

SPUZZUM FIRST NATION

CUSTOM MEMBERSHIP CODE

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Draft

PREAMBLE

WHEREAS the Spuzzum First Nation (“Spuzzum Nation”) has the inherent right to self-government, as recognized and affirmed by section 35(1) of the *Constitution Act, 1982*, and the authority to adopt, by way of custom, a method for determining its membership;

AND WHEREAS the Spuzzum Nation wishes to protect and enhance its cultural integrity, social harmony and economic stability;

AND WHEREAS the Spuzzum Nation in 1987 adopted its own custom membership code, entitled the Spuzzum Indian Band Membership Rules, and assumed control of its membership pursuant to section 10 of the *Indian Act*, R.S.C. 1985, c. I-5;

AND WHEREAS the Spuzzum Nation wishes to modernize and revitalize its custom membership code;

AND WHEREAS members of the Spuzzum Nation have been consulted and have approved by referendum the enactment of this revised Spuzzum First Nation Custom Membership Code;

WE THEREFORE set forth here our revised and amended Spuzzum First Nation Custom Membership Code.

1. TITLE

- 1.1. The full name of this Code is the Spuzzum First Nation Custom Membership Code (2021).

2. PURPOSE

- 2.1. The purpose of this Code is to establish rules and procedures for matters related to the Membership of the Spuzzum Nation.

3. INTERPRETATION

Definitions

- 3.1. In this Code the following words and expressions will, unless inconsistent with the subject matter, have the following meanings:
 - (a) “Adoption” and “Adopted” mean the legal transfer of parental rights and responsibilities from the birthparent(s) of a Minor to another person and includes adoptions according to Spuzzum Nation custom;

- (b) “Appellant” has the meaning set out in Part 9 [*Appeals*];
- (c) “Applicant” means a person who is applying for Membership pursuant to the Application process set out in Part 6 [*Application Process*];
- (d) “Application” means an application for Membership made pursuant to the process set out in Part 6 [*Application Process*];
- (e) “Application Form” means the application form provided in Schedule D or as reasonably amended by the Membership Clerk, pursuant to Section 6.9 [*Membership Clerk may Change Application Form*];
- (f) “Application Package” means the Application Form, supporting documentation and any other materials related to an Application that are forwarded from the Membership Clerk to the Membership Committee pursuant to Section 6.5 [*Membership Clerk Forwards Application Package*];
- (g) “Apply” means to apply for Membership pursuant to the process set out in Part 6 [*Application Process*];
- (h) “Band” means an Indian band as defined by the *Indian Act*;
- (i) “Band Council Resolution” and “BCR” mean a resolution of the Council approved by a quorum of the Council present at a duly convened meeting;
- (j) “Birth Certificate” means an official certificate evidencing the birth of a person provided by the Vital Statistics Agency of British Columbia or the equivalent agency in another jurisdiction;
- (k) “Child” means the biological or Adopted first-generation descendant of a person;
- (l) “Code” means this Spuzzum First Nation Custom Membership Code (2021), as amended and revised;
- (m) “Committee Appointment Meeting” means a duly convened meeting held for the purpose of appointing Committee Members to the Membership Committee, pursuant to Schedule H;
- (n) “Committee Member” means a member of the Membership Committee;
- (o) “Community” means the Spuzzum Nation’s community, and includes Members living both on-Reserve and off-Reserve;
- (p) “Council” means the persons elected to Spuzzum Nation’s chief and council pursuant to the Custom Election Code;

- (q) “Council Member” means a person elected to occupy a position on Council pursuant to the Custom Election Code, and includes the position of chief;
- (r) “Custom Election Code” means the *Spuzzum First Nation Custom Election Code*;
- (s) “Death Certificate” means an official certificate evidencing the death of a person provided by the Vital Statistics Agency of British Columbia or the equivalent agency in another jurisdiction;
- (t) “Eligible Voter” means a person eligible to vote according to the Custom Election Code;
- (u) “Eligibility Criteria” mean the circumstances described in Sections 4.6, 4.7 and 4.8 [*Persons Eligible to Apply for Membership*] that make a person eligible to Apply for Membership;
- (v) “Entitlement Criteria” mean the circumstances described in Sections 4.2, 4.3 and 4.4 [*Persons Entitled to Register for Membership*] that entitle a person to Register for Membership;
- (w) “Final Decision” has the meaning set out in Part 9 [*Appeals*];
- (x) “Former Member-Parent” means a person, living or deceased, who:
 - i. was previously a Member, and
 - ii. is the legal (Adoptive) or biological parent of a Child;
- (y) “Guidelines for Membership Decisions” and “Guidelines” mean the list of guidelines and factors, as they appear in Schedule F, that the Membership Committee must consider while making Membership Decisions on Applications;
- (z) “*Indian Act*” means the *Indian Act*, R.S.C. 1985, c. I-5;
- (aa) “Indian Registration Administrator” means a person trained according to ISC’s standards to do work related to the administration of the federal government’s Indian registry;
- (bb) “Indian Status” means the legal status of a person who is registered as an Indian under the *Indian Act*;
- (cc) “Indian Status Number” means the registration number ISC assigns to a person confirming his or her Indian Status;

- (dd) “ISC” means the Department of Indigenous Services Canada or any other federal body responsible for maintaining Band Lists and approving Indian Status designations;
- (ee) “Member” means a person maintained on the Membership List;
- (ff) “Member-Parent” means a person, living or deceased, who:
- i. is a Member or was a Member at the time of his or her death, and
 - ii. is the legal (Adoptive) or biological parent of a Child;
- (gg) “Member-Spouse” means a Member who is married to, or is in a common-law relationship with, a person who Applies for, or attains, Membership through his or her relationship to that Member;
- (hh) “Membership” means the Members of Spuzzum Nation;
- (ii) “Membership Clerk” means the person or persons selected by Council and the Membership Committee to fulfill the roles and duties specified in Part 8 [*Administration of the Code*];
- (jj) “Membership Committee” means the persons appointed to sit on the Membership Committee, pursuant to the process specified in Schedule I, to fulfill the duties and requirements specified in Part 8 [*Administration of the Code*];
- (kk) “Membership Decision” means any decision regarding Membership made by the Membership Clerk or the Membership Committee;
- (ll) “Membership List” means the list of Members maintained by the Spuzzum Nation pursuant to this Code;
- (mm) “Minor” means a person under the age of 18 years old;
- (nn) “Notice of Appeal” has the meaning provided in Part 9 [*Appeals*];
- (oo) “Proposal for Amendment” has the meaning provided in Part 10 [*Amendments*];
- (pp) “Register” means to register for Membership pursuant to the process set out in Part 5 [*Registration Process*];
- (qq) “Registrant” means a person who registers or attempts to register for Membership pursuant to the registration process set out in Part 5 [*Registration Process*];
- (rr) “Registration” refers to the process of registering for Membership pursuant to the process set out in Part 5 [*Registration Process*];

- (ss) “Registration Form” means the registration form provided in Schedule A or as reasonably amended by the Membership Clerk pursuant to Section 5.7 [*Membership Clerk may Change Registration Form*];
- (tt) “Reserve” means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of the Spuzzum Nation;
- (uu) “Sponsor” means a Member who supports an Application;
- (vv) “Sponsorship Letter” means a letter written and signed by a Sponsor in support of an Application;
- (ww) “Spouse” means a person’s partner recognized by legal marriage or common-law;
- (xx) “Spuzzum Band Number” means the three-digit number (708) assigned by ISC to a person with Indian Status, indicating that the person with Indian Status is affiliated with Spuzzum Nation; and
- (yy) “Spuzzum Nation” means the Spuzzum First Nation, a band within the meaning of the *Indian Act*.

