



**Operations Manual and
Rules of Procedure
of the Dene K'ə Dats'eredı Kə
(DKDK or Justice Council)**

Délıne Got'ıne Government

Operations Manual and Rules of Procedure of the Dene K'ə Dats'eredi Kə

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OPERATIONS MANUAL

Definitions

- 1) In this Manual and the Rules:
 - a) Unless specifically provided otherwise in this Manual, the terms used have the same meaning as defined in DGG Laws.
 - b) **Application** – means an appeal, complaint, inquiry or any other matter brought before the DKDK for a decision required or permitted under the DFSGA, *Déljné Got'jné ?e?adó* or a DGG law.
 - c) **Business Days** – any day of the year except Saturday, Sunday and any day which is a DGG designated holiday under the DGG Policy and Operations Manual.
 - d) **Institutional Records** – records produced in the course of everyday operations that serve to document to the activities, transactions, and functions of the DKDK.

Authority

- 2) The Operations Manual and Rules of Procedure are made under the authority of the:
 - a) *Déljné Final Self Government Agreement (DFSGA)*;
 - b) *Déljné Got'jné ?e?adó*;
 - c) *DGG Government Organization Act*;
 - d) *DGG Citizenship Act*;
 - e) *DGG Elections Act*; and
 - f) *DGG Conflict of Interest Act*.
- 3) The Operations Manual (“Manual”) and Rules of Procedure (“Rules”) cover the principles, authorities and procedures of the Dene K'á Dats'eredi Ká (DKDK).

Purpose

- 4) The purpose of the Manual and Rules is to secure the just, speedy and economical determination of every action and proceeding before the DKDK for DFN Citizens, Residents, parties and the DGG.

Application

- 5) The Manual and Rules apply to every proceeding before the DKDK.
- 6) The Manual and Rules apply to:
 - a) Members of the DKDK;
 - b) Parties to a DKDK proceeding;
 - c) *Déljné Got'jné Government (DGG) Staff*, as described; and
 - d) The *Déljné K'aowadó Ká (DKK)*, as described.

Priorities

- 7) Priorities of the DKDK are to:

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- a) Be culturally appropriate and acknowledge, respect and honour the diverse cultural, linguistic and spiritual traditions of the people of Délıne;
- b) Ensure that members of the public can communicate with and obtain services from the DKDK in both English and Dene Kədə; and
- c) Ensure procedural fairness in the conduct of all applications, dispute resolution, and hearings before the DKDK.

Criteria of DKDK Membership

8) DKDK Members cannot:

- a) Be DGG employees;
- b) Be Délıne ʔqhdá K'áowə Kə (DAKK) members;
- c) Be DKK members;
- d) Be convicted of an indictable offence under the *Criminal Code* of Canada within the seven (7) years prior to their term; or
- e) Have filed for bankruptcy within the seven (7) years prior to their term.

9) DKDK Members (Members) must have knowledge and understanding of Dene Laws and traditions.

10) Members should exhibit the following characteristics:

- a) Have relevant knowledge and work experience;
- b) Be able to perform the duties of the office by being impartial, conscientious and independent;
- c) Demonstrate effective communication skills;
- d) Demonstrate a high standard of personal conduct, both in office and in public, that sustains and contributes to public respect and confidence in their role; and
- e) Avoid comments, expression, gestures or behaviour that may be interpreted as showing insensitivity or disrespect.

DKDK Member Responsibilities

11) Members will:

- a) Attend, and be prepared for, all DKDK meetings except in unavoidable circumstances, and will provide notice with reasons to the Chairperson or Deputy Chairperson if unable to attend a specific meeting;
- b) Review documentation provided in preparation for DKDK meetings;
- c) Actively participate in DKDK meetings, discussion and decisions;
- d) Be familiar with policies and procedures applicable to Members under the *DGG Policy and Operations Manual*;
- e) Be familiar with the Manual and Rules outlined herein; and
- f) Pursue continuous professional development where possible.

12) To fulfil the mandate of the DKDK, Members may:

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- a) Communicate with DGG leadership and staff, Déljne residents and DFN Citizens, organizations, governments and officials, as required;
- b) Travel to communities, as required;
- c) Hold hearings at times and in places considered desirable and necessary; and
- d) Examine the role of culture within the administration of justice, including:
 - i) accommodation of Indigenous languages, spirituality and social structures; and
 - ii) respect and protection of traditional livelihood and ways of life.

