



K'ÓMOKS ENROLMENT COMMITTEE POLICY AND PROCEDURES

October 25, 2024

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1. PURPOSE

- 1.1 The purpose of the Enrolment Committee Policy and Procedures (the “**Policy**”) is to set out the procedures by which the Enrolment Committee will operate and fulfill its obligation, up and until the Effective Date of the K’ómoks Treaty.

2. DEFINITIONS

- 2.1 The defined terms in the K’ómoks Treaty and this Policy that have the same meaning are found in Appendix 1. Terms not defined in the K’ómoks Treaty are set out below.

- 2.2 In this Policy:

“**Eligibility and Enrolment Chapter**” means the Eligibility and Enrolment Chapter of the K’ómoks Treaty attached to this Policy as Appendix 4;

“**Eligibility and Enrolment Coordinator**” or “**E&E Coordinator**” means the individual hired to coordinate the Enrolment Committee, manage enrolment applications, and liaise with the K’ómoks Treaty Team and Administration to gather information on those entitled to be enrolled;

“**Membership Application**” means the application form provided by the E&E Coordinator to individuals who wish to apply to be enrolled or re-enrolled as a K’ómoks Member and found in Appendix 2;

“**Minor Applicants**” means an Applicant who is under the age of 18;

“**Pending Enrolment Voter**” means an individual who is eligible to vote in accordance with paragraph 10 of the Ratification Chapter;

“**Ratification Vote**” means the vote, conducted by the Ratification Committee for the ratification of the Constitution and the Treaty;

“**Ratification Vote Date**” means the date Eligible Voters and Pending Enrolment Voters vote on the ratification of the Constitution and the Treaty; and,

“**Withdrawal of Membership Application**” means a notarized written request provided by a K’ómoks Member outlining their request to withdraw from the Enrolment Register.

3. ELIGIBILITY CRITERIA

- 3.1 An individual is eligible for enrolment under the K’ómoks Treaty if that individual:
- (a) is of K’ómoks ancestry by matrilineal or patrilineal descent and has a Demonstrated Attachment to K’ómoks;
 - (b) is a Band member or entitled to be a Band member of the K’ómoks First Nation under the *Indian Act* as of the day before the Effective Date;

- (c) was adopted as a Child under a law recognized in Canada, including K'ómoks Law, by an individual eligible to be enrolled under the K'ómoks Treaty;
 - (d) is a descendant of an individual eligible to be enrolled under the K'ómoks Treaty; or
 - (e) after the Effective Date, is accepted according to a community acceptance process set out in K'ómoks Law.
- 3.2 Except where an individual is eligible for enrolment under paragraph 3.1(b), to be eligible for enrolment under paragraph 3.1, individuals must have a Demonstrated Attachment to K'ómoks.
- 3.3 Notwithstanding paragraph 3.1(d), where an individual having no K'ómoks ancestry became a Band member of K'ómoks First Nation under the *Indian Act* before April 17, 1985, because of marriage to a Band member of K'ómoks First Nation, and that individual subsequently has a child with another individual having no K'ómoks ancestry, that child will not be entitled to be enrolled under paragraph 3.1(d).
- 3.4 On or after the Effective Date, an individual may not at the same time be enrolled under the K'ómoks Treaty and:
- (a) receive benefits under another treaty or land claims agreement in Canada;
 - (b) be enrolled under another treaty or land claims agreement in Canada; or
 - (c) be on an *Indian Act* Band list.

4. RULES AND PROCEDURES

- 4.1 The proceedings of the Enrolment Committee must be conducted according to these rules and procedures.

5. COMPOSITION OF THE ENROLMENT COMMITTEE

- 5.1 The Enrolment Committee will consist of three individuals appointed by Chief and Council from the list of names recommended by the Treaty Team.
- 5.2 The Enrolment Committee will appoint a chair from among themselves who is responsible for:
- (a) chairing all meetings;
 - (b) providing leadership for the personnel assisting the Enrolment Committee to perform its responsibilities; and
 - (c) signing all decisions and orders of the Enrolment Committee.