References are to this Code

- 3.2. Unless otherwise specified, references to this Code include the Schedules, and references in this Code to “Parts”, “Sections”, “Subsections”, or “Schedules” are to Parts, Sections, Subsections, or Schedules of this Code.

Interpretation of Number and Gender

- 3.3. Unless the context otherwise requires, words in this Code importing the singular include the plural and vice versa, and words importing gender include all genders.

4. CRITERIA FOR MEMBERSHIP

Continuation of Membership under this Code

- 4.1. On the day this amended and revised Code comes into force, the existing Members of Spuzzum Nation will retain their Membership in Spuzzum Nation and will be maintained on the Membership List pursuant to this Code.

Persons Entitled to Register for Membership

Child of a Member-Parent

- 4.2. Any person who has Indian Status and is the Child of a Member-Parent may Register for Membership.

Child of a Former Member-Parent

- 4.3. Any person who has Indian Status and is the Child of a Former Member-Parent may Register for Membership.

Person with a Spuzzum Band Number

- 4.4. Subject to Section 4.5, any person who has Indian Status and has been assigned a Spuzzum Band Number by ISC may Register for Membership.
- 4.5. If Council and the Membership Committee believe that ISC may be assigning the Spuzzum Band Number to persons who are not reasonably connected to Spuzzum Nation, the Council may, by BCR and with the written support of a quorum of the Membership Committee, eliminate the Entitlement Criterion at Section 4.4 and instead require such persons to Apply for Membership.

Persons Eligible to Apply for Membership

Persons Eligible to Apply

- 4.6. Any person who has Indian Status may Apply for Membership under one or more of the following criteria:
- (a) as a former Member, subject to Section 4.7;
 - (b) as a Spouse of a Member;
 - (c) as a child of a Spouse of a Member, subject to Section 4.8; or
 - (d) as a transfer applicant from another Band or, if the person is not a member of another Band, as a person with Indian Status.

Former Member

- 4.7. Any person who has Indian Status and who was previously a Member and either:
- (a) renounced their Membership; or
 - (b) was removed from Membership pursuant to Part 7 [*Loss of Membership*]
- may Apply for Membership and, for greater certainty, is not entitled to Register for Membership, notwithstanding their possible entitlement under Sections 4.2, 4.3 or 4.4 [*Persons Entitled to Register for Membership*].

Child of a Spouse

- 4.8. Any person with Indian Status who is the Child of a Member who gained Membership by way of a spousal relationship pursuant to Subsection 4.6(b) may only Apply for Membership under Subsection 4.6(c) and, for greater certainty, is not eligible to rely on this parent's Membership for the purpose of Registering pursuant to Section 4.2 [*Child of a Member-Parent*] or Section 4.3 [*Child of a Former Member-Parent*].

Membership in One Band

- 4.9. Notwithstanding any other provision in this Code, a person who is a member of another Band may not simultaneously be a Member of Spuzzum Nation.
- 4.10. Where a person who is a member of another Band attempts to Register or Apply for Membership, that person must complete and sign a Renouncement from Other Band Form, as set out in Schedule C, and provide with their Registration or Application supporting documentation showing that the other Band either has removed that person from its membership or will remove that person from its membership upon the Registrant or Applicant becoming a Member.

Indian Status Required

- 4.11. Notwithstanding any other provision in this Code, any person added to the Membership List must have Indian Status.

5. REGISTRATION PROCESS

Registration Form Required

- 5.1. A person who is entitled to Register as a Member under this Code may register for Membership by submitting to the Membership Clerk a completed Registration Form, as provided in Schedule A, with supporting documentation.

Supporting Documentation

- 5.2. For the purpose of Section 5.1 [*Registration Form Required*], the supporting documentation required for a person Registering as a Member is set out in Schedule B.

Registration Form Contents

- 5.3. The Registration Form must include space for the Registrant to provide:
- (a) the Registrant's name, address, date of birth and contact information;
 - (b) the Registrant's Indian Status Number;

- (c) the Registrant's marital status and, if applicable, their Spouse's name and contact information;
- (d) the Registrant's Entitlement Criterion;
- (e) the Registrant's current membership status in any other Band;
- (f) the names and birthdates of the Registrant's children, if any;
- (g) the name of the person assisting the Registrant pursuant to Section 5.8 [*Assistance*], if applicable; and
- (h) the name, date of birth and contact information of the Registrant's Member-Parent, if applicable.

Membership Clerk Reviews Registration Form

- 5.4. Upon receipt of a Registration Form, the Membership Clerk will:
- (a) review and confirm whether the Registration Form and supporting documentation are complete, accurate and authentic; and
 - (b) confirm whether the Registrant is entitled to Register for Membership under this Code.
- 5.5. If the Membership Clerk is satisfied that the Registration materials provided are complete, accurate and authentic and that the Registrant is entitled to Register for Membership under this Code, the Membership Clerk will, within 30 days of receiving the Registration Form, record the name of the Registrant on the Membership List.
- 5.6. If the Membership Clerk is not satisfied that the Registration materials provided are complete, accurate and authentic or believes that the Registrant is not entitled to Register for Membership under this Code, the Membership Clerk may, within 30 days of receiving the Registration Form:
- (a) request further information from the Registrant; or
 - (b) refuse to register the Registrant and provide the Registrant written reasons for the refusal.

Membership Clerk may Change Registration Form

- 5.7. The Membership Clerk, with the approval of the Membership Committee, may make reasonable changes, consistent with this Code, to the Registration Form provided in Schedule A and to the supporting documentation required under Schedule B to improve

the processing of Registrations, in which case Registrants must complete the updated Registration Form and submit the additional supporting documentation.

Assistance

5.8. The Member-Parent of a Registrant, or another person known to the Registrant, may:

- (a) assist the Registrant in submitting a Registration Form; or
- (b) if the Registrant is a Minor or otherwise legally or medically unable, submit a Registration Form on the Registrant's behalf,

in which case the Membership Clerk will provide notice and other relevant information regarding the Registration to that assisting person as if that person were the Registrant.

6. APPLICATION PROCESS

Application Form Required

6.1. A person who is eligible to Apply for Membership under this Code may apply by submitting to the Membership Clerk a completed Application Form, as provided in Schedule D, with supporting documentation.

