

 Wula na kinu
THIS IS WHO WE ARE

Advisory Committee

Terms of Reference

ADVISORY COMMITTEE

TERMS OF REFERENCE

1. Mi'kmaw identity is based on family relations and connections. In day-to-day conversations, confirmation of Mi'kmaw identity is determined through questions about which family a person is connected to, and what area they are from. In Mi'kmaw, questions are asked like *like tami wetapeksin, wenik kikmaq, wenik kujjewijik, and tami tleyawin.*

CREATION OF ADVISORY COMMITTEES

2. Some Mi'kmaw families are very large. A single family can be connected to more than one area in Nova Scotia. Family members may only have knowledge of the relatives in their own local area and/or band; and, in some instances, it may be someone outside the family who is most knowledgeable of the family history and connections, such as Elders or membership clerks. These individuals are respected and viewed as objective sources of information to verify and validate family acceptance and family connection. To assist the Enrollment Committee, Advisory Committees of Elders, Community Knowledge Holders, Membership Clerks or others may be established from time to time.
3. Advisory Committees will only be established on an *ad hoc* basis when the Enrollment Committee feels that further investigation is required to determine if an applicant meets the enrollment criteria.

ADVISORY COMMITTEES ROSTER

4. Each band and/or area will provide names for their Advisory body.
5. The full number of people on an Advisory body will be dependent on population size and demographics of the band and/or area, and will be determined by the individual band and/or area.

SELECTION AND APPOINTMENT OF ADVISORY COMMITTEES

6. The process of selection must be done in a fair and transparency manner. Each band and/or area can determine their own process of appointment, as directed by its Chief and Council or by the Chiefs and Councils of the Bands within the area.

ADVISORY COMMITTEE PANELS

7. Committee Panel Members appointed to advise in any application must have knowledge of factors pertaining to the application, such as: family connection, geographic area, knowledge of the area and/or family the individual claims connection to.

CONDITIONS OF APPOINTMENT

8. All members on an Advisory Committee roster shall swear an Oath of Office before a Justice of the Peace, Notary Public, or a duly appointed Commissioner of Oaths. The Oath of Office will include provisions on confidentiality. An Advisory Committee member:
 - a. shall not be a member of the Enrollment Committee;
 - b. shall not be on the Appeals Committee;
 - c. shall be Mi'kmaq.

DUTIES

9. Circumstances in which the Enrollment Committee may consider it necessary to establish an Advisory Committee include:
 - a. to verify Acceptance;
 - b. to verify the applicant's degree of knowledge of or familiarity with Mi'kmaw culture, customs, lifestyles, history and language;
 - c. to ascertain whether "special circumstances" exist to explain the applicant's disconnection from their band and/or area, and/or Nova Scotia Mi'kmaw Family, or to verify those circumstances.

MEETINGS

10. An Advisory Committee panel will meet as required to fulfill its duties.
11. A meeting may be convened where an applicant is claiming connection to.
12. When the Enrollment Committee determines an Advisory Committee is required, it must be convened within thirty days of the determination that one is needed.
13. When an Advisory Committee is required, the Enrollment Committee must give a minimum of two weeks' notice to the Panel members of the meeting – including date, time and location of the meeting.
14. A Panel member must give a minimum of twenty-four hours' notice if they cannot make a meeting. If quorum is not possible, an alternative must be selected from the roster.
15. Except in special circumstances, all meetings should occur in-person. In cases of special circumstances, like inclement weather, teleconference or video conference can be used.
16. An Enrollment Committee member will serve as the chairperson for an Advisory Committee meeting.
17. Decision-making:
 - a. An Advisory Committee will attempt to reach its decisions by consensus. If consensus is not possible on a particular matter, an Advisory Committee must decide the matter by vote on a motion, in which case a motion passes if it is supported by a simple majority of the members of the Advisory Committee who vote on the motion.
 - b. In the case of abstention, the vote will not count.
18. Panel meetings may be conducted in either English or Mi'kmaw. In the event that one or more members of the Panel are not fluent in the language of the meeting, the Enrollment Office shall arrange for a qualified interpreter for the duration of the meeting.
19. Written and audio records of the meeting will be made and retained in the Enrollment Committee office.

COMPLAINT PROCESS

20. An applicant who believes that an Advisory Committee member has denied family connection and/or acceptance in bad faith or for an improper purpose (e.g, based on a protected personal characteristic of the applicant), or has otherwise violated their oath of office, may make a formal complaint in writing to the Enrollment Committee.
21. The Enrollment Committee shall inquire into the complaint.
22. If the Enrollment Committee considers it necessary or practical to do so, the Enrollment Committee may appoint an independent investigator to investigate the facts underlying a complaint.
23. If, after inquiring into the complaint, the Enrollment Committee is satisfied that the complaint is substantiated, the Enrollment Committee may remove the Advisory Committee member from their duties, and depending if that member's actions has swayed the outcome of decision by an Advisory Committee, may require the convening of another Advisory Committee meeting.