*“We have to have faith in ourselves before others can have faith in us”* participant, FNEC meeting September 16, 2015

First Nations Education Commissioners and Council of Yukon First Nations’ (CYFN) Department of Education developed and adopted Terms of Reference (TOR) for the First Nations Education Commission (FNEC). CYFN’s Leadership approved the TOR on January 22, 2015.

The Terms of Reference provide guidance to the Commission and Council of Yukon First Nations (CYFN) Education Department. On September 16, 2015, the First Nation Education Commission and the Council of Yukon First Nations met to discuss and clarify their roles and responsibilities and their working relationship. During these discussions a number of issues were clarified regarding the roles of the Commissioners, the Co-Chair and CYFN.

This document will assist new and longstanding members of FNEC in understanding their roles and responsibilities as Commissioners. This document contains the Terms of Reference as adopted by CYFN Leadership and a more detailed section on the roles and responsibilities of FNEC and CYFN as well as aCode of Conduct Oath of Office and Confidentiality Agreement to be signed by each Commissioner.

# FIRST NATION EDUCATION COMMISSION (“FNEC”)

TERMS OF REFERENCE

# 1.0 Preamble, Scope and Authority

FNEC provides technical support, advice and recommendations to the Yukon First Nations that are members of FNEC with respect to education matters relating to Yukon First Nation citizens and communities.

FNEC’s scope and mandate is to provide recommendations on culture and language programs and services at the central levels, including central organizations such as the Yukon Native Language Centre and the Department of Education that service Yukon First Nations in this area.

Further, education matters include early childhood education, primary and secondary education, post-secondary education and employment training.

The Council of Yukon First Nations (the “CYFN”) will provide administrative and secretarial support to FNEC.

# 2.0 Mandate

* 1. FNEC is to:
     1. provide technical support, advice and recommendations to the Yukon First Nation members of FNEC with respect to education matters;
     2. work to implement the Yukon First Nation’s authority with respect to education matters;
     3. promote collaboration amongst Yukon First Nations, governments and institutions with respect to education matters;
     4. identify areas of common interest and concerns to Yukon First Nations related to education, including programs, standards and measures;
     5. provide recommendations on the development and delivery of cultural and language programs and services, that meet the goals and needs defined by Yukon First Nations;[[1]](#footnote-1)
     6. facilitate the development and delivery of culturally-appropriate education systems, programs and services; and
     7. promote the development of internal capacity within Yukon First Nations relating to education matters.

# 3.0 Membership

* 1. Each Yukon First Nation that signs the *Memorandum of Understanding on Education Partnership* amongst certain Yukon First Nations, Canada and Yukon may appoint a technical representative to FNEC.
  2. The CYFN Director of Education will also be a member of FNEC

# 4.0 Meetings

* 1. Meetings. FNEC will meet at least quarterly for at least two days, subject to the availability of funding. Additional meetings may be called if required. Meetings will be scheduled as far in advance as possible. FNEC will attempt to hold meetings in Yukon communities based on available funding wherever possible.

Members may bring other staff or professional expertise at their discretion. Except for “in camera” sessions, FNEC’s meetings will be open to Yukon First Nation citizens. Other education stakeholders may be invited to attend meetings at the request of FNEC.

* 1. Quorum. The quorum for a meeting of FNEC will be no less than two-thirds of the members of the FNEC. A member of FNEC may attend a meeting by way of voice or video telecommunication and form part of the quorum so long as that member is able to communicate and participate in the discussions of the meeting effectively.
  2. Decision-making. FNEC must take into consideration the needs and interests of individual Yukon First Nations when it is developing recommendations for the consideration of the Yukon First Nation members of FNEC.

FNEC will endeavor to conduct its business by way of consensus. In cases where consensus cannot be reached, a three-quarter majority vote of those present will be required to approve a recommendation for the consideration of the Yukon First Nation members of FNEC.

* 1. Remuneration**.** FNEC members will be paid travel expenses for attending FNEC’s meetings in accordance with the CYFN’s financial policies, travel expense guidelines and rates, subject to the availability of funding.
  2. Working groups. FNEC may establish working groups and sub-committees to deal with specific matters.
  3. Records of meetings. Minutes of FNEC’s meetings will be maintained and sent to the Yukon First Nations. Minutes will be reviewed and approved by FNEC. Minutes will be completed and distributed to members as soon as practicable following the meeting.
  4. Annual report. FNEC will prepare and present an annual report to the Yukon First Nation members of FNEC that will be distributed to all Yukon First Nations.

