

# Post-Secondary Education and Training Protocol

JULY 8, 2016



# POST-SECONDARY EDUCATION AND TRAINING PROTOCOL

## BETWEEN

**HER MAJESTY THE QUEEN IN RIGHT OF BRITISH COLUMBIA,**  
as represented by the Minister of Advanced Education, ("British Columbia")

## AND

**THE FIRST NATIONS EDUCATION STEERING COMMITTEE,** a society incorporated  
under the *Society Act*, RSBC 1996, c. 433, ("FNESEC")

## AND

**THE INDIGENOUS ADULT AND HIGHER LEARNING ASSOCIATION,** a society  
incorporated under the *Society Act*, RSBC 1996, c. 433, ("IAHLA")

(collectively the "Parties")

## WHEREAS

- A. FNESEC, IAHLA and British Columbia have a longstanding and ongoing collaborative working relationship to improve post-secondary educational and training outcomes for First Nation and Aboriginal students in BC.
- B. This partnership is consistent with the commitment in the *New Relationship* vision document to a "government-to-government relationship based on respect, recognition and accommodation of Aboriginal title and rights."
- C. Under the *Transformative Change Accord*, British Columbia and First Nations, along with Canada, committed to work together to achieve the goals of closing the social and economic gap between First Nations and other British Columbians through a new relationship based upon mutual respect and recognition.
- D. FNESEC is mandated by and accountable to BC First Nations to serve as the lead policy and advocacy organization on First Nations education, based on direction from First Nations leadership, and as articulated in the Protocol between FNESEC and the First Nations Leadership Council (BC Assembly of First Nations, First Nations Summit, Union of BC Indian Chiefs).
- E. IAHLA is mandated by and accountable to its members, Aboriginal controlled post-secondary institutes, to undertake research, promote networking and communications and, when directed to do so by its members, to represent Aboriginal controlled institutes in discussions with government and other post-secondary stakeholders on matters that affect the institutes and their work. IAHLA's mandate is therefore specific to responding to the needs of Aboriginal controlled post-secondary institutes, including the needs of students within those institutes as described by IAHLA members.



- F. The *Aboriginal Post-Secondary Education and Training Policy Framework* (2012) (the "Framework") was developed collaboratively by the Ministry with partners, including FNEsc and IAHLA, setting out the following vision:

*Aboriginal learners succeed in an integrated, relevant, and effective British Columbia post-secondary education system that enhances their participation in the social, cultural and economic life of their communities, the province, and global society.*

- G. The Framework includes key principles including, in particular:

*An affirmation that First Nations, Métis and Inuit languages and cultures are critical components of quality educational programming and are essential to support the success of Aboriginal learners.*

*Recognition that First Nations, Métis and Inuit peoples are in the best position to inform the development of and decision-making around post-secondary education programs, policies and services for First Nations, Métis and Inuit peoples, working collaboratively within existing governance structures.*

*Recognition that the work needed to achieve systemic change is significant and will take time, thus long term investments are required to ensure programs, policies and services that meet the needs of Aboriginal learners are systemic, strategic and sustainable.*

- H. The Parties seek to formalize a process for their ongoing relationship by articulating a process by which they will continue to cooperate on matters related to improving educational outcomes and participation of First Nation and Aboriginal adult and post-secondary students, including the advancement of the Aboriginal Post-Secondary Education and Training Policy Framework and other matters as agreed.

**THEREFORE the Parties agree as follows:**

## **1.0 Definitions**

- 1.1 The Parties agree that the following definitions apply in the context of this Protocol and its appendices and/or schedules:

**"First Nation"** means a Band as defined in the *Indian Act*, or a self-governing First Nation.

**"FNEsc"** means the First Nations Education Steering Committee, a society incorporated under the *Society Act*, RSBC 1996, c. 433, to support First Nations to advance First Nations education in BC.

**"IAHLA"** means the Indigenous Adult and Higher Learning Association, a society incorporated under the *Society Act*, RSBC 1996, c. 433, to support Aboriginal-controlled adult and post-secondary institutes in BC.

## **2.0 Purpose, Scope and Information Sharing**

- 2.1 This Protocol confirms the ongoing working relationship between the Parties and formalizes an effective bilateral process to assist the Parties to improve First Nations and Aboriginal post-secondary, training and adult educational participation and outcomes. This collaborative work will be guided by a jointly developed work plan and will include a focus on the advancement of the Aboriginal Post-Secondary Education and Training Policy Framework and Action Plan.
- 2.2 British Columbia will treat as confidential all information or material supplied by First Nations as a result of collaborative projects, initiatives or activities, and will not, without the prior written consent of FNEESC, IAHLA, or affected First Nation(s), as the case may be, permit the disclosure of such information or material, except as may be required by law or to the extent that such disclosure is necessary to enable British Columbia to fulfill its obligations under this Protocol.
- 2.3 When handling First Nation's information, the Parties agree to give full consideration to the principles of ownership, control, access and possession, a set of principles that outlines how First Nations exercise their right to make decisions regarding data collection and dissemination.
- 2.4 The Parties may, by mutual agreement between the Deputy Minister, the FNEESC President and the IAHLA Board Chair:
- a) add specific areas of collaboration and information sharing; and
  - b) extend discussions under this Protocol to include matters that would require or benefit from the participation of other ministries or agencies;
- the details of which may be detailed and attached as appendices to this Protocol, in addition to the work plan as set out in section 7.0.

