First Nations With Schools Education Collective

**TERMS OF REFERENCE**

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**Draft developed by members of the First Nations With Schools Education Collective**

**As of March 24, 2017**

**INTRODUCTION**

This document sets out the terms of reference (TOR) for the First Nations With Schools Education Collective’s (hereafter referred to as “the Collective”) purpose, governance and operations. The TOR is linked with the Collective’s participation agreement, which sets out the nature of the partnership among Western University and First Nations member communities. (Appendix A)

This document is a living draft that is being shaped by ongoing consultation with collective member communities.

**DESCRIPTION**

The Collective is recognized as the principle body for governing education delivery in member First Nations’ communities. We will develop a common approach and share resources among our member First Nations in order to achieve our goals in education towards wholistic lifelong learning.

**BACKGROUND**

Canada has a long history of historical and ongoing colonization of Indigenous peoples, especially through residential schools.[[1]](#endnote-1) Throughout this history, First Nations have been fighting for control over education. The National Indian Brotherhood 1972 *Indian Control Over Indian Education* reflected a shared sentiment among First Nations in Canada. This sentiment has been supported by the international community starting in 1990 with the *United Nations’ Convention of the Rights of the Child Article 29 (2*) and into 2007 with the *United Nations’ Declaration on the Rights of Indigenous Peoples*. In 2015, First Nations control over education gained greater national-level attention through the Truth and Reconciliation Commission’s 2015 call to action 10.v and 2016 endorsement of the UNDRIP.[[2]](#endnote-2)

Canada’s response to these calls for First Nations control over education was initially the 2013 *First Nations Education Act (FNEA)*, which was almost unilaterally rejected by First Nations across Canada and by the Assembly of First Nations because it failed to provide for:

1) First Nations control of education; 2) assurance of stable and adequate funding; 3) recognition of the importance of First Nations language and culture; 4) jointly determined oversight of First Nations education rather than unilateral federal oversight; and 5) ongoing meaningful engagement between First Nations and Ottawa on education matters.[[3]](#endnote-3)

The FNEA’s successor, the *First Nations Control Over Education Act*, is now ‘on hold’ indefinitely. The Canadian Government’s current approach is to ask First Nations communities how they would like to educate their communities.

**RATIONALE**

The Collective is a forum for First Nations to come together to share resources and address common challenges in education. The Collective provides an alternative to the Union of Ontario Indians’ (UOI) Anishinabek Education System (AES) for those First Nations who have different needs. While we support the AES, it serves mostly First Nations without schools in their communities, who have tuition agreements with provincial boards instead. We require a system designed for First Nations with schools in their communities (16 of 39 First Nations in UOI have schools), and that has the capacity to leverage funding for First Nations education at parity to provincial levels plus additional funding aligned with our unique relationships with the Crown and our unique challenges due to our colonial history. For example, one of our most significant shared challenges is supporting our students with special needs. In some instances, member communities have been forced to send children away to provincial schools to access the special care they require, which presents the risk of perpetuating a residential school model. Our member communities know we can do better for our children and youth by working together.

**AUTHORITY**

The Collective’s authority is derived from our member communities’ inherent, Indigenous, treaty and constitutionally recognized rights to self-determination over education as the first peoples of Canada.

First Nations’ rights to education are inherent. Additionally, First Nations treaty rights to education are recognized under section 35 of the 1982 *Canadian Constitution Act*.[[4]](#endnote-4) Some of our member communities have treaty rights to education as well. Indigenous rights to education persist in the absence of treaties, based on Indigenous knowledge and Indigenous parents’ choices.[[5]](#endnote-5)

Indigenous self-determination and control over education is a feature of the *United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP)*, endorsed by Canada in 2016. *Article 14* of the *UNDRIP* recognizes that “Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning”.[[6]](#endnote-6)

**MANDATE**

Our mandate is to work together as a collective of First Nations communities to achieve our common education goals:

* controlling education of our citizens in our communities;
* achieving funding parity plus for our community schools with provincial schools;
* promoting student-centred and strength-based, wholistic lifelong learning based in our First Nations cultures, languages and knowledge systems;
* closing education gaps between our students and their peers in the provincial system, and supporting our students in exceeding provincial averages; and
* becoming a model for excellence in First Nations education and for education generally.

We will share resources to address our shared educational needs in partnership with Western University and with the support of federal and provincial governments, as well as other allies. At the same time, we will maintain our individual community autonomy and control over education.

