

CHARTER OF THE INDEPENDENT SENATORS GROUP (ISG)

February 2021

Preamble:

Senators are summoned by the Governor General in the Queen's name on the recommendation of the Prime Minister for the purpose of "giving advice and assistance in all weighty and arduous affairs concerning Canada" [Constitution Act, 1867, section 24; Letters Patent]. The summons further commands that "all difficulties and excuses whatsoever laying aside, you be and appear for the purposes aforesaid, in the Senate of Canada at all times whensoever and wheresoever Our Parliament may be in Canada convoked and holden, and this you are in no wise to omit" [Her Majesty's Writ of Summons].

Senators carry out their duties and responsibilities in a variety of ways. Their primary role is as legislators, applying sober second thought to legislation and ensuring that the proposed bills receive appropriate scrutiny.

As parliamentarians, Senators also assume:

an investigative role;

a role representing regions;

a role protecting and advocating for minorities;

a parliamentary diplomatic role; and

a public advocacy role.

Some non-affiliated Senators have formed a parliamentary group pursuant to the Rules of the Senate and the Senate Administrative Rules. The group is known as the "Independent Senators Group" and is identified by the acronym, "ISG".

1. OFFICIAL LANGUAGES

The official languages of the Independent Senators Group (ISG) are those of Canada – English and French.

2. PURPOSE

Members of the ISG have joined together for the purpose of affirming and protecting each Senator's freedom to vote as they see fit in respect of their parliamentary duties, and to enhance the ability of individual Senators to conduct their duties as parliamentarians. By sharing expertise, pooling resources and providing mutual support, ISG Senators:

- a) contribute to the planning and coordination of Chamber business and committee work;
- b) share information and assist ISG Senators with their administrative needs;

- c) coordinate collective action on issues related to Senate administrative processes and practices that the ISG has designated or may designate, as the case may be, as priorities or matters of common importance to all members of the ISG;
- d) respect that each Senator can only fulfill the role of Senator if they maintain their right to express views that reflect their best judgment;
- e) contribute to ongoing efforts to modernize the Senate in terms of its culture, rules and practices, in order to strengthen the work of the Senate as an effective, respected, independent and non-partisan Chamber of sober second thought that is complementary to the House of Commons.

3. PRINCIPLES

The Principles of the ISG are as follows:

- a) **Integrity:** ISG Senators are dedicated to respecting the rules, policies and guidelines of the ISG and the Ethics and Conflict of Interest Code for Senators, the Senate Policy on the Prevention and Resolution of Harassment in the Workplace, the Rules of the Senate, and the Senate Administrative Rules. As members of the ISG, they demonstrate decorum and respectful behaviour, personally and professionally, and work to enhance and improve the Senate and its public confidence.
- b) **Equality:** All Senators are equal before and under the Rules of the Senate, policies and guidelines and as such are entitled to be treated with impartially and justly without favouritism or discrimination, and respecting the rule of law.
- c) **Diversity and inclusion:** ISG senators further embrace diversity, equity and inclusion as fundamental.
- d) **Independence and freedom of conscience:** ISG Senators have the right and the duty to act independently according to their personal sense of intellectual discernment and freedom of conscience. They should refrain from conduct which would undermine the public's confidence in their independence.
- e) **Transparency:** ISG Senators operate within the ISG in a transparent, open manner, with due consideration for confidential matters and privacy.
- f) **Efficacy:** ISG Senators understand the distinctive responsibilities of the Senate and of Senators within the Canadian Parliament, and they strive to contribute to the effective functioning of the legislative process. To this end, they adopt a collaborative approach as often as is compatible with their position as independent Senators.

