



## Nak'azdli Whut'en Membership Code

Revised , 2021

Nak'azdli Whut'en is a holistic community that believes in maintaining and enhancing traditional values by learning, living and teaching our traditional ways, language and heritage. Nak'azdli Whut'en is a vibrant and self-determined community made up of diverse individuals and businesses working together to promote education, health, well-being and economic progress. **We challenge the future.**

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## Background

- Nak'azdli Whut'en Council is recognized as a Band pursuant to the *Indian Act*;
- Nak'azdli Whut'en Membership was involved in developing this Membership Code through community and committee meetings; and
- The Chief and Council are of the view that this Membership Code is in the best interests of the Band.
- The purpose of the Nak'azdli Whut'en Membership Code is to define the eligibility and the procedure for individuals applying to become registered members of Nak'azdli Whut'en.

### Section 1: Definitions

Adoption	The legal transfer of parental rights and responsibilities from birth parents to adoptive parents and includes custom adoption.
AGA	An Annual General Assembly hosted each year by the Nak'azdli Whut'en Council to meet with all its membership to address issues and build a bright and optimistic pathway forward for future generations.
Band	Nak'azdli Whut'en is recognized as a Band pursuant to the <i>Indian Act</i> .
Band Council	Chief and Council of Nak'azdli Whut'en as elected through Band Custom Election Regulations.
Blood ties	A demonstrable blood relation between two or more individuals.
Cohabitated	Lived as a "common law" couple for a minimum of three (3) years.
Community Member	A person who has blood ties to Nak'azdli Whut'en and may or may not include those who have "status" as defined by the <i>Indian Act</i> or who may or may not be on the Nak'azdli Membership List.
Elector	A Nak'azdli Whut'en Member who is eighteen (18) years or older.
Familial Ties	Relationship ties through parentage, including an adopted child(ren).
Immediate Family	Includes mother, father, minor child, adopted child, step-child, step-parent.

Indian Act	A Federal Government Act to govern Indians and lands reserved for Indians.
Lineage	A blood relationship to another person or persons through ancestral blood ties.
Marriage	The legal union of two persons as defined by Canadian Law.
Member	A person registered on the Nak'azdli Whut'en Band List.
Membership Clerk	A person employed by Nak'azdli Whut'en Band who has the responsibility to document all vital statistics information of registered Nak'azdli Whut'en Members. The Clerk ensures that the Band list is kept confidential and is stored in a safe and secure place. The list is not a public document.
Membership List	A current and confidential registry containing a list of all the names, birthdates and addresses of Nak'azdli Whut'en Members, on and off reserve, and is kept secure by the Membership Clerk.
Minor Child	A member registered on the Nak'azdli Whut'en Band List under the age of eighteen (18) years.
Order in Council	An Order in Council passed at a duly convened meeting of the Chief and Council.
Proxy Vote	When a Nak'azdli Whut'en member delegates another Nak'azdli Whut'en member to vote on their behalf.
Treaty	A Treaty signed with the Federal and/or Provincial Governments that requires a dissolution of status rights in lieu of treaty rights.
Vote	Either casting a secret ballot or by a show of hands.

Section 2: Nak'azdli Whut'en Membership List

1. All registered members of Nak'azdli Whut'en are persons whose names currently appear on its Membership List.
2. Applicants who are accepted for membership will be added to the Membership List upon successful completion of all criteria pursuant to this Code.
3. The Membership List must include the member's full name and birthdate.
4. The Membership List must include the date that the person was registered as a member
5. The Membership List must include the member's registration number.
6. The Members have the right to information that pertains to themselves and their minor child(ren), upon request to the Membership Clerk and under the supervision of the Membership Clerk.

7. The Membership List is a confidential document and is kept secure and private.

### Section 3: Nak'azdli Whut'en Membership Eligibility

Any person entitled to become a member of Nak'azdli Whut'en must apply to be a member. When a member is defined under Sections 2.1.a and 2.1.b of the *Indian Act*, a simple application to be registered as a Nak'azdli Whut'en Member is required. All other applicants must follow the appropriate application procedure pursuant to this Code.

Nak'azdli Whut'en Membership may be granted to persons who meet the following criteria.

#### 1) Birthright:

- a) A biological child of a registered Nak'azdli member is entitled to be registered as a member.
- b) A biological child of a registered Nak'azdli member who is adopted is entitled to be registered as a member.
- c) A member reinstated under Bill C-31.
- d) A member who transferred to another Band and wishes to transfer back to Nak'azdli Whut'en.
- e) A person registered to another Band at birth, who would equally have been entitled to be registered with Nak'azdli Whut'en, and who wishes to transfer to Nak'azdli Whut'en.

