

# DRAFT RESOLUTION # 01 / 2023

## AFN Special Chiefs Assembly, June 28, 2023, Ottawa, ON

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<b>TITLE:</b>	AFN Article 22, Charter Procedures
<b>SUBJECT:</b>	Vote to Expel the National Chief by Chiefs in Assembly
<b>MOVED BY:</b>	Chief Irene Kells, Zhiibaahaasing First Nation, ON
<b>SECONDED BY:</b>	Chief Kyra Wilson, Long Plains First Nation, MB

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### WHEREAS:

- A. Resolution no. 03/2022 (the “Resolution”) passed by the Chiefs-in-Assembly in Vancouver, at the July 2022 AFN Annual General Assembly, directed:
  - i. ... the National Chief and the Executive Committee to actively cooperate in the ongoing human resources investigation, being led by the independent investigator, to respond to and resolve the staff complaints in good faith, and to refrain from making any public comments to the media, in the interim, until the investigation has been completed and reported on to the Chiefs-in-Assembly.
- B. The investigation into the five (5) complaints against the National Chief RoseAnne Archibald has been completed;
- C. The Executive Committee received the five (5) reports prepared by the third-party independent investigators on or about April 21, 2023;
- D. The investigators found that the National Chief harassed two (2) complainants contrary to the AFN’s Workplace Violence, Discrimination, and Harassment Policy (HR-39) [hereinafter the “Harassment Policy”];
- E. The investigators made findings in all five (5) reports that the National Chief breached the confidentiality requirements of the Harassment Policy, the AFN’s Whistleblower Policy (HR-30) [hereinafter the “Whistleblower Policy”] and Code of Conduct and Ethics for the AFN Executive Committee [hereinafter the “Code of Conduct”];
- F. The investigators made findings that the National Chief retaliated against all five (5) complainants as reprisal for bringing forward their complaints contrary to the Harassment Policy and the Whistleblower Policy;
- G. Despite these findings, the National Chief issued a statement on social media on April 21, 2023, announcing that she had been “vindicated” by the reports, thereby misrepresenting to the public and Chiefs across Canada about the findings of the reports, which is an additional breach of confidentiality and breach of the Code of Conduct and the Resolution passed by Chiefs-in-Assembly;
- H. By stating that she was “vindicated” the National Chief appears to be minimizing her wrongdoing and failing to take accountability for her actions;

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- I. The National Chief's breaches of AFN policy and her actions as set out in the reports have put the AFN at risk of significant liability for constructive and wrongful dismissal damages, as well as other statutory and common law damages all caused by her actions;
- J. The Code of Conduct states that if "the Executive recommends that the National Chief be suspended or expelled, Article 22 of the AFN Charter shall apply and a Special Assembly shall be called by the Executive where the First Nations-in-Assembly shall vote on the recommended decision of the Executive;"
- K. The AFN has a legal obligation to ensure a harassment free environment for all employees and each Director on the Executive Committee has a fiduciary obligation to ensure that legal obligation is met;
- L. A Summary Report of the investigation was prepared by external legal counsel Raquel Chisholm in compliance with Canada's Labour Code regulations and the AFN's obligation to protect the identity of the complainants and this Summary Report has been shared with Chiefs and it outlines the findings in the Final Report.
- M. The AFN Executive Committee passed a motion on April 28, 2023, recommending that the Chiefs-in-Assembly expel National Chief Archibald and that she be removed as National Chief. Following the AFN Code of Conduct, the Executive Committee also provided notice to the National Chief and provided her with 20 days to provide a response to their recommendation.
- N. The National Chief did not provide the Executive Committee with a response to their recommendation within the 20 days and therefore on May 19, 2023, the Executive Committee passed another motion confirming their decision to recommend to the First Nations-in-Assembly that National Chief Archibald be expelled from the board and removed as National Chief.
- O. National Chief RoseAnne Archibald has caused much damage to the AFN, including its staff members through her actions and behaviors and she has not once taken responsibility for the damage. But instead, denies wrongdoing. As a result, the liability to AFN for her actions and behaviors is very high.
- P. Whereas the First Nations-in-Assembly have lost confidence in the leadership of National Chief RoseAnne Archibald.

### **THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

- 1. Support the recommendation of the Executive Committee and hereby expel RoseAnne Archibald from the Board of the Assembly of First Nations and remove her as National Chief.
- 2. Direct that the Executive Committee follow the procedures outlined in Article 22(3) of the AFN Charter to select an interim National Chief from amongst themselves and call an election to be held at the December 2023 Special Chiefs Assembly.
- 3. Hereby direct and mandate that National Chief RoseAnne Archibald be immediately removed from office and that all pay and benefits be stopped effective immediately.