

MÉTIS NATION OF BRITISH COLUMBIA SENATE

Citation: Alana Copeland v. Vince van Wieringen
Senate File No: 195

Date: June 4th, 5th & 6th, 2024
Registry: Senate Clerk

Between:

Alana Copeland

Applicant

vs.

And

Vince van Wieringen

Respondent

Métis Citizens resident in Region 7, in particular, Fort St. John, BC

Before Senators Edkins, Gladue, Sayers, and Murray

Oaths administered by Senator Gladue

Counsel for the Applicant:

Self

Counsel for the Respondent:

Self

Place of Hearing:

Richmond, British Columbia

Written Submissions of the Applicant Received:

March 23, 2024

Written Submissions of the Respondent Received:

April 23, 2024

Place and Date of Judgement: Electronically

August 6, 2024

EVIDENCE ON BEHALF OF THE APPLICANT ALANA COPELAND

Oral and written statements including exhibits presented to the Senate by the Applicant

EVIDENCE ON BEHALF OF THE RESPONDENT VINCE VAN WIERINGEN

Oral and written statements including exhibits presented to the Senate by the Respondent

BACKGROUND

This is a dispute brought by way of complaint to the Senate Clerk wherein the two above citizens have raised a series of allegations and counter allegations against each other both in their personal and Métis lives with an emphasis on their capacity as members of the Fort St. John Métis Society (also referred to herein as the FSJMS).

This Appeal is directed to the Senate and is accepted pursuant to s. 8.0 subsections a. and d. of the Senate Act which reads as follows:

Pursuant to this Act the Senate shall establish any such committees as are required by the Metis Nation British Columbia Constitution or Legislation and as required to carry out the following duties:

- a. Mediation; and**
- d. Regional and Community Disputes.**

The Senate's jurisdiction in this matter is further confirmed by section 3.1 of the Senate Act which reads as follows:

3.1 Act as the judicial arm of the Métis Nation British Columbia in accordance with the provisions of the Constitution.

Finally, jurisdiction is accepted and confirmed by both of the parties in their written submissions to the Senate voluntarily attorning to the Senate's jurisdiction.

This matter is being considered by the Senate under s.8.0 (d) by reason of the fact that the issues raised, and the animosity created, is rendering the administration of the Fort St. John Métis Society difficult, and to a great extent complicating administration of the whole of Region 7.

It is also necessary to comment that the Fort St. John Métis Society is committed pursuant to s.7.2 of the Community Governing Charter dated February 19, 2006, to resolve such issues before the Senate which clause reads as follows:

7.2 Where a matter in dispute cannot be resolved by the Parties as set out in Article 7.1 herein, either Party may, in writing and with notice to the other Party, refer the matter in dispute to the Senate for determination. Until a Senate body has been constituted, those matters to be referred to the Senate herein shall be referred to for determination to an ad hoc committee known as the “Senate Committee” which shall be established by the MNBC and constituted of Métis Citizens appointed by the MNBC

With respect to the resolution of this dispute, there are aspects and issues to it which are created by the necessity of running the local and national affairs of the Métis Nation through societies incorporated under the laws of British Columbia. Some of these issues relate solely to whether or not the purely administrative functions of the Fort St. John Metis Society, as a corporate entity, is being adequately addressed by its Officers and as such will only be dealt with if and when they are critical to resolving the greater issues before the Senate.

The Senate will focus its attention not on whether or not the letter of the Common Law has been complied with, but rather whether or not the spirit of the Métis Nation, its culture, traditions and beliefs have been offended.

One of the grievances raised by each party against the other is whether or not they were subjected to lateral violence which results in the necessity of going over what the term means.

For reference, in this regard, the Senate has relied upon an article prepared by the Native Women’s Association of Canada, which is located at 1 Nicholas Street, Suite 900, Ottawa, Ontario, wherein the term was given many wide-ranging definitions with perhaps one of the most useful being:

Unlike workplace bullying, lateral violence differs in that Aboriginal people are now abusing their own people in similar ways that they have been abused. It is a cycle of abuse and its roots lie in factors such as: colonization, oppression, intergenerational trauma and the ongoing experiences of racism and discrimination.

Through these factors Aboriginal people now become the oppressor and within the workplace or community they now direct abuse to people of their own gender, culture, sexuality, and profession. In other words, instead of directing their anger at the oppressor, these workplace or community aggressors now direct their anger at their own peers or community members.

As to any future discussion regarding the applicability of lateral violence to or by either party the definition above provided will be used as a very general measuring stick.

Both parties, but most specifically Vince van Wieringen, have asserted their rights and privileges as designated by the Canadian Charter of Rights and Freedoms, and the Métis Nation Constitution have been denied them as a result of the actions taken by the opposing party.