#### 2) Ancestry:

- a) A person reinstated through current laws and has direct blood ties to registered Nak'azdli Whut'en.
- b) A person registered under current law such as Bill C-31 and Bill C-3, who would have been eligible to be a member through direct blood ties to registered Nak'azdli Whut'en.

### Section 4: Nak'azdli Whut'en Membership Registration

1. A biological new-born child of a Nak'azdli Whut'en member may be registered by the Membership Clerk through the regular registration process which include:
  - a) Completing a Nakazdli registration form(s)
  - b) Submitting a long form birth certificate
  - c) Submitting the parent(s) Nak'azdli membership number
2. A biological new-born child of a Nak'azdli Whut'en member, who has been adopted, may be registered by the Membership Clerk through the regular registration process which include:
  - d) Completing a Nakazdli registration form(s)
  - e) Submitting a long form birth certificate
  - f) Submitting the birth parent(s) Nak'azdli membership number

3. A person registered under Bill C-31 and Bill C-3 will be registered by the Membership Clerk pursuant to this Code.
4. Applicants applying for transfer to Nak'azdli will be registered by the Membership Clerk pursuant to this Code.
5. A supporting Nak'azdli Whut'en Order in Council, (Appendix A) will be issued to finalize the transfer of a membership applicant after the successful completion of a one (1) year probationary period.

#### Section 5: Removal from the Membership List

A member will be struck from the Membership List under the following circumstances:

1. The person voluntarily, or in the case of a minor and as a consequence of the parent(s) actions, officially transfers to another Band.
2. The person must be eighteen (18) years of age or older and must fill out an official application for their name to be removed from the Nak'azdli Whut'en Membership List.
3. The person has been registered under false information or through false means and thereby invalidating their membership.

#### Section 6: Transfer of Membership

A registered member of another Band may apply for Nak'azdli Whut'en membership. The following may apply for transfer:

- a) A registered person from another Band who is married to a Nak'azdli member and applies to transfer their membership to Nak'azdli Whut'en.
- b) A registered person from another Band who has cohabited in a common-law relationship with a Nak'azdli member for a period of three (3) years or more and applies to transfer their membership to Nak'azdli Whut'en.
- c) A person who has not transferred membership more than two (2) times in the past ten (10) years.
- d) A person who can provide proof of ancestral ties to Nak'azdli Whut'en and have met all the requirements pursuant to this Code.
- e) A person who has met all the requirements pursuant to this Code.
- f) A person who has lost their registry rights through a Treaty may not apply to transfer.
- g) A person who is registered to another Band cannot be registered until they forfeit their membership from their Band of origin.

#### Section 7: Application for Membership

1. Submit a letter that includes the following: A request for membership with the full name and date of birth, current SCIS number and Band.

2. Minor children must have both parents' signatures on the application.
3. A current criminal record check for all applicants.
4. Minor children up to twelve (12) years do not need a criminal record check.
5. Reasons for applying for Nak'azdli Membership
6. List the benefits or contributions the applicant brings to Nak'azdli Whut'en.
7. Three letters of support and character references. These should include a letter from most recent employer, from a Nak'azdli Member, and if applicable, from the Band the applicant is leaving. If the applicant is self-employed or unemployed, then two additional letters from individuals supporting the applicant's character will be required. Minor children, eighteen (18) and under, do not need letters of reference.
8. "Secure Certificate of Indian Status "(SCIS)" card.
9. A long form birth certificate
10. Documented familial or blood ties to a Nak'azdli Whut'en family.
11. A non-refundable application fee of \$50.00
12. The applicant must present themselves before the membership at the Annual General Assembly (AGA) to introduce themselves and provide all relevant information to their application.
13. An applicant who withdraws their application will not be entitled to re-apply for two (2) years.
14. An applicant who is not accepted as a Member may re-apply the following year.

#### Section 8: Requirements for Application

1. The Membership Committee will review all applications for compliance with this Code.
2. All documents must be current and valid and will be verified by the Membership Clerk.
3. All applications will be voted on at the Annual General Assembly (AGA).
4. All applicants must attend the AGA to speak to their application for membership.
5. All applications must be received by the Membership Clerk no later than April 30th.
6. Applicants who pose a risk to the safety and well-being of the community will not be recommended by the Membership Committee.
7. Applicants must successfully complete a one (1) year probationary period after AGA votes to accept them as members.
8. Applicants require an Order in Council to officially complete their final membership registration, which will not be reasonably withheld.
9. New members must have forfeited their membership to their Band of origin to prevent dual membership.

#### Section 9: Nak'azdli Membership Clerk Responsibilities

The Membership Clerk will:

- a) Receive the membership applications.
- b) Ensure each application package is complete and all required documents are included.