Supporting Documentation

6.2. For the purpose of Section 6.1 [*Application Form Required*], the supporting documentation required for a person Applying as a Member is set out in Schedule E.

Application Form Contents

6.3. The Application Form must include space for the Applicant to provide:

- (a) the Applicant's name, address, date of birth and contact information;
- (b) the Applicant's Indian Status Number;
- (c) the Applicant's marital status and, if applicable, their Spouse's name and contact information;
- (d) the Applicant's Eligibility Criterion;
- (e) the Applicant's current membership status in any other Band;
- (f) the names and birthdates of the Applicant's children, if any;

- (g) the name of the person assisting the Applicant pursuant to Section 6.11 [*Assistance*], if applicable;
- (h) information about any individual ties or family relationships to Members; and
- (i) the name and contact information of any Sponsor(s).

Membership Clerk Performs Initial Review

- 6.4. Upon receipt of an Application Form, the Membership Clerk will review the Application Form and supporting documents for completeness, accuracy, and authenticity. The Membership Clerk may provide assistance to the Applicant by requesting further information or documentation from the Applicant.

Membership Clerk Forwards Application Package

- 6.5. Once satisfied that:
- (a) the Application Form and supporting documentation are complete, accurate and authentic, or
 - (b) that the Applicant cannot provide any further documentation or information that would support his or her Application,

the Membership Clerk will, within 30 days of the initiation of the Application, gather the Application Form and supporting documentation into an Application Package and forward the Application Package to the Membership Committee.

Membership Clerk Reports

- 6.6. The Membership Clerk may include in the Application Package a report to the Membership Committee if the Membership Clerk doubts the validity of any of the documents or information provided in support of an Application, or if the Membership Clerk believes there is additional information that the Membership Committee should consider.

Membership Committee Reviews Application Package and Makes Decision

- 6.7. Upon receipt of an Application Package, the Membership Committee will review the material provided and deliberate on the acceptability of the Application, with consideration of the Guidelines for Membership Decisions as they appear in Schedule F. After review, the Membership Committee will do one of the following:
- (a) request additional information from the Applicant and reconsider the Application with any new information it receives;

- (b) approve the Application and instruct the Membership Clerk to record the name of the Applicant on the Membership List; or
- (c) deny the Application and provide the Applicant with written reasons for the denial.

6.8. The Membership Committee will aim to make a Membership Decision on each Application it receives within 90 days of receiving the Application and will inform the Applicant if it expects a Membership Decision to be delayed.

Membership Clerk may Change Application Form

6.9. The Membership Clerk, with the approval of the Membership Committee, may make reasonable changes, consistent with this Code, to the Application Form provided in Schedule D and to the supporting documentation required under Schedule E to improve the processing of Applications, in which case Applicants must complete the updated Application Form and submit the additional supporting documentation.

Application Fees

6.10. Council may set, by BCR, a reasonable, non-refundable fee that must be paid by an Applicant upon submitting an Application Form.

Assistance

6.11. The Member-Parent of an Applicant, or another person known to the Applicant, may:

- (a) assist the Applicant in submitting an Application Form; or
- (b) if the Applicant is a Minor or otherwise legally or medically unable, submit an Application Form on the Applicant's behalf,

in which case the Membership Committee and Membership Clerk will provide notice and other relevant information regarding the Application to that assisting person, as if that person were the Applicant.

7. LOSS OF MEMBERSHIP

Renouncement

7.1. A Member wishing to transfer to another Band or wishing to have his or her name deleted from the Membership List must submit to the Membership Clerk a completed Renouncement Form, as set out in Schedule G.

7.2. Upon receiving the Renouncement Form of a Member, the Membership Clerk will remove that person's name from the Membership List.

Removal for Error, Fraud or Deceit in Application or Registration

- 7.3. If the Membership Committee believes that a person's name may have been recorded on the Membership List on the basis of inaccurate, fraudulent or misleading information, the Membership Committee will investigate the matter and may instruct the Membership Clerk to remove that person from the Membership List and to provide notice to that person of their removal and the reason for their removal.

Removal for Being a Member of Two Bands

- 7.4. If the Membership Committee believes that a Member may also be part of the membership of another Band, the Membership Committee will investigate the matter and may instruct the Membership Clerk to remove that person from the Membership List and to provide notice to that person of their removal and the reason for their removal.

Removal upon Death

- 7.5. Upon learning of the death or receiving a copy of the Death Certificate of any Member, the Membership Clerk will remove the name of the deceased Member from the Membership List. The Membership Clerk will further take any action required of an Indian Registration Administrator to notify ISC.

Protest

- 7.6. If a Member believes that another Member should be removed from the Membership List based on one of the circumstances set out in this Part 7, the Member may request in writing that the Membership Committee investigate the matter.

8. ADMINISTRATION OF THE CODE

Membership Clerk

Appointment

- 8.1. As needed, Council will advertise and accept applications for the position of Membership Clerk.
- 8.2. Council will review applications and appoint an eligible Membership Clerk from the persons who have applied. The position of Membership Clerk may be held by more than one person.
- 8.3. To be eligible as a Membership Clerk, a person must:
- (a) have completed the Indian Registration Administrator training course or equivalent training; and

- (b) be a Member.

Membership Clerk's Term

- 8.4. The duties and responsibilities of the Membership Clerk shall begin the day of their appointment by Council and end on the day of their removal pursuant to Section 8.5 [Removal].

Removal

- 8.5. Council may remove the Membership Clerk at any time, by BCR.

Primary Roles

- 8.6. The primary roles of the Membership Clerk are to maintain the integrity of the Membership List and to process Registrations and Applications in accordance with this Code.

Duties

- 8.7. The duties of the Membership Clerk include, but are not limited to, the following:
 - (a) maintaining and safekeeping the Membership List;
 - (b) keeping the Membership List private in accordance with the standards of an Indian Registration Administrator;
 - (c) maintaining a Summary Membership List, as described in Section 8.16 [Summary List], and providing access to the Summary Membership List according to Sections 8.17 [Members may Access Summary List] and 8.18 [Council may Share Summary List];
 - (d) making additions, deletions and corrections to the Membership List in accordance with this Code;
 - (e) reviewing all Registration Forms, Application Packages and supporting documentation for accuracy, authenticity and completeness;
 - (f) providing reasonable assistance to Registrants and Applicants with the Registration and Application processes;
 - (g) notifying Registrants and Applicants of Membership Decisions;
 - (h) notifying the Community of new additions to, and removals from, the Membership List according to Spuzzum Nation's communication policy, as applicable;
 - (i) forwarding to the Membership Committee all Application Packages;
 - (j) verifying that new Members have been removed from their previous Band's membership list;

- (k) notifying the Membership Committee of any circumstances that may provide a basis for removal of a Member under Part 7 [*Loss of Membership*];
- (l) processing and acknowledging all appeals pursuant to Part 9 [*Appeals*];
- (m) attending Membership Committee Meetings;
- (n) assisting with any amendment process pursuant to Part 10 [*Amendments*];
- (o) maintaining an organized filing system for all documents and correspondence pertaining to Membership, including completed Registration Forms, Application Packages and Notices of Appeal; and
- (p) carrying out any other duties related to Membership as directed by Council or the Membership Committee.

