



# scəwáθən məsteyəx<sup>w</sup> Legislature Code of Conduct

Adopted by the Tsawwassen Legislature on November 24, 2022

## Table of Contents

1. Authority .....	3
2. Purpose.....	3
3. Introduction.....	3
4. Core Values.....	5
5. Code of Conduct.....	7
5.1 General Standards .....	7
5.2 Conduct During Participation in Legislature.....	7
5.3 Conflict of Interest.....	8
5.4 Conduct Outside Legislature .....	9
5.5 Social Media Conduct.....	10
5.6 Conduct for Virtual Attendance.....	11
6. Enforcement.....	12
6.1 Informal Complaint .....	12
6.2 Formal Complaint Procedure .....	12
6.3 Conflict of Interest Procedures .....	13
Formal Complaint Form .....	14

## 1. Authority

The *Government Organization Act* (the “Act”) states that the scəw’aθən (Tsawwassen) Legislature may establish procedures and rules to govern the conduct of its business and affairs. In particular, the Act states that the Legislature may establish rules governing decorum in the scəw’aθən (Tsawwassen) Legislature.

## 2. Purpose

The purpose of this Code of Conduct is to define and explain the standards expected of elected scəw’aθən (Tsawwassen) Legislators both in and out of Legislature. Members of the scəw’aθən (Tsawwassen) Legislature are representatives of the scəw’aθən (Tsawwassen) Government and community. Their conduct must reflect the values of the Legislature and scəw’aθən məsteyəxʷ (Tsawwassen People).

## 3. Introduction

The scəw’aθən (Tsawwassen) Legislature is the highest body of the scəw’aθən (Tsawwassen) Government. The Legislature is charged with deliberating and creating laws to best serve the community and Tsawwassen Members. As such, the Legislature not only maintains the duties and responsibilities of modern government but embodies the traditional values and syawən (teachings) of the scəw’aθən məsteyəxʷ (Tsawwassen People)..

As written in the *Declaration of Tsawwassen Identity and Nationhood*, upholding our xe’xe’ sya ys (sacred traditions), laws, and values are a vital part of the identity and the work of the scəw’aθən (Tsawwassen) Legislature. Traditional knowledge, laws, and values are reflected within the acts, regulations, and policies brought forth by the Legislature. It is through traditional teachings that Legislators understand the need to extend their hands to strengthen and care for one another to support the spiritual, physical, emotional, and mental wellbeing of all scəw’aθən məsteyəxʷ (Tsawwassen People).

Members of the Legislature are elected to represent and respond to the voices, concerns, and interests of the scəw’aθən məsteyəxʷ (Tsawwassen People) and are committed to the function and wellbeing of the surrounding community. As si’em (leaders), Legislators are depended on to support one-another; demonstrate respect for all peoples, living things, and places; and provide unbiased and wise səniw (advice) and decisions. Members of the Legislature are committed to working together for past, present, and future generations.

This code of conduct has been developed through consultation and input of the Elected Members of the scəw’aθən (Tsawwassen) Legislature. The principles and core values presented in the code of conduct are reflective of traditional values and lay out the conduct expected of Legislators as representatives of scəw’aθən (Tsawwassen) First Nation and its’ Members. The code of conduct

supports Legislators in their duties as government officials and serves as a guiding document to support output, self-reflection and accountability as individuals and as a governing body.

## 4. Core Values

The code of conduct is reflective of the scəw'aθən (Tsaawwassen) Legislature's core values. These foundational values guide the behaviour and conduct expected of all elected scəw'aθən (Tsaawwassen) Legislators.

### **ʔəłət (Integrity)**

We are committed being truthful and demonstrating strong moral and ethical principles. We will conduct ourselves with honesty, objectivity and impartiality at all times and will behave in a manner that fosters Members' trust and confidence in TFN Government.

### **siʔemstəxʷ (Respect)**

We possess and demonstrate respect for one another; for the experiences, voices, and viewpoints of others; for our kwθə syəw'enełct (ancestors) and the current people; for all persons, creatures, and places. We are committed to the respect and inclusivity of the diversity of scəw'aθən məsteyəxʷ (Tsaawwassen People). We share and honour the sɣʷəxʷəyəm (stories) and syawən (teachings) of those in the past; we value the storytelling traditions of our People.

### **xʷtetəłqt (Accountability)**

We have an obligation and willingness to accept responsibility for our words and actions. We are willing to admit when we are wrong and take steps to address any harms we cause.

### **šxʷaləqʷə (Family)**

Our relationships/ family is an important part of who we are and the work we do; we are all connected.

