

TERMS OF REFERENCE COMPLAINTS OFFICER MCK DISCIPLINARY MEASURES REGULATIONS

OVERVIEW

The Complaints Officer (CO) is responsible for receiving complaints against a Chief (Ratsénhaienhs/latsénhaienhs) of the Mohawk Council of Kahnawà:ke (MCK), including the Grand Chief (Ohén:ton Í:rate ne Ratitsénhaienhs). They will conduct an inquiry into the complaint and determine whether it is frivolous, vexatious, or clearly without merit.

MANDATE

The CO will confirm if complaints are filed within thirty (30) days of the occurrence or knowledge of the occurrence of the conduct, act or event that is the object of the complaint. In no case will a complaint be received if it is filed more than three (3) years from the occurrence of the conduct, act or event which gives rise to the complaint. They will summarily dismiss any complaint that falls outside the delay periods.

If the complaint is not summarily dismissed, the CO is responsible to conduct a fair and objective inquiry into whether the complaint is frivolous, vexatious or clearly without merit. They will reject any complaint deemed to be frivolous, vexatious or clearly without merit.

If the complaint is not determined to be frivolous, vexatious or clearly without merit the CO may, at the request of the parties, either mediate the complaint directly or send the parties to Skén:nen Aonsón:ton for alternative dispute resolution. The purpose is to find a solution acceptable to both parties.

The CO will refer the complaint to arbitration for adjudication if:

- 1) The parties refuse the offer of mediation;
- 2) Either party withdraws from the mediation process; or,
- 3) No acceptable solution is found within prescribed time limits.

The CO will participate in any judicial proceedings at the Court of Kahnawà:ke as may be necessary, including any review of their decision to reject a complaint.

The mandate of the CO will be carried out in accordance with the *Mohawk Council of Kahnawà:ke Disciplinary Measures Regulations* (Regulations).

ADMINISTRATIVE SUPPORT AND RESOURCES

The Justice Services Division of the MCK will provide administrative support to the CO during their term of office.

ACCOUNTABILITY

Accountable to ensure that the process set forth at sections 6.1 to 6.7 of the Regulations is respected and completed without undue delay.

Accountable to the Commissioner of Justice for administrative purposes.

ELIGIBILITY

To serve as the CO, a person must:

- Be over the age of twenty-one (21) years;
- Be recognized as a Kanien'kehá:ka of Kahnawà:ke on the Kahnawà:ke Kanien'kehá:ka Registry and not currently have their benefits and entitlements suspended;
- Be ordinarily resident in Kahnawà:ke;
- Not have pled guilty or have been convicted and sentenced for a criminal offense as defined in the *MCK Election Law*, within the previous six (6) years. The six (6) year ban commences only after the sentence has been served in full or the date of guilty plea, as the case may be; and,
- Not be an employee of the MCK or working for the MCK on a professional services agreement.

Minimum education and experience:

- Bachelor's Degree in a related field such as Law, Compliance, or Business Administration plus three (3) years relevant experience; or
- DEC in a related field such as Law, Compliance, or Business Administration plus five (5) years relevant experience; or
- High School Diploma plus five (5) to seven (7) years relevant experience.

TERM OF OFFICE

The term of office will be from the date of appointment by resolution of the Kahnawà:ke Justice Commission until the declaration of poll results on Election Day 2027 (July 3, 2027). However, the Kahnawà:ke Justice Commission may appoint a CO for a shorter term if special circumstances require it.

REMUNERATION

Contractual basis for services rendered on an "as needed" basis at a rate of \$400.00 per diem (7.5 hours).

The per diem rate will apply to any official meetings or required training(s) the CO attends.

The CO will submit a detailed account of fees and expenses for validation by the Commissioner of Justice or designate.

