



AN ACT RESPECTING THE FIRST NATIONS UNIVERSITY OF CANADA

Amended: February 13, 2008

The First Nations University of Canada Act

Preamble

In honour of all our past leaders who had the singular vision of a First Nation controlled post-secondary institution driven by the Treaty, Inherent and Constitutional rights for First Nations control of First Nations education that is represented herein by this First Nations University of Canada Act we dedicate this Act.

The Indian Governments of Saskatchewan hereby legislate and enact as follows:

Short Title

1. This Act may be cited as the
First Nations University of Canada Act, 2008.

Interpretation

2. In this Act:
 - (a) "FSIN" means the Federation of Saskatchewan Indian Nations;
 - (b) "Executive" means the Executive of the FSIN;
 - (c) "Executive Council" means the Executive Council of the FSIN which includes the Tribal or Agency representative elected by representatives of the First Nations Governments of Saskatchewan;
 - (d) "Board of Governors" or "Board" means the Board of Governors of the First Nations University of Canada;
 - (e) "FNUniv" means the First Nations University of Canada as established under the authority of this Act;
 - (f) "President" means the Chief Executive Officer of the FNUniv;
 - (g) "Academic Council" means all members of the FNUniv faculty which shall include senior management, deans, department heads and professors;
 - (h) "University" means the University of Regina;
 - (i) "FSIN Senate" means the Senate of the Federation of Saskatchewan Indian Nations;
 - (j) "Elder" means the Elders of the FSIN;

- (k) "Program" means a course of studies offered to students at the pre-school, N/K-12, post-school, University or Institute levels;
- (l) "Education System" means those education programs or services that are the responsibility of the Education Council, Colleges and Institutes, as determined, from time to time, by the First Nations Governments of Saskatchewan;
- (m) "School" means the physical facilities, lands and programs offered to students enrolled in an education system subject to the authority of this Act;
- (n) "Post-School" means other programs offered to students who are not participating in either the N/K-12, College or Institute programs;
- (o) "Provincial Government" means the Government of the Province of Saskatchewan;
- (p) "Federal Government" means the Government of Canada; and
- (q) "First Nations Government" means the Chief and Council of a Band.

Purposes and Principles

- 3. The purposes and principles of this Act are:
 - (a) to establish under First Nations government an autonomous degree granting University to serve First Nations people for the purpose of providing university-level education; and
 - (b) to empower the FNUniv to provide staff, facilities and equipment to operate university programs at the local, regional, national and international levels.

Federation Agreements

- 4. The FNUniv may negotiate and enter into federation or other agreements with other Universities as its Board of Governors determine to be in the interest of First Nations people.
- 5. The FSIN recognizes the Federation Agreement between the University of Regina and FNUniv. The University of Regina will be consulted prior to any changes to this Federation Agreement.

Board of Governors

6. Subject to Section 4 the FNUniv has been created by the FSIN for the benefit of First Nations people, and shall operate under the control of a Board of Governors established under the authority of this Act.

Appointment of the Board

7. The Board shall consist of the following:
 - (a) Each appointment shall be accompanied by an official document authorized by the appointing authority:
 - i. Twelve representatives appointed by the Tribal/Agency/Grand Councils (voting members).
 - (1) Prince Albert Grand Council – two representatives;
 - (2) File Hills Qu'Appelle Tribal Council – two representatives;
 - (3) Agency Chiefs Tribal Council – one representative;
 - (4) Battleford Agency Tribal Council – one representative;
 - (5) Battleford Tribal Council – one representative;
 - (6) Meadow Lake Tribal Council – one representative;
 - (7) Saskatoon Tribal Council – one representative;
 - (8) Southeast Treaty 4 Tribal Council – one representative;
 - (9) Touchwood Agency Tribal Council – one representative; and
 - (10) Yorkton Tribal Council – one representative;
 - ii. Two members appointed by the Senate of the FSIN, (non-voting members);
 - iii. Two members appointed by the independent bands (voting members);
 - iv. Three members from the First Nations University of Canada Students' Association (one representative from each campus) who shall be appointed by their respective Association (voting members);

- v. The Chief of the FSIN shall be an *ex-officio* member of the Board of Governors of the FNUniv (non-voting member);
- vi. One FNUniv faculty who shall be elected by FNUniv's Academic Council (voting member);
- vii. The following bodies shall have the power to appoint observers to receive notice of and attend meetings of the Board of Governors, but such observers shall not be entitled to vote at meetings of the said Board, namely:
 - (1) One representative from the FSIN Saskatchewan Women's Commission (non-voting);
 - (2) Two Elders; one male and one female (non-voting);
 - (3) One representative from the Indian and Northern Affairs Canada (non-voting);
 - (4) One representative from the Government of Saskatchewan (non-voting); and
 - (5) One representative from the University of Regina (non-voting); and
- (b) the Board of Governors may, by resolution, grant observer status to such other individuals representing such other bodies as the said Board may, from time to time, determine.

