

# EDUCATION CONSTITUTION FOR ACADIA FIRST NATION

## 1. Name

The Band Council of the Acadia Band shall exercise education jurisdiction with respect to education for the Acadia First Nation, acting pursuant to the terms of this Constitution and the provisions of the Agreement with respect to Mi'kmaw education in Nova Scotia between the Mi'kmaw Nation in Nova Scotia and Canada dated February 14, 1997.

## 2. Objectives

The objectives of the Acadia Band Council with respect to education shall be:

(a) To be responsible for the exercise of education jurisdiction for the Acadia First Nation with respect to kinder - garten, elementary and secondary education for all persons whether members or non-members, resident on the Acadia First Nation reserves and with respect to post secondary student support for all members, whether or not resident on reserve.

(B) To work with members to ensure that the highest quality of education is provided to the students and that the provisions of the Agreement with respect to transferability are met by the Acadia First Nation.

(c) To work with the Mi'kmaw Kina'matnewey Education to research, develop and implement initiatives and new directions in education.

(d) To develop policies and procedures which will enhance the education program.

(e) To ensure that the education program delivered to members of the Acadia First Nation accurately reflects the needs of the members of the community.

## 3. Statement of Principles

(a) The Mi'kmaw Nation in Nova Scotia has an adherent right to self-government in the area of education.

(b) The Mi'kmaw Nation in Nova Scotia has entered into a process, outside Canada's so-called "Inherent Rights" Policy, to accept delegated jurisdiction from Canada pending a satisfactory agreement implementing self-government and the fiduciary obligations of Canada to provide for funding education.

(c) The Acadia First Nation, as part of the Mi'kmaw Nation in Nova Scotia, affirms the vital importance of education to the future of the Nation. Mi'kmaw education must respect the cultural and linguistic heritage of Mi'kmaw children and provide the highest quality education experience.

(d) The Acadia First Nation, as part of the Mi'kmaw Nation in Nova Scotia, is committed to persuing, in partnership with Mi'kmaw Kina'matnewey Education, an educational system which prepares Mi'kmaw children for the challenges of the future with a full understanding and appreciation of their rich Mi'kmaw heritage.

#### 4. Rules and Procedures

The normal rules and procedures governing Band Council meetings shall govern meetings of the Band Council in exercising jurisdiction with respect to education, unless those rules and procedures are otherwise modified by this Constitution.

#### 5. Conflict of Interest

(a) No Band Council member shall vote or participate in the discussions at a meeting in which he/she has a conflict of interest. For the purpose of this constitution, a conflict of interest is considered to occur when a decision involves a person who is part of a member's immediate family which includes parents, children, grandparents, grandchildren and spouses. Spouses may be married or people who live together and are considered, in the community, to be part of a family. The Band Council member must reveal that interest to the discussion commencing on the matter. The other members of the Band Council will decide whether he/she must leave the meeting room during those discussions. If the Band Council member does not disclose the interest and another Band Council member is aware of the interest, he/she may raise the matter with the chairman either directly in the meeting or before the meeting and the chairman may put the matter before the Band Council. The absence of a Band Council member from the meeting room during the discussions in which the Band Council member is considered to be in conflict of interest shall not result in the absence of a quorum.

(b) Nothing prevents Band Council members from engaging in business with the Band Council provided that the Band Council member discloses the nature of the relationship, leaves the meeting during voting on matters pertaining to that business relationship, does not take part in the discussion, does not attempt to influence other Band Council members and does not vote.

## 6. Meetings and Notices

(a) Meetings of the Band Council, in exercising its jurisdiction with respect to education shall be on the same notice as is provided for other meetings of the Band Council, unless otherwise determined by the Band Council.

(b) Except for amendments to the Constitution made according to paragraph 15, notice of any meeting of the Band Council need not specify the purpose for which the meeting is called or the nature of the business to be transacted at such meeting but may include a provisional agenda.

(c) Regular meetings of the Band Council, in exercising its jurisdiction with respect to education, shall be open to the public unless the Band Council is dealing with matters relating to personnel, the acquisition, sale, lease or security of property, labour relations, legal opinions and other similar matters, in which case the meeting shall be in camera.

## 7. Quorum

The quorum of the Band Council, in exercising its jurisdiction with respect to education, shall be the same as the quorum for other Band Council meetings. All questions arising before the Band Council shall be decided by a majority of votes. In the event of a tie, the Chairman will cast the deciding vote. An abstention is not a vote in the affirmative or in the negative. When a Band Council member abstains from voting, that person's vote is not counted. Generally matters will be decided by consensus rather than by formal vote. Every reasonable effort will be made to reach a consensus. Only if a consensus cannot be reached will a formal vote be called.

## 8. Boards and Committees

The Band Council may create such boards and committees as it deems advisable, with terms of reference and membership to be determined by Band Council as a law passed in accordance with the provisions of this Constitution. The Band Council shall have the authority to delegate, to such boards or committees, the power to pass regulations, dealing with subject matters which are specifically defined within the terms of reference establishing the board or committee. Any regulation passed by such a committee shall be maintained and published as a law in the manner as set out for the publication of laws and Articles 10 and 11 of this Constitution.

## 9. Law Making

The Band Council shall have the authority to pass laws. For the purpose of this Constiution, "laws" includes laws, by-laws and regulations passed by the Band Council for the purpose of exercising jurisdiction with respect to education.

## 10. Publication of Laws

(a) The Band Council shall cause to be kept at the office of the Band Council an up-to-date record of all laws.

(b) The record of all laws shall be available to any member of the community to review on reasonable notice.

11. Upon any law of general application coming into effect, the Band Council shall make that law generally available to the members of the community and shall make every effort to ensure that a copy of the law is provided to every community member. Failure on part of the Band Council to provide copies of any law shall not render that law invalid by reason of the failure to provide it. Laws of general application are those which are intended to apply to all people, or to groups of people, within the jurisdiction of the Band Council.

## 12. Signature and Certification of Documents

Contracts, documents or any instruments in writing requiring the signature of the Band Council shall be signed by such persons designated by resolution of the Band Council and all contracts, documents and instruments in writing so signed shall be binding upon the Band Council without any further authorization or formality.

## 13. Appeals

The Band Council shall establish an appeal process to ensure that the education law of the Acadia First Nation is properly and fairly applied and that reasonable procedures are in place which reflect fundamental fairness, the operational effectiveness of the Band Council and the traditional Mi'kmaw dispute resolution techniques.

**14. Save Harmless**

The Band Council shall save harmless and indemnify the members of the Band Council, exercising its jurisdiction with respect to education, for any claims, charges or actions brought against them in the course of their duties as members of the Band Council. No member of the Band Council or employee of the Band Council shall be personally liable for any debt, liability or obligation of the Band Council unless he/she specifically renders himself/herself liable in his/her capacity.

**15. Amendment of the Constitution**

This Constitution may be amended by the Band Council by a vote of 50% of all Band Councillors present at a meeting and voting in favour of the amendment. Any amendment to the Constitution may only be made at a meeting at which notice of motion of the amendment of the Constitution has been provided to all members of the Band Council within Fourteen (14) days of the meeting.

**16. Interpretation of these By-Laws**

The singular shall include the plural and the plural the singular. The masculine shall include the feminine.

**17. Adoption of the Constitution**

The Band Council has adopted this Constitution and has become a "participating community" in accordance with the terms of the Agreement.