6. MEETINGS OF THE ENROLMENT COMMITTEE

- 6.1 The Enrolment Committee shall meet monthly during the period of enrolment leading up to the Ratification Vote, unless the Chair in consultation with the Treaty Team determines otherwise.

7. DUTIES AND RESPONSIBILITIES OF THE ELIGIBILITY AND ENROLMENT COORDINATOR

- 7.1 The E&E Coordinator is under the direction of the K'ómoks Treaty Manager and reports to the Director of Intergovernmental Relations for administrative purposes. The E&E Coordinator will be the K'ómoks First Nation staff person assisting the Enrolment Committee to perform its responsibilities and is therefore responsible, for:

- (a) assisting the Chair in the coordination of the Enrolment Committee;
- (b) providing Membership Application forms to any individual who wishes to apply to be enrolled or re-enroll as a K'ómoks Member;
- (c) receiving Membership Applications and Withdrawal of Membership Applications;
- (d) maintaining the Enrolment Register containing the name of each individual who is enrolled; and
- (e) maintaining records of decisions made on each of the Membership Applications by the Enrolment Committee.

- 7.2 An office will be made available for the E&E Coordinator to work out of.

8. CONFIDENTIALITY

- 8.1 Each member of the Enrolment Committee will sign a confidentiality agreement at the beginning of their term. The signed confidentiality agreement will be retained in the offices of K'ómoks First Nation.

- 8.2 The Confidentiality Agreement is attached to this Policy as Appendix 3.

- 8.3 All information obtained from individuals applying for enrolment will be kept confidential in the offices of K'ómoks First Nation and all Membership Applications, including any information and records submitted with these applications, will be kept in a locked file cabinet.

9. DECISION MAKING PROCEDURES

- 9.1 The Enrolment Committee must attempt to reach its decisions by consensus, but if consensus is not possible, a decision must be made by a motion passed by a majority of its members.

- 9.2 The Enrolment Committee will review Membership Applications on a regular basis and in a timely manner and a decision will be made on whether an Applicant meets the Eligibility

Criteria within 30 business days of receipt by the E&E Coordinator of the Membership Application.

- 9.3 For complex applications, the Enrolment Committee will ask the E&E Coordinator to respond to the Applicant within 30 business days of receipt by the E&E Coordinator of the Membership Application that provides a timeline for when the Enrolment Committee will make a decision on the Application.
- 9.4 Membership Applications will be reviewed by the Enrolment Committee and decisions on those applications will be based on the Eligibility Criteria.
- 9.5 The Enrolment Committee will maintain a record of any decisions made including those applications that are approved, rejected or incomplete.
- 9.6 The Enrolment Committee may seek legal advice with respect to any of their decisions.

10. MEMBERSHIP APPLICATIONS

- 10.1 A Membership Application is available for individuals to apply to enrol or re-enrol as K'ómoks Members.
- 10.2 The E&E Coordinator will make these Membership Applications available to any individual who wishes to apply to enrol or re-enrol and will assist with their application form as required.
- 10.3 Membership Applications will be posted on the K'ómoks First Nation website, will be mailed to Applicants upon request or can be picked up in the Treaty Office.
- 10.4 Applications will be submitted to the E&E Coordinator either by person, mail, or email.
- 10.5 An Applicant must attach a photocopy of their documentation to the Membership Application to prove their identity and the facts relevant to the Eligibility Criteria.
- 10.6 All Applicants, except for Minor Applicants, will be required to provide a certified copy or original piece of valid government issued photo identification. Minor Applicants will be required to provide a certified copy of their birth certificates or other government identification. The additional documentation required is determined by whether an Applicant is listed on the K'ómoks Band list or not and are as follows:
 - (a) applicants listed on the K'ómoks Band list must provide their registration number; and
 - (b) applicants not listed on the K'ómoks Band list will be required to complete a family tree and provide the supporting documents to verify three generations of K'ómoks ancestry.

- 10.7 For the purposes of 10.6(a), if the Enrolment Committee is unable to verify if an Applicant is on the Band list, the K'ómoks Administration will be required to verify if the Applicant is on the K'ómoks Band list.
- 10.8 For the purposes of 10.6(b), if an Applicant is unable to provide the supporting documents to verify their ancestry, they must provide a minimum of two supporting documents or statutory declarations.