Again, although there are elements of these assertions which require a consideration of Colonial Law, because of the source from which they are derived, the Senate will here again assert that these rights will be interpreted and applied wherever they are found in a way that is consistent with our culture, traditions and history while at the same time being mindful of its mandate pursuant to paragraph 9.1 of the Senate Act which reads as follows:

9.1 *In all matters concerning appeals being bound by the law of natural justice.*

ISSUES RAISED BY THE PARTIES

ISSUES RAISED ALANA COPELAND:

1. That she has rights under s.8 of the MNBC Constitution which states as follows:

No Métis Citizen shall be subject to arbitrary or unlawful interference with their privacy, family, home or correspondence, nor to unlawful attacks on their honour or reputation.

Which have been interfered with by the conduct of Vince van Wieringen.

ISSUES RAISED BY VINCE VAN WIERINGEN:

1. Alana Copeland is attempting to infringe upon his fundamental rights as set out in the MNBC Constitution as set out in paragraphs 4 through 11 of that Act and further attempts to interfere with his rights as designated under the Canadian Charter of Rights and Freedoms.

ORDER SOUGHT BY THE PARTIES

ORDER SOUGHT BY ALANA COPELAND:

For an Order that Vince van Wieringen, be asked to delete certain electronic communications over which he may or may not have control and/or influence to do so.

That Vince van Wieringen remove all Administrators from the Community page that are not duly elected Board Members of the Fort St. John Métis Society and replace those Administrators with the seven elected members of the Fort St. John Métis Society.

And for an Order that Vince van Wieringen refrain from slandering the Fort St. John Métis Society and myself on social media, in the news and on podcasts and at events held by the Fort St. John Chamber of Commerce and or Rotary Club.

And for an Order that I be supplied with security at any event where Vince van Wieringen may be present

ORDER SOUGHT BY VINCE VAN WIERINGEN:

1. I, Vince van Wieringen, request a thorough review of the Chartered Agreement between Métis Nation British Columbia (MNBC) and the Fort St. John Métis Society (FSJMS) regarding the Chartered Community's responsibilities and accountabilities to MNBC and its community members
2. I, Vince van Wieringen, request that the applicant and President of the Fort St. John Métis Society (FSJMS) undergo a leadership training program focused on conflict resolution, communication skills, cultural sensitivity, and leadership ethics.
3. I, Vince van Wieringen, request a public apology from the applicant on behalf of the Fort St. John Métis Society (FSJMS) for the unconstitutional ban from the FSJMS private Facebook page, intentional exclusion from FSJM chartered community cultural events and Métis Nation British Columbia MNBC funded functions, and the lateral violence against myself and my family, as evidence in Exhibits A, D, N, O, G, H, O, V and Y.
4. I, Vince van Wieringen, request that Métis Nation British Columbia (MNBC) refrain from endorsing lateral violence by considering unfounded claims or requests, such as the request for me to sit away from my region at MNBC events like the immediate past MNGA, without consulting, informing, or discussing with me beforehand.
5. I, Vince van Wieringen, request to be granted full access as a member to the Fort St. John Metis Society (FSJMS) private Facebook page, as a FSJMS member in good standing.

APPROACH TAKEN BY THE SENATE

In this context it is important to understand that the Senate has chosen to operate its Hearings by the use of an inquisitorial system rather than an adversarial one. This process is within the authority to use and provides greater flexibility in the acquisition of information. As a consequence, the Senators hearing this matter become more proactive than otherwise would be possible.

The Senate, after reading all the submissions provided by the parties, and after having listened to the evidence of the parties with each having been given the opportunity to cross-examine the other concluded that there was still information required to fulfill their mandate.

Accordingly, in order to acquire the necessary background information, the Senators, pursuant to paragraph 9(e) of the Sente Act, which reads as follows:

9.0

- e) May appoint an individual(s) to inquire into and report on any matter before making a decision on it.*

Appointed the Senate Clerk as its Agent to acquire the information required.

FACTS

In reviewing all of the background information acquired in connection with the operation of the Fort St. John Métis Society prior to June 11, 2023, it is safe to say that many of the administrative requirements imposed upon that Society under the British Columbia legislation governing it, as well as the agreements having been entered into it with the MNBC, were ignored.

This fact, having been made more obvious over the years, gave rise to a determination by numerous members of that Society, two of whom were the Applicant and Respondent of this Hearing, to challenge the Society's leadership in the annual meeting which was held June 11, 2023.

On the occasion of that meeting, the then sitting President determined not to seek re-election, but both of the Applicant and Respondent had their names placed in nomination.

It is clear to the Senate that at this point both the Applicant and Respondent were motivated to bring the governance of the Society into compliance should they be elected. This is particularly true of the Respondent, Vince van Wieringen, who had expressed and proclaimed, both prior to

and at the meeting, that he had vast experience and qualifications to hold and perform the offices necessary to achieve this.

