



Rainy River First Nations

Manitou Rapids

DRAFT

MEMBERSHIP CODE

QUESTIONS

&

ANSWERS

July 2018

Draft 2018 Membership Code: Q & A

1. What Categories of Membership Exist?

The Draft 2018 Membership Code creates two types of Members: Full and Conditional

Additionally, **some** new Members (whether Full or Conditional) are subject to a **two-year probationary period**, during which time they are referred to as Probationary Members.

- During the probationary period, an individual's Membership can be challenged on the basis that the individual is not living up to the responsibilities of a Member (outlined below).
- The Membership Committee then decides whether to strike the individual's name from the Membership List

2. What Rights and Responsibilities Come with Being a Member?

RIGHTS OF PROBATIONARY MEMBERS

Probationary Members have the right to:

- Practice the traditions of the RRFNs;
- Live on the reserve of RRFNs, in accordance with the housing policy;
- Be buried on the reserve of RRFNs; and
- Access programs and services designed for Members

Probationary Members, whether Full or Conditional, do not have the right to vote or run for office.

RIGHTS OF NON-PROBATIONARY CONDITIONAL MEMBERS

Non-Probationary Conditional Members have the following rights:

- The rights enjoyed by Probationary Members
- The right to vote

RIGHTS OF NON-PROBATIONARY FULL MEMBERS

- The rights enjoyed by Non-Probationary Conditional Members
- The right to stand as a candidate for the office of Chief or Councillor of RRFNs
- The right to receive payments/financial benefits pursuant to any agreement for the benefit of RRFNs

RESPONSIBILITIES OF ALL MEMBERS

With rights, come responsibilities. All Members have the responsibility to:

- Honour the traditional teachings and the customs of RRFNs;
- Honour and comply with the codes, laws and regulations of RRFNs;
- Contribute to the preservation, resurgence and advancement of the cultural, political, spiritual, intellectual and linguistic traditions of RRFNs;
- Respect and take care of the children, the land and the water, and maintain active ties and good relations within the community.

3. How does someone become a Member?

FULL MEMBERS WITHOUT A PROBATIONARY PERIOD

Full Member with No Probationary Period: Application not required

If your name is already on the membership list when the new Code is enacted, you automatically become a Non-Probationary Full Member. You do not need to submit an application package.

Full Member with No Probationary Period: Application required

When an individual has not previously been on the RRFNs Membership List and is not a member of another First Nation, and either:

1. The individual has at least one parent who is/was a Full Member or is/was eligible to be a Full Member (the parent-child relationship can be established by birth, provincial adoption, or custom adoption)
 - E.g. Mary, a Full Member, adopted Billy pursuant to Ontario law after enactment of the new Code. Billy has never been a Member of RRFNs and is not a member of another First Nation.
 - Billy (or another person on Billy's behalf) must submit an Application, birth certificate, and court adoption papers
 - E.g. Mary, a Full Member, gave birth to Isaiah after enactment of the new Code. Isaiah has never been a Member of RRFNs and is not a member of another First Nation.
 - Isaiah (or another person on Isaiah's behalf) must submit an Application and copy of Isaiah's birth certificate
 - E.g. When he is older, Isaiah adopts, by way of customary adoption, Benjy. Benjy has never been a member of RRFNs and is not a member of another First Nation.
 - Benjy (or another person on Benjy's behalf) must submit an Application, copy of Benjy's birth certificate, and affidavit or other evidence establishing the custom adoption
 - **NB:** The Membership Committee has the authority to determine what constitutes custom adoption;
- OR
2. The individual has at least two grandparents who are/were Full Members or are/were eligible to be Full Members (again, familial relationship can be established by way of blood or adoption)
 - E.g. Benjy, whose father by way of adoption is Isaiah, has a child, Janette. Because Isaiah is a Full Member, Janette would be eligible for Full Membership if she has one more grandparent who is/was a Full Member.
 - Janette (or someone on her behalf) must submit an Application form, birth certificate, and perhaps other documentation that helps establish her eligibility

FULL MEMBERS WITH A PROBATIONARY PERIOD

Full Member with a Probationary Period: Application Always Required

At the end of the probationary period, if his/her name has not been struck from Membership List for failing to live up to the responsibilities of Members, a Probationary Full Member becomes a Non-Probationary Full Member

