



BEAUSOLEIL FIRST NATION CONSTITUTION FOR EDUCATION

PREAMBLE

The Beausoleil First Nation is in the southern tip of Georgian Bay on Christian, Beckwith and Hope Islands and Cedar Point;

The Beausoleil First Nation has existed as indigenous Anishinabek Peoples since time immemorial;

We acknowledge the Seven Grandfather Teachings;

CHAPTER 1 SUPREME LAW

1. This Education Constitution is the supreme law of the Beausoleil First Nation in education.
2. In the event of a conflict or inconsistency between this Education Constitution and any Beausoleil First Nation education law or regulation, by-law, code or policies or procedures, this Constitution shall prevail to the extent of the conflict.
3. All Beausoleil First Nation education laws are subject to this Education Constitution.

CHAPTER 2 JURISDICTION

Law-Making Powers

4. The Beausoleil First Nation has the inherent right of governance and may pass laws with respect to those matters that are integral to the Beausoleil First Nation as a community. This Constitution describes how the First Nation will exercise its education jurisdiction.

Law-Making Process

5. A draft law may be introduced at a regular meeting of the Beausoleil First Nation Council:
 - a) by the Chief;
 - b) by a Councillor;
 - c) by a petition signed by 60 or more Members who support the proposed draft law; or,
 - d) by a duly formed and recognized Public Institution.



6. A draft law cannot be presented until three months after Chief and Council are elected into office.
7. A draft law will be enacted through the law-making process set out below:
 - a) the law is introduced and considered by the Council in accordance with its rules;
 - b) the law has been passed by at least a simple majority of the Council who vote on proposed law to vote in favour of the law; and,
 - c) the law has been signed by Council, in accordance with its rules.
8. The Council will establish rules to allow Member participation and consultation in its law-making process.
9. The Council shall establish rules regarding the process and timelines for the enactment, coming into force, and publication of the Beausoleil First Nation laws.
10. The Chief and Council will establish procedures for appealing or challenging the validity or application of a Beausoleil First Nation education law.

Review and Appeal of Administrative Decisions

11. The Beausoleil First Nation shall provide procedures for the appeal or the review of education administrative decisions of Beausoleil First Nation and its Public Institutions.

CHAPTER 3 BEAUSOLEIL FIRST NATION GOVERNMENT

Governing Principles of the Beausoleil First Nation

12. The Beausoleil First Nation expects the Chief and Council and each elected member to:
 - a) be loyal to the Beausoleil First Nation, and respect this Constitution;
 - b) preserve and promote the peace, unity and well-being of the Beausoleil First Nation;
 - c) provide good, effective and accountable government;
 - d) cooperate with one another in mutual trust and good faith, consult and inform one another on matters of common interest, and coordinate their actions and laws with one another.

Composition of Council

13. The Council of the Beausoleil First Nation shall consist of one Chief and six Councillors, and any other officials democratically elected by the Members of the Beausoleil First Nation at elections in accordance with the laws of the Beausoleil First Nation.



14. The Beausoleil First Nation acts through its Council in exercising its rights, powers, and privileges and in carrying out its duties, functions, and obligations.

Conduct of Individuals Elected to Office and Others

15. The Chief and Council shall conduct all affairs of the Beausoleil First Nation in accordance with the Beausoleil First Nation laws of governance and accountability.
16. The Beausoleil First Nation shall establish conflict of interest rules that govern all elected officials.

Delegation of Jurisdiction and Authority

17. The Chief and Council may delegate its jurisdiction or authority or any part of it, in writing, to a legal entity located in a manner consistent with the Beausoleil First Nation laws.
18. Where jurisdiction or authority, or part of it, is delegated pursuant to the Beausoleil First Nation laws, the Beausoleil First Nation will ensure in writing that the legal entity to which the delegation has been made will be accountable to the Beausoleil First Nation for the jurisdiction or authority which has been delegated to it.
19. The Beausoleil First Nation will remain accountable to its Citizens for the exercise of the jurisdiction or authority it delegates to any and all legal entities.
20. Where jurisdiction, or part of it, is delegated by the Beausoleil First Nation pursuant to Beausoleil First Nation laws, the Beausoleil First Nation will ensure that the jurisdiction it delegates is not sub-delegated.
21. The Beausoleil First Nation will ensure, in writing, that the legal entity to which a delegation of jurisdiction or authority from the Beausoleil First Nation has been made, may not, sub-delegate that jurisdiction or authority without the written consent of the majority of the Beausoleil First Nation Council.

CHAPTER 4 OTHER INSTITUTIONS

Existing Institutions

22. The Beausoleil First Nation recognizes the vital role that has been played in the Beausoleil First Nation community by:



- a) the Beausoleil First Nation School Board;
- b) the Beausoleil First Nation Health Committee; and,
- c) volunteer organizations and associations of the Beausoleil First Nation Citizens.