### **xaʔəmət (Compassion)**

We will demonstrate concern and understanding for the sufferings of others; we will be open to the points of view of others; we will treat all people with empathy; and we are committed to practicing patience with others.

### **syəθ (Culture)**

We honour cultural values and knowledge; we honour our traditions; we honour our Elders and the knowledge Elders hold, our kwθə syəw'enełct (ancestors) and the wisdom passed down through our xeʔxeʔ sya ys (sacred traditions) and syawən (teachings). We follow cultural protocols in the work we do.

### **ʔəye:lwes (Courage)**

We are committed to standing up and being si'em (leaders) in our community; to listen, even if what we hear is difficult; and, to use our voices, even in the face of opposition.

### **cəʔct (Communication)**

We are committed to communicating in a way that makes others feel respected, safe and heard; in a way that ensures transparency. We understand that open and frequent communication is needed both internally and externally. We will communicate publicly, including on social media, in a way that reflects positively upon scəwəθən (Tsawwassen) First Nation and its government.

### **hiw'aqʷ (leadership)**

We are dedicated to fulfilling our elected roles, to trustworthiness, and to being representatives and role models of our community; we are committed to being a positive influence, to mentoring and guiding when possible.

### **θəʔit tən' sqʷel (Honesty)**

We are committed to speaking and conducting ourselves with truthfulness; we are dedicated to honouring the trust the community has in us.

### **ʔəy' yeʔθət (Kindness)**

We speak to others with kindness; listen to others with a peaceful heart; we look upon others' experiences and views with thoughtfulness and appreciation.

## 5. Code of Conduct

### 5.1 General Standards

(1) Throughout the duration of their tenure in Legislature, Elected Members will endeavour to embody the core values at all times as si'em (leaders) in the community.

### 5.2 Conduct During Participation in Legislature

- (1) Cultural values are an important element of the scəw'aθən (Tsawwassen) Government, and the work done by Legislators. While participating in Legislature, Elected Members will:
- a. leave all negativity and hard feelings on the nail outside the door before entering to participate in Legislature;
  - b. respect and follow the procedures of Legislature (*ex. Feather Runner procedures: Legislators will raise hand and thank the Feather Runner. Legislator holds the feather while speaking, it is their turn to speak while they hold the feather*);
  - c. show gratitude towards each person at the table, and hold gratitude for their views and opinions;
  - d. share knowledge and history with new Elected Members, including stories from past governments, si'em (leaders), and histories that were shared;
  - e. continue to follow and share our xe'xe' sya ys (sacred traditions), sɣ'wəx'wəyem (stories), syawən (teachings), and practices including storytelling.
- (2) Communication, discussion, and debate are essential to the work of the scəw'aθən (Tsawwassen) Government. While participating in Legislature, Elected Members will:
- a. be self-aware and communicate with a tone and body language that is respectful of others, fosters a safe environment, and encourages discussion and participation;
  - b. recognize that all Elected Members and persons outside of Legislature are human, and may make mistakes;
  - c. honour when someone is transparent about their mistakes and takes steps to correct them; and
  - d. practice patience with themselves and others and be mindful that it is okay to take time to articulate thoughts and feelings.

- (3) Making progress as a collective in the work done by the scəw'aθən (Tsawwassen) Government is an essential role of Legislators. While participating in Legislature, Elected Members will:
- a. consider the matters before them and make decisions as a collective body, meaning that Elected Members will actively participate in debate about the qualities of a decision;
  - b. honour the discussion and outcomes of the democratic majority once a decision has been made;
  - c. try to acknowledge or think about the reasoning of a decision, when speaking on their thoughts and views about a decision;
  - d. stay on task and refrain from activities that may cause distraction to other legislators to ensure efficiency and productivity; and
  - e. not deflect or attempt to change topics and will contribute to discussion on the task/ topic until the discussion is complete.

### 5.3 Conflict of Interest

(1) Legislators are elected to represent TFN Members' interests. Demonstrating impartiality, neutrality, fairness and integrity is important. Throughout the duration of their tenure in Legislature, Elected Members will:

- a. not exercise an official power or perform an official duty or function if they have a conflict of interest as defined in the *Conflict of Interest Act*;
- b. ensure that all foreseeable potential conflict of interest situations will be disclosed or prevented;
- c. practice self-reflection to ask themselves if any of their actions could be perceived as a conflict of interest;
- d. ensure that they refresh themselves on the *Conflict of Interest Act* as needed, to support continued understanding of conflict of interests and their duties regarding such;
- e. disclose any and all conflicting obligations; and
- f. not “point fingers” or publicly accuse other Elected Members of conflict of interest, but instead will report any suspected conflicts of interest to the Chief Administrative Officer (CAO) and Judicial Council as appropriate.