When an individual falls within the descriptions in numbers "1" and "2" on the previous page, BUT either

1. The individual was previously on the RRFNs Membership List but had his/her name removed from the Membership for any reason (detailed further below)
 - **E.g.** Heather, whose mother is a Full Member, renounced her membership when she was going through a rebellious phase at the age of 18. Now almost 30, Heather wishes to become a Full Member again
 - Heather must submit specified documentation to help the Membership Committee determine if she is of good character and suitable for RRFNs Membership, considering the responsibilities of Members

OR

2. The individual is a member of another First Nation at the time of application for RRFNs Membership
 - **E.g.** Both Mike's grandmothers were Full Members of RRFNs. At birth, however, Mike was enrolled in his father's band of the Algonquins of Barriere Lake. Feeling a stronger bond with his mother, and wishing to be more connected with his RRFNs roots, he wants to become a Full Member of RRFNs.
 - Mike must submit the same documentation as Heather (above), and he must also undertake to renounce his Barriere Lake membership

CONDITIONAL MEMBERS: ALWAYS A PROBATIONARY PERIOD

At the end of the probationary period, if his/her name has not been struck from Membership List for failing to live up to the responsibilities of Members, a Probationary Conditional Member becomes a Non-Probationary Conditional Member

Conditional Membership for Spouses

The spouse of a Non-Probationary Full Member is eligible for Conditional Membership

- **E.g.** Susan is the daughter of immigrants from China. She is married to Randy, who has been a Full Member since birth.
 - Susan must submit an application form and evidence of her marriage to Randy, such as their marriage certificate

Conditional Membership for Other

Someone who does not otherwise meet eligibility requirements may become a Conditional Member with the approval of the Community.

- **E.g.** Jim has a strong connection to RRFNs through deep friendships; he has knowledge of the way of life, culture, laws, and history of RRFNs; he follows a way of life that is

consistent with the common good of RRFNs, and he supports himself financially. Jim does not meet the eligibility requirements under any other pathway to Membership.

- Jim may submit a Statement of Intent to Apply to be a Conditional Member, and if approved, may submit an Application with proof of approval to apply.
 - At an annual meeting called specifically for the purpose of considering his suitability to apply for Conditional Membership, a vote will be held. If 50% + 1 of eligible Members approve of him, he is approved to apply

4. Who will make decisions under the Code?

MEMBERSHIP COMMITTEE

Chief and Council will establish a Membership Committee. It will consist of one elder, one off-reserve Member and three on-reserve Members. They will meet at least 3-4 times per year. They will review applications and make determinations within 90 days. The Committee Members shall remove themselves from a decision if they are in a conflict. The Committee will determine the definition of custom adoption and material harm. The Committee members will be paid an honorarium.

APPEALS COMMITTEE

An individual whose application has been rejected by the Membership Committee or whose Membership has been terminated by the Membership Committee may appeal the decision.

Chief and Council, when required, will establish an Appeals Committee by BCR. The Committee will consist of three members who are not on Council, not in a conflict, and not on the Membership Committee.

5. What are the ways people can lose Membership?

During the Probationary Period

A Non-Probationary Member can make an application submitting that the Probationary Member is not living up to the Responsibilities of a RRFNs Member. The Probationary Member will have the right to submit a written response and supporting documentation and the names of three witnesses.

The Membership Committee will determine if a hearing is required. In any event, the Membership Committee will render a decision to either dismiss the application, extend the probationary period, or grant the application and strike the Probationary Member's name from the Membership List.

Any Member at Any Point in Time

The Membership of any Member terminates if:

- The individual transfers to another band;
- The individual's name was added to the Membership List in error;

- The individual is convicted of a certain indictable offence more than three times within 10 years; or
- The individual renounces his/her membership in writing

Conditional Member at Any Point in Time
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A Conditional Member who gained Membership by becoming the spouse of a Member loses his/her Membership upon legally separating from the Member spouse, or ceasing to reside with the Member spouse for a six-month period.

Any Conditional Member who causes material harm to RRFNs, as determined by the Membership Committee, loses his/her Membership.