Term of Office

- 8. A person appointed as a member of the Board shall hold office at the pleasure of the appointing body.

Vacating Of Office

- 9. A person ceases to be a member of the Board when he/she:
 - (a) submits his/her resignation to the appointing authority; or
 - (b) is removed from office by the appointing authority.

Vacancies

10. Vacancies in the Board of Governors shall be filled by the appropriate authority.
11. A vacancy among the appointed members of the Board does not impair the authority of the remaining members of the Board to act.
12. Where the vacancies on the board render the Board inoperative, the Tribal Councils and Indian Government Commission shall be immediately notified and the Tribal Councils and Indian Government Commission will convene a meeting and decide on the status of the Board and shall determine an interim arrangement.

Chairperson

13. The Board shall appoint, from among its members of the Board, a Chairperson who shall report to the Executive Council and the Legislative Assembly of the FSIN.
14. The Board shall also, from among its members, appoint a Vice Chairperson, who, in the event of the disability or absence of the Chairperson, has the powers and shall perform all of the duties of the Chairperson.

Meetings and Other Business

15. The Board shall make by-laws and regulations respecting the conduct of its meetings and, generally, the conduct of its affairs.

Quorum and Voting

16. A majority of the persons holding office from time to time members of the Board shall constitute a quorum.
17. A resolution, regulation or by-law passed by the majority of the members present at a meeting of the Board at which a quorum is present binds all the members of the Board.
18. Each Board member shall have one vote except the Chair who shall have a casting or deciding vote in the event of a tie.

Appointment of the President

19. The Board shall appoint, suspend or remove the President of the FNUniv.

20. The Board shall determine the duties, tenure of office and remuneration of the President.

Powers of the Board

21. The Board shall:
- (a) erect, purchase, sell, lease and maintain the real property of the FNUniv as it deems necessary and proper;
 - (b) act as trustee of any money or property given or bequeathed to the FNUniv;
 - (c) be subject to the Personnel Management Act and Financial Management Act of the FSIN; and
 - (d) not incur any liability or make any expenditure that will have the effect of permanently impairing the financial status of the FNUniv.

Duties of the Board

22. Notwithstanding items (a) to (h) listed below and other sections of this Act, the Board will have the overall authority and responsibility for the direction and operation of the Board to:
- (a) subject to the approval of the Treasury Board, appoint one or more auditors to audit the accounts and transactions of the FNUniv at least once a year and not later than the 30th day of June for the preceding fiscal year;
 - (b) at least once per year conduct, or have conducted, in a manner approved by the Executive Council, an operational and program review of the FNUniv and submit the results to the Executive Council;
 - (c) make available, upon written request, the regulations of the FNUniv to other Indian Governments;
 - (d) encourage Band/Tribal/Agency-First Nations Governments and Band/Tribal/Agency organizations, including Boards of Education involvement by keeping them informed of the business and activities of the FNUniv;
 - (e) ensure the business and affairs of the FNUniv are conducted in accordance with this Act and its accompanying regulations;

- (f) subject to the authority of Treasury Board, secure protective coverage in the form of property and liability insurance;
- (g) formulate policies and regulations for the FNUUniv concerning its organization, administration, and operation. This shall include, but not necessarily be limited to:
 - i. establishment of a code ethics for the Board;
 - ii. relations with the Band/Tribal/Agency boards of Education, Indian Governments, Boards of Directors of Indian controlled Colleges and Institutions, Provincial and Federal Governments and/or their agencies and representatives;
 - iii. relations with parents, guardians, and students; and
 - iv. establishment of professional development activities; and
- (h) ensure the FNUUniv operates within the guidelines of the FNUUniv Act and represents the interests of various constituents.

Remuneration

- 23. The members of the Board:
 - (a) may be paid remuneration for the performance of their duties as members of the Board;
 - (b) may be paid traveling and living expenses while absent from their ordinary places of residence and in the course of their duties as members of the Board; and
 - (c) Rates shall be prescribed by the policy of the FNUUniv.

Action

- 24. No action shall be brought against the Board on account of anything done or omitted to be done by them in the performance of their duties as prescribed under the authority of this Act.

Taxation

- 25. Based on the authority of, and the understanding of our Treaties with the Crown, and the Principles of Indian First

Nations Government, the Board and its programs of study shall not be liable to taxation for provincial, municipal or school purposes, for property, real and personal of the FNUniv.

Amendment

26. The FNUniv Act may be reviewed for necessary amendment from time to time by resolution at a duly called Legislative Assembly of the Federation of Saskatchewan Indian Nations.

**Superceding
Legislation**

27. The FNUniv Act will be superceded only by the Federation of Saskatchewan Indian Nations Convention Act (1985 [Amended, June 8, 2004]) and by the Saskatchewan Indian Education Act.