## **3.0 Biannual Meetings with Minister**

- 3.1 FNEESC, IAHLA and the Minister will meet a minimum of twice annually, and additionally as needed.

## **4.0 Quarterly Meetings with Deputy Minister**

- 4.1 FNEESC, IAHLA and the Deputy Minister will meet at least quarterly, and additionally as needed.

## **5.0 Bilateral Forum**

- 5.1 The Parties hereby establish the joint FNEESC, IAHLA-BC Bilateral Post-Secondary Education and Training Forum (the "PSE Bilateral Forum"), comprised of representatives

of the Parties, to implement this Protocol by formalizing their ongoing working relationship on matters related to First Nations post-secondary education and improving First Nation learner outcomes.

5.2 The lead contacts for the Bilateral Forum will be:

- a) For British Columbia:
  - Assistant Deputy Minister responsible for Aboriginal Post-Secondary Education and Training; and
- b) For FNEESC:
  - Executive Director.
- c) For IAHLA:
  - Board Chair.

5.3 The Bilateral Forum will establish an annual meeting schedule and meet at least quarterly, and additionally as needed.

5.4 The lead contacts will share the responsibility of hosting and chairing meetings of the Bilateral Forum, as agreed.

5.5 The Bilateral Forum may establish committees or working groups to assist in carrying out activities to implement this Protocol.

5.6 The Bilateral Forum will establish administrative processes to maintain joint records of action items arising from each meeting.

## **6.0 Annual Meeting with Ministry of Education**

6.1 The Parties will meet jointly with counterparts from the Ministry of Education a minimum of once annually, and additionally as needed.

## **7.0 Work Plan**

7.1 The Parties will establish a work plan, to be reviewed at least once per year, for the Bilateral Forum to set out priority activities for the year, which may be amended by agreement in writing from time to time.

## **8.0 Dispute Resolution**

8.1 Where a dispute arises between the Parties regarding the interpretation or implementation of this Protocol, the lead contacts and other representatives at the Bilateral Forum will endeavour to resolve any disputes in a co-operative, effective and timely manner.



8.2 If a matter remains unresolved after being considered at the Bilateral Forum, the dispute may be referred to the senior officials of the Parties for resolution:

a) For BC:

- the Deputy Minister of the Ministry of Advanced Education; and

b) For FNEESC:

- the President; and

c) For IAHLA:

- the Board Chair/Executive.

8.3 If a matter remains unresolved after being considered by the senior representatives, the Parties may by agreement refer the matter to a facilitated or mediated process to assist the Parties to resolve the matter in dispute within 60 days, or such period as agreed to by the Parties.

8.4 Each Party will bear its own costs to participate in any dispute resolution process under this Protocol.

## **9.0 Review**

9.1 The Parties will review this Protocol annually to assess its effectiveness and determine any improvements that may be agreed to.

## **10.0 Term and Termination**

10.1 This Protocol will remain in effect until it is replaced by agreement of the Parties.

10.2 Any of the Parties may terminate this Protocol with 90 days prior written notice.

## **11.0 General**

11.1 This Protocol is not intended to be legally binding and does not create any contractual or other legal obligation or liability for the Parties related to the performance or non-performance of any or all of the provisions of the Protocol, but is an expression and record of the understanding reached between the Ministry of Advanced Education, FNEESC, and IAHLA.

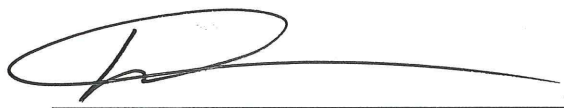
11.2 This Protocol is in no way intended to create, amend, define, affirm, recognize, abrogate or derogate from any Aboriginal rights of any First Nation, or be legally binding or create legally enforceable rights or obligations between the Parties.

Signed this 8th day of July, 2016


For British Columbia:

  
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Andrew Wilkinson, Minister of Advanced Education

For the First Nations Education Steering Committee:

  
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Tyrone McNeil, President

For the Indigenous Adult and Higher Learning Association:

  
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Dr. Verna Billy-Minnabarriet, Chair