4. LEADERSHIP AND ADMINISTRATION

Leadership

4.1 The ISG leadership will dedicate themselves to serving the ISG in achieving its purpose and principles, advancing its goals and objectives, as agreed to by the membership. The Facilitator and Deputy Facilitator form a leadership team that is appropriate for the prevailing circumstances of the Senate and, in the spirit of distributed leadership, seek to involve as many members of the ISG as possible in positions of responsibility. The Facilitator and Deputy

Facilitator are also responsible for oversight of the ISG Secretariat, including infrastructure, staffing, budgets, work planning.

The leadership team is also responsible for making representations and negotiations, on behalf of the Group and in accordance with mandates agreed by its members, with the Speaker of the Senate and the leadership of other recognized caucuses and parliamentary groups.

Administration

4.2 The ISG is supported by the ISG Secretariat (hereafter referred to as ‘the Secretariat’), which serves all ISG Senators equally, transparently and in an impartial manner. The Secretariat provides a variety of shared services to ISG Senators, relating to Senators’ activities in the Senate Chamber and in committees, including but not limited to the preparation of briefing notes, legislative analysis and procedural notes, and organizing meetings and events.

5. MEMBERSHIP

Eligibility

5.1 Any Senator is eligible to join the ISG and to remain a member of the ISG as long as they:

5.1.1 are not a member of another recognized party or recognized parliamentary group, as defined in Appendix 1 of the Rules of the Senate;

5.1.2 are not a member of a caucus of the House of Commons;

5.1.3 do not have direct involvement in the activities of a recognized political party currently registered under the Canada Elections Act, including, but not limited to, publicly endorsing a recognized political party or its candidate(s), participating in the internal elections of a recognized political party, or helping to raise funds to support a recognized political party or one of its candidates.

5.1.4. disclose to the Secretariat in writing, using the form adopted by the ISG, their membership of a recognized political party currently registered under the Canada Elections Act, as well as any changes thereto within 30 calendar days of the change;

5.1.5 are not from the Government Representative Office;

5.1.6 are not the Speaker of the Senate;

5.1.7. ascribe to the Purpose of the ISG;

5.1.8 demonstrate behaviour consistent with the ISG’s Principles and

5.1.9 comply with the Rules of the Senate, the Senate Administrative Rules, and the Ethics and Conflict of Interest Code for Senators.

Protocol for the Accession, Withdrawal, Resignation, Suspension and Expulsion of Members

5.2 The Protocol for the Accession, Withdrawal, Resignation, Suspension and Expulsion of Members can be found in the Annex to this Charter.

6. PROTOCOLS AND PRACTICES OF THE ISG

The protocols and practices of the ISG can be found in the Annex to this Charter.

AMENDMENTS TO THE ISG CHARTER AND ITS ANNEX

Notice

7.1 Notice of proposed amendments to the ISG Charter and its Annex must be provided to the Facilitator or Deputy Facilitator and all ISG Senators in writing, two (2) weeks prior to their consideration at a meeting of the ISG Senators.

Consideration

7.2 Upon receipt of the notice, the Secretariat ensures consideration of the amendment request by making it a matter of business at a weekly ISG meeting

Decision

7.3 Proposed amendments shall be deemed approved if 60 percent of votes have been cast in favour of the amendment.

ANNEX TO THE CHARTER OF THE INDEPENDENT SENATORS GROUP (ISG)

The Annex to the Charter of the Independent Senators Group (ISG) establishes the protocols and practices of the ISG.

Part I - Membership

1. Protocol for the Accession of Members

1.1. Notice of Application

a. A non-affiliated Senator (hereafter, “the Senator”) must give written notice to the Facilitator or Deputy Facilitator of the ISG that they wish to become a member of the ISG.

1.2. Consideration of Membership Request

a. The Secretariat ensures that the candidate meets the eligibility requirements established in section 5.1 of the ISG Charter.

b. Upon reception of the notice, the Secretariat ensures consideration of the membership request by making it a matter of business at a weekly ISG meeting.

c. The consideration of the membership request must occur within four (4) sitting weeks after written notice has been received by the Facilitator or Deputy Facilitator of the ISG.

d. The Senator may present written submissions for the consideration of their request.

e. The Facilitator, Deputy Facilitator, other ISG Senators and the Secretariat may question the Senator whose request is under consideration or ask them to provide additional information prior to proceeding to a vote.

