



huu ay aht

ANCIENT SPIRIT, MODERN MIND

HUU-AY-AHT TRIBUNAL PROJECT
ADVISORY CIRCLE
UNDERSTANDING OUR RESPONSIBILITIES

Approved by Executive Council
on May 29, 2025 by EC250529-09

Note to Reader

Since our Maa-nulth Treaty went into effect, 21 applications have been reviewed by the Tribunal. The foundations of the *Tribunal Act* came from Chapter 7: *Dispute Resolution* of the Huu-ay-aht First Nations *Constitution Act* and serves as an independent legal function in our self-governing Nation. There is more room within the Tribunal and Tribunal Act for Nuu-chah-nulth law to be revitalized at all stages of the process. Of the 21 applications, two formal complaints of misconduct were filed. These complaints raised new issues associated with the Tribunal and led to a formal Panel of Inquiry to investigate into allegations of abuse of power, intimidation, harassment, assault, sexual harassment and sexual assault committed by members of government. Sixteen (16) recommendations arose from the Panel of Inquiry report including several areas of legal reform.

This project, funded by a “Weaving Justice” Cedar Grant from the Law Foundation of BC, involves (1) conducting **research** to explore ways to improve our processes from a trauma-informed perspective that can incorporate and revitalize Huu-ay-aht’s sacred principles of *iisaak* (respect), *uu-a-thluk* (taking care of), and *hišuk ma c’awak* (everything is connected), (2) proposing legal **reform** if our research findings identify critical recommendations, (3) **education** for our citizens about proposed changes, (4) conducting consultation with citizens, Ha’wiih and Executive Councils about whether to adopt proposed changes, and (5) develop trauma-informed legal **support** (aid) for those who access the Tribunal process in the future.

Huu-ay-aht Tribunal Project
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- 1) The Advisory Circle (the “Circle”) is a confidential circle established to provide advice and guidance to the Project Team on all aspects of the Huu-ay-aht Tribunal Project.

Purpose

- 2) The purpose of the Circle is to ensure that Huu-ay-aht protocols, principles, and values are upheld at all stages of the project, including informing the Project Team of concerns or issues that may arise and help with resolving them in a good way.

Objective

- 3) The key objective of the Circle is to provide guidance to the Project Team, review research findings, support the development of educational resources and aid, and provide recommendations to the Law and Policy Development Committee for feedback and recommendation to Ha’wiih and Executive Councils concerning any proposed amendments to the Tribunal Act resulting from the research findings.

Resources

- 4) The key resources ᓃᓐᓃᓐᓃᓐᓃᓐᓃᓐ the work of the Circle are:
- (a) *The Maa-nulth First Nations Final Agreement*
 - (b) *The Constitution Act*, HFNA 1/2011
 - (c) *The Government Act*, HFNA 3/2011
 - (d) *The Code of Conduct and Conflict of Interest Act*, HFNA 4/2011
 - (e) *The Financial Administration Act – Official Consolidation*, HFNA 7/2011
 - (f) *The Tribunal Act*, HFNA 3/2021
 - (g) *The Citizen Social Media Policy*, Executive Council Resolution #EC240523-07
 - (h) *The Employee Social Media Policy*, Executive Council Resolution #EC240523-07
 - (i) *The Community Safety Act – Official Consolidation*, HFNA 4/2021, as amended by HFNA 4/2023

ADVISORY CIRCLE: UNDERSTANDING OUR RESPONSIBILITIES

- (j) The *Public Complaints Policy*, Executive Council Resolution #2015-058, revised by Executive Resolution #20240419-07
- (k) The *Traditional Roles and Responsibilities - Nuuchah-nulth Traditional Management Series* document

together with all relevant regulations made under the above Acts. Along with traditional knowledge from the members as well as other Nuuchah-nulth knowledge keepers.

Composition

5) The Circle shall consist of the following members:

- (a) **Chair:** Heather Castleden, Project Lead
- (b) The Chair of the Law and Policy Development Committee;
- (c) A Ha'wiih representative appointed by the Ha'wiih Council;
- (d) A Huu-ay-aht First Nation Tribunal Member;
- (e) A Huu-ay-aht Elder appointed by the nanaaniqsu; and
- (f) Two Huu-ay-aht Citizens.