(2) If Elected Members think they could be in a potential conflict of interest (perceived or real), they must follow the steps outlined in the *Conflict of Interest Act*. This includes, but is not limited to:

- a. report as soon as it is thought that there may be a potential conflict of interest (perceived or real);
- b. submission of Disclosure Statement, as outlined in *Conflict of Interest Act*, Sections 7.1 and 7.2;
- c. in accordance with the *Conflict of Interest Act*, Section 8, abstention from being involved in any discussion regarding the matter and from voting on any question relating to it;
- d. making a supplemental affidavit and filing it with the CAO as soon as is reasonably possible if the original disclosure affidavit is no longer true, accurate and complete; and
- e. in accordance with the *Conflict of Interest Act*, Section 17, report the matter to the chair of Judicial Council immediately upon becoming aware of the possible contravention.

#### 5.4 Conduct Outside Legislature

(1) Legislators are representatives of the TFN government; the actions and conduct of Legislators reflect upon the TFN government and Tsawwassen First Nation, even in their daily lives. Throughout the duration of their tenure in Legislature, Elected Members will:

- a. recognize their position as si<sup>2</sup>em (leaders) who people in the community look up to and look to for guidance. Legislators will ensure they uphold the same values outside Legislature as they do in the Legislature;
- b. recognize that all Elected Members and persons outside of Legislature are human, and may make mistakes;
- c. honour when someone is transparent about their mistakes and takes steps to correct them;
- d. be mindful that legislators may be seen as in a position of power, thus it is important to be mindful of how certain friendships or romantic relationships can reflect upon legislators and in turn, on the scəwáθən (Tsawwassen) Government;
- e. not engage in harassment, bullying, or violent conduct; and
- f. behave in an ethical and lawful manner.

(2) As representatives of the scəwáθən (Tsawwassen) Government, Legislators must conduct themselves in ways that support TFN Member's confidence in its governing ability, and the ability of its Elected Members. Throughout the duration of their tenure in Legislature, Elected Members will:

- a. engage in positive communication with the community;
- b. not make any negative or hurtful comments about other Elected Members, governing bodies, TFN staff, or decisions made by the scəwáθən (Tsawwassen) Government;
- c. maintain discretion about debates, discussions, and other confidential or sensitive information that Legislators learn within their role as Elected Members; and
- d. maintain solidarity with other fellow Elected Member(s) in support of a decision made by the scəwáθən (Tsawwassen) Government who are in full possession of the facts.

## 5.5 Social Media Conduct

(1) Social media is ever-present in our society. As representatives of the scəwáθən (Tsawwassen) Government, Legislators must be mindful of what they share online. Throughout the duration of their tenure in Legislature, Elected Members will:

- a. be mindful that what is posted on social media can be seen by others (including those the post is not intended for), and to refrain from posting conduct inappropriate of an Elected Member/ representative of TFN;
- b. not make any negative or hurtful comments or posts about other Elected Members, governing bodies, TFN staff, or decisions made by the scəwáθən (Tsawwassen) Government on social media;
- c. refrain from using social media to criticize, which can be hurtful to others and detrimental to TFN relations;
- d. avoid participating in any conduct which involves violence, discrimination or harassment on social media;
- e. refrain from posting or sharing any confidential or sensitive information that Legislators learn in their role as Elected Members; and
- f. hold themselves accountable for posts, comments, and shared content on social media.

## 5.6 Conduct for Virtual Attendance

(1) Ability to attend Legislature virtually (ex. Zoom Meetings) has proven to be an important option for Legislators when attending in person is not possible. It is important that the conduct of Legislators who attend virtually supports the objectives, unity, function and productivity of the Legislature. If Legislators virtually attend Legislature, Elected Members will:

- a. give as much notice as possible in advance of the meeting that they will not be attending in-person and will instead be attending virtually;
- b. be mindful that body language and tone of voice are still impactful in a virtual setting;
- c. make every effort to log in early to address any technical issues, as to not delay proceedings;
- d. not take personal recordings of meetings or discussions that take place;
- e. raise a hand if they wish to speak, and wait to be addressed by Squiql;
- f. thank the Feather Runner before speaking, and return the feather verbally once finished speaking, as is done when physically in Legislature;
- g. mute their microphone when not speaking as to reduce speaker noise/ feedback, and support clear communication,
- h. keep camera turned on throughout duration of the meeting, except in circumstances in which it is appropriate to have camera turned off, such as when following cultural protocols, including times of mourning;
- i. respect Legislators' decisions to have cameras turned off when it is appropriate for them to do so for cultural reasons;
- j. not have television, radio, or other recordings playing in the background during meetings, as this can be distracting when Legislators are speaking/ listening.

