

TERMS OF REFERENCE

BAND MANAGER (COMMUNITY ADVOCATE)

As Approved by Council Motion on October 19, 2017

INTRODUCTION

The elected Band Manager role was originally established to perform a variety of administrative and political duties at a time when the delivery of Nation services and range of Nation revenues was not diverse and complex. Over the years as the Nation developed and achieved a broader range of own source revenues and the Nation programs and services also expanded and became more complex. This transformation meant the Nation had to modernize the Band Manager's role such that the administration duties were separated from the political aspects. This objective resulted in the establishment of Two Senior Administrative Executive positions, one on the Economic Development side and one on the Service Delivery side that would handle the day to day administrative decision making from the Band Manager. In turn the Band Manager focus shifted to an advocacy or ombudsman type role that provides Members with an independent and impartial outlet when needed.

In accordance with custom practice in the Squamish Nation Elections, the Band Manager is elected by membership for a 4-year term. To avoid all controversy associated with the Band Manager role in the last term of office, the attached Terms of Reference frames the non administrative functions that will encompass the Band Manager going forward. For greater clarity, the role will not include any financial or administrative authority within the Nation. The primary role of the Band Manager will be an impartial advocacy role which provides Squamish Nation Members the access and right to be heard on important issues impacting their lives. In addition, the Band Manager may provide support to Membership in dealing with any alleged unfair administrative service or action.

From this point forward, the name of the Band Manager may be referred to as the "Community Advocate". The Terms of Reference for the Band Manager (Community Advocate) is presented as follows:

1.0 DUTIES

- 1.1 Acts as community liaison for Members to provide them with information and education on their options with respect to various Squamish Nation services and programs.
- 1.2 Delivers independent advocacy and emotional support to any Member who requires support to have their voice heard when important decisions are being made about their lives or to overcome issues that are impacting their health and wellbeing.
- 1.3 Speaks or acts for vulnerable members who may not be able to speak or act for themselves due to lack of knowledge, inability to articulate needs, fear, physical or mental disability.
- 1.4 Hears Members concerns and links them to appropriate Squamish Nation Department based on established communication protocols.
- 1.5 Makes referrals for vulnerable Members as needed and writes letters to outside agencies as appropriate.
- 1.6 Establishes a visible presence in the Community to ensure the health and wellbeing of certain elders and vulnerable members are monitored and referred to relevant department.
- 1.7 Provides Member mediation, conciliation and short-term counselling.
- 1.8 Meeting with Members through self-referral, referrals from the Nation Services and assisting them with regard to their issues or disputes.
- 1.9 Strives to be an agent of positive change by promoting fairness, accountability and transparency of Squamish Nation programs and services.
- 1.10 Receives complaints from Members about Squamish Nation Services and collaborates with the EOO-Service Delivery to validate and or resolve specific issues as warranted.

2.0 RESPONSIBILITIES

- 2.1 Will not have administrative authority over staff, departmental decisions, or any financial authority or administrative decision making.
- 2.2 Respect the separate roles and responsibilities of the Band Manager, Council, and the Administration.
- 2.3 Respect Squamish Nation administrative policies, procedures, and practices.

- 2.4 Not use Squamish Nation resources, equipment, supplies, services or facilities for private gain or personal benefit.
- 2.5 Shall be available on a flexible schedule and be responsive to phone calls, emails, and urgent member requests.
- 2.6 Will take the time to learn and understand the range of Squamish Nation Program and Services and the associated policies, rules, and practices of the respective services.

3.0 CODE OF CONDUCT

The Band Manager must:

- 3.1 Carry out their duties in good faith, with professionalism, and respect for due process.
- 3.2 Not facilitate or attempt to facilitate unequal access by any Member to Nation Programs and Services.
- 3.3 Not make any financial commitment, service commitment, or raise an expectation on behalf of the Squamish Nation programs and services to any Member in carrying out their duties.
- 3.4 Not make a claim for any payment or financial benefit from the Squamish Nation, if not lawfully entitled to the payment or financial benefit.
- 3.5 Not undertake activities or make public comments through social media or emails or any other means that the Band Manager knows or ought to have known may adversely affect the Squamish Nation reputation, public image or credibility.
- 3.6 Not abuse their elected position to intimate, bully, harass or otherwise threaten a department or staff person.
- 3.7 Not instruct, direct or discipline a department or staff in any way in relation to the duties of Band Manager.
- 3.8 Not promise to any Member what cannot be delivered or state unrealistic expectations.
- 3.9 Not interact with media on behalf of Squamish Nation unless specifically requested by the official spokespersons and or Co-Chairs of Council.
- 3.10 Respect that Squamish Nation public interest supersedes loyalty to any special groups or private interest groups.
- 3.11 Not make defamatory, inflammatory or otherwise false statements regarding Council members, Council as a whole, any collective decision of Council and any staff member or

any decision of Administration through one of the Departmental decision making processes.

