

CHIEFS COMMITTEE ON EDUCATION

TERMS OF REFERENCE

1.0 Preamble

The Yukon First Nations have deep concerns about the long-standing failure of the education system in the Yukon to provide acceptable retention and graduation rates of Yukon First Nation students.

The Chiefs want to ensure that the Yukon First Nations have a consistent approach to address these concerns and that this approach is consistent with their priorities and objectives. The Chiefs want this strategic approach to be accountable to them.

The Chiefs wish to be involved directly in the engagements with YG and Canada relating to education matters. To that end, the Chiefs approved a resolution (resolution no. 1096-18, *see Appendix A*) that established the Chiefs Committee on Education (the “**CCOE**”). The CCOE was established to provide strategic direction and political support to the First Nation Education Commission (the “**FNEC**”), negotiators and appointed technicians retained by the CCOE (the “**CCOE Technicians**”). The objective of the CCOE is to facilitate and expedite the work of the technicians.

It is intended that the CCOE represents all Yukon First Nations, whether or not they are self-governing or members of the Council of Yukon First Nations (the “**CYFN**”). The CCOE is not intended to be a body or institution of the CYFN. It reports to the CYFN Leadership and other Yukon First Nation Chiefs.

2.0 Mandate

2.1 The CCOE will:

- a) provide oversight, direction and guidance to the CCOE Technicians consistent with the resolutions and agreements approved by the Chiefs;
- b) provide recommendations to the Chiefs with respect to education matters, including identification of:
 - i) opportunities for collaboration amongst Yukon First Nations, governments and institutions with respect to education matters; and
 - ii) areas of common interest and concerns to Yukon First Nations related to education;
- c) consider any advice or recommendations made by the CCOE Technicians;
- d) work to implement the Yukon First Nation’s authority with respect to education matters;
- e) undertake political and media lobbying, as appropriate; and
- f) carry out other tasks as directed in writing by the Chiefs.

2.2 CCOE Technicians. Under the direction of the CCOE, the CCOE Technicians will:

- a) meet with territorial or federal representatives when required;
- b) enter into discussions, engagements, consultations or negotiations with territorial or federal officials;
- c) provide regular reporting and updates to the CCOE with respect their work;
- d) present any recommendations, comments or suggestions to the CCOE relating to their work; and
- e) develop a draft framework agreement.

- 2.3 First Nation Education Commission. The CCOE will provide oversight, direction and guidance to the FNEC and be involved directly in the work of the FNEC. The CCOE will:
- a) review current terms of reference for the FNEC and propose renewed terms of reference that would be presented to the CYFN Leadership and Yukon First Nation Chiefs for its consideration and, if appropriate, approval;
 - b) where possible, attend FNEC meetings and actively contribute to discussions of FNEC;
 - c) consider any advice or recommendations made by FNEC;
 - d) review work plans for FNEC to ensure that they are consistent with the objectives of Yukon First Nations;
 - e) review FNEC's agendas, materials and FNEC's recommendations before they are presented to the Chiefs and, if required, provide feedback and comment to FNEC; and
 - f) review technical reports, briefings and submissions made by FNEC.

- 2.4 Negotiations with Yukon and Canada. The CCOE will oversee discussions amongst the CCOE Technicians and territorial and federal officials to develop a draft framework agreement that:

- a) guides the negotiation of a multi-year agreement relating to primary and secondary education (the "**School Agreement**");
- b) establishes purposes and objectives of the negotiations with respect to the School Agreement;
- c) identifies priority subject-matters for the negotiations, including the establishment of a Yukon First Nation-controlled school system or issues relating to the *Joint Education Action Plan 2014-2024: A Blueprint to Strengthen Our Roots and to Close the Education Gap* or its implementation plan;
- d) includes a work plan; and
- e) sets out commitments to provide financial support for the negotiation of the framework agreement and the School Agreement;

and recommend it to the Chiefs for their consideration and, if appropriate, approval.

- 2.5 Other matters. The CCOE may provide further direction or instruction to the CCOE Technicians or the CYFN Education Department with respect to the matters set out in these terms of reference and will provide notification to the Chiefs and Grand Chief as soon as practicable.

3.0 Membership

- 3.1. Appointment. Any Chief, who states an interest to participate in the CCOE, may confirm his or her interest in writing to be a member of the CCOE and he or she will be a member of the CCOE until the end of his or her term as Chief or his or her resignation in writing to the CCOE or his or her absence from three consecutive meetings or his or her removal by the CCOE by a majority vote.