8.8. The Membership Clerk will perform his or her duties under this Code consistently with the duties and responsibilities of an Indian Registration Administrator.

Oversight

8.9. Every Membership Decision made by the Membership Clerk is subject to review and correction by the Membership Committee.

Membership List

Required Information

8.10. The Membership List must include for each person inscribed in it:

- (a) the person's full name and any previous names;
- (b) the person's known name, if different from their registered name;
- (c) the person's Indian Status Number;
- (d) the date of birth of the person;
- (e) the last known address and contact information of the person;
- (f) the date of addition to the Membership List;
- (g) the reason the person was added to the Membership List, with reference to the applicable criteria described in Part 4 [*Criteria for Membership*]; and
- (h) the date of, and reason for, deletion from the Membership List, if applicable.

Notations

- 8.11. The Membership Clerk shall make notations on the Membership List in a manner that preserves the records of both current and former Members.
- 8.12. Where the Membership Clerk is required, pursuant to Part 7 [*Loss of Membership*] or elsewhere in this Code, to remove or delete a Member from the Membership List, the Membership Clerk is to:
- (a) maintain the information of that person, and
 - (b) place a notation beside the name of that person indicating that they have been removed from Membership and the reason for their removal.

Membership Clerk may Update and Revise List

- 8.13. The Spuzzum Nation intends for the Membership List to contain information regarding its Membership that is as accurate and up-to-date as possible. To achieve this aim, the Membership Clerk may update, correct and revise the information of Members on the Membership List, as required.
- 8.14. It is the responsibility of the Members of Spuzzum Nation to update the Membership Clerk if there is a change to their relevant personal circumstances or their contact information.

Confidentiality

- 8.15. The Membership Clerk must keep the Membership List confidential in accordance with the requirements of an Indian Registration Administrator.

Summary Membership List

Summary List

- 8.16. The Membership Clerk will maintain a Summary Membership List which sets out in alphabetical order the names of the Members. The Summary Membership List will be made public according to this Code or by operation of law. When adding or removing a person to or from the Membership List, the Membership Clerk will also add or remove that person to or from the Summary Membership List.

Members may Access Summary List

- 8.17. Any Member may request, and be granted, access to the Summary Membership List.

Council may Share Summary List

- 8.18. With the consent of Council, the Summary Membership List may be made available, as needed, to other departments of the Spuzzum Nation, advisors of the Spuzzum Nation, including legal counsel, and other agencies and government departments.

Protection

- 8.19. Any Member who has a legitimate fear that the inclusion of his or her name on the Summary Membership List may risk his or her personal safety or the safety of family members, may request that the Membership Clerk inscribe a suitable alibi or previous name on the Summary Membership List.

Membership Committee

Appointment, Term and Removal

- 8.20. The Membership Committee shall be appointed and removed according to the processes and eligibility requirements specified in Schedule H.

Duties

- 8.21. The Membership Committee will process Applications, review Proposals for Amendment and perform any other duties required by this Code.

Guidelines for Membership Decisions

- 8.22. The Membership Committee will make Membership Decisions with consideration of the Guidelines for Membership Decisions, as they appear in Schedule F.

Written Reasons for Membership Decisions Required

- 8.23. The Membership Committee will provide, in writing, the Membership Decision with supporting reasons to the person who is subject to the Membership Decision.

Committee to Inform Clerk

- 8.24. The Membership Committee will inform the Membership Clerk of all Membership Decisions so that the Membership Clerk can fulfill his or her administrative duties.

Committee may Overrule Clerk

- 8.25. The Membership Committee may make a Membership Decision to review and overturn or correct any Membership Decision made by the Membership Clerk.

Compensation of Membership Clerk and Committee Members

- 8.26. The Spuzzum Nation may provide honoraria to the Membership Clerk and Committee Members to compensate them for their duties. Council may determine the amount of such honoraria by BCR from time to time.

9. APPEALS

Appeals Officer

- 9.1. Council and the Membership Committee together shall appoint, as needed, an independent, non-Member lawyer or arbitrator to act as the Appeals Officer.

Right of Appeal

- 9.2. Any person (or an assistant to that person) whose Registration or Application for Membership has been denied may appeal the Membership Decision to the Appeals Officer.
- 9.3. Any person who is removed from Membership pursuant to Part 7 [*Loss of Membership*] may appeal the Membership Decision to the Appeals Officer.

Appeal Procedure

Notice of Appeal

- 9.4. A person wishing to appeal a Membership Decision (the “Appellant”) may do so by filing with the Membership Clerk a Notice of Appeal, as specified in Section 9.5 [*Contents of Notice of Appeal*], within 60 days of the date the Appellant received notice of the Membership Decision.

Contents of Notice of Appeal

- 9.5. A Notice of Appeal shall contain:
- (a) the specific Membership Decision contested by the Appellant;
 - (b) the Appellant’s written reasons for appealing the Membership Decision;
 - (c) the Appellant’s name, address and Membership status;
 - (d) whether the Appellant is requesting an in-person hearing;
 - (e) any supporting documentation and evidence; and
 - (f) a filing fee, if required.

Membership Clerk Forwards Notice of Appeal

- 9.6. Once satisfied that
- (a) a Notice of Appeal includes the contents required by Section 9.5 [*Contents of Notice of Appeal*], or
 - (b) that the Appellant cannot provide any further documentation or information that would support his or her Notice of Appeal,

the Membership Clerk will, within 30 days of receiving the Notice of Appeal, forward the Notice of Appeal to the Appeals Officer and the Membership Committee.

Appeals Officer may Investigate

- 9.7. In coming to a decision, the Appeals Officer will review the Notice of Appeal, the Guidelines, and the requirements of this Code and reasonably investigate the matter.

Hearing

- 9.8. If the Appellant requests a hearing and the Appeals Officer decides a hearing is appropriate, the Appeals Officer will set a date for the hearing, to occur within 90 days of receiving a Notice of Appeal. Hearings may occur in person or by way of telephone or videoconference, as directed by the Appeals Officer. At the hearing, the Appellant will be given the opportunity to make oral testimony and one or more Committee Members will have the right to respond on behalf of the Membership Committee. The Appeals Officer may also decide to allow oral testimony from other related parties or witnesses, such as a Sponsor or a Council Member. The Appeals Officer may receive any evidence he or she finds reliable and relevant, regardless of whether such evidence would be admissible in a court of law.

Final Decision

- 9.9. Within 90 days of receiving a Notice of Appeal or of holding a hearing, whichever is later, the Appeals Officer will make, and provide to the Appellant, a written decision (the “Final Decision”) briefly stating the reasons supporting its Final Decision. A Final Decision may:
- (a) uphold the Membership Decision made by the Membership Committee;
 - (b) reverse the Membership Decision of the Membership Committee; or
 - (c) require the Membership Committee to reconsider its Membership Decision with new instructions.