- 3.12 Not solicit or receive gifts, money, or other property from any person, company, or group in carrying out duties of the Band Manager role.

4.0 CONFLICT OF INTEREST

- 4.1 The Band Manager has a duty to avoid placing themselves in circumstances where there is or could be the potential to be influenced by:
 - a) their own personal interests;
 - b) their own interest to curry favor with members for political reasons;
 - c) the interest of a related person;
 - d) the interests of a person to whom they own a private obligation; or
 - e) a person who expects to receive some benefit or preferential treatment from them.
- 4.2 The Band Manager cannot engage in political activities in carrying out all duties and responsibilities of the role.
- 4.3 The Band Manager must not use his or her elected position to attempt to influence in any way an administrative decision on a matter in which the Band Manager has a financial or private interest.
- 4.4 The Band Manager must take reasonable steps to disclose to Co-chairs of Council or the EOO-Service Delivery if the Band Manager feels their ability to be objective or their judgment may be compromised due to an actual or perceived conflict of interest, in which case the Co-chairs or EOO will assist in resolving the subject matter.

5.0 CONFIDENTIALITY

- 5.1 The Band Manager shall keep confidential all matters that come to their knowledge in the exercise of their duties when there is a reasonable expectation that the matter should be kept confidential.
- 5.2 Notwithstanding above, the Band Manager may disclose in a report made by him or her of relevant matters requested by a member and or the Band Manager considers it necessary to disclose to establish grounds for his or her recommendations.

6.0 NON-COMPLIANCE

- 6.1 If the Band Manager fails to comply with any terms of reference in relation to code of conduct or conflict of interest provisions or any other “Misconduct or Wrongdoing” breach as defined in the Squamish Nation Governance Manual, the Band Manager will be subject to a disciplinary process consistent with the Discipline procedures outlined in the Squamish Nation Chiefs and Council Governance Manual.

7.0 REPORTING

- 7.1 The Band Manager will provide periodic reports, not less than quarterly on Chiefs and Council with focus on any significant service issues and assessment of social environment issues in the community.
- 7.2 As an Elected position, the Band Manager will participate in meetings with Membership when required and when needed.

8.0 REMUNERATION

- 8.1 The Band Manager role is not classified as an employee of Squamish Nation for the duration of their time in office. As an elected official, the Band Manager will receive remuneration at the same level as a Councilor as outlined in the Squamish Nation Governance Manual.
- 8.2 If the Band Manager is not able to fulfil the full-time role of Band Manager, they must declare in writing to the Co-Chairs of Council and the EOO -Service Delivery and the declaration will be shared with Members by way of posting on Squamish Nation Website.
- 8.3 For purposes of Section 8.2, the Band Manager will be compensated based on expectation that they will spend approximately 220 days per year carrying out duties of Community Advocacy but will have their rate of remuneration reduced on a pro-rate basis if they declare a reduced working schedule.
- 8.4 Notwithstanding Section 8.1, The Band Manager may participate in the Squamish Nation benefits program where eligible. Enrollment will begin on or about the date the Band Manager is sworn in and will include:
 - a) Extended Health Benefits;
 - b) Dental Benefits;
 - c) Group Pension Plan

9.0 VACATION

- 9.1 The Band Manager will have four (4) weeks of holiday in addition to any Statutory holidays and Family Days as provided to Squamish Nation employees which for purposes of the Band Manager will be considered non-working days.

10.0 TRAVEL

- 10.1 The Band Manager will receive a travel and incidentals allowance at the same rate as a Councillor as outlined in the Squamish Nation Governance Manual.
- 10.2 All out of town travel in relation to the Band Manager role must be approved by Council under the same approval process as outlined in the Squamish Nation Governance Manual.

11.0 LEAVE FROM EMPLOYMENT

- 11.1 Any newly elected Band Manager who is currently an employee of the Squamish Nation must take a leave from employment by January 31st of the year following the election.
- 11.2 The maximum employment leave will be the lesser of one (1) term or 4 years. For purposes of this section, one term covers a term on Council or as Band Manager.

12.0 COMMENCEMENT OF DUTIES

- 12.1 Before the Band Manager takes office, they must complete the following:
- a) Take the Oath of Service;
 - b) Sign a Code of Ethics and Conduct Certification;
 - c) Sign a Conflict of Interest Declaration;
 - d) Be sworn in.
- 12.2 The Completed documents must be returned to the Council Manager for tracking and safeguarding.
- 12.3 The Band Manager is expected to complete above and commence duties no later than January 31st of the year following the election.
- 12.4 The Band Manager is not guaranteed any office space from the Squamish Nation and a decision is subject to availability of appropriate Council office space at the Main office location in North Vancouver.