**GUIDING PRINCIPLES**

The Collective’s work is guided by the following principles in relation to education:

* First Nation controlled
* Based in First Nations’ cultures, languages and knowledge systems
* Student-centred and strength-based – learning purpose in life and how to fulfill that purpose
* Relationship-focused (responsibilities to one another in communities, families and nations, as well as the land, water and air – all of creation and ancestors)
* Lifelong learning and including multiple pathways
* Wholistic (physical, spiritual, intellectual, emotional components) with a focus on wellness
* Land-based and community-based (localized)
* Experiential and provides practical skills to live in today’s world
* Supported by First Nations’ leadership
* Embraces modern use of technology
* Engages Elders to teach children and youth through storytelling
* Caring and supportive of children
* Forward looking - seven generations into the future
* Learning histories, including treaties and contemporary issues
* Virtues and teachings (kindness, honesty, wisdom, awareness, understanding and knowledge)
* Keeping of good heart and good mind

The Collective is also guided by the *United Nations Development Programme’s (UNDP)* model, which applies to some First Nations because they remain governed by the *Indian Act* and lack ‘developed’ status. The basic principles of this model are:

* Use community systems (develop if need)
* Adapt to local conditions[[7]](#endnote-7)
* Link with broader reforms[[8]](#endnote-8)
* Learn from unplanned consequences[[9]](#endnote-9)
* Measure and track capacity development[[10]](#endnote-10)

The UNDP’s five steps to capacity development:

1. “Engage stakeholders on capacity development
2. Assess capacity assets and needs
3. Formulate capacity development response
4. Implement capacity development response
5. Evaluate capacity”[[11]](#endnote-11)

**MEMBERSHIP**

The Collective is a partnership among seven member First Nations and Western University. It includes representatives of nine member First Nations communities in Ontario, as well as representatives of Western University.

First Nations community membership is outlined in the Membership List.

Each member community shall appoint or elect up to two representatives who will be members of this collective for two-year terms. This does not preclude other community members from active involvement, including through guest appearances at meetings and engagement in decision-making.

Western University membership include:

* Director of Aboriginal Education or designate
* Director of Centre of Excellence in Indigenous Education (or interim position)

These are fixed term positions. This does not preclude other Western University Faculty or Staff from active involvement, including through guest appearances at meetings and engagement in decision-making.

New communities may join our collective, with the approval of the collective (see decision making). Member communities may leave the collective at any time, but in so doing forfeit their rights to benefits, including shared resources (e.g. funding, programs, etc.). Appendix B contains a current membership list.

**GOVERNANCE**

The Collective is guided by the principles of member First Nations’ traditional governance models and the accepted Western governing principles applicable to us, including consensus decision-making, circle protocol and voting where appropriate.

The terms of office for members of the collective shall be for three years starting at the first meeting in the fall. Members in good standing may be renewed for unlimited additional terms.

Each member of the collective takes part in decision-making and has a voting right.

**LEADERSHIP**

***Elders:*** The collective shall be led by two First Nations Elders, one male and one female, each representing a different member community. Both must have experience and expertise in education (wholistic lifelong learning) and an interest in the Collective’s work.

The term of office for Elders is one year. Each year, Elders will be selected from different member communities, so that Elders cannot represent the same member community two consecutive years in a row.

***Youth:*** The collective shall be led by two First Nations youth, one male and one female, each representing a different member community. Both must have experience and expertise in education (wholistic lifelong learning) and an interest in the Collective’s work.

The term of office for Youths is one year. Each year, Youths will be selected from different member communities, so that Youths cannot represent the same member community two consecutive years in a row.

***Co-chairs:*** two co-chairs, the Director of Aboriginal Education representing Western University and one First Nations person representing one of the member communities shall govern the collective.

The collective shall choose a community co-chair from among the voting community members of the collective. The community co-chair will be nominated and elected by the members present.

The institutional co-chair shall be Western University’s Director of Aboriginal Education or a designate appointed by the Director of Aboriginal Education.

The terms of office for co-chairs are also three years. Co-chairs in good standing can be re-elected for unlimited additional terms.

***Executive Committee:*** an executive committee composed of co-chairs, and including shall also govern The Collective:

* Western University’s Director of Indigenous Education, Western University
* Western University’s Director of Centre of Excellence in Indigenous Education (or interim position)

The Executive Committee shall meet monthly to oversee the implementation of the collective’s work, apart from quarterly meetings of the entire collective.