Final Decision may be Reviewed by the Federal Court

- 9.10. A Final Decision of the Appeals Officer made pursuant to this Code is binding and may only be reviewed further by application for judicial review to the Federal Court.

Filing Fee

- 9.1. Council may set, by BCR, a reasonable, non-refundable fee that must be paid upon submitting a Notice of Appeal.

No Responsibility for Costs

- 9.2. At no time is the Spuzzum Nation responsible for any costs incurred by the Appellant in the appeal procedure or in subsequent review efforts.

10. AMENDMENTS

10.1. Subject to Section 10.14 [*Minor Amendments*], any amendment to this Code will be made pursuant to the amendment process set out in this Part.

Amendment Process

Proposals for Amendment

- 10.2. A proposal to amend the Code may be made by a Member, the Membership Committee or Council through a “Proposal for Amendment” containing:
- (a) the text of any proposed revisions to the Code along with a document comparing the proposed revised Code to the current version of the Code;
 - (b) an explanation of the proposed revisions; and
 - (c) the reasons for the proposed revisions.
- 10.3. Any Proposal for Amendment must be reviewed by both the Membership Committee and Council.
- 10.4. If the Membership Committee and Council both support a Proposal for Amendment, Council will by BCR certify the Proposal for Amendment and instruct the Membership Clerk to provide notice of the Proposal for Amendment.

Notice of Proposal for Amendment

10.5. Upon receiving a Proposal for Amendment certified pursuant to Section 10.4, the Membership Clerk will mail and email the Proposal for Amendment to all Eligible Voters for whom the Membership Clerk has mailing or email addresses and provide notice of the Eligible Voters’ right to file a written objection to the Proposal for Amendment by sending such objection to the Membership Clerk within 45 days.

No Objection

10.6. If the Membership Clerk does not receive a written objection from any Eligible Voter within 45 days, the Membership Clerk will inform Council and Council will by BCR adopt the Proposal for Amendment and amend the Code.

Objection

- 10.7. If the Membership Clerk receives a written objection from an Eligible Voter within the 45-day period, the Membership Clerk will forward the written objection to Council and the Membership Committee. The Membership Committee and Council will then consider the written objection and do one of the following:
- (a) abandon the Proposal for Amendment;

- (b) respond to the written objection by revising the Proposal for Amendment and repeating the Proposal for Amendment procedure; or
- (c) initiate a referendum to poll all Eligible Voters on the proposed amendment.

Referendum

10.8. If Council and the Membership Committee jointly decide to initiate a referendum pursuant to Subsection 10.7(c), Council will by BCR:

- (a) call a binding referendum to poll all Eligible Voters on the Proposal for Amendment;
- (b) hire a Ratification Officer to conduct the poll according to procedures similar to those set out in the Custom Election Code; and
- (c) instruct the Ratification Officer to work with the Membership Clerk to provide notice of the referendum to all Eligible Voters for whom the Membership Clerk has addresses.

Approval by Referendum

10.9. The Proposal for Amendment will be approved by Spuzzum Nation if a majority of Eligible Voters voting in the referendum vote in favour of the Proposal for Amendment.

10.10. The result of a referendum will be binding on Spuzzum Nation. If approved, Council will by BCR certify the results of the referendum and amend the Code in accordance with the Proposal for Amendment.

Appeal of Amendment Procedure

Right of Appeal

10.11. Any Eligible Voter may appeal an amendment or the result of a referendum on the ground that:

- (a) there was corrupt or fraudulent practice in connection with the amendment or referendum process; or
- (b) there was a violation of this Code that might have affected the outcome of the referendum.

10.12. Appeals will be filed and heard according to the procedure set out in Part 9 [*Appeals*], with any reasonable modifications the Appeals Officer finds necessary.

10.13. The Appeals Officer will make a final decision either upholding or overturning the result of a referendum.

Minor Amendments

10.14. Notwithstanding Section 10.1, Council, with the recommendation or approval of a quorum of the Membership Committee, may make minor amendments to this Code by BCR without a Proposal for Amendment or referendum, as long as such amendments are administrative or typographical in nature and do not substantively change the rules or procedures under this Code.

11. LIABILITY

11.1. Spuzzum Nation, its Membership, the Membership Clerk, the Membership Committee, and the Appeals Officer will not be held monetarily or personally liable, in law or equity, for any monetary losses or damages resulting from the application of this Code. For greater certainty, claims or actions arising from the application of this Code are limited to declaratory or injunctive relief.

12. SEVERABILITY

12.1. If any portion of this Code is found to be invalid or unenforceable by decision of a court of competent jurisdiction, such invalidity or unenforceability will not affect the validity or enforceability of the remainder of this Code.

13. COMING INTO FORCE

13.1. This amended and revised Code will come into force upon being approved by a lawful referendum of the Spuzzum Nation.

13.2. On the day this Code comes into force, every prior Spuzzum Nation membership code, including the Spuzzum Indian Band Membership Rules (1987), is no longer in force.

.....

Date Approved by Spuzzum Nation: _____

SCHEDULE A: REGISTRATION FORM

SPUZZUM FIRST NATION MEMBER REGISTRATION FORM

1. Contact Information of Registrant							
Full Name of Registrant:							
Previous names of Registrant, if any:							
Date of Birth:							
Mailing Address:							
Email Address:							
Phone Number:							
2. Entitlement Criteria							
The Registrant is registering based on the following grounds (<i>check one box with an "x" or checkmark</i>):	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30px; text-align: center;"><input type="checkbox"/></td> <td style="padding: 5px;">Registrant is the Child of a Member-Parent [<i>Section 4.2</i>]</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="padding: 5px;">Registrant is the Child of a Former Member-Parent [<i>Section 4.3</i>]</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="padding: 5px;">Registrant has been assigned a Spuzzum Band Number by Indigenous Services Canada [<i>Section 4.4</i>]</td> </tr> </table>	<input type="checkbox"/>	Registrant is the Child of a Member-Parent [<i>Section 4.2</i>]	<input type="checkbox"/>	Registrant is the Child of a Former Member-Parent [<i>Section 4.3</i>]	<input type="checkbox"/>	Registrant has been assigned a Spuzzum Band Number by Indigenous Services Canada [<i>Section 4.4</i>]
<input type="checkbox"/>	Registrant is the Child of a Member-Parent [<i>Section 4.2</i>]						
<input type="checkbox"/>	Registrant is the Child of a Former Member-Parent [<i>Section 4.3</i>]						
<input type="checkbox"/>	Registrant has been assigned a Spuzzum Band Number by Indigenous Services Canada [<i>Section 4.4</i>]						
3. Information about Member-Parent or Former Member-Parent (<i>if applicable</i>)							
Full Name:							
Date of Birth:							
Date of Death (<i>if applicable</i>):							
Mailing Address and email address (<i>if applicable</i>):							
If Former Member-Parent, reason for leaving Spuzzum membership and approximate date:							
<p><i>Please note that if Spuzzum does not have information about the Former Member-Parent, the Registrant must provide supporting documentation to demonstrate that the parent was a Member of Spuzzum.</i></p>							