Implementation Advisor Responsibilities

13) To fulfill the mandate of the DKDK, the Implementation Advisor shall:

- a) Be responsible for acceptance, transmission and custody of documents and for effecting service of documents;
- b) Assist parties in the completion of documentation (if required) in an impartial manner;
- c) Administer communication on behalf the DKDK, Panels and its Members, as required;
- d) Assist the public in understanding the DKDK procedures;
- e) Coordinate meetings of the DKDK;
- f) Ensure that financial statements relating to all activities of the DKDK are prepared and tabled with the DKK;
- g) Assist the DKDK, Panels and its Members in all of their official functions; and
- h) Perform other duties as required to support the ability of the DKDK to function efficiently.

Oath of Office

14) Newly appointed Members of the DKDK must take the Oath of Office contained in Schedule "A" at the first in-person DKDK meeting which they attend.

15) The Oath of Office may be taken by reciting the oath in English or Dene Kədə and putting a signature on a declaration before a Commissioner of Oaths.

Membership

16) The DKDK may be composed of three (3) to five (5) individuals.

17) Members are appointed by the DKK for a fixed term of no more than 4 years.

18) Members may be reappointed.

Vacancy

19) The office of a Member becomes vacant if the Member, while holding office:

- a) Resigns;
- b) Is deceased;
- c) Has their term of office expire and he or she has not been reappointed;
- d) Is removed due to:
 - i) incapacity;

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- ii) becoming ineligible to hold office under the *Déljne Got'jne ʔeɔadó*, DGG Law or this Manual; or
 - iii) judicial misconduct.
- 20) For the purposes of section 19(d)(i), incapacity refers to a temporary or permanent condition, rendering the Member unable to discharge the duties of their office.
- 21) For the purposes of section 19(d)(iii), judicial misconduct by a DKDK member refers to:
- a) Behaviour considered to be unethical or in violation of the obligation to conduct oneself impartially;
 - b) Violation of the *DGG Conflict of Interest Act*;
 - c) Conduct that undermines public respect and confidence in the DKDK member's integrity, impartiality and good judgment;
 - d) Acting outside the jurisdiction of the DKDK;
 - e) Administrative mismanagement;
 - f) Failing to perform duties of office;
 - g) Violating other specific, mandatory standards of judicial conduct; or
 - h) Similar conduct.
- 22) If there is a complaint of judicial misconduct of a Member, the DKDK shall make a recommendation to the DKK regarding whether the Member no longer fulfills the requisite conditions or no longer meets the obligations arising from the office and should be removed.
- 23) A DKK decision regarding removal of a Member pursuant to section 22 is final and binding.
- 24) If there is a complaint of judicial misconduct, the Member concerned must:
- a) Be given the opportunity to speak to the matter; and
 - b) Not take part in making a recommendation to the DKK.
- 25) Any complaint regarding judicial misconduct of a Member must be in reference to inappropriate conduct, not a decision made by a Member in a proceeding.
- 26) The DKDK may continue to operate with vacancies if:
- a) Vacancy is due to reasons other than removal;
 - b) Quorum can still be met; and
 - c) There is less than one (1) year left in the term.
- 27) The DKK will replace vacant DKDK positions if:
- a) Vacancy is due to removal; or
 - b) There is more than one (1) year left in the term, regardless of the reason for the vacancy.
- Chairperson
- 28) Members will select the Chairperson from among their members by consensus.

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- 29) Members will also select a Deputy Chairperson by consensus to act as the Chairperson in the absence of the Chairperson or to take over if the Chairperson is in a conflict of interest.
- 30) If the Chairperson or Deputy Chairperson is temporarily unavailable to perform the functions of office, the remaining members of the DKDK will appoint another Member to serve as Acting Chairperson.
- 31) The duties of the Chairperson are to:
- a) Approve agendas for meetings of the DKDK;
 - b) Chair meetings of the DKDK;
 - c) Report to the DKK, DFN Citizens and Residents on the activities of the DKDK at Délıne Łénats'ehdə Dzené;
 - d) Act as the signatory to all correspondence, decisions and similar documents; and
 - e) Perform such other duties as the DKK or DKDK may reasonably prescribe.
- 32) If the Chairperson does not or is unable to fulfill their duties, the remaining Members may select another Member to replace the Chairperson by majority vote after first notifying the Chairperson and giving them an opportunity to address the issue.
- 33) The Chairperson may delegate their duties as needed.