The outcome of the June 11, 2023 election resulted in the Applicant, Alana Copeland, being elected President of the Fort St. John Metis Society (FSJMS) and the Respondent being defeated as a director.

Both prior to the election, and subsequent to the resulting election of Alana Copeland to the Presidency, the Respondent, Vince Van Wieringen, engaged in activities, both in and outside the Society which lead, in time, to discussions amongst the newly elected Board to the effect that they should resign in order to escape his harassment.

This, notwithstanding, they were making and achieving real and effective reforms. Matters became so serious that the police were contacted about the nature of this aggressive conduct on the part of Vince van Wieringen.

The Senate's independent inquiry has determined that disruption around the Society's affairs and meetings had in the past become so animated as to require the involvement of the RCMP, something that causes the Senate to wonder and be concerned about, why the MNBC executive hadn't more effectively interjected their offices into this community.

Shortly after her election to the Presidency, the Applicant was engaged in having the Respondent made Chairman of the Food Truck Committee, a logical fit given that he is by trade, a Red Seal Chef. However, immediately upon his appointment, the bureaucratic necessities being imposed upon him, almost all of which were mandated by insurance requirements placed upon the Society, drew vigorous protestations from Vince Van Wieringen.

At the same time, the Respondent was demanding, as he had in the past, that almost all of the business of the Board of Directors, particularly their upcoming Resolutions, be submitted to him for input. Such demands being made under the pretext that he, as a member of the Society, was entitled to virtually all of the workings of the Board of Directors.

These demands were being made by him through contact information of all of the Directors given to him by the immediate past President. These demands and the disclosure of this contact information became the focus of much heated discussion resulting in electronic communications, podcasts and other contact groups, being used by Vince van Wieringen to assert his position in an aggressive and unnecessary manner.

When confronted about his aggressive, improper and unnecessary abuses he simply asserts his right to free speech, guaranteed him by the MNBC Constitution and the Canadian Charter of Rights and Freedoms, something which the Senate will comment on in their summary.

It is equally true, but to a far lesser extent, that the Applicant, Alana Copeland, on occasion, responded to these measures made by the Respondent, in a manner that might have been more effective were they more tempered.

The result of all of this is that notwithstanding the animosity which had developed, the FSJMS has, for the most part, being brought into compliance with its Common Law legal requirements and is functioning with a degree of effectiveness virtually unheard of in the four or five years before the June 11, 2023 AGM

Vince van Wieringen, in his submissions, asserts that any infringement on the activities he has engaged upon would be an offence against his rights given him under the Charter of Rights and Freedoms Act and the Métis Constitution. An issue which the Senate will comment and reflect upon in its summary and conclusions.

Another important factual revelation occurring from the information brought before the Senate was that Vince van Wieringen had become actively involved in an executive capacity with other Métis groups and associations, which are and were in direct competition with the MNBC and the Fort St. John Métis Society, placing him in a clear conflict of interest, something which he ultimately recognized, and has, at least, partially corrected. The Senate notes however, that his inability to recognize that conflict prior to entering into it, flies in direct contradiction to his assertions regarding skills, expertise and knowledge.

In addition to the above, the Respondent, Vince van Wieringen, virtually, for reasons of dubious merit, took control of a Facebook page which had been set up for the benefit of the Fort St. John Métis Society. His use, and subsequent take over of this page, was for the most part, used to benefit his personal agenda.

DISCUSSION

REGARDING LATERAL VIOLENCE

The Senate, being mindful of the carefully crafted definition quoted under the heading **“Background”** have concluded that it is unnecessary to analyze whether or not the conduct of Vince van Wieringen fits that definition or not because they have concluded that his conduct was unacceptable by any definition. The aggression and self-promotion demonstrated in his activities are completely contrary to the fundamental principles of unity, peace and harmony required of any citizen endeavoring to assist and promote the welfare of the Métis Nation and culture. His efforts to challenge the duly elected and/or appointed rulers of the community flies in contradiction to everything that was mandated from the earliest days of our existence. Such challenges were intolerable in the days of the buffalo hunt when the captain was an absolute

authority and disruption of his authority could jeopardize the Nation as a whole. His failure to recognize this necessity demonstrates a real concern in the eyes of the Senate as to whether or not he is fit to hold any office within the governance of the Nation.

With respect to the conduct of the Applicant, although her actions are less than perfect, there is nothing in them which the Senate feels are worthy of any real reproach.