## 6. Enforcement

### 6.1 Informal Complaint

Any person who believes a Tsawwassen Legislator may have contravened the Code of Conduct may try to resolve the matter informally by:

1. Advising the Legislator that they may have contravened the Code of Conduct; and
2. Encouraging the Member to stop the contravention.

If the individual does not wish to try to resolve informal resolution, or if their attempted informal resolution is unsuccessful, they may file a formal complaint.

### 6.2 Formal Complaint Procedure

An individual who believes that a scəwəθən (Tsawwassen) Legislator has contravened the Code of Conduct may file a formal complaint by:

1. Completing and signing the Code of Conduct – Formal Complaint Form, and
2. Sending the form to the Squigel, unless the complaint involves the Squigel, or a close family member of the Squigel. If the complaint involves the Squigel, or a close family member of the Squigel, the individual must send the form to the Chief.

#### **Role of Squigel or Chief**

Upon receipt of the complaint, the Squigel or Chief, as applicable, may conduct any investigation they consider appropriate, and may:

1. Discuss and resolve the complaint directly with the complainant (person making the complaint);
2. Discuss and resolve the complaint directly with the Legislator and/or allow the Legislator to speak in their own defence;
3. Determine a penalty in accordance with Section 13 of the Legislature Rules and Procedures Manual; or
4. Bring the matter to the Legislative Assembly for resolution in either a public or private setting.

The process is intended to have flexibility so that the Squigel or Chief may determine an appropriate path forward based on the severity and nature of the complaint.

The Squigel or Chief will maintain the highest level of confidentiality possible in resolving the conflict, and will consider the safety of the both the complainant and the Legislator when determining what information is made public about the complaint or the remedy.

#### **Role of Legislature**

If the Squigel or Chief brings the complaint to the Legislative Assembly, the Squigel or Chief will:

1. Summarize the allegation and evidence to the Legislative Assembly; and
2. Allow the Legislator to speak in their own defence.

The Legislative Assembly must consider the complaint and determine what measures, if any, are appropriate. Measures may include, but are not limited to:

1. Dismissal of the complaint be it found that the complaint is:
  - a. Determined to be unfounded;
  - b. Is frivolous, vexatious or not made in good faith; or
  - c. Constitutes an abuse of process.
2. Suspension for determined period of time in accordance with Section 13 of the Legislature Rules and Procedure Manual;
3. Assign the Legislator to participate in Tsawwassen culturally based practices of restorative justice, guided by TFN Elders; or
4. Assign the Legislator to issue a public acknowledgement of their actions and an apology.

### 6.3 Conflict of Interest Procedures

A Legislator who believes that they may be in a conflict of interest must comply with the Tsawwassen *Conflict of Interest Act* **[Please see *Conflict of Interest Act* sections 7-9]**

A Legislator must recuse themselves from any proceedings in which they have a conflict of interest per section 9(3) of the Act.

A Legislator participating by electronic means may recuse themselves by asking staff to place the Legislator in a virtual waiting room until debate has concluded. Alternatively, the Legislator may leave the meeting entirely and return when appropriate.

**Should a Legislator or other individual believe that a Legislator is in a conflict of interest, refer to section 5.3 on conflict of interests.**

## Formal Complaint Form

Complainant Contact Information	
Complainant's Full Legal Name:	_____
Phone (daytime)	_____
Email address:	_____
Mailing address :	_____
	_____
	_____
	_____

### Filing a Code of Conduct Complaint

1. Use this form to make a complaint about a possible contravention of the Tsawwassen Legislators' Code of Conduct (the "Code").
2. Send this form to the Squigel, unless your complaint is about the Squigel or a close member of their family. In that case, send it to the Chief. You may send the form by email to [Squigel Email Address] or [Chief Email Address] or send a hard copy to the TFN administration building.
3. Required information:
  - a. The name of the Legislator you believe contravened the Code;
  - b. The section(s) of the Code you believe the Legislator contravened;
  - c. The date, time, and location of the possible contravention(s);
  - d. Why you believe the facts constitute a contravention of the Code;
  - e. Any evidence to support your complaint; and
  - f. Your contact details (see above).

**Date of Complaint Filing [MM/DD/YYYY]:**

**Date(s) and Time(s) of Code Contravention:**

**Tsawwassen Legislator Believed to Have Acted in Contravention of Code of Conduct:**

**Specific section(s) of the Code of Conduct that Complainant believes has been Contravened:**

Explain why you believe the Member of the Tsawwassen Legislative Assembly has contravened the sections of the Code identified in the complaint form. Where and when did it happen?

If you have any supporting documents or other evidence list them below and attach copies to this form.

