



Seabird Island Band

Report on the Results of the Membership Code Questionnaire

[Date], 2022

Peter Nyhuus, Associate
DEVLIN GAILUS WATSON
Barristers & Solicitors
www.dgwlaw.ca

Introduction

- Seabird Island Band has hired DGW Law to engage with members to:
 - Review and update Seabird's Membership Code; and
 - develop a written document setting out the rights and responsibilities of Membership.
- This presentation reports on the responses DGW Law received from Seabird Members ("Members") who participated in the **Membership Code Questionnaire**, conducted over the summer of 2022.
- We are providing to Members two versions of a Report on the Results: a "Full Report" and a "Summary Report".



The Reports

FULL Report

- 66 pages
- Detailed reporting on responses
- Thorough analysis of results
- Preliminary outline of draft Membership Code

SUMMARY Report

- 12 pages
- Summarizes the Analysis section
- Highlights “Focus Areas” for further community engagement

Both Reports are available for review by Seabird Members.



Agenda

1. Distribution, Participation, and Critiques
2. Analysis of Results
3. Summary of “Focus Areas”
4. Next Steps



Distribution, Participation, and Critiques

- The Questionnaire was distributed between May and July. It was available online and paper versions were distributed at community meetings and door-to-door.
- We received 106 Questionnaires from members. About 10% of Seabird's population participated.
- The responses provide good insight and a good starting point.
- We received helpful criticism as well. For instance:
 - Requesting “not sure” as a possible answer to the multiple-choice questions.
 - Suggestions to split the Questionnaire up into separate, smaller parts.
 - Several participants said the questions were unclear, tricky, or vague.
 - Some asked for in-person visits and meetings instead of surveys.



Analysis of Results

- The Questionnaire responses reveal issues of agreement and disagreement
- The Analysis is organized by the following subjects:
 1. Who should be a Member?
 2. “Membership” or “Citizenship”?
 3. Rights and Responsibilities
 4. Application Process and Administration
 5. Removals from Membership
 6. Amendment Process
 7. Appeals and Protests



1. Who should be a Member?

Areas of Agreement

"Right" to Membership:	Member by Application:	Not Eligible:
<p>Children born or adopted to one Seabird member</p> <p>Children of Seabird members who would have been a member but were adopted out as a child and now wish to return to Seabird</p>	<p>Spouses of Members</p> <p>Persons from other Bands wishing to transfer</p> <p>Persons adopted by Seabird members as adults</p> <p>Persons who voluntarily gave up their Membership and now wish to return</p>	<p>Non-Status persons who are "involved" in the community</p> <div><p>Areas of Disagreement lead to two Focus Areas:</p><p>(1) Indian Status</p><p>(2) Second Tier of Membership</p></div>

2. “Membership” or “Citizenship”

- Most respondents prefer the word “Member” to “Citizen”. This is clear direction from respondents that they are not interested in reconceptualizing membership as citizenship.
- Respondents also showed willingness to use a Halq'eméylem word to describe Membership. It is possible for the Membership Code to refer to both the terminology of “membership” and Halq'eméylem words to describe the Seabird people.
- We will continue to explore the inclusion of Halq'eméylem words in the Membership Code.



3. Rights and Responsibilities

- Respondents provided clear support for the creation of a document setting out the rights and responsibilities of Members and to include it as part of the Membership Code.
- Respondents also indicated that they dislike the idea of allowing the Rights and Responsibilities document to provide justification for the removal of Members if a Member were to disobey it.

Focus Area:

(3) Determining Seabird Rights and Responsibilities

- The challenge is now to determine what those rights, responsibilities, and values will be.



4. Application Process and Administration

- Most respondents agreed that a **Membership Committee should be established** to make decisions on Membership applications.
- However, about half of the respondents also thought that the community should vote on Applications.
- There was very little support for leaving application decisions in the hands of an Enrolment Officer or Membership Clerk. Those roles should be administrative.

Focus Areas:

(4) Establishing a Membership Committee

(5) Identifying decisionmakers for the Application Process



5. Removals from Membership

Most respondents thought that the Membership Code should have ways to remove a person from Membership in certain situations.

