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## CODE OF APPEAL

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**WHEREAS** the Chief and Council of the Kapawe’no First Nation have determined that it is desirable and necessary for the fair and equal treatment and consideration of all Nation members and their rights through the establishment of an appeal mechanism.

**AND WHEREAS** the Kapawe’no First Nation has the inherent Aboriginal rights, Treaty rights and authority to govern relations among its members and between the First Nation and other governments.

**AND WHEREAS** the peoples of our Nation have approved by vote the adoption of the Kapawe’no First Nation Code of Appeal as outlined herein.

**AND HAVING** by the consent of the peoples of our Nation confirmed that this written code represents the accepted process to be followed by members and leadership in addressing concerns raised through the appeal mechanism.

**AND THEREFORE** the Chief and Council of the Kapawe’no First Nation at a duly convened meeting of a quorum of the Chief and Council hereby enact the following code.

### SHORT TITLE

1. This Code may be cited as the “Kapawe’no First Nation Code of Appeal”.

### INTERPRETATION

2. This Code shall be:
  - (a) interpreted in accordance with the values, traditions, customs and laws of the Nation; and
  - (b) interpreted and applied to protect and preserve the cultural integrity, social unity, and historical traditions of the Nation; and
  - (c) interpreted consistent with the spirit and intent of all Treaty 8 and Aboriginal rights of the Nation.
3. Every section of this Code is severable and in the event any part is declared void, the remainder continues to be valid and in full force and effect.



4. In this Code:
- a. “Band Office” means the administrative operations of the Kapawe’no First Nation.
  - b. “Member” means a person whose name is entered on the Treaty 8 and Aboriginal Rights List maintained by the Nation.
  - c. “Treaty 8 and Aboriginal Rights List” means the list of members maintained by the Nation.
  - d. “Reserve” means the Kapawe’no First Nation Reserve.
  - e. “Kapawe’no Council” means the Chief and Council of the Kapawe’no First Nation.
  - f. “Nation” means the Kapawe’no First Nation.

### **APPLICATION**

5. The Kapawe’no First Nation Appeal process will ensure that members have a process to deal with issues and concerns related to the application of bylaws, regulations, policies and procedures, delivery of programs and services, and the fair and equitable treatment and access to services and resources of the Nation. This is code is not to deal with criminal matters.
6. The Appeal process will ensure that communication between all levels of the Nation, its administrative operations, and the leadership is maintained at an appropriate level.
7. The Appeal process is available to all First Nation members, leadership, and employees.
8. When an individual feels that a decision made by Chief and Council or a staff member of the Band Administration is unjustified, unfair, untimely or was not in accordance with the codes or policies of Kapawe’no First Nation the following process shall be followed:

Step 1: If the concern is not related to a specific program, the individual shall bring the concern to the attention of the Band Manager.

Step 2: The Band Manager shall hear the individual’s concern, and determine whether the issue has been dealt with appropriately by the individuals involved.

Step 3. If the individual is not satisfied with the decision, then the issue shall be appealed to Chief and Council by way of a written request of appeal.

Step 4. Upon receiving the written request of appeal, Chief and Council shall review the matter, and establish a date for a hearing of the appeal by a Community Advisory Committee. The date for the hearing shall be within 30 days of the receipt of the request for appeal.



The Community Advisory Committee shall consist of representatives of the community, including at least two Elders, and at least three members of the First Nation at large (one from each of the clans).

Step 5. The Community Advisory Committee shall hear the concerns of the appellant, and obtain information that relates to the issue from established policies and procedures, bylaws, regulations, and others as appropriate. A decision of the Committee shall be made within three (3) days of the hearing, and communicated in writing to the appellant and to Chief and Council.

Step 6. If the individual disagrees with the decision of the Committee, a letter requesting a Review of the Decision of Appeal shall be submitted to Chief and Council within one week of receipt of the decision of the Committee.

Step 7. Chief and Council shall review the request for a Review of the Decision of Appeal, the original letter requesting an appeal hearing, and other written documentation regarding the issue. Based on the written material, the Chief and Council shall make a decision regarding the concern. Chief and Council will not hear a concern unless the full process has been followed.

All decisions by Chief and Council are final.

**THIS CODE IS HEREBY ENACTED** at a duly convened meeting of the Chief and Council of the Kapawe'no First Nation this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Chief Frank T. Halcrow

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Witness

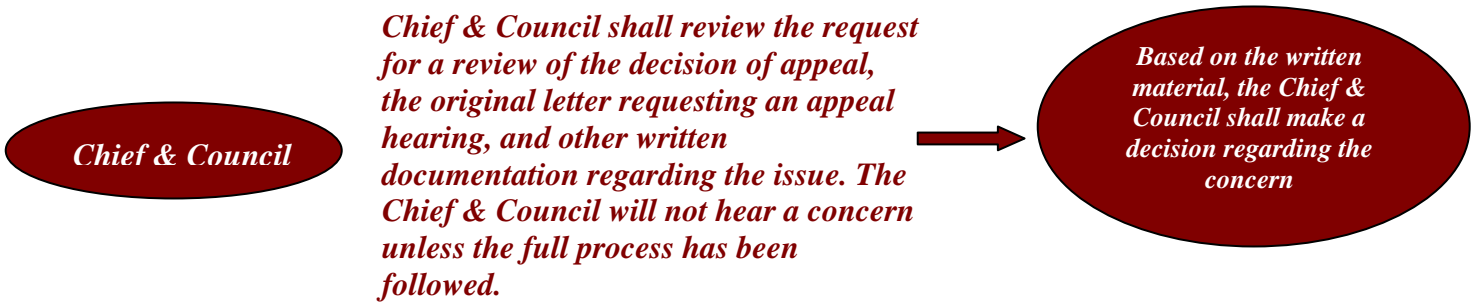
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Councillor Sydney Lee Halcrow

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Witness

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Councillor Peter H. Chalifoux

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Witness





## *Kapawe'no Appeal Process*