1.3. Accession

- a. Upon receiving an application from a Senator, the Facilitator or Deputy Facilitator of the ISG moves a vote for a decision pertaining to their membership.
- b. Following consideration of the membership request, the Secretariat undertakes an anonymous electronic survey to all ISG Senators in order to vote on the membership request.
- c. ISG Senators have a maximum of two (2) sitting days to cast their vote.
- d. Membership requests shall be deemed approved if 60 percent of votes have been cast in favour of the applicant.
- e. The voting record shall, upon request, be made available to the candidate. The public result of the vote only states whether the Senator's request for membership was accepted.

2. PROTOCOL FOR THE WITHDRAWAL OR RESIGNATION OF MEMBERS

2.1. Resignation

a. A Senator in breach of the ISG Charter or the Ethics and Conflict of Interest Code for Senators is relied upon to voluntarily resign from the ISG.

2.2. Withdrawal

a. A Senator may withdraw on a temporary basis or resign from the ISG by providing written notice to the Leadership of the ISG. The withdrawal takes effect on the later of a date specified in the notice or the date the notice is received by the Leadership.

3. PROTOCOL FOR THE SUSPENSION OF MEMBERS

3.1. Criteria for Suspension

- a. A Senator may be suspended from the ISG:
 1. pending an investigation under the Ethics and Conflict of Interest Code for Senators;
 2. if they are charged with a criminal offence for which the Senator could be prosecuted by indictment; or
 3. if they are deemed to be in violation of this Charter.

3.2. Notice

a. The Facilitator or Deputy Facilitator of the ISG may call a hearing to reconsider an ISG Senator's (hereafter, "the Senator") membership status. The Secretariat issues a

written notice to all ISG Senators, including the Senator under consideration, at least five (5) days prior to the hearing date.

b. The notice shall include;

1. The date, time and location of the hearing;
2. The relevant ISG Charter provisions that have been breached and the remedy sought; and
3. Any and all allegations against the Senator and the relevant information to support it.

c. The hearing can be held in absentia, if the Senator declines their right to a hearing or if they fail to appear at the time and location given in the notice.

3.3. Hearing

a. An ISG Senator designated by the Facilitator or Deputy Facilitator of the ISG chairs the hearing. The Chair must be impartial, and the Chair must recuse themselves if circumstances are likely to give rise to an apprehension of bias. If the Chair refuses to recuse themselves, the ISG Senator whose membership is at issue may request that the question be raised at the next ISG meeting. A vote of confidence in the Chair is then held following the established procedure for accession requests (see Part I, Clause 1(3) of the Annex).

b. The hearing is held in camera; ISG Senators may attend and a maximum of two Secretariat Staff may assist. The senator in a hearing may be assisted by a member of their staff. Witnesses invited to testify may only attend while delivering testimony.

c. The Facilitator or Deputy Facilitator of the ISG opens the hearing by expounding the case for the suspension or expulsion of the Senator.

1. For this purpose, the Facilitator or Deputy Facilitator of the ISG may call witnesses and provide material evidence.
2. The Senator may thereafter proceed to a cross-examination.
3. The Senator may call witnesses and provide material evidence.
4. The Facilitator or Deputy Facilitator of the ISG may thereafter proceed to a cross-examination.

d. Senators have the right to legal representation; the right for that representation to be present and heard during all discussions, and that all aspects of due process must be offered and respected.

3.4. Decision

- a. Following the hearing, the Secretariat undertakes an anonymous electronic survey to all ISG Senators in order to vote on the Senator's membership status.
- b. ISG Senators have a maximum of two (2) sitting days to cast their vote.
- c. Suspension shall be deemed approved if 60 percent of votes have been cast in favour of the suspension.