# 5.0 Roles and responsibilities

* 1. Members of FNEC will:
     1. liaise with their respective Yukon First Nations from time to time and represent their perspectives and views during the meetings of FNEC;
     2. participate toward achieving approved objectives and work plans;
     3. review technical reports, briefings and submissions and actively contribute to discussions of FNEC; and
     4. participate in the development of FNEC’s agendas, motions and recommendations for the consideration of the Yukon First Nation members of the FNEC.
  2. The members of FNEC may make rules and procedures for the operation of FNEC that are consistent with these terms of reference.
  3. The CYFN Department of Education will provide administrative and secretarial support to FNEC, including the organization of meetings, preparation of draft agendas, the circulation of information packages and the maintenance of minutes.
  4. The members of FNEC will appoint a member of FNEC as the Chair of FNEC for a specific term. The Chair’s responsibilities will include:
     1. preside over FNEC’s meetings and encourage discussion, input and participation of all members of FNEC;
     2. act as the spokesperson for FNEC; and
     3. represent FNEC in meetings with the CYFN, Yukon First Nations, other governments and institutions.
  5. The members of FNEC may appoint a Co-Chair and delegate in writing certain responsibilities to the Co-Chair.

# 6.0 Amendments

6.1 The Yukon First Nation members of FNEC may agree to amend these terms of reference.

# 7.0 Conflicts of interest

7.1 If a member is in a conflict, that member must declare a conflict. The other members may request the member who declared a conflict to withdraw from the discussion, not participate in the development of recommendations or take other appropriate measure.

# 8.0 Counterpart

8.1 These terms of reference may be signed in counterpart.

# 9.0 Transition

9.1 Any and all terms of reference previously approved for FNEC are repealed and superseded by these terms of reference.

**Approved by the CYFN Leadership on April 23, 2013**

**Terms of Reference revised and approved by Leadership on January 22, 2015**

**Roles and Responsibilities**

**Meetings**

The First Nations Education Commission meets quarterly. However, other meeting occur with stakeholders, funders and partners. In most cases, the Co-chairs and CYFN’s Director of Education attend these meetings and report back to the Commissioners on the outcome.

FNEC Meetings

* Co-Chairs are responsible to call and/or cancel a FNEC meeting; only the Co-chairs have the authority to call and/or cancel a FNEC meeting.
* At the beginning of each fiscal year, the Commissioners will set meeting dates a year in advance.
* The Commission is committed to holding some meetings in communities. The Commissioners will identify which communities they will hold their meetings at the same time as choosing the meeting dates.
* CYFN Education Department requests agenda items from Commissioners and creates the draft agenda which then gets approved by the Co-chairs.
* Once the call-out for agenda items has been sent, Commissioners have a week to submit agenda items.
* Any additions to the approved agenda has to be reviewed and approved by the Co-chairs
* Co-chairs will send a formal invitation to the meeting with an approved agenda attached for all Commissioners.
  + Agenda - standing Items
    - Budget
    - Working Groups report
    - Community updates
    - Motions passed by Leadership on Education and Language
    - Action items updates
* Meetings are chaired by one of the Co-chairs; during a two-day meeting, each chairs a day.
* Quorum must be met in order to be able to vote and put forward recommendations to Leadership.
* Any Commissioner can voice concerns to the Co-chairs if they feel the mandate is not being respected. Concerns may also be brought to a FNEC meeting in order to have a fuller discussion.
* Any Commissioner can submit a presentation request to the Co-chairs for a FNEC meeting.
  + CYFN will invite the presenters and get the documentation necessary to the Commissioners.

\* *If quorum isn’t met, the Co-chairs will decide if they proceed with the meeting. They will be accountable to Leadership if expenses are incurred and quorum is not met. It isimportant to recognise that quorum must be met in order to vote on recommendations as stipulated in section 4.2 of the FNEC Terms of Reference.*

Planning

* Develop a three-year strategic plan, which will include FNEC’s areas of responsibility: Education, Language and Culture. The strategic plan will also include a yearly work plan to identify activities for the year and important dates (i.e. funding submissions)– All Commissioners

Leadership Meetings

* CYFN provides Commissioners with the leadership meeting dates electronically and with paper copies in the FNEC meeting binders.
* CYFN will send a 2-week notice of upcoming Leadership meetings to the Co-Chairs and they will forward to all Commissioners.