***Language Keepers:*** Additionally, at all times there shall be at least one language speaker from each of the First Nation linguistic groups represented on the Collective. This may be fulfilled through Elder, youth, co-chair, executive community or other member positions.

**DECISION MAKING**

Decisions will be made by general consensus among the collective members and, if necessary, by a vote of 50% + 1 members present. All members of the collective will be given the opportunity to comment and express their views and opinions on the issue at hand by a designated facilitator and/or circle keeper. To identify a consensus, the chair (either co-chair) will state the issue and the decision made for the record.

**ATTENDANCE**

In order for a community to be represented, one community member (of up to two) must be in attendance. Likewise, in order for Western to be represented, one institutional member (of two) must be in attendance.

In cases where a member wishes to participate in a meeting but cannot be physically present, the collective will ensure that the member can attend the meeting from a remote location through the use of technology.

Devices used for such a purpose must allow all persons participating in the meeting to hear and communicate with each other. A member participating in a meeting with the use of technology is deemed to be present at the meeting and can contribute to consensus decision making and/or voting.

**ROLES**

***Elders:*** Elder members maintain the mental, physical, emotional and spiritual balance of the collective and create a space in which all members can engage with good hearts and minds. Elders will provide a foundation of knowledge and experience to help guide the development and operation of the collective. Specifically, Elders will:

* maintain the integrity of meetings through appropriate opening, closings and custodianship of traditional protocol, including use of sacred medicines, stories and/or songs;
* share oral histories about member communities journeys for control over education; and
* share oral histories, traditional knowledge and other expertise and experience where appropriate that can enrich the collective’s approach.

***Youth:*** Youth members offer the perspectives of the ‘front lines’ experience of young peoples with education, and represent future leaders of the community. Youth provide insights that are critical to understanding the current context and future direction of the collective.

* Represent the youth perspective in sharing insights on key issues on-the-ground related to education, including challenges, strengths, needs and interests; and
* Represent the youth perspective in sharing insights on future directions and plans.

***Community:*** community members will represent their respective First Nations’ educational concerns, perspectives, needs and interests to the collective. They will also communicate back to their respective First Nations’ about the collective’s work. Specifically, communities will:

* share their story and process as a case (success) story in First Nations education;
* share education data with the collective to assist in the development of an evidence-based approach to education that is appropriate for each communities’ context and to assist in the ongoing monitoring and evaluation of the collective’s work; and
* promote and enrol members in Western’s Centre of Excellence in Indigenous Education’s training program based on the United Nations Development Program’s capacity development model.

***Institutional***: Western University members are responsible to provide research and administrative capacity to support the development, ongoing operation and measurement and evaluation of the collective. Specifically, Western’s Centre for Excellence in Indigenous Education will:

* research and share with the collective success stories in First Nations education;
* collect, manage, analyse and report data from member First Nations communities to the collective to help develop an evidence-based approach to education and to assist in the ongoing monitoring of that approach; and
* provide training to member First Nations based on the United Nations Development Program’s capacity development model.

***Allies:*** Although not official voting members, organizations and individuals identified by the collective as allies will be drawn upon for support in its efforts.

**RESPONSIBILITIES**

The collective’s responsibilities include:

* developing and maintaining a three-year work plan to implement the collective’s mandate and reviewing the plan on an annual basis;
* preparing proposals for funding to support the development, operation and monitoring of the collective, including the establishment of its partner Centre for Excellence in Indigenous Education;
* reviewing the collective’s expenditures at regular meetings and developing ongoing financial plans;
* recommending policies for adoption by educational institutions serving member community members, including local school boards and post-secondary institutions; and
* preparing an annual report to be disseminated to member communities’ chiefs and councils and more broadly throughout the communities and made accessible via the collective’s website and member communities’ websites.

**REPORTING RELATIONSHIP**

There are four distinct reporting relationships for this collective:

1. Community members will report back to their respective chiefs and councils about the collective’s work through the collective’s annual report as well as in via presentation at council meetings, as desired on request.
2. Community members will report to the collective about their respective communities’ educational concerns, perspectives, needs and interests during regular meetings, as the central function of their role with the collective.
3. Institutional members will report to the Dean of Western’s Faculty of Education monthly via written reports in the first year and then via annual written reports thereafter.
4. Co-chairs of the collective will report to funding bodies as necessary and in accordance with any funding agreements.

**FUNDING ARRANGEMENT**

Financial relationships with First Nations with funding agreements and budgets in appendices D and E (TBC), respectively, including collective’s budget and individual First Nation members’ budgets.