In addition, the Executive Director and the Project Coordinator will sit with the circle as technical support. Appointed representatives shall participate in bi-annual check-ins.

Remuneration and Expenses

6) Circle members who do not fall into other categories in this section will be remunerated as follows:

- (a) \$350 for attendance at meetings over four hours.
- (b) \$250 for meetings four hours or less.

Circle members seeking remuneration as stated above will collaborate with the research coordinator to submit an activity report outlining the amount requested, and time spent at the meeting.

- (c) Activity reports are processed, with payments issued on the 15th and 30th of each month.
- (2) Members of Executive Council shall receive remuneration set in accordance with the *Government Act*, s. 23.
- (3) Huu-ay-aht staff attending Circle meetings in their capacity as staff shall receive remuneration in accordance with their employment contract with Huu-ay-aht.

ADVISORY CIRCLE: UNDERSTANDING OUR RESPONSIBILITIES

- (4) Any consultants, including the Project Lead and Legal Counsel, who sit with or assist the Circle shall be remunerated in accordance with the terms of their agreements with Huu-ay-aht.
- (5) The Huu-ay-aht *Travel Expenses Regulation* shall govern reimbursement for travel expenses related to attendance at circle meetings.

Meetings

- 7) The Circle will meet monthly to fulfill the circle's purposes. Every third monthly meeting will be held in person, while the meetings in the intervening months will take place virtually or hybrid.
 - (1) A special or emergency meeting may be called by the chair, who must ensure that as much notice as practicable is provided to Circle members.
 - (2) Circle discussions will take place in the spirit of cooperation and in recognition of the shared values of the Huu-ay-aht.

Project Lead Responsibilities

- 8) The Project Lead is responsible for:
 - (a) Calling meetings of the Circle as set out in section 8;
 - (b) Developing, with the assistance of the research coordinator, the proposed agenda for meetings of the Circle;
 - (c) Ensuring that the research coordinator has been provided with all materials for distribution to Circle members at least two days prior to a scheduled Circle meeting;
 - (d) Working with the research coordinator to ensure all meetings are well documented and records of proceedings are appropriately maintained and distributed;
 - (e) Working with the research coordinator to ensure that all official correspondence including Circle recommendations are drafted and distributed as necessary;
 - (f) Serving as the primary internal Circle spokesperson to Executive Council; and
 - (g) Working with the research coordinator, provide briefing notes quarterly to Ha'wiih Council and Executive Council.

Circle Responsibilities

- 9) Circle members are required to complete 1.5 days of baseline training in Trauma-Informed Communication, to continue their responsibilities to the Project. Costs associated with this training will be covered by the Project.
- 10) Circle members have all the duties and responsibilities under Huu-ay-aht legislation including the *Code of Conduct and Conflict of Interest Act* and the *Government Act*. Among other things, this means that Circle members must:

ADVISORY CIRCLE: UNDERSTANDING OUR RESPONSIBILITIES

- (a) fulfill the Huu-ay-aht oath;
- (b) uphold, respect, and obey Huu-ay-aht laws;
- (c) uphold and respect lawful decisions of Huu-ay-aht bodies;
- (d) uphold the highest ethical standards of conduct when carrying out their responsibilities;
- (e) treat Huu-ay-aht citizens, other public officers, and members of the public with respect, care, equitably and impartially;
- (f) perform their responsibilities in a conscientious, professional and timely manner;
- (g) prepare for and attend meetings related to the performance of their responsibilities;
- (h) not exercise an official power or perform a responsibility or function if they have a conflict of interest or an apparent conflict of interest;
- (i) not, directly or indirectly, accept a fee, gift, or personal benefit that is connected to that member's performance of responsibilities;
- (j) adhere to the ethical duties of confidentiality, which refers to the obligation of safeguarding entrusted information, include obligations to protect information from unauthorized access, use, disclosure, modification, loss or theft; it is essential to the trust relationship of those involved, and to the integrity of the project.;
- (k) use the principles of trauma-informed communication in meetings; and
- (l) not use information gained through their role in the Circle that is not available to citizens generally to further their own interests.