrain from making specific comments on the evidence or arguments presented to the Board or the Tribunal in a public session but should hold comments until the Board or Tribunal deliberate matters in a talking circle.
 - f) Recognizing the importance of understanding the positions and evidence advanced before the Board and the Tribunal and asking questions when needed to get a better understanding.
 - g) Committing to excellence and to maintaining the trust of Algonquins.
16. You agree to conduct yourself in a manner consistent with the nature of the Appointment and the maintenance of public confidence in the administration of duties associated with the Appointment.
17. You will attend meetings and hearings as required by the Chairperson of the Board or the Chairperson of the Tribunal and will communicate any scheduling concerns as soon as possible the Chairperson or the Advisory Member.
18. You agree to be fully prepared for meetings and hearings so that you can fully participate and ensure that meetings and proceedings are conducted in an orderly manner.

19. You recognize the importance of applying the Special Resolution in a consistent and predictable way.
20. You recognize that your decisions as a Member are to be made in accordance with the requirements set out in the Special Resolution and the evidence that is presented to you and not on the basis of information extraneous to the record before you.
21. You further recognize that that there may be a difference of opinion amongst Members and that civility is essential to effectively deliberating matters to be decided by the Board and the Tribunal.
22. You recognize that matters before the Board or the Tribunal will be deliberated using a talking circle and that in order to maintain the integrity of the talking circle, it is crucial to wait your turn to speak and to speak in a manner that is civil and honestly reflective of your views on the matter as well as to patiently hear opposing views or views that may be critical of views that you have expressed.
23. You will approach every proceeding and every issue arising in a proceeding with an open mind and avoid doing or saying anything to cause any person to think otherwise.
24. You agree to avoid any conflict of interest and further agree that should it become apparent to you that your personal interests or those of your family or close associates may conflict with or be at issue in any matter that comes before you as a Member, you will either recuse yourself from the matter or otherwise report the potential conflict to the Board Chairperson, Tribunal Chairperson or the Advisory Member so as to seek guidance on whether there is indeed a conflict of interest.
25. In addition to the obligation to maintain the confidentiality of Confidential Information and in furtherance of the other obligations set out in this Code of Conduct, you agree not to discuss matters that have or may come before the

Board or the Tribunal with anyone other than with other Members at properly constituted meetings of the Board or the Tribunal. This obligation not only applies to specific proceedings but also to general issues such as the interpretation of the enrolment criteria and the operation of the Board and/or Tribunal.

- 26. Apart from what may be properly included in reasons for a decision (including any dissent), you will not publicly criticize the decisions, procedures or structures of the Board or the Tribunal.
- 27. You will not communicate directly or indirectly with any party, witness or representative in respect of a proceeding, except in the presence of all parties and their representatives.
- 28. You agree not to appear before the Board or Tribunal agree not to seek office as an Algonquin Negotiation Representative during the term of your Appointment.

Acknowledgement

- 29. You agree to this Code of Conduct and commit to supporting standards set out herein.

I ACKNOWLEDGE that I have read and understand the Agreement and agree to conduct myself in accordance with the Agreement.

Dated: 2021

[Member's Signature]

Print Name: _____

Address: _____

Email: _____

Home Phone: _____

Cell Phone: _____