11. APPROVING APPLICATIONS

- 11.1 If the Enrolment Committee approves a Membership Application or a Withdrawal of Membership Application, the application must be date stamped "Approved by Enrolment Committee".
- 11.2 A letter must be sent by the E&E Coordinator to the Applicant informing them of their application number, and the Enrolment Committee's decision.
- 11.3 The E&E Coordinator on behalf of the Enrolment Committee will inform the Voting Officer once applications are approved.

12. AMENDING APPLICATIONS

- 12.1 If an incomplete Membership Application is submitted, the E&E Coordinator will follow up with the Applicant either by person, over the telephone or by email.
- 12.2 When amendments to Membership Applications are made, the E&E Coordinator must date and initial the change that was made.
- 12.3 Any amendments to an Applicant's affidavit evidence must be made by the Applicant and cannot be made over the telephone.
- 12.4 If the Enrolment Committee deems that it requires the Applicant to submit further information in order to make a determination of their enrolment or re-enrolment eligibility as a K'ómoks Member, the Enrolment Committee will send a letter to the Applicant requesting further information.

13. REFUSING APPLICATIONS

- 13.1 A Membership Application will be refused if:
 - (a) complete documentation has not been provided to the Enrolment Committee within 30 business days of submitting the Membership Application;
 - (b) the Membership Application is incomplete, and the Enrolment Committee was not successful in contacting the Applicant within 30 business days of submitting the Membership Application; or

- (c) the Applicant did not provide the Enrolment Committee with satisfactory evidence that the Applicant meets the Eligibility Criteria.

- 13.2 If the Enrolment Committee has refused a Membership Application, the Applicant may appeal a decision of the Enrolment Committee to the Enrolment Appeal Board.
- 13.3 If an Applicant submits new information regarding the rejected application, the Enrolment Committee may take the new information into consideration and may, before an appeal of a decision has commenced, vary the decision on the basis of the newly submitted information.

14. ENROLMENT APPEAL BOARD

- 14.1 K'ómoks and Canada will establish the Enrolment Appeal Board 120 days before the Ratification Vote Date or at a date to be agreed to by K'ómoks and Canada.
- 14.2 The Enrolment Appeal Board will be comprised of two individuals appointed by Chief and Council from the list of names recommended by the Treaty Team and one individual appointed by Canada.
- 14.3 An individual on the Enrolment Committee will not be an individual on the Enrolment Appeal Board.
- 14.4 An Applicant may appeal by written notice to the Enrolment Appeal Board.
- 14.5 The Enrolment Appeal Board will establish its own procedures, set its time limits and provide written reasons for its decision to the Applicant.
- 14.6 Unless the Applicant applies for Judicial Review, all decisions of the Enrolment Appeal Board will be final and binding.

15. TRANSFER FROM ANOTHER INDIAN BAND OR TREATY

- 15.1 If an Applicant meets the K'ómoks Membership criteria but is:
 - (a) presently enrolled in another Treaty in Canada; or
 - (b) registered on an Indian Band list,the Applicant is not, at the same time, entitled to be enrolled as a K'ómoks Member.
- 15.2 An Applicant referred to in paragraph 15.1 will be entitled to be enrolled or re-enrolled as a K'ómoks Member if they provide conclusive evidence, as determined by the Enrolment Committee, confirming to the Enrolment Committee that they have requested they be removed, upon the Effective Date of the K'ómoks Treaty, from:
 - (a) enrolment under the other Treaty, or
 - (b) the Indian Band list on which they were registered.

- 15.3 For the purposes of 15.2, the Enrolment Committee will require:
- (a) a statutory declaration in the prescribed form; and
 - (b) a BCR in the prescribed form confirming the request to be removed.
- 15.4 For the purposes of 15.2, although not required, the Enrolment Committee will also consider a confirmation from the Administrator of the Indian Band, Nation or Tribe that the request to be removed will be processed upon Effective Date of the K'ómoks Treaty.
- 15.5 Upon receipt of a completed Membership Application package, the Enrolment Committee will review the information and make a decision with respect to the application.
- 15.6 An individual whose Membership Application has been accepted and approved will be notified in writing by the Chair of the Enrolment Committee, that they have been enrolled or re-enrolled.

