



TTES-SIB-DAY SCHOLAR CLASS ACTION

MAY 2015

WHO IS A DAY SCHOLAR?

- Defined in our litigation as an individual who attended a federally owned and operated Indian Residential School (“IRS”) but did not live at the school
- Day Scholars were prohibited from speaking their language or practicing their culture
- Many experienced sexual, physical, spiritual, and emotional abuse
- Continue to suffer from long-term effects of the Residential School Policy

AN ONGOING NEED FOR RECONCILIATION

- Day Scholars are ineligible to receive the Common Experience Payment (CEP)
- Day Scholars were also left out of the apology of Prime Minister Harper for the harms inflicted on students by the Residential School Policy

KAMLOOPS IRS

- Largest IRS in Canada
- Open from 1890 to 1978
- Attendance in the 1940-1960 averaged between 350 and 450 students per year
- Estimated over 200 living Day Scholars who attended Kamloops IRS



SECHELT IRS

- Operated from 1904 to 1975
- Attendance in 1940s until the School's closure averaged between 100 and 130 students per year
- Estimated over 100 living Day Scholars of the Sechelt IRS



TK'EMLUPS AND SECHELT DAY SCHOLAR CLASS ACTION

- Class Action claim filed in Federal Court on August 15, 2012



THE PLAINTIFF CLASSES

- Three different classes of Plaintiffs seeking redress in the litigation
- The “**Survivor Class**” means Day Scholars of the Kamloops IRS and Sechelt IRS
- The “**Descendant Class**” means children and descendants of the Survivor Class
- The “**Band Class**” means the entirety of the Sechelt and Tk’emlúps Bands

THE NATURE OF THE CLAIM

- Seeking a declaration that, in operating the residential schools program, Canada breached fiduciary, constitutional, common law, and statutory duties to the plaintiffs and their aboriginal rights
- Seeking damages for the cultural, linguistic, and social losses caused by the government's actions

PROGRESS TO DATE

- Canada brought procedural motions before the certification hearing
- The certification motion took place April 13-16, 2015

THE CERTIFICATION HEARING

- The hearing was over four days in Federal Court in Vancouver
- Chiefs from across the country attended to show support
- Community members, survivors, and descendants also attended
- We expect the decision by fall, 2015

POST-CERTIFICATION

- If the case is certified, the case will go to trial where a judge will determine whether the classes should be compensated for the claimed losses
- The parties (the classes and the Crown) may negotiate a settlement
- Either party may appeal the decision

SUPPORT FOR THE DAY SCHOLAR CLASS ACTION

- The Assembly of First Nations adopted a resolution in July, 2011 to provide moral, legal, and financial support to the Nations.
- The Union of B.C. Indian Chiefs, the First Nations Summit, and the Truth and Reconciliation Commission also support the litigation.
- The Federation of Saskatchewan Indian Nations politically and morally support the litigation.
- Every day we are gaining moral, political, and spiritual support from numerous First Nations across Canada.

TTES & SIB DAY SCHOLAR EXECUTIVE

- Chief Shane Gottfriedson-TteS
- Chief Garry Feschuk-SIB
- Councilor Randy Joe-SIB
- Councilor Chris August-SIB
- Councilor Katy Gottfriedson-TteS
- Jo-Anne Gottfriedson-TteS

“Forgiveness is healing”

Healing one heart, one mind & one
spirit at a time”

TTES AND SIB DAY SCHOLAR CLASS ACTION

- With team work we create action and pride.
- We encourage all First Nations to support us morally, politically and financially.
- United we stand- we are proud Nations. Let us join hands and work together for justice for all of our people.
- Thank you and may you always walk in all wellness!

GET INVOLVED

- We continue to encourage support from all Nations and interested parties.
- For more information, please contact:
 - **Jo-Anne Gottfriedson, TteS Day Scholar Coordinator**
200-330 Chief Alex Thomas Way
Kamloops, BC V2H 1H1
Phone:250-828-9788
jo-anne.gottfriedson@kib.ca
www.tkemlups.ca

TTES & SIB
TOGETHER WE WILL
ACHIEVE JUSTICE FOR OUR
DAY SCHOLARS



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