- c) Return the application to the applicant if the application is incomplete and include a list of what is needed to complete the application.
- d) Ensure all legal documents are authentic and valid.
- e) Prepare individual application files for the Membership Committee.
- f) Ensure all completed Membership applications are provided to the Membership Committee Chair at their duly convened meeting(s).
- g) Assist with research, gathering documents and information as instructed by the committee.
- h) Post in a public place all names of applicants to be considered for Membership. This notice will be posted fourteen (14) days prior to the AGA in order to provide proper notice to Nak'azdli Members to vote on the application(s).
- i) Treat all information received as confidential unless it is to be posted for membership review.
- j) Will maintain care and control of applicant files at all times and ensure all files are stored in the office of the Membership Clerk to ensure the confidentiality of the applicants.
- k) Prepare an Order in Council (Appendix A) to be issued and signed by Nak'azdli Whut'en Council, after the applicant has successfully completed the one (1) year probationary period.
- l) Ensure the safety, security, and confidentiality of the Membership List at all times.
- m) Ensure that the new Member has forfeited their Membership from their Band of origin so there is no dual membership.

Section 10: Nak'azdli Membership Committee Guidelines

1. Composition:

Five (5) Nak'azdli Whut'en Members appointed by the Nak'azdli Whut'en Chief and Council.

2. Term:

Four (4) years.

3. Eligibility for appointment:

- a) Registered Nak'azdli members eighteen (18) years of age and older.
- b) Must swear an oath of confidentiality (Appendix B).
- c) Must swear a Code of Ethics (Appendix C).
- d) Must understand the role and responsibility of Committee Members.
- e) Must understand the laws pertaining to human rights and indigenous rights.
- f) Must understand "Conflict of Interest Guidelines" in the Chief and Council Terms of Reference (Appendix D).

4. Responsibility:



- a) Meet as needed to fulfill duties in a timely manner.
- b) Review applications to determine eligibility.
- c) Investigate concerns regarding applications.
- d) Present membership applications to the AGA.
- e) Ensure each applicant is present at the AGA.
- f) Hire a Voting Coordinator to carry out the voting in accordance with Membership Committee instructions.
- g) Post and notify all applicants and membership of the voting results.
- h) Meet on all applicant files during the one (1) year probationary period.
- i) Investigate and determine if a membership applicant has successfully completed the probationary period and will be recommended or not recommended to Chief and Council.
- j) Review and make recommendations to the Chief and Council for changes including deletions or additions to the Membership Code.
- k) Appoint a Membership Committee Chairperson and a Co-Chairperson at the beginning of the term.

5. Compensation:

- a) Honoraria will be paid at a rate of \$150.00 per meeting to a maximum of 6 meetings a year.
- b) All costs incurred for the carrying out of the duties of the committee will be paid by the membership department.

Section 11: Voting Process

All applications put forward by the Membership Committee will be voted on by the members present at a duly convened AGA with quorum in attendance.

1. Voting:

- a) The Membership Committee will hire and instruct a Voting Co-ordinator on how the voting process will be conducted.
- b) Notice of the voting and the list of applicants will be posted on Nak'azdli Whut'en website, Dust'lus and posted in the administration office.
- c) The vote will be by individual ballot and will be for an individual or a family unit where minor children are listed as applicants with a parent.
- d) The vote will be by secret ballot and 60% of the people voting in favour is required for a successful vote.
- e) Proxy voting will not be allowed.
- f) Voting will take place at the Nakazdli Whut'en AGA; the date, time and place will appear on public notices posted in the Nak'azdli Whut'en Dust'lus, website and bulletin boards.
- g) Official voting results for the membership applications will be posted in the Nak'azdli Whut'en Dust'lus, website and bulletin boards.

2. Probationary Period

All applicants, upon being accepted by a membership vote at the AGA, must successfully complete a one (1) year probationary period which includes the following terms:

1. Will not be entitled to any benefits provided to Nak'azdli Whut'en members except those normally entitled to as a resident of the community such as social services, health and education funds, that are normally provided to on-reserve members or students as per established policies
2. A membership application may be rescinded during the probationary period if the applicant's actions cause direct or threatened harm to either Nak'azdli Whut'en members or property.
3. The final membership registration will take place one (1) year after the AGA vote upon issuance of a supporting Order in Council from the Chief and Council.

#### Section 12: Amendments

From time to time, it may become necessary to amend the Nak'azdli Whut'en Membership Code to address changes either in the law or changes requested by the Membership. The following process will be applied:

1. Proposed changes will be in writing, delivered door to door, a minimum of fourteen (14) days prior to the AGA.
2. Proposed changes will be presented at the AGA.
3. Members will vote by a show of hands on the proposed amendments.
4. Each amendment will pass if 60% of eligible voters present, vote in favour of each amendment.
5. An updated version of the Nak'azdli Whut'en Membership Code will be posted on the Website and will be available to membership upon request.