16. WITHDRAWAL OF MEMBERSHIP

- 16.1 The Enrolment Committee will accept requests from individuals who are K'ómoks Members, or who have the legal authority to act on behalf of a K'ómoks Member, to be removed from the Enrolment Register.
- 16.2 Each individual must complete a Withdrawal of Membership Application.
- 16.3 Upon receipt of a completed Withdrawal of Membership Application, the Enrolment Committee will review that application and, if approved will date stamp the application "Approved by the Enrolment Committee".
- 16.4 Upon receipt of a Withdrawal of Membership Application, the Enrolment Committee must instruct the E&E Coordinator to remove the name of the K'ómoks Member from the Enrolment Register.
- 16.5 A letter must be sent by the Enrolment Committee to the Applicant confirming approval of their Withdrawal of Membership Application.
- 16.6 A K'ómoks Member can un-enroll, then re-enroll one time.

17. WRITTEN NOTIFICATION TO APPLICANTS

- 17.1 Once a decision has been made on a Membership Application or Withdrawal of Membership Application, the E&E Coordinator on behalf of the Enrolment Committee will provide written notification to each Applicant and to the Voting Officer of its decision in respect of each application.

18. PREPARATION OF THE OFFICIAL VOTER'S LIST

- 18.1 The E&E Coordinator will provide the Voting Officer with the names, date of birth, and address of each K'ómoks Member whose name is on the Enrolment Register, and other

relevant information requested by the Voting Officer so that the Voting Officer may prepare an Official Voters List for the Ratification Vote.

- 18.2 The E&E Coordinator will provide the Ratification Committee with the names, date of birth, and address of each K'ómoks Member whose name is on the Enrolment Register, and other relevant information requested by the Ratification Committee so that the Ratification Committee may prepare an Official Voters List for the Ratification Vote.

19. ENROLMENT ON RATIFICATION VOTE DATE

- 19.1 The E&E Coordinator and Enrolment Committee may meet throughout the Ratification Vote Date to review all completed Membership Applications received from the opening of the polls to one hour before the polls close.
- 19.2 Any new Membership Applications received on the Ratification Vote Date will be reviewed by the Enrolment Committee based on the Eligibility Criteria.
- 19.3 If the Membership Application is approved, that individual's name will be added to the Enrolment Register and the Voting Officer will be notified so that the Applicant's name can be added to the Official Voters List.
- 19.4 If it is not possible to determine whether that individual is eligible to be enrolled or re-enrolled, their Membership Application will be deemed pending and not approved.

20. REPORTING TO CHIEF AND COUNCIL

- 20.1 Upon request, the Enrolment Committee will provide a report on the enrolment process to Chief and Council.
- 20.2 Upon request, the E&E Coordinator will provide to Chief and Council a true copy of the Enrolment Register.

21. PROCEDURAL AMENDMENTS

- 21.1 The Enrolment Committee may decide to vary this Policy and Procedures or forms if, based on advice from legal counsel:
- (a) it is deemed necessary to do so; and
 - (b) it will not result in a change to the procedural requirements of the Eligibility and Enrolment Chapter of the K'ómoks Treaty.
- 21.2 The Enrolment Committee will report in writing, to the E&E Coordinator who will report to the Treaty Team, the nature and basis of variation of the Policy and Procedures and forms and make the update as soon as possible.
- 21.3 The Enrolment Committee will send a copy of the report and the updated Policy and Procedures and forms to Chief and Council.

22. ENACTMENT

22.1 The members of the K'ómoks Enrolment Committee hereby agree to abide by the Enrolment Policy and Procedures dated October 25, 2024.

Barb Mitchell
K'ómoks First Nation
Enrolment Committee Member

Oct 25 2024
Dated

M. Knox
K'ómoks First Nation
Enrolment Committee Member

Oct 25, 2024
Dated

A. Shopland
K'ómoks First Nation
Enrolment Committee Member

Oct. 25, 2024.
Dated