*\*The CYFN Education Director has a dual role as a member of the Commission and as the administrative support of the Commission.*

**Budget**

* Commissioners identify their priorities and seek approval from Leadership on their funding recommendations.
* Leadership approves FNEC budget.
* Co-chairs and CYFN Education technical support develop funding requests.
* Co-Chairs submit the funding proposals to funders (i.e. Education Department).
* CYFN is the signatory of FNEC funding agreements.
* Commission endorses the process and the use of the funds with a motion.
* CYFN Director of Education presents a quarterly budget update for each FNEC project (during FNEC quarterly meetings).
* The Co-Chairs and CYFN Education Director develop FNEC budget and update the Commissioners.
* Any changes or reallocations of FNEC funds must be approved by the Co-chairs and presented to the Commissioners.

**Contracting**

* CYFN Education Director and Co-chairs define the scope of FNEC contracts and award the contracts.
* Co-chairs inform Commissioners of the outcome.

*\*CYFN Executive Director will provide the Co-chairs with a copy of CYFN’s contract policy.*

**Hiring**

* Commissioners provide input on FNEC job descriptions.
* CYFN does the interview process.

*\*CYFN Hiring policy was changed a few years ago to eliminate political interference in the hiring process. CYFN’s Executive Director will discuss with Senior Management if FNEC can be part of the hiring process for FNEC related positions.*

**Membership**

* Co-chairs advise the affected Yukon First Nation when they no longer have a representative on the Commission – the Co-chairs will send a letter to the affected First Nation.

*\* FNEC can request a letter from CYFN Grand Chief to advise the affected First Nation of the vacancy*.

**Administrative Support**

* CYFN Department of Education provides secretarial support to FNEC:
  + Coordinates FNEC meetings with Co-chairs
  + Organises logistics for FNEC meetings (room, food,)
  + Compiles information packages for the meetings
  + Takes minutes during meetings
  + Processes travel claims of Commissioners
  + Tracks attendance
  + Prepares briefing notes
* CYFN provides support to individual Yukon First Nations as requested.

**Communications**

* Co-chairs will send action items to Commissioners via email.
* Commissioners must respond to action item emails in the prescribed time.
* Co-chairs and CYFN Education Department can send information items to Commissioners via email.
* The subject line will contain the number **911** – means **“action item”**.
* The subject line will contain the number **411** –means **“information item”**.

*\*All Commissioners, Co-chairs and CYFN are responsible for respectful communications.*

*One thing that I see missing in this is the accountability piece. FNEC wants to steer, oversee the content of their work as well as the budget. They will also report to Leadership and will be accountable to Leadership if expenses are incurred and quorum is not met. However, since we are signatories on their funding agreements, does this not mean that ultimately CYFN is accountable for FNEC’s actions/inactions?* ***Who does the reporting to the funders?***

**First Nations Education Commission Member**

**Code of Conduct**

**Oath of Office and Confidentiality Agreement**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a member of the First Nations Education Commission, declare that, in carrying out my duties, as a member will:

* Exercise the powers of my appointment and fulfill my responsibilities in good faith and in the best interests of the Commission;
* Exercise these responsibilities at all times with due diligence, care and skill in a reasonable and prudent manner;
* Respect and support the decisions, policies and Code of Conduct of the Commission;
* Keep confidential matters specifically identified as confidential;
* Conduct myself in a spirit of collegiality and respect for the collective decisions of the Commission;
* Immediately declare any personal conflict of interest that may come to my attention; and,
* Immediately resign my position as a member of the Commission in the event that I, or my colleagues, have concluded that I have breached my “Oath of Office.”

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature Date

TIP SHEET FOR EMAIL

1. Include a clear, direct subject line.
2. Use a professional email address.
3. Think twice before hitting "reply all."
4. Use professional salutations.
5. Don't "e-mail angry."
6. Use exclamation points sparingly.
7. Don’t use Capitals.
8. Be cautious with humor.
9. Know that people from different cultures speak and write differently.
10. Respond in a timely fashion to your emails.
11. Keep it short and get to the point.
12. Proofread every message.
13. Add the email address last.
14. Double-check that you’ve selected the correct recipient.
15. Pick up the phone.
    1. When a topic has lots of parameters that need to be explained or negotiated and will generate too many questions and confusion, don't handle it via e-mail.
    2. e-mail should not be used for last minute cancellations of meetings, lunches, interviews, and never for devastating news. If you have to deliver bad news to an individual, a phone call is preferable. If it's news you have to deliver to a large group, e-mail is more practical.

*“Your e-mail is a reflection of you”*

1. ***As per Yukon First Nation direction received in November 27, 2014, FNEC will have meaningful input and direct involvement in the area of culture and language programs and services, with a scope of lifelong learning. This would include language learning program (ie. immersion), teacher training and certification, curriculum development, learning resources and fluent speaker development.*** [↑](#footnote-ref-1)