Reporting and Accountability

- 34) The DKDK shall prepare and make an annual report to the DKK at the end of each fiscal year, beginning April 1st and ending on March 31st, of its operation.
- 35) The annual report may describe:
- a) A summary of all applications received or dealt with during the year;
 - b) Work plan implementation; and
 - c) Budget adherence.
- 36) The annual report will not include information that might identify any applicant, respondent or witness, unless the matter was already released to the public.

Meetings

- 37) The DKDK will meet on an as-needed basis, but no less than two (2) times per year.
- 38) Three (3) Members constitute quorum for the purposes of general meetings of the DKDK.
- 39) Meeting dates will be agreed to in advance affording adequate notice for maximum participation.
- 40) Meetings of the DKDK may take place in-person, via teleconference or other electronic means.

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- 41) The Implementation Advisor is responsible for recording minutes of the DKDK meetings.
- 42) If the Implementation Advisor is not available, a DGG staff member may record meeting minutes instead.
- 43) All DKDK and Panel meeting minutes will be stored in a secure location.
- 44) Meetings of the DKDK and Panels will be closed unless the DKDK or Panel determines that an open meeting is desirable.

Conduct of Meetings

- 45) The Implementation Advisor, with the input of the Chairperson, will give notice of a DKDK meeting that contains:
 - a) Proposed date(s), time(s) and place or method of meeting; and
 - b) A proposed agenda.
- 46) Members have a right to attend DKDK meetings, unless they are subject to a conflict, or are the subject of a judicial misconduct complaint or other similar issues.
- 47) A person other than a Member may attend a DKDK meeting, or portion thereof, with permission of the Chairperson and with notice given to the other Members.
- 48) Members must be courteous of one another and refrain from interrupting other speakers or engaging in any other disruptive behaviour.

Conflicts of interest

- 49) Members are Public Officials and are subject to the *DGG Conflict of Interest Act*.
- 50) Members must not abuse their status and must set aside potential conflicts of interest in their decision-making processes.
- 51) Within 30 days of taking the Oath of Office, Members must file an affidavit of disclosure with the Chief Executive Officer pursuant to the *DGG Conflict of Interest Act*.
- 52) Pursuant to the *DGG Conflict of Interest Act*, if a Member recognizes they may be in a potential conflict, they must immediately:
 - a) Disclose the particulars of the real or apparent conflict to the other Members of the DKDK; and
 - b) Abstain from being involved in any discussion regarding the matter and from voting on any question relating to it.

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- 53) The Chairperson is empowered to order a Member to leave the meeting if they are deemed to be in a conflict of interest.
- 54) If a complaint alleging a conflict of interest is made against one of the Members, that Member must not be a part of the Panel hearing the complaint.

Confidentiality

- 55) Members must not, either during their appointment or after their term has expired, release personal information received by them in their work with the DKDK or deliberations or proceedings before the DKDK, unless it is information that:
 - a) Is public; or
 - b) The DKDK is required to release under any applicable law.

Archive and Record Retention

- 56) The DKDK must maintain records related to applications, hearings, complaints and inquiries, except for final decisions, securely for a period of seven (7) years.
- 57) The DKDK must archive final decisions related to applications, hearings, complaints and inquiries and all Institutional Records.

Communication Strategies

- 58) The DKDK shall provide information about itself and its role, including information about how DFN Citizens and Residents may obtain assistance in commencing proceedings and, where necessary, in preparing documents for those proceedings.
- 59) Assistance may be made available in both English and Dene Kədá.
- 60) Applicants or respondents may request and be given Dene Kədá translations of documents written in English and an interpreter at proceedings.
- 61) The ability to use Dene Kədá is subject to the limits that are reasonable in the circumstances.

Administrative and Technical Support

- 62) Resources for DKDK administration, project management, and facilitation and coordination of hearings, events, gatherings and meetings will be provided by the DGG.
- 63) The DKDK may invite others with expertise to assist in its work, as the DKDK budget allows, including:
 - a) ʔqhda and the Délıne ʔqhda K'áowə Kə;
 - b) Individuals;
 - c) DGG Staff;
 - d) Legal counsel; or
 - e) Necessary experts or other professionals.