Respondents agreed with:	Respondents were divided on:	Respondents disliked:
<p>When a Member lied or gave false information in their application to Seabird.</p> <p>When a Member causes harm to the community or Members.</p>	<p>When a Member commits a serious criminal offence.</p> <p>When a Member becomes a member of another First Nation.</p> <p>When a Member gained membership through marriage, but that marriage ends (through divorce or separation).</p>	<p>When a Member gained membership through marriage, but the spouse has died.</p> <p>When a Member disobeys the new document setting out the rights and responsibilities of Seabird Members.</p>

5. Removals from Membership (2)

We think these responses lead to the following related questions that Seabird must address:

- (1) Should Members be removed for causing harm to the community or Members or for committing serious criminal offences?
- (2) Should Seabird allow for dual membership with other Indian Bands?
- (3) Should Members who gained entry to Seabird through marriage or common law relationship lose their Membership if that relationship ends (other than by death)?

Focus Areas:

- (6) Confirm circumstances Member can be removed
- (7) Identify decisionmakers and process for removing
- (8) Membership in multiple Bands

6. Amendment Process

- The Code must contain a procedure for changing it in the future. Most respondents thought that the best way to amend the Code would be to have a Referendum with a polling station and mail-in ballots.

Focus Area:

(9) Developing the Amendment Process

- The procedure for the amendment process vote needs to be further discussed and decided. For instance, should there be a minimum threshold of participation in an amendment vote for a vote to be successful?



7. Appeals and Protests

- The Questionnaire did not ask participants any questions about appeals or protests, however, we flag this as another issue that we will need to discuss with Membership.

Focus Area:

(10) Appeals and Protests

- The Code will need to include a mechanism for people to appeal the decisions of the Membership Committee.
- Seabird could also decide to include “protest” provisions, in which a Member other than the applicant disputes another person being added to, or removed from, the Membership List.



“Focus Areas” for Further Discussion (1)

Who should be a Member?

- **FOCUS AREA #1 – Indian Status:** Seabird must decide whether to allow individuals who do not have Indian Status to join Membership.
 - This may be the most important issue to address.
- **FOCUS AREA #2 – Second Tier of Membership:** Seabird must decide whether the concept of a “second tier” of membership for non-Indian Status persons is an appropriate way to include folks who would otherwise be a Member if they did have Status. If not, are there other solutions that would allow Seabird to include certain Non-Status persons?



“Focus Areas” for Further Discussion (2)

Rights and Responsibilities

- **FOCUS AREA #3 – Determining Seabird Rights and Responsibilities:**
What rights, responsibilities, and values does Seabird want to include in the Membership Code?

Application Process and Administration

- **FOCUS AREA #4 – Establishing a Membership Committee:** Seabird needs to determine how the Membership Committee would be created, who can be appointed to it, how it functions, and what decisions it is responsible for.
- **FOCUS AREA #5 – Identifying decisionmakers for the Application Process:** Related to Focus Area #4, Seabird needs to decide if there will be a role for the community in deciding on Membership Applications or if decisions will be left to the Membership Committee. Seabird should also determine the relevant factors the Committee is allowed to consider in making decisions about Membership.



“Focus Areas” for Further Discussion (3)

Removals from Membership

- **FOCUS AREA #6 – Confirming circumstances a Member can be removed:** If Seabird decides to allow Members to be removed for harmful behaviour, Seabird needs to decide what qualifies as harmful behaviour. Further, does Seabird want to allow for the removal of Members who married into Seabird upon divorce; and would this apply in all circumstances?
- **FOCUS AREA #7 – Identifying decisionmakers for removing a Member:** If Seabird decides to allow for the removal of Members, who will be charged with making this decision and by what process?
- **FOCUS AREA #8 – Dual-membership:** Does Seabird want to allow Members to be members of multiple Indian Bands? Does it make a difference if the tribe is in the United States?



“Focus Areas” for Further Discussion (4)

Amendment Process

- **FOCUS AREA #9 – Developing the Amendment Process:** Seabird needs to confirm the voting process for amending the Code in the future – particularly the minimum threshold of participation for a successful vote (i.e., does a certain percentage of the electorate need to participate for a vote to count)?

Appeals and Protests

- **FOCUS AREA #10 – Appeals and Protests:** Seabird needs to decide who will decide appeals of Membership decisions (applications and removals) and by what process. Further, Seabird needs to decide whether to include a “protest” provision in which Members can dispute another person being added to, or removed from, the Membership List.



Next Steps

To make community engagement manageable moving forward, it is likely that future community meetings and discussions will be focused on one or two of the above Focus Areas.

The first community engagement meeting on one or more of these Focus Areas will be announced shortly, so please keep your eyes peeled for more information.



Questions and Discussion

Questions?



Thank you for attending!



DGW Law Corporation

201-736 Broughton Street

Victoria, BC V8W 1E1

Phone: 250.361.9469

peter@dgwlaw.ca

www.dgwlaw.ca