3.5. Readmission

- a. A suspended Senator may request the Facilitator or Deputy Facilitator of the ISG to move a vote in order to have their suspension lifted before the end of its term. Such requests are considered under the Protocol for the Accession of Members.
- b. A Senator suspended from the ISG may be fully reintegrated to the ISG once the suspension has come to an end or if the circumstances warranting the suspension are no longer in effect.

4. Protocol for the Expulsion of Members

4.1. Criteria for Expulsion

- a. The ISG Senators may expel a Senator from the ISG if they:
 - 1. have been found in breach of the Ethics and Conflict of Interest Code for Senators;
 - 2. have been found guilty of a criminal offence in proceedings by indictment; or
 - 3. are deemed to be in violation of this charter.

4.2. Notice

- a. The Facilitator or Deputy Facilitator of the ISG may call a hearing to reconsider an ISG Senator's (hereafter, "the Senator") membership status. The Secretariat issues a written notice to all ISG Senators, including the Senator under consideration, at least five (5) days prior to the hearing date.
- b. The notice shall include;
 - 1. The date, time and location of the hearing;
 - 2. The relevant ISG Charter provisions in breach and the remedy sought; and
 - 3. All the allegations against the Senator and the relevant information to support it.
- c. The hearing may be held , in absentia if the Senator declines their right to a hearing or if they fail to appear at the time and location given in the notice.

4.3. Hearing

- a. An ISG Senator designated by the Facilitator or Deputy Facilitator of the ISG chairs the hearing. The Chair must be impartial, and the Chair must recuse themselves if circumstances are likely to give rise to an apprehension of bias. If the Chair refuses to recuse themselves, the ISG Senator whose membership is at issue may request that the question be raised at the next ISG meeting. A vote of confidence in the Chair is then held following the established procedure for accession requests (see Part I, Clause 1(3) of the Annex).
- b. The hearing is held in camera; ISG Senators may attend and a maximum of two Secretariat Staff may assist. The senator in a hearing may be assisted by a member of their staff. Witnesses invited to testify may only attend while delivering testimony.
- c. The Facilitator or Deputy Facilitator of the ISG opens the hearing by expounding the case for the suspension or expulsion of the Senator.
 1. For this purpose, the Facilitator or Deputy Facilitator of the ISG may call witnesses and provide material evidence.
 2. The Senator may thereafter proceed to a cross-examination and may make a written or oral statement in their defense.
 3. The Senator may call witnesses and provide material evidence.
 4. The Facilitator or Deputy Facilitator of the ISG may thereafter proceed to a cross-examination.
- d. Senators have the right to legal representation; the right for that representation to be present and heard during all discussions, and that all aspects of due process must be offered and respected.

4.4. Decision

- a. Following the hearing, the Secretariat issues an anonymous electronic survey to all ISG Senators in order to vote on the Senator's membership status.
- b. ISG Senators have a maximum of one week (7 calendar days) to cast their vote.
- c. Expulsion shall be deemed approved if 60 percent of votes have been cast in favour of the expulsion

4.5. Readmission

- a. A request from a Senator who has been expelled from the ISG and wishes to be reintegrated to the ISG shall also be treated under the Protocol for the Accession of Members

Part 2 – ISG Leadership

1. PROTOCOL CONCERNING THE ELECTION OF ISG LEADERSHIP

1.1. Eligibility

a. All ISG Senators are eligible to present themselves as candidates for election. Membership is based on the official listing of ISG Senators as reported by Senate Administration on voting day.