4. Indian Status	
Check one:	<input type="checkbox"/> The Registrant has Indian Status
	<input type="checkbox"/> The Registrant is not eligible for Indian Status
	<input type="checkbox"/> The Registrant does not have Indian Status but is currently applying for Indian Status
Indian Status Number:	
<i>Please note that in order to Register as a Member, the Registrant must have Indian Status. If the Registrant does not have Indian Status, please contact the Membership Clerk or ISC for information about how to apply for Indian Status.</i>	
5. Marital Status	
Check one:	<input type="checkbox"/> Single
	<input type="checkbox"/> Married
	<input type="checkbox"/> Common Law
If married or common law, name of partner: _____	
Partner's contact information: _____	
6. Children	
Please list the full names and birthdates of the Registrant's living children, if any:	

7. Member of One Band	
Check one:	<input type="checkbox"/> The Registrant is not a member of any other Indian Band
	<input type="checkbox"/> The Registrant is also a member of another Indian Band
	<input type="checkbox"/> The Registrant is in the process of renouncing membership from another Indian Band
<p><i>Please note that Spuzzum Members may only be a member of one Indian Band at a time. If the Registrant is a member of another Band, the Registrant must complete and sign a Renouncement from Other Band Form (see Schedule C) and provide with their Registration supporting documents showing that the other Band either has removed the Registrant from its membership or will remove the Registrant from its membership upon the Registrant becoming a Member of Spuzzum Nation.</i></p>	
<p>Declaration Regarding Membership in other Indian Bands</p> <p><i>If the Registrant is not a member of any other Indian Band, please make the following declaration:</i></p> <p>I, _____ [name], declare that the Registrant is not a member of any other Indian Band.</p> <p>Signed: _____ Date: _____</p>	
8. Assistance – if the Registrant is receiving assistance with this Registration process, please include the following information:	
Full Name of Assistant:	
Relationship to Registrant:	
Mailing Address:	
Email Address:	
Phone Number:	

9. Supporting Documentation

Please note that Schedule B of the Code lists the supporting documentation required, depending on the basis of Registration. Please review Schedule B and attach the required supporting documents.

Please check next to all documents you are providing:	<input type="checkbox"/>	Copy of the Registrant's Birth Certificate
	<input type="checkbox"/>	Legal evidence of the Registrant's Adoption
	<input type="checkbox"/>	Copy of Registrant's Indian Status registration
	<input type="checkbox"/>	Copy of Registrant's Indian Status registration, with Spuzzum Band Number
	<input type="checkbox"/>	Signed Renouncement from Other Band Form
	<input type="checkbox"/>	Evidence showing that parent was previously a Member in Spuzzum Nation
	<input type="checkbox"/>	Other:

10. Declaration and Signature

I solemnly declare that the statements provided in this Registration Form, and all documents submitted to support the application, are accurate, unaltered and true.

Signature of Registrant or Assistant

Date

SCHEDULE B: SUPPORTING DOCUMENTATION FOR REGISTRATION

Pursuant to Section 5.2 [*Supporting Documentation*] of the Code, the table below sets out the supporting documentation required for each Entitlement Criterion for Registration.

Required Supporting Documents (× = required)	<i>Child of a Member Parent</i> <i>s. 4.2</i>	<i>Child of a Former Member-Parent</i> <i>s. 4.3</i>	<i>Person with a Spuzzum Band Number</i> <i>s. 4.4</i>
Copy of the Registrant’s Birth Certificate showing the name of the Registrant and the Registrant’s Member-Parent or Former Member-Parent <i>OR</i> Legal evidence of the Registrant’s Adoption by the Member-Parent or Former-Member Parent	×	×	
Evidence of Registrant’s Indian Status registration	×	×	×
Evidence of Registrant’s Indian Status registration, with Spuzzum Band Number			×
Signed declaration by Registrant or Assistant that Registrant is not a Member of another Band <i>OR</i> Signed Renouncement from Other Band Form as set out in Schedule C	×	×	×
If Spuzzum Nation does not have a record of the Former Member-Parent, satisfactory evidence showing that parent was previously a Member in Spuzzum Nation		×	

SCHEDULE C: RENOUNCEMENT FROM OTHER BAND FORM

DECLARATION

I, _____ [name], declare as follows:

- I was previously a member of, or am in the process of transferring from, the following Indian Band: _____
- At my previous Band, I had the following Band Number: _____
- I have taken all steps to remove myself from the band list or membership list of the other Band.
- I believe it to be true that my previous Band either [circle one]:
 - has already removed me from its membership list; or
 - will remove me from its membership upon being notified that I have been accepted as a Member of Spuzzum First Nation.
- I understand that Spuzzum First Nation may contact my previous Band to confirm that I am no longer a member of that Band.
- I understand that I will not be admitted as a Member to Spuzzum First Nation unless my membership in my previous Band is terminated.
- I have attached to this Renouncement Form any supporting documentation confirming the truth of this declaration.

I believe all answers herein to be true and accurate to the best of my knowledge.

Signature: _____ Date: _____

Name of Witness: _____ Signature of Witness: _____

Contact Information of Registrant or Applicant	
Full Name:	
Date of Birth:	
Mailing Address:	
Email Address:	

Phone Number:	
---------------	--

Contact Information for Previous Indian Band	
Previous Indian Band:	
Name of membership clerk or other contact person:	
Mailing Address:	
Email Address:	
Phone Number:	