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Funding

- 64) Funds for the DKDK will be administered by the DGG in accordance with DGG Laws and policies.
- 65) The DKDK will work with the Implementation Advisor to prepare an annual work plan and budget.
- 66) The Implementation Advisor may work with the DKDK to locate sources of supplemental funding for the DKDK.
- 67) The DKDK work plan may include:
 - a) Goals and measures for improving the efficiency and effectiveness of the DKDK; and
 - b) Assignments of responsibility for reaching those goals.
- 68) The DKDK budget must be submitted to the Chief Financial Officer for approval by the DKK.
- 69) The DKDK may spend moneys or commit, by contract or otherwise, to spend moneys if the expenditure is authorized under a DGG Law, policy or approved budget.
- 70) The DKDK must obtain approval from the DKK for expenses that exceed the DKDK budget.
- 71) The Implementation Advisor will keep a record of the fees, disbursements and expenses related to the administration of the DKDK and provide that information to the Chief Executive Officer and Chief Financial Officer as required.

Fees and Disbursements

- 72) Members will charge daily fees at the following rates:
 - a) For a meeting four (4) hours long or more:
 - i) Chairperson \$700
 - ii) Member \$650
 - b) For a meeting less than four (4) hours or for a travel day:
 - i) Chairperson \$350
 - ii) Member \$325
- 73) Members will receive a per diem when traveling in accordance with DGG Laws and policies.
- 74) Daily fees are payable for all days on which a Member is necessarily occupied in an application or reference, training, and administration, including days of travel, DKDK meetings, pre-hearing conferences, hearings, decision discussions, and decision writing.
- 75) Members may not exceed three (3) days of fees without approval of the other DKDK members.

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76) Members may be asked to substantiate claims for fees and disbursements if requested to do so by the Chief Executive Officer or Chief Financial Officer.

Monitoring and Evaluation

77) At least once a year, the DKDK must review:

- a) Implementation of the work plan;
- b) Adherence to the budget;
- c) General fulfillment of DKDK duties; and
- d) Efficacy of the Manual and Rules.

78) The Implementation Advisor and Chief Finance Officer may prepare interim accounting statements and reports at the request of the DKDK.

79) Any Member of the DKDK may submit recommendations for improving the effectiveness and efficiency of the DKDK in the fulfillment of its duties and goals.

Amendment and Waiver

80) Consensus of the Members is required to amend this Manual and Rules.

81) The DKK shall receive notice of any amendments to the Rules.

82) The DKDK may direct that a particular provision of the Manual or Rules will not apply and may make adjustments to ensure:

- a) Expeditious conduct; and
- b) The safety of applicants, respondents, or Members.

Commencement

83) This Manual will come into effect when approved by the DKDK.

RULES OF PROCEDURE

GENERAL

- 1) When a time limit or deadline falls on a day the DGG office(s) are closed, the act can be done on the next day that the office(s) are open.
- 2) The official languages of the DKDK are Dene Kədə and English.
- 3) In the event of a conflict between these Rules and DGG Law, the DGG Law shall prevail to the extent of the conflict.
- 4) Substantial compliance with a form or notice required by or under these rules is sufficient.
- 5) No proceeding is invalid by reason only of a defect or other irregularity in form.

Application to Judicial Review

- 6) All decisions made by the DKDK are subject to an application for judicial review before the Supreme Court of NWT.

Initiating an Appeal

- 7) Any person may make an application to the DKDK for a decision on a complaint or appeal as permitted under DGG Law, the DFSGA and *Délıne Got'ıne ʔeʔadó*.
- 8) Applications to the DKDK shall be in writing.
- 9) Applications shall include:
 - a) The name, address, phone number and email (where possible) of the party making the submission;
 - b) The name of other party or parties;
 - c) Contact information of the other party or parties, if known;
 - d) A description of the nature of the dispute;
 - e) A summary of the facts; and
 - f) A description of the relief sought.
- 10) An applicant may withdraw the application in writing at any time up to the hearing.
- 11) Applications shall be submitted to the Implementation Advisor by personal delivery, mail, email or fax to:

Dene K'ə Dats'eredı Kə
Implementation Advisor
Government Services (John Tetso Building)
PO Box 156
Délıne, NT X0E 0G0

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Phone: 867.589.8100
Fax: 867.589.8101
Email: DKDK.admin@gov.deline.ca

- 12) The Implementation Advisor shall ensure that the matter has not previously been heard by the DKDK and so advise the Chairperson.
- 13) The DKDK will acknowledge receipt of the application by way of letter to the complainant within five (5) Business Days.
- 14) The DKDK must determine if the application is within its jurisdiction to hear.
 - a) If not, the DKDK must write to the applicant to inform them that the application is outside the jurisdiction of the DKDK.
 - b) If so, the DKDK shall establish a Panel to investigate.
- 15) The DKDK may determine at any time to split the application into separate issues.