Establishment of Public Institutions

23. The Beausoleil First Nation may establish Public Institutions, in accordance with its laws, to perform functions of its government, as determined by the Council.

CHAPTER 5 FINANCIAL ADMINISTRATION

Principles of Financial Administration

24. The Beausoleil First Nation expects the financial management and administration of the Beausoleil First Nation to:
- a) be prudent, open, and accountable; and,
 - b) provide for effective and efficient use of the financial resources of the Beausoleil First Nation.

Control of Financial Administration

25. The Beausoleil First Nation Citizens have the right to access information on matters dealing with the financial management and administration of all the Beausoleil First Nation's services and programs, excluding information related to personnel matters and any other confidential personal information.
26. The Beausoleil First Nation Council and the Beausoleil First Nation administration shall abide by the Beausoleil First Nation laws and policies governing financial management, accountability and access to information.

Control of Financial Administration

27. The Beausoleil First Nation shall make laws to establish a system of financial administration, through which the Council will be financially accountable to Beausoleil First Nation Citizens, and that includes standards comparable to those generally accepted for governments in Canada.

CHAPTER 6 PUBLIC ADMINISTRATION



Values and principles

28. The Beausoleil First Nation expects the Beausoleil First Nation administrative and band office services to be administered in accordance with the following values and principles:
- a) a high standard of ethics, including avoidance of conflict of interest;
 - b) efficient, effective and prudent use of resources;
 - c) impartial and equitable provision of programs and services;
 - d) responsiveness to Beausoleil First Nation public needs; and,
 - e) provision of timely, accessible, and accurate information.

CHAPTER 7 CONSTITUTIONAL AMENDMENT

Constitutional Amendment

29. This constitution was ratified by the Citizens of the Beausoleil First Nation in accordance with the ratification process selected and approved by Chief and Council.
30. This Constitution may be amended by following each of the steps in the process outlined below:
- a) the passing of a Beausoleil First Nation Band Council resolution proposing an amendment or amendments to the Constitution;
 - b) presenting the proposed constitutional amendment or amendments to the Beausoleil First Nation citizenship at a duly organized public meeting;
 - c) obtaining the approval of thirty percent (30 %) of Eligible Voters through a vote by secret ballot shall authorize the Chief Electoral Officer to hold a referendum vote in compliance to the Beausoleil First Nation's referendum regulations. This vote will happen within three (3) months after the public meeting referred to in paragraph b) above;
 - d) if at least fifty one (51 %) percent of thirty (30) percent of the Eligible Voters in the referendum approve of the proposed amendment(s), the amendments become effective immediately.
31. There will be no second vote in subsection 30 c) or d) above.
32. Notwithstanding section 30, the Beausoleil First Nation Chief and Council may amend this constitution by unanimous resolution at any time in the following instances:
- a) changing the existing name of the Beausoleil First Nation to a new name as approved by the Beausoleil First Nation Citizens;
 - b) changing the name or title of a Public Institution to reflect changes to the Beausoleil First Nation law; or,



- c) deleting a name or title of a dissolved Public Institution.

CHAPTER 8 DEFINITIONS

33. In this Education Constitution:

- a) “Citizen” means a person who belongs to the Beausoleil First Nation and whose name appears on the Citizenship List in accordance with the Beausoleil First Nation Constitution and Beausoleil First Nation law and, until the Beausoleil First Nation passes its Citizenship Law, it includes Beausoleil First Nation members as defined under the Indian Act;
- b) “Chief” means the person selected as Chief in accordance with the Beausoleil First Nation law;
- c) “Council” means the executive decision-making body made up of the Chief and Councillors of the Beausoleil First Nation selected in accordance with the Beausoleil First Nation law;
- d) “Councillor” or “Councillors” means a member or members of Council selected in accordance with the Beausoleil First Nation law;
- e) “Elected Officials” means the Chief and Councillors selected in accordance with the Beausoleil First Nation law and other officials elected pursuant to Beausoleil First Nation law;
- f) “Eligible Voter” means a citizen of the Beausoleil First Nation who has attained the age of eighteen (18) years by or on the date of the vote;
- g) “Beausoleil First Nation” means the citizens for whose use and benefit in common, lands have been set apart, its predecessors or successors;
- h) “Public Institution”, means a board, commission, tribunal, committee established by the Beausoleil First Nation under Beausoleil First Nation law.

Enactment Clause

34. Ratified by the Citizens of the Beausoleil First Nation this day _____ in the month of _____ in the year _____ .

Signed into Law on behalf of the Beausoleil First Nation. This _____ day of the month of _____ in the year of _____ .