4.0 Meetings

- 4.1 Meetings. The CCOE will meet at least quarterly and convene other meetings as required. If requested by a member of the CCOE, the Chair will convene a meeting. If possible, the members will meet in person to review, approve or change documents.

CCOE and FNEC will meet at a minimum one time per year prior to the CYFN GA.

- 4.2 Notice of meetings. When feasible, at a minimum of one week in advance, written notice of the meeting, including a draft agenda, will be provided to the members of the CCOE. Meetings will be scheduled as far in advance as possible.
- 4.3 Observers. Any Yukon First Nation Chief may attend the meetings of the CCOE as an observer. Members may bring other staff or professional expertise at their discretion. Other education stakeholders may be invited to attend meetings at the request of the CCOE.
- 4.4 Chair. The members of the CCOE will appoint one of its members as the Chair for a specific term. The Chair's responsibilities will include:
- a) convening meetings in accordance with these terms of reference;
 - b) reviewing a draft agenda for the meetings;
 - c) presiding over the CCOE's meetings and encourage discussion, input and participation of all members of the CCOE;
 - d) acting as the spokesperson for the CCOE; and
 - e) representing the CCOE in meetings with the CYFN, Yukon First Nations, other governments and institutions, as directed by the CCOE.

The members may appoint a Co-Chair and delegate in writing certain responsibilities to the Co-Chair.

- 4.5 Quorum. The quorum for a meeting of the CCOE will be a majority of the members. A member of the CCOE 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.
- 4.6 Decision-making. The CCOE will endeavour to conduct its business by way of consensus. In cases where consensus cannot be reached, a majority vote of those present will be required to approve a decision of the CCOE.
- The CCOE must take into consideration the needs and interests of individual Yukon First Nations when it is developing recommendations for the consideration of all Chiefs.
- 4.7 Rules and procedures. The members of the CCOE may make rules and procedures for the operation of the CCOE that are consistent with these terms of reference.
- 4.8 Remuneration. Members will be paid travel expenses by CYFN for attending the CCOE's meetings in accordance with the CYFN's financial policies, travel expense guidelines and rates, subject to the availability of funding.
- 4.9 Working groups. The CCOE may establish working groups and sub-committees to deal with specific matters.
- 4.10 Records of meetings. The Chair will ensure that written summaries of the CCOE's meetings will be maintained and available to Yukon First Nations, upon their request. Summaries will be completed and distributed to members as soon as practicable following the meeting. They will be reviewed and approved by the CCOE.

5.0 Technical and administrative support

- 5.1 The CYFN Education Department will provide administrative and technical support to the CCOE, including the organization of meetings, preparation of draft agendas, the circulation of information packages and the maintenance of summaries.
- 5.2 The CCOE may provide direction to the CYFN Education Department with respect to the provision of technical and administrative support for the work carried out under these terms of reference, including:
- a) undertaking research;
 - b) liaising with other education technicians and expertise in Canada;
 - c) preparing proposals;
 - d) organizing and facilitating caucus sessions to ensure coordination and consistency in the various tables and negotiations with Yukon and Canada;
 - e) drafting and maintaining minutes of any caucus sessions;
 - f) organizing and filing the materials, documents and correspondence;
 - g) facilitating communication and preparing correspondence, reports and other materials;
 - h) preparing and presenting an annual report for the CCOE;
 - i) providing general administrative support.

6.0 Amendments

- 6.1 The members may recommend amendments to these terms of reference to the Chiefs for their review and, if appropriate, approval.

7.0 Non-derogation

- 7.1 Nothing in these terms of reference or the work of the CCOE will affect, impede, substitute, delay or obstruct any process, discussions or negotiations between the Yukon Government or Canada and a Yukon First Nation with respect to education matters, including any discussions pursuant to section 17 of the self-government agreements or any other negotiations relating to education matters.

8.0 Conflicts of interest

A “conflict of interest” refers to situations in which personal, occupational or financial considerations may affect, or appear to affect, a member’s objectivity, judgment or ability to act in the best interests of the CCOE and the Yukon First Nations.

A conflict of interest may be real, potential or perceived in nature.

A real conflict of interest arises where a member has a private or personal interest, for example, a close family connection or financial interest. A potential conflict of interest may arise when a member has a private or personal interest such as an identified future commitment. A perceived or apparent conflict of interest may exist when a reasonable, well-informed person has a reasonable belief that a member has a conflict of interest, even if there is no real conflict.

- 8.1 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 measures.