Selecting a Panel

- 16) The DKDK shall select a Panel from amongst its Members based on:
 - a) Availability of the Members, including conflict of interest considerations; and
 - b) The nature of the application.
- 17) The Panel size and make up may change as required, but the Members who are making the final decision on a particular application must all have heard and received the same evidence.
- 18) A Panel Chair shall be selected from amongst the Panel members to:
 - a) Open and direct proceedings; and
 - b) Ensure proper conduct of the hearing of applications to the DKDK to hear a complaint, appeal or inquiry.
- 19) All the members of a Panel are required to constitute a quorum and all members on a Panel, including the Panel Chair, are entitled to vote.
- 20) When the DKDK receives an application for hearing of a complaint or inquiry, Members of the DKDK will operate as a Panel whereby Members will be selected to preside over the matter.
- 21) Members of a Panel will make decisions by consensus.

Accepting an Appeal

- 22) A Panel may dismiss an application at any time before a hearing if it is of the opinion that the application is frivolous, an abuse or process or outside the jurisdiction of the DKDK.

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- 23) If the application is accepted, the party who is the subject of the application will be given the opportunity to respond.
- 24) The DKDK shall ensure that the other parties receive a copy of the application within ten (10) Business Days of selecting the Panel.

Reply

- 25) In addition to providing a copy of the application, the DKDK must provide the other parties with an opportunity to reply, with or without evidence, within a set period of time.
- 26) Replies must include:
- a) Confirmation or denial of all or any part of the actions or decisions which are the subject of the application;
 - b) Brief summary of additional or disputed facts;
 - c) Description of relief sought; and
 - d) Address, phone number and email (where possible).
- 27) Either party may request expedited proceedings, which may be granted at the discretion of the Panel.
- 28) If no reply is received within the time specified, and the Panel is satisfied that the responding party is aware of the application, they will proceed in the absence of a reply.

Complaint Investigations

- 29) A Panel shall determine what investigation is needed, if at all, and how it will be conducted.
- 30) The investigation shall be conducted in a confidential manner.
- 31) When an investigation is complete, the Panel shall:
- a) Dismiss if the application is found to be frivolous, an abuse of process or outside the jurisdiction of the DKDK;
 - b) Order a hearing; or
 - c) Order such other disposition as is deemed reasonable under the circumstances.

Hearings

- 32) If the Panel orders a hearing, it can choose for the Panel, a variation of the Panel, or all Members to preside over the matter, depending on the circumstances.
- 33) The DKDK may have closed hearings or portions thereof to maintain confidentiality where:
- a) Matters involving public or personal security may be disclosed; or
 - b) Intimate financial or personal matters may be disclosed.

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Notice of Hearing and Service

- 34) A hearing will be commenced by a Notice of Hearing, which should include:
- a) Names of the parties;
 - b) Particulars of the application, including any allegations against the respondent;
 - c) The statutory authority to hold a hearing;
 - d) The time and place of the hearing; and
 - e) A statement that if the responding party does not attend, the Panel may proceed in their absence.
- 35) Service of the Notice of Hearing or any other document in the proceeding can occur by in-person delivery, email, fax, or registered mail as follows:
- a) Service of documents to an individual will be valid if a copy of the document is left with the individual being served and that individual acknowledges receipt with a signature.
 - b) A document served by email or fax will be valid as of the date that the document was transmitted and receipt of transmission is confirmed.
 - c) A document may be served by postal service by mailing a copy of the document by registered mail to the last known address of the person.
- 36) The parties or witnesses can be represented by counsel, an agent or themselves.