1.2. Election and Votes

a. One month prior to the expiration of the Facilitator's and Deputy Facilitator's mandates, during an ISG Weekly Meeting, up to 3 (three) volunteers are sought to form the Leadership Renewal team. These ISG Senators are not permitted to present themselves as candidates but are permitted to vote in the election.

b. Working with the Secretariat, one member of the Leadership Renewal team is appointed to manage the election process.

c. The duration of the campaign period and the date of the election are established by the Leadership Renewal team.

d. All ISG Senators are eligible to vote. Membership is based on the official listing of ISG Senators as reported by Senate Administration on voting day.

e. Voting for the position of Facilitator and Deputy Facilitator occurs on the same day, with the election of the Facilitator to occur first, followed by the election of the Deputy Facilitator, once the Facilitator is known.

f. Voting is by secret ballot and the threshold for an elected candidate is 60 percent of eligible ballots.

1. If no candidate receives 60 percent support in the first round of voting, the candidate receiving the smallest number of votes is removed from the ballot and a second round of voting is held. This process is repeated until one candidate achieves at least 60 percent of the votes.

2. In the event that there are only two candidates, or when there are only two candidates remaining, the candidate with the most votes is acclaimed, even if it is less than 60 percent.

1.3. Duration of mandate

a. The Facilitator and Deputy Facilitator shall be elected for a 2-year term and may not be re-elected for more than 1(one) additional term.

b. In the event that the Facilitator or Deputy Facilitator is unable or unwilling to complete their term, or if the Facilitator or Deputy Facilitator resigns from or is asked to leave the ISG, a by-election is held to fill the vacant position until the end of the 2-year term.

Part 3 – PRACTICES OF THE ISG

1. PARTICIPATION ON STANDING OR SPECIAL SENATE COMMITTEES

1.1. Allotment of committee seats to the ISG

- a. The rules regarding the appointment of Senators to Committees are established in the Rules of the Senate. The Facilitator and Deputy Facilitator are responsible for ensuring ISG compliance with these rules.
- b. The number of seats allotted to the ISG is determined, in keeping with current Senate practice, by agreement following discussions between the ISG Leadership team and the Leaders of other parties and groups recognized in the Senate. The objective of the ISG Leadership team in respect of committee membership is to ensure the proportional representation of ISG Senators on Senate Committees.

1.2. Allotment of ISG Senators to committees

- a. ISG Senators are invited to submit ranked requests indicating their Committee preferences to the Secretariat.
- b. Senators' choices are, where possible, allocated based on preference. ISG Senators have the opportunity to review their allotment and discuss committee memberships with other ISG Senators. However, if too many ISG Senators select the same committee, the Facilitator or Deputy Facilitator may make membership recommendations to all ISG Senators based on Senators' seniority, experience, expertise, and attendance record, taking into consideration gender parity and regional representation, among other equity considerations, in order to optimize the ISG's representation on committees.
- c. Once finalized, the Facilitator or Deputy Facilitator submits the committee membership list to the Clerk of the Senate.

1.3. Selection of Committee Chairs

- a. Where the ISG is allotted either the position of Committee Chair or Vice-Chair, ISG Senators who are members of that Committee are responsible for determining who among them shall hold that position.
- b. The selection of Committee Chairs and Vice-Chairs shall also take into account gender parity and regional representation. The ISG Leadership team works with Committee members and shall make recommendations, where necessary, with the objective of ensuring these factors are given due consideration.

2. MEETINGS OF THE ISG

2.1. Weekly ISG Meeting

- a. When the Senate is in session, the ISG Senators meet on a weekly basis to discuss important legislation and other issues facing them in the Chamber or in committees, as well as to address any concerns or opportunities within the ISG.

b. Attendance at this meeting is expected – although not mandatory – as the subject matters discussed pertain to the business and functioning of the Chamber and its committees.

2.2. ISG Commons

a. A second, informal, weekly meeting is scheduled so that Senators have the opportunity to have in-depth discussions about particular bills or other issues, for which the weekly ISG meeting does not allow.

b. All ISG Senators are eligible to submit items for discussion during the ISG Commons.

2.3. Other meetings

a. The Facilitator or Deputy Facilitator may, on their own accord or at the request of a member of the ISG, call additional meetings of ISG Senators.

