



**The National Congress of American Indians  
Resolution #DEN-18-XXX**

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**EXECUTIVE DIRECTOR**  
**Jacqueline Pata**  
*Tlingit*

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**TITLE: Requesting the Executive Committee Conduct External Evaluation of  
Past and Existing Work Environment and Create a Plan to Ensure a  
Safe Working Environment at the Organization**

**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, the National Congress of American Indians was created to be the voice of Tribal Nations in Washington, D.C. and, as such, its treatment of staff, many of whom are Native American, is of paramount importance to the membership; and

**WHEREAS**, recent reports indicate a culture of acceptance that has created a hostile work environment, especially by one member of the Senior Management team who has been reported to have received claims of sexually inappropriate behavior, along with exhibiting unprofessional behavior towards other staff including disrespectful, intimidating, demeaning, and threatening behavior; and

**WHEREAS**, the Executive Director has not adequately resolved this situation to the satisfaction of the General Membership to ensure that the organization is free from any harassment, inequality, and hostility; and

**WHEREAS**, Article II of the Constitution of the National Congress of Americans states that the “[t]he General and Supreme power of NCAI resides in its members meeting in General Assembly [and] The NCAI General Assembly reserves the authority to delegate specific duties and responsibilities to the Executive Council, Executive Committee, the Executive Director and/or other NCAI officers”; and

**WHEREAS**, the Article IV, Section G of the National Congress of American Indians Constitution & Bylaws, provides the Executive Committee with the sole authority to provide for the employment of the Executive Director and to dismiss the Executive Director; and

**WHEREAS**, the Executive Committee has repeatedly asked for, but not been provided, details of a recent investigation conducted by the law firm of Vedder Price dealing with the ongoing conduct of a member of the Senior Management team with female staff; and

**WHEREAS**, the Executive Committee exercises the full authority of and acts on behalf of the Executive Council in between Executive Council meetings, and the denial of the request by the Administrative Board and Executive Director violates the provisions of the Organization's Constitution and By-Laws;

**NOW THEREFORE BE IT RESOLVED**, that the Executive Committee shall utilize its authority to hire an independent investigator(s) to conduct a thorough investigation of current and former staff to determine whether there have been instances of sexual harassment or other behaviors by NCAI staff that create a hostile work environment. This investigation should address the following issues:

1. Identify and determine how many complaints have been filed against employees within the last five (5) years, whether the complaint was investigated and the results of such investigation;
2. Identify how many times "concerns" regarding individual staff members were brought to the Executive Director, what those "concerns" were, and if they were not formalized as complaints explain why;
3. Identify existing litigation, civil action pending against organization for wrongful termination, along with a summary of the case;
4. An accurate report regarding the number of NCAI staff who have left the over the last five (5) years, and a listing of the staff who were employed then and continue to be employed at the time of the investigation;
5. A review of the exit interviews of all employees who have left over the past five years. If such reviews don't exist or have been deleted from the Organization's servers, every effort should be made to secure personal interviews with every employee who has left within the last five years, particularly those employees whose records have been deleted;
6. A review of Information Technology security and the maintenance of Human Resources documentation, which includes recommendations for securing such records;
7. A specific investigation regarding the deletion of employee files from the Organization's servers;

8. A detailed report of the financial status of the Organization;
9. A review of the handling of specific complaints against Senior Management that led to recent reports of harassment and hostile work environment including a timeline indicating when the incidents were originally reported and when they were investigated, who conducted the investigation and what the results of the investigation;
10. This review should also identify recommended actions the Organization should take to guarantee that it is meeting its legal obligations to protect employees.

**BE IT FURTHER RESOLVED**, that the Executive Committee shall be provided with any and all information resulting from the above-described investigation.

**BE IT FURTHER RESOLVED**, that the Executive Committee shall be provided full, unredacted copies of the recent investigation conducted by the Vedder Price law firm, which details recent allegations against a member of the Senior Management, copies of which have been withheld from the Executive Committee.

**BE IT FURTHER RESOLVED**, that the Executive Committee shall be provided with a full and complete report of the Organization's current financial status and human resources needs, and be provided an opportunity to ask questions and request additional information and records if the Members of the Committee deem it necessary.

**BE IT FURTHER RESOLVED**, that Executive Council is concerned that Administrative Board is hindering the exercise of the Constitutional and legal authority vested in the Executive Committee and directs them to refrain from interfering with or preventing the actions of the Executive Committee.

**BE IT FINALLY RESOLVED**, that the Executive Committee shall review any information generated from this resolution necessary to create a plan for addressing any issues resulting from such investigations and present such plan to the Executive Council at the next Annual Meeting. In the interim, the Executive Committee is specifically authorized to take any and all personnel actions it deems necessary to be in the best interest of this Organization.

#### **CERTIFICATION**

The foregoing resolution was adopted by the General Assembly at the 2018 Annual Session of the National Congress of American Indians, held at the Colorado Convention Center, October 21-26, 2018, with a quorum present.

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Jefferson Keel, President

**ATTEST:**

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Juana Majel Dixon, Recording Secretary