Hearing Conduct

- 37) The Panel may conduct a hearing in-person or via electronic means, or a combination thereof, at its discretion.
- 38) The Panel may issue procedural guidance to the parties in advance of and during the hearing, as needed.
- 39) A hearing may be recorded at the discretion of the Panel.
- 40) At the commencement of a hearing the Panel will:
- a) Ensure the parties are present and that they are the proper parties;
 - b) Ensure all parties have received relevant materials;
 - c) Remind the parties of the nature of the proceedings and possible outcomes; and
 - d) Advise the parties of their basic rights.
- 41) The Panel will inquire whether a responding party (or parties) admits or denies all or a portion of the application.
- 42) The Panel may receive testimony, documents, or any other evidence as required by the type of proceeding.
- 43) At the hearing, the Panel may:
- a) Identify and/or clarify the issues; and
 - b) Determine if any facts can be agreed upon.

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Decision-Making

- 44) After the hearing, if the Panel upholds the application, it may:
- a) Dismiss the application;
 - b) Impose penalties or other dispositions under DGG Law;
 - c) Apply traditional Délıne methods and values in resolving and adjudicating the matter before it; or
 - d) Any other resolution that the Panel deems appropriate.
- 45) The DKDK shall attempt to reach all decisions by consensus, but if consensus is not possible, a decision may be made by majority vote.
- 46) The Panel may make an interim order that it considers appropriate pending the final disposition of a matter.
- 47) One or more members of each Panel will be required to prepare written reasons for its decision and may seek technical assistance to do so.
- 48) A draft of the written decision must be circulated to all Panel members for approval before it is released to the parties.
- 49) Decisions must be made within the timelines described in DGG Law or in a timely manner as the circumstances require.
- 50) Due to time constraints, the DKDK may release an initial decision to the parties to settle a matter and provide detailed reasons shortly thereafter.
- 51) Upon receipt of a decision approved by the Panel, the Implementation Advisor will:
- a) File one copy with the Registrar of Laws;
 - b) Send a copy to each of the parties; and
 - c) Provide assistance to any party with understanding the decision, if requested.

Costs

- 52) The DKDK may order that any reasonable costs and expenses incurred by a party be reimbursed if deemed appropriate.
- 53) A party must provide evidence of reasonable costs and expenses incurred.

CITIZENSHIP

Revocation of Citizenship

- 54) Applications for an appeal of the Citizenship Registrar decision to revoke DFN Citizenship must be made within 30 days of receiving notice under the *DGG Citizenship Act*.

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55) If the DKDK determines that an applicant meets the eligibility criteria outlined in the *DGG Citizenship Act* and the DFSGA, it can instruct the Citizenship Registrar to add the name of the applicant to the Citizenship Register.

56) The DKDK may be required to provide a report to the DKK on the Citizenship Registry appeal application process, if requested.

Refusal of Citizenship

57) Applications to the DKDK, to appeal decisions to refusing DFN Citizenship, must be made within 30 days of the decision.

ELECTIONS

58) The DKDK has exclusive authority to determine whether an election was conducted in a manner consistent with the *DGG Elections Act*.

59) Subject to the *DGG Elections Act*, the DKDK has and shall exercise exclusive authority to hear and decide an application made under the *DGG Elections Act* and to answer questions referred to it by the Chief Electoral Officer in respect of an election.

60) A decision of the DKDK made pursuant to the *DGG Elections Act* is final and binding.

61) The DKDK has the power to:

- a) Examine records and make inquiries it considers necessary;
- b) Examine and consider any evidence placed before it, regardless of whether such evidence would be inadmissible in a court of law; and
- c) Provide notice of a proceeding before it to persons directly affected.

Complaints under the *DGG Elections Act*

62) Applications alleging a contravention of the *DGG Elections Act* may be made anytime during an election but must be made within 10 days after publication of the election results (including recount results).

63) An application shall:

- a) Include the name and contact number of the applicant;
- b) Set out the facts relating to the alleged contravention, including dates, witnesses and persons involved; and
- c) Describe how the facts alleged amount to a contravention of the *DGG Elections Act*.

64) The DKDK must determine such application within 30 days.

65) The DKDK may:

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- a) Give directions to the Chief Electoral Officer and order a recount;
- b) Set aside the results of the election, in whole or in part;
- c) Order a new election and give directions to the Chief Electoral Officer for the conduct of that election; or
- d) Order such other remedy it deems just.