**MEETING PROCEDURES & PROTOCOLS**

The Collective shall meet in-person quarterly for strategic planning sessions. Hosts shall revolve among member communities and Western University. Agendas will be prepared and disseminated (by email and posted on Google Docs) in advance by the Project Manager of Western’s Centre for Excellence in Indigenous Education with the approval of the executive committee. Meeting briefings will be prepared and disseminated following meetings by the Project Manager of Western’s Centre for Excellence in Indigenous Education with the approval of the executive committee.

The Executive Committee shall meet monthly by teleconference to oversee the implementation of the collective’s work, apart from quarterly meetings of the entire collective. Agendas will be prepared and disseminated (by email and posted on Google Docs) at least two weeks in advance by the executive committee. Meeting briefings will be prepared and disseminated no longer than one week following meetings by the Project Manager of Western’s Centre for Excellence in Indigenous Education with the approval of the executive committee.

**REMUNERATION**

Currently, there is no centralized fund or mechanism through which to provide members of the collective with remuneration. Therefore, positions on this collective are currently voluntary. However, member communities may wish to provide remuneration on a case-by-case basis. Any remuneration paid to Western representatives who are members will be included in their compensation as an employee of Western.

The collective recognizes the importance of recognizing the special knowledge and experience Elders bring. The collective aims to provide honoraria for Elders and to cover the cost of their travel, once adequate funding has been obtained. In the interim, the host communities and institutions will cover such costs.

**DATA MANAGEMENT**

All documents produced by the collective will be housed in the Chippewas of the Thames First Nations’ (COTTFN) Google Docs account. Collective members will have shared access to these documents. Members agree all documents produced by the collective will become the intellectual property of the collective, and that these documents are private and confidential unless expressly produced as a public document (e.g. this terms of reference is a public document, any documents posted to the collective’s public website).

**AMENDMENT TO TERMS OF REFERENCE**

The collective may amend committee terms of reference from time to time with the collective’s consensus, or a vote of 50% plus 1 members.

**Appendices**

1. Gordon, C. E., White, J. P. (2014). Indigenous Educational Attainment in Canada. The International Indigenous Policy Journal, 5(3). Retrieved from: http://ir.lib.uwo.ca/iipj/vol5/iss3/6

Milloy, J. S. (1999). A national crime: The Canadian government and the residential school system, 1879 to 1986. Winnipeg: The University of Manitoba Press.

Miller, J.R. (1996). *Shingwauk's vision: A history of Native residential schools*. Toronto, ON, Canada: University of Toronto Press. [↑](#endnote-ref-1)
2. The Truth and Reconciliation Commission of Canada. (2015). Truth and Reconciliation Commission of Canada: Calls to Action, p. 2. Retrieved from http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls\_to\_Action\_English2.pdf [↑](#endnote-ref-2)
3. Mendelson, M. (2014). A Second Look at the First Nations Control of First Nations Education Act. Ottawa: Caledon Institute of Social Policy, p. 1-2. Retrieved from http://www.caledoninst.org/Publications/PDF/1049ENG.pdf [↑](#endnote-ref-3)
4. Battiste, M. (2015). Constitutional Reconciliation of Education for Aboriginal Peoples Marie Battiste, Directions, 81-84. Directions, 5 (1). Retrieved from

http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls\_to\_Action\_English2.pdf [↑](#endnote-ref-4)
5. Ibid. [↑](#endnote-ref-5)
6. United Nations. (2008, March). United Nations Declaration of the Rights of Indigenous Peoples, p. 10. Retrieved from http://www.un.org/esa/socdev/unpfii/documents/DRIPS\_en.pdf [↑](#endnote-ref-6)
7. United Nations Development Programme Bureau for Development Policy Capacity Development Group. (2009). SUPPORTING CAPACITY DEVELOPMENT THE UNDP APPROACH. Retrieved from http://www.undp.org/content/dam/aplaws/publication/en/publications/capacity-development/support-capacity-development-the-undp-approach/CDG\_Brochure\_2009.pdf [↑](#endnote-ref-7)
8. Ibid. [↑](#endnote-ref-8)
9. Ibid. [↑](#endnote-ref-9)
10. Ibid. [↑](#endnote-ref-10)
11. Ibid, p. 3. Retrieved from http://www.undp.org/content/dam/aplaws/publication/en/publications/capacity-development/support-capacity-development-the-undp-approach/CDG\_Brochure\_2009.pdf [↑](#endnote-ref-11)