Draft

SCHEDULE D: APPLICATION FORM

SPUZZUM FIRST NATION MEMBER APPLICATION FORM

1. Contact Information of Applicant									
Full Name of Applicant:									
Previous names of Applicant, if any:									
Date of Birth:									
Mailing Address:									
Email Address:									
Phone Number:									
2. Eligibility Criteria									
The Applicant is applying based on the following ground(s) (<i>check any box that applies with an "x" or checkmark</i>):	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30px; border: 1px solid black;"></td> <td style="padding: 5px;">Applicant was previously a Member [<i>Section 4.6(a)</i>]</td> </tr> <tr> <td style="border: 1px solid black;"></td> <td style="padding: 5px;">Applicant is married to, or in a common-law relationship with, a Member [<i>Section 4.6(b)</i>]</td> </tr> <tr> <td style="border: 1px solid black;"></td> <td style="padding: 5px;">Applicant is the Child of a Member who became a Member by way of a spousal relationship [<i>Section 4.6(c)</i>]</td> </tr> <tr> <td style="border: 1px solid black;"></td> <td style="padding: 5px;">Applicant wishes to transfer to Spuzzum [<i>Section 4.6(d)</i>]</td> </tr> </table>		Applicant was previously a Member [<i>Section 4.6(a)</i>]		Applicant is married to, or in a common-law relationship with, a Member [<i>Section 4.6(b)</i>]		Applicant is the Child of a Member who became a Member by way of a spousal relationship [<i>Section 4.6(c)</i>]		Applicant wishes to transfer to Spuzzum [<i>Section 4.6(d)</i>]
	Applicant was previously a Member [<i>Section 4.6(a)</i>]								
	Applicant is married to, or in a common-law relationship with, a Member [<i>Section 4.6(b)</i>]								
	Applicant is the Child of a Member who became a Member by way of a spousal relationship [<i>Section 4.6(c)</i>]								
	Applicant wishes to transfer to Spuzzum [<i>Section 4.6(d)</i>]								
3. Indian Status									
<i>Check one:</i>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30px; border: 1px solid black;"></td> <td style="padding: 5px;">The Applicant has Indian Status</td> </tr> <tr> <td style="border: 1px solid black;"></td> <td style="padding: 5px;">The Applicant is not eligible for Indian Status</td> </tr> <tr> <td style="border: 1px solid black;"></td> <td style="padding: 5px;">The Applicant does not have Indian Status but is currently applying for Indian Status</td> </tr> </table>		The Applicant has Indian Status		The Applicant is not eligible for Indian Status		The Applicant does not have Indian Status but is currently applying for Indian Status		
	The Applicant has Indian Status								
	The Applicant is not eligible for Indian Status								
	The Applicant does not have Indian Status but is currently applying for Indian Status								
Indian Status Number:									
<p><i>Please note that the Applicant must have Indian Status to become a Member. If the Applicant does not have Indian Status, please contact the Membership Clerk or ISC for information about how to apply for Indian Status.</i></p>									

4. Marital Status

Check one:	<input type="checkbox"/>	Single
	<input type="checkbox"/>	Married
	<input type="checkbox"/>	Common Law

If married or common law, name of partner: _____

Partner's contact information: _____

5. Children

Please list the full names and ages of any of the Applicant's living children, if applicable:

6. Member of One Band

Check one:	<input type="checkbox"/>	The Applicant is not a member of any other Indian Band
	<input type="checkbox"/>	The Applicant is also a member of another Indian Band
	<input type="checkbox"/>	The Applicant is in the process of renouncing membership from another Indian Band

Please note that Spuzzum Members may only be a member of one Indian Band at a time.

If the Applicant is a member of another Band, the Applicant must complete and sign a Renouncement from Other Band Form (see Schedule C) and provide with their Application supporting documents showing that the other Band either has removed the Applicant from its membership or will remove the Applicant from its membership upon the Applicant becoming a Member of Spuzzum Nation.

Declaration Regarding Membership in other Indian Bands

If the Applicant is not a Member of any other Indian Band, please make the following declaration:

I, _____ [name], declare that the Applicant is not a member of any other Indian Band.

Signed: _____ Date: _____

7. Sponsor – <i>most Applications require the Applicant to have a Spuzzum Member write and sign a Sponsorship Letter</i>		
Full Name of Sponsor:		
Mailing Address:		
Email Address:		
Phone Number:		
Please provide information about individual ties or family relationships with Spuzzum Members, if any:		
8. Assistance – <i>if the Applicant is receiving assistance with this Application process, please include the following information:</i>		
Full Name of Assistant:		
Relationship to Applicant:		
Mailing Address:		
Email Address:		
Phone Number:		
9. Supporting Documentation		
<i>Please note that Schedule E of the Code lists the supporting documentation required, depending on the basis of Application. Please review Schedule E, attach the required supporting documents and confirm below which documents are attached to the Application.</i>		
Please check next to all documents you are providing:	<input type="checkbox"/>	A valid government-issued identification card
	<input type="checkbox"/>	If Applicant is 18 years old or older, a Criminal Record Check completed within the past six months
	<input type="checkbox"/>	Completed Renouncement from Other Band Form
	<input type="checkbox"/>	Evidence of Applicant’s Indian Status registration

	Written reasons explaining the Applicant's 1) previous loss of Membership; and 2) desire to be reinstated
	A marriage certificate
	A declaration of common-law relationship
	Signed statement of Member-Spouse, supporting the validity of the spousal relationship and indicating their support for the Application
	Signed statement of both parents supporting Child's Application
	Copy of the Applicant's Birth Certificate showing the name of the Applicant and the Applicant's Member-Parent <i>OR</i> Legal evidence of the Applicant's Adoption by the Member-Parent
	Signed statement by the Applicant of his or her proposed contribution to the community
	A Sponsorship Letter written and signed by a Member (not a spouse)
	Other:

10. Declaration and Signature

I solemnly declare that the statements provided in this Application Form, and all documents submitted to support the application, are accurate, unaltered and true.

Signature of Applicant or Assistant Date

SCHEDULE E: SUPPORTING DOCUMENTATION FOR APPLICATION

Pursuant to Section 6.2 [*Supporting Documentation*] of the Code, the table below sets out the required supporting documentation for Applications submitted under each Eligibility Criterion for Applicants.

Required Supporting Documents ✕ = required	<i>Former Member</i> <i>s. 4.6(a)</i>	<i>Spouse</i> <i>s. 4.6(b)</i>	<i>Child of a Spouse</i> <i>s. 4.6(c)</i>	<i>Transfer or person with Status</i> <i>s. 4.6(d)</i>
A valid government-issued identification card	✕	✕	✕	✕
If Applicant is 18 years old or older, a Criminal Record Check completed within the past six months	✕	✕	✕	✕
Signed declaration that Applicant is not a member of another Band <i>OR</i> completed Renouncement from Other Band Form	✕	✕	✕	✕
Evidence of Applicant's Indian Status registration	✕	✕	✕	✕
Written reasons explaining the Applicant's 1) previous loss of Membership, and 2) desire to be reinstated	✕			
A marriage certificate or declaration of common-law relationship		✕		
Signed statement of Member-Spouse, supporting the validity of the spousal relationship and indicating their support for the Application		✕		
Signed statement of both parents supporting Child's Application			✕	
Copy of the Applicant's Birth Certificate showing the name of the Applicant and the Applicant's Member-Parent <i>OR</i> Legal evidence of the Applicant's Adoption by the Member-Parent			✕	
Signed statement by the Applicant of his or her proposed contribution to the community	✕	✕		✕
A Sponsorship Letter written and signed by a Member (not a spouse)	✕	✕		✕

SCHEDULE F: GUIDELINES FOR MEMBERSHIP DECISIONS

Pursuant to Sections 6.7 [*Membership Committee Reviews Application Package*] and 8.22 [*Guidelines for Membership Decisions*] of the Code, the Membership Committee will make Membership Decisions with consideration of the Guidelines for Membership Decisions below, which set out a non-exhaustive list of appropriate reasons for denying an Application, based on each Application Eligibility Criterion.