With respect to whether or not either of the parties to this action, and in particular, Vince van Wieringen, have the right to make or engage in any statements, however intended, because of protection granted to them by the Canadian Charter of Rights and Freedoms, or the Métis Constitution, or for that matter, any United Nation's such guarantee, the Senate freely and readily acknowledges the existence of these rights, but asserts they must be read and applied in the context of our Nation's reality. To this effect, it is contended that although these rights exist, they are attached to duties which if not complied with, temper the individual's right to assert their freedoms. Clearly, if our culture and nation is to succeed, we cannot permit an individual citizen to exert and use his rights in a way that deleteriously affects another citizen's ability to use their rights. Neither can such rights be given free reign, when the net effect is to destroy our nation and culture for which we have so long endeavoured to attain with many of our ancestors having died in that same endeavour. The Respondent's conduct, in the opinion of the Senate, was in the whole, largely destructive of the Nation's ability to survive and prosper.

With respect to the assertion by Alana Copeland that her rights guaranteed under s.8 of the MNBC Constitution, must not be offended, the Senate says that these are principles that were acknowledged and recognized within our culture long before the creation of the MNBC Constitution and expresses the sentiment that a frank and candid conversation with any of our Elder citizens who have lived the lifestyle of our people and cherished its traditions could have told her.

The Senate, in this regard, is unanimously concerned that throughout these difficulties, that such Elders, who are available, have not been contacted for advice so that their years and wisdom might have been helpful.

There are assertions and suggestions by Vince van Wieringen that programs and courses should be administered to the Society's Executive, making them more proficient in the way that they deal with their offices.

The Senate acknowledges and accepts that in a purely common law world, this is a useful suggestion and even here has some merit, but herein, repeats its assertion that we should resort to our own culture and our own Elders to find effective methods for resolving problems which emphasize our own culture.

ORDERS SOUGHT BY ALANA COPELAND

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With respect to the specific orders sought by Alana Copeland, the Senate, not having any enforcement powers, as regards most of these requests, will only make general comments regarding them.

1. As regards deleting certain electronic communications, these are far too uncertain and vague for any specific Order to be made.
2. As regards the removal of all administrators from the community page that are not duly elected Board members of the Fort St. John this is something beyond the jurisdiction of the Senate to enforce but is quick to comment that there is merit in this being implemented.
3. Regarding an Order preventing Vince van Wieringen from slandering the Fort St. John Métis Society, again, these are beyond the powers of the Senate to enforce and are therefore reluctant to make any order, and although, in our discussion, we have made it clear how we view the rhetoric engaged in by him.
4. And finally, with respect to an Order be made regarding security for Alana, this again, is beyond the scope of the Senate as it has no power to enforce such an Order, nor in the circumstances do we think it necessary. We would comment, however, that it might be appropriate for the Respondent to be precluded from attending any Board meetings or have any contact with Board members for at least one year.
5. As regards the Respondent attending regular annual meetings, so long as he is a member of the Society and is in good standing, and finally, conducts himself appropriately, ordering his absence from such meetings would, to the Senate, appear excessive. This, notwithstanding, should his behaviour become disruptive, his expulsion from the meetings, would be supported by the Senate.

ORDERS SOUGHT BY VINCE VAN WIERINGEN

1. As regards his request for a review of the Charter Agreement between the MNBC and the Fort St. John Métis Society, this is the exclusive prerogative of the parties, and the Senate sees no reason to interfere with this prerogative. See below suggestion
2. As regards the Respondent's request that the Applicant undergo certain training, the Senate sees no such Order being necessary. See Senate recommendations below.

3. As regards the public apology requested of the Fort St. John Métis Society, the specific nature of such apology, is impossible to determine and from all of the evidence before the Senate, we believe it to be an overreach in his demands taking into consideration his own conduct in these matters.
4. With respect to his request for an Order regarding lateral violence, the Senate, in its earlier discussions, has made its view clear.
5. Finally, with respect to his request for an Order regarding access to the Facebook page, he has failed to convince the Senate, they have any such powers.

SENATE RECOMMENDATIONS

1. The Senate strongly recommends that the MNBC executive immediately provide governance training to the elected members of the FSJMS and the North East Metis Association (Dawson Creek) boards with focus on the following training:
 - a. Understanding of the roles and responsibilities placed on each elected member including President, Vice-President, Secretary, Treasurer and Directors at large;
 - b. Working knowledge of their community charters;
 - c. Conduct of meetings, required decorum and interpersonal communications.
 - d. Financial management;
 - e. Management of committees;
 - f. Understanding of the concept of natural justice as it is to be applied within each of their communities, and
 - g. Management and ownership of Facebook and other community electronic data.
2. MNBC undertake a comprehensive review of FSJMS management during four-year period preceding the June 11, 2023 election during which time Jacqueline Alderking was President, which should include:
 - a. Review of the financial delegated roles within the FSJMS and if these roles were adhered to; and
 - b. Audit of the nature and quality of training provided under contract by Bizzybody Enterprizes to FSJMS community members with determination if:
 - No conflicts of interest led to non-competitive awarding of the contract; and
 - Training was delivered per contract deliverables.

- All citizens received the training indicated for them; and
- Market costs for training received was fair and equitable.