References

- 66) The Chief Electoral Officer may refer a question regarding the interpretation or application of the *DGG Elections Act* to the DKDK at any time in the course of their duties.
- 67) Questions referred by the Chief Electoral Officer should, where possible:
 - a) Refer to specific provisions of the *DGG Elections Act*; and
 - b) Provide sufficient information regarding persons or facts involved.
- 68) When referring questions to the DKDK, the Chief Electoral Officer should expect a reasonable period of time for the DKDK to review, convene and prepare a response.
- 69) Due to time constraints, questions of the Chief Electoral Officer may be accepted orally, and responses of the DKDK may be given orally, provided that a written record is prepared and filed immediately thereafter.
- 70) The DKDK may provide the Chief Electoral Officer with directions regarding the implementation or application of the *DGG Elections Act*.
- 71) Any direction provided by the DKDK does not bar an application to the DKDK regarding the same matter and does not bind the DKDK in determining any application.

CONFLICT OF INTEREST

Lack of DKK Quorum

- 72) When less than 50% of DKK members remain after abstention due to conflicts on a particular issue, pursuant to the *DGG Conflict of Interest Act*, the Chairperson of the DKDK must appoint a person to the DKK empowered to discuss and vote on the issue.
- 73) When advised that the *DGG Conflict of Interest Act* has been triggered, the Chairperson of the DKDK must immediately meet with the CEO or designate to be briefed on the issue.
- 74) The Chairperson of the DKDK must call a special meeting of available Members to determine who the DKDK will designate to sit on the DKK for the purpose of a DKK vote on the specific matter for which there is a conflict of interest.

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Conflict of Interest Application

- 75) Subject to the *DGG Conflict of Interest Act*, if the CEO believes that a Public Official has contravened the *Act*, the CEO must make an application to the DKDK pursuant to the *Act* requesting a determination of whether a contravention of the *Act* has occurred.
- 76) Pursuant to the *DGG Conflict of Interest Act*, an application by CEO for determination of a question regarding a conflict of interest must be made within one (1) year from the alleged contravention of the *Act*.
- 77) Pursuant to the *DGG Conflict of Interest Act*, an application may be brought even if the Public Official in question no longer holds the position due to an election having taken place since the alleged contravention.
- 78) The Public Official in question may continue to act in their official capacity pursuant to *DGG Conflict of Interest Act*, unless the DKDK makes a declaration under the *Act* that other action is appropriate.

Reprisal

- 79) Pursuant to the *Act*, If the CEO or DKK knows or suspects that an applicant has faced reprisal for the application made under the *Act*, the CEO or DKK must report it to the DKDK.
- 80) The DKDK will then hear an application regarding the alleged reprisal, under the authority provided under the *Act*.

Declarations of the DKDK

- 81) Once the DKDK has heard an application, it may declare that a Public Official:
- a) Acted when in a conflict of interest and
 - i) is disqualified from acting on a particular matter;
 - ii) must make restitution in an amount determined by the DKDK;
 - iii) must be dismissed from the position;
 - iv) may remain in the position, subject to such conditions as the DKDK may determine;or
 - v) is subject to such order as is deemed appropriate by the DKDK; or
 - b) Is not in contravention of the *Act* and that the DKDK therefore dismisses the application.

DISPUTE RESOLUTION

- 82) With agreement of the parties, a Panel may hold a settlement conference, to be presided at by the Chair or a single Panel member.
- 83) With agreement of the parties, the Panel may refer the matter to mediation before members of the Panel or an independent mediator.

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- 84) If the matter is not resolved through the settlement conference or mediation, as the case may be, a Panel member who has participated in the settlement conference or mediation may not, without consent of the parties, take part in a subsequent hearing.

SCHEDULE “A” – Oath of Office for Dene K’ə Dats’eredı Kə Members

I, _____, hereby accept my appointment to the position of member of the Dene K’ə Dats’eredı Kə (DKDK) and agree to maintain confidentiality during and after my term.

In the capacity as member of the DKDK, I will do my utmost to serve DFN Citizens and Residents with impartiality, integrity, honesty and respect.

In the performance of my duties, I will adhere to the Délıne Final Self Government Agreement, Délıne Constitution, Laws of the Délıne Got’ıne Government and DKDK Operations Manual and Rules of Procedure and will bring forth any changes in my circumstance that may impact my continued eligibility.

I solemnly swear/affirm that I will diligently perform my duties as required as a member of the DKDK.

SWORN/AFFIRMED BEFORE ME

At _____

on this _____ day of _____

_____, 20__.

Commissioner of Oaths