TERMS OF REFERENCE ALTERNATE COMPLAINTS OFFICER MCK DISCIPLINARY MEASURES REGULATIONS

OVERVIEW

The Alternate Complaints Officer (ACO) will replace the Complaints Officer (CO) when they are unable to act or in the event of a vacancy. During this time, the ACO will have the same responsibilities as the CO. In the event of a vacancy, the ACO will assume the responsibilities of the CO until such time as a new CO is appointed by the Kahnawà:ke Justice Commission.

When assuming the responsibilities of the CO, the ACO will be responsible for receiving complaints against a Chief (Ratsénhaienhs/letsénhaienhs) of the Mohawk Council of Kahnawà:ke (MCK), including the Grand Chief (Ohén:ton Í:rate ne Ratitsénhaienhs). They will conduct an inquiry into the complaint and determine whether it is frivolous, vexatious, or clearly without merit.

MANDATE

When assuming the responsibilities of the CO, the ACO will confirm if complaints are filed within thirty (30) days of the occurrence or knowledge of the occurrence of the conduct, act or event that is the object of the complaint. In no case will a complaint be received if it is filed more than three (3) years from the occurrence of the conduct, act or event which gives rise to the complaint. They will summarily dismiss any complaint that falls outside the delay periods.

If the complaint is not summarily dismissed, the ACO is responsible to conduct a fair and objective inquiry into whether the complaint is frivolous, vexatious or clearly without merit. They will reject any complaint deemed to be frivolous, vexatious or clearly without merit.

If the complaint is not determined to be frivolous, vexatious or clearly without merit, the ACO may, at the request of the parties, either mediate the complaint directly or send the parties to Skén:nen Aonsón:ton for alternative dispute resolution. The purpose is to find a solution acceptable to both parties.

The ACO will refer the complaint to arbitration for adjudication if:

- 1) The parties refuse the offer of mediation;
- 2) Either party withdraws from the mediation process; or,
- 3) No acceptable solution is found within prescribed time limits.

The ACO will participate in any judicial proceedings at the Court of Kahnawà:ke as may be necessary, including any review of their decision to reject a complaint.

The mandate of the ACO will be carried out in accordance with the *Mohawk Council of Kahnawà:ke Disciplinary Measures Regulations* (Regulations).

ADMINISTRATIVE SUPPORT AND RESOURCES

The Justice Services Division of the MCK will provide administrative support to the ACO during their term of office.

ACCOUNTABILITY

Accountable to ensure that the process set forth at sections 6.1 to 6.7 of the Regulations is respected and completed without undue delay.

Accountable to the Commissioner of Justice for administrative purposes.

ELIGIBILITY

To serve as the ACO, a person must:

- Be over the age of twenty-one (21) years;
- Be recognized as a Kanien'kehá:ka of Kahnawà:ke on the Kahnawà:ke Kanien'kehá:ka Registry and not currently have their benefits and entitlements suspended;
- Be ordinarily resident in Kahnawà:ke;
- Not have pled guilty or have been convicted and sentenced for a criminal offense as defined in the *MCK Election Law*, within the previous six (6) years. The six (6) year ban commences only after the sentence has been served in full or the date of guilty plea, as the case may be; and,
- Not be an employee of the MCK or working for the MCK on a professional services agreement.

Minimum education and experience:

- Bachelor's Degree in a related field such as Law, Compliance, or Business Administration plus three (3) years relevant experience; or
- DEC in a related field such as Law, Compliance, or Business Administration plus five (5) years relevant experience; or
- High School Diploma plus five (5) to seven (7) years relevant experience.

TERM OF OFFICE

The term of office will be from the date of appointment by resolution of the Kahnawà:ke Justice Commission until the declaration of poll results on Election Day 2027 (July 3, 2027). However, the Kahnawà:ke Justice Commission may appoint an ACO for a shorter term if special circumstances require it.

REMUNERATION

Contractual basis for services rendered on an “as needed” basis at a rate of \$400.00 per diem (7.5 hours).

The per diem rate will apply to any official meetings or required training(s) the ACO attends.

The ACO will submit a detailed account of fees and expenses for validation by the Commissioner of Justice or designate.