



Nunavut Tunngavik Inc.

Policy for Financial Support for External Legal Challenges

Approved by the Board of Directors in September 2021

1. PURPOSE

From time to time NTI receives requests from Inuit seeking financial support for legal challenges they wish to commence or have commenced. Those legal challenges involve lawsuits or similar application before a court or a human rights tribunal. The purpose of this Policy is to set forth the criteria to guide NTI's decision-making as to whether to provide financial support for such challenges.

2. APPLICATION

This policy applies to all requests from individual Inuit enrolled under the Nunavut Agreement (including a group of individuals or organizations, the majority of whose members are Inuit, which represent or advocate for Inuit), for financial support for legal challenges they wish to commence or to continue. This policy does not apply to requests from Inuit Organizations that receive regular financial supports through NTI's budgetary cycle.

3. CRITERIA

The following criteria will be considered in making a decision about whether to provide NTI financial support for legal challenges by Inuit. Generally, a legal challenge case should meet most or all of the criteria to be considered favourably.

a) Key Legal Criteria

- i. The legal challenge implicates one or more of the Nunavut Agreement, Inuit human rights or Inuit aboriginal rights.
- ii. The challenge will advance and/or is consistent with NTI's positions in related matters.
- iii. A positive result will benefit Nunavut Inuit generally, and is in keeping with NTI's mandate to promote Inuit economic, social and cultural well-being.
- iv. There is potential for a legal remedy that will contribute to the advancement - directly or indirectly - of Inuit rights under the Nunavut Agreement, Inuit aboriginal rights, or Inuit constitutional or human rights.

b) Supplementary Criteria

- i. There is a significant likelihood of success which outweighs the risks of a negative result.
- ii. The individual/group seeking support has a significant stake in the matter, financial or otherwise.
- iii. The support that NTI is prepared to provide, along with whatever other sources of funding the individual has available, will allow for the carriage of the case to its conclusion (not necessarily including any appeals).
- iv. The individual/group has sought or will also seek financial support from other sources to the extent possible and reasonable (if any), which may include contingency arrangements or reduction in legal counsel's fees.
- v. The individual/group will utilize reputable legal counsel satisfactory to NTI.
- vi. The individual/group and the law firm commit to coordinating with NTI Legal Department on relevant legal arguments.

4. AMOUNTS

- a) The annual budget for the legal challenges under this Policy may be appropriated within NTI Legal Department's budget, in accordance with NTI's established process for budgetary appropriations.
- b) Upon recommendation from NTI's Legal Department, following appropriate Legal Department review, NTI's CEO may approve financial support up to \$50,000 for each case in accordance with the approval process provided in Part 5 below. In exceptional circumstances, and on a case by case basis, the Board of Directors may approve additional amounts for a case, up to \$150,000.
- c) NTI's financial support may be a flat amount or a percentage of fees and costs, or other mutually agreed arrangement as determined by the CEO.

5. SCREENING AND APPROVAL PROCESS

- a) Any request for financial support requires a written explanation of the nature of the case and why the individual/group believes NTI's financial support is justified.
- b) All requests will be screened and evaluated by NTI Legal Department.
- c) If, in the opinion of the Legal Department, a request justifies financial support by NTI, the Legal Department will make a recommendation to the CEO for review and direction.
- d) The CEO of NTI shall consult with the Senior Manager's Committee comprised of Executive Directors of the Regional Inuit Associations, to determine whether to provide financial support on a legal challenge case as recommended by the Legal Department.
- e) Upon consensus of the Senior Managers and the CEO, the CEO may approve financial support for an applicant whose case has been screened and approved in accordance with this Policy.

6. REPORTING AND REVIEW

A report on requests that are both approved by the CEO and requests that are rejected as outside the parameters of the Policy shall be provided to the Executive Committee at its quarterly meetings for updates.

The Policy may be reviewed every five (5) years at the discretion of the Board of Directors. Nothing in this section shall prevent the CEO from reviewing the program on a more frequent basis.