Appropriate reasons for denying an Application	<i>Former Member s. 4.6(a)</i>	<i>Spouse s. 4.6(b)</i>	<i>Child of a Spouse s. 4.6(c)</i>	<i>Transfer or person with Status s. 4.6(d)</i>
Not satisfied by supporting documents	×	×	×	×
Not satisfied by strength of Sponsorship Letter or application support statement	×	×	×	×
Not satisfied by Renouncement from Other Band Form	×	×	×	×
Criminal record check causes concern of possible risk to Spuzzum's community or reputation	×	×	×	×
Not satisfied by Applicant's reasons for wanting to return to Spuzzum	×			
Not satisfied that the Applicant would make a positive contribution to Spuzzum Nation or live according to Spuzzum Nation's values or code of conduct, as applicable	×	×	×	×
Not satisfied that the Applicant has sufficient cultural or personal connection to Spuzzum	×		×	×
Not satisfied by the legitimacy of the spousal relationship or by the spouse's support for Application		×		
Concern for Spuzzum Nation's resources or size of population	×		×	×
Concern that Child will not be meaningfully involved in Spuzzum's Community			×	

SCHEDULE G: RENOUNCEMENT FROM SPUZZUM FORM
SPUZZUM FIRST NATION MEMBER RENOUNCEMENT FORM

I, _____ [*name*], renounce my Membership in Spuzzum First Nation effective immediately.

Full Name: _____

Date of Birth: _____

Mailing Address: _____

Phone Number: _____

Signature: _____ Date: _____

Witnessed by: _____

Witness signature: _____

SCHEDULE H: MEMBERSHIP COMMITTEE TERMS OF REFERENCE

1. Membership Committee

1.1. The Membership Committee will consist of five Committee Members.

2. Aim of Diversity on Membership Committee

2.1. It is the aim of Spuzzum Nation that the Membership Committee include Committee Members from diverse backgrounds, wherever possible including persons:

- a) from various age groups, including an elder and a young person;
- b) living both on-reserve and off-reserve; and
- c) from various family groups.

3. Appointment of Committee Members

3.1. Committee Members will be appointed to the Membership Committee approximately every four years, or as otherwise needed to fill a vacancy, at a duly convened Committee Appointment Meeting held either at Spuzzum Nation's annual general meeting or at a meeting called by Council for the purpose of appointing Committee Members.

3.2. A Committee Appointment Meeting will be held in such a manner as to permit Members' attendance by telephone, videoconference or other electronic means.

3.3. The Membership Clerk and Council will provide at least 30 days' notice to Membership of an upcoming Committee Appointment Meeting, or such other reasonable notice period as may be required by Spuzzum Nation's communications policy, if applicable.

3.4. At a Committee Appointment Meeting, the Members attending in person, by telephone, by videoconference or by other electronic means will deliberate and agree on a group of individuals to the Membership Committee, with consideration of the aim set out in section 2.1 of this Schedule.

3.5. If Members in attendance cannot reach consensus regarding Committee Member appointments, the Council may require the Eligible Voters in attendance to vote to determine the Committee Member appointments.

3.6. In order for a Member to confirm acceptance of his or her appointment to the Membership Committee, he or she must provide written acceptance of the position to the Membership Clerk and the Committee Member Oath of Office within 14 days of receiving notice of his or her appointment.

- 3.7. Council may, by BCR, reasonably adjust the procedure for appointing Committee Members at the Committee Appointment Meeting, including to accommodate participation by telephone, videoconference or other electronic means.

4. Eligibility of Committee Members

- 4.1. To hold a position as a Committee Member of the Membership Committee, a person must:
- a) be a Member;
 - b) not be a Council Member;
 - c) provide written acceptance of the position to the Membership Clerk and sign the Committee Member Oath of Office; and
 - d) be appointed to the Membership Committee pursuant to section 3 of this Schedule.

5. Term

- 5.1. The term of a Committee Member is approximately four years, or until new Committee Members are appointed pursuant to section 3 of this Schedule.
- 5.2. There is no restriction on a Committee Member holding consecutive terms.

6. Removal and Vacancies

- 6.1. A Committee Member may resign from his or her position by written notice to the Membership Committee, Membership Clerk and Council.
- 6.2. Council and a quorum of the Membership Committee may jointly decide to remove a Committee Member from his or her position if that Committee Member:
- a) has missed three consecutive Membership Committee Meetings without Membership Committee approval; or
 - b) is otherwise failing to meet their duties as a Committee Member.
- 6.3. Council must fill a vacancy on the Membership Committee only if the Membership Committee cannot reliably achieve quorum at Membership Committee Meetings. Council may fill vacancies either by calling a Committee Appointment Meeting or by offering the position to a Member who volunteered to be a Committee Member at the previous Committee Appointment Meeting.

7. Membership Committee Meetings

Frequency

- 7.1. The Membership Committee will hold Membership Committee Meetings:
- a) at least once per year; and
 - b) within three months of receiving an Application for Membership or a Member's Proposal for Amendment.

Membership Clerk

- 7.2. The Membership Clerk will attend Membership Committee Meetings but may not vote in Membership Decisions.
- 7.3. The Membership Clerk will provide administrative support for Membership Committee Meetings, including preparing an agenda and recording the minutes of the Meeting.

Procedure for Meetings

- 7.4. At each Membership Committee Meeting, the Membership Committee will do the following:
- a) appoint a chair and a note-taker to record minutes;
 - b) review the agenda;
 - c) review recent Registrations made by the Membership Clerk;
 - d) review and deliberate over Applications;
 - e) make Membership Decisions on Applications and draft supporting reasons;
 - f) review and discuss the operation and implementation of the Code;
 - g) review and consider any Proposals for Amendment to the Code; and
 - h) discuss any other relevant matters.

Quorum

- 7.5. Quorum for a Membership Committee Meeting will consist of three Committee Members.
- 7.6. Membership Decisions made by the Membership Committee must be agreed to by a quorum of the Membership Committee.

8. Confidentiality

- 8.1. All information relating to Registrations and Applications provided to the Membership Committee will be maintained by Committee Members in a confidential manner.

9. Revisions to Terms of Reference

- 9.1. The Membership Committee may recommend to Council reasonable revisions to these Terms of Reference. If in agreement, Council may adopt such revisions by BCR.

Draft

SCHEDULE I: COMMITTEE MEMBER OATH OF OFFICE

I, _____ [*name*], hereby accept my appointment to the Membership Committee. I solemnly declare that in carrying out my duties as a Committee Member, I will:

- uphold and abide by the rules and procedures established in the Spuzzum First Nation Custom Membership Code (“Membership Code”);
- protect the integrity of the Membership Code and Membership List;
- remain neutral and professional in the conduct of my duties;
- keep confidential any sensitive information provided to me in the course of my duties;
- make best efforts to attend all meetings of the Membership Committee;
- disclose any known or potential conflicts of interest to the Membership Committee; and
- not accept anything of value in exchange for preferential treatment or non-public information.

I agree that any violation of this declaration may result in my removal from my position.

Date

Signature of Committee Member

Signature of Witness