

***Squw'utsun'a'lh Sniw' 'u tu Stutul'na'mut***

[The Quw'utsun Peoples' Teachings for Education]

Draft for Community Consultation

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## **SQWALS TU QUW'UTSUN SNUW'UY'ULH**

**Lhnimulh xe'xe' Quw'utsun mustimuhw.**

We are sacred Quw'utsun peoples.

**Tun-ni' 'u tu syuth-tst, hulituntst tu xe'xe' syuw'entst, snuw'uy'ulhtst.**

We have a true history of sacred values, teachings and spirituality that sustains us.

**Nilh tu t'at Sul-hweentst, hay'ul hwun'a' ni' wa tl'uts', 'i 'u tun'a stl'ulnuptst.**

It is our true history that our ancestors were the first ones dropped on our lands.

**Ni' yuxtse'tum tu Quw'utsun, 'u tu xe'xe' stl'ulnups.**

The Quw'utsun were gifted and bestowed our sacred lands and territory.

**'O' nilh tse' tu Quw'utsun mustimuhw, 'o' xetst 'o'**

**stsekwul'us, kws ha'kwushs, tu s'aalh stl'ulnup.**

Quw'utsun peoples are the ones who will make decisions on how to use and manage our territory.

**Ni' yu kwuneemstum, 'u tu snuw'uy'ulh, 'i' tu xe'xe' tth'uxwten ha'kwushus**

**tse' kws, 'u tu syaays, ts'ets'o'utus tu sts'lhwwulmuhwtst, 'u to' yath.**

It is what our First People had, the laws/traditional knowledge, spiritual ceremonies, they were born into the world exercising these sacred gifts to help and pass on to the people for all generations.

**Mukw'stem, 'i 'u tun'a xe'xe' tumuhw, paluhw, qa', 'o' hulituntst.**

Everything in the environment (sacred land, air, water, and spirituality) from the earth is what sustains our life.

**'O' nilh tu Quw'utsun mustimuhw, ni' le'lum'exun'stum', 'u tu ni' snuwuntewut,**

**'u tu tsitsulh si'em.**

Quw'utsun peoples are given the responsibility to look after what we have been given from the Creator.

**Quw'utsun mustimuhw, 'o' yath 'o' le'lum'eylh, 'u tu s'aalh tumuhw.**

Quw'utsun peoples have inherent rights to always look after our lands.

**'Uw-wu tumtem-us, 'i ni'tst tsmem't, hwayum, 'aanlh kws kwun-utewut tu stl'ulnuptst.**

At no time did we give away, sell or agree to have taken this here/our territory.

**Mukw' Quw'utsun mustimuhw, 'o' tl'i'maat, stsielh, si'em'.**  
All Quw'utsun people are important, honoured, respected.

**'O' kw'am kw'um'tst, lhnimulh xe'xe' Quw'utsun mustimuhw, 'o' nuts'a'maat'tst.**  
We are all united, one spiritually strong Quw'utsun people.

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## **QUW'UTSUN SNUW'UY'ULH**

**Mukw' tu s'a'luqw'a' 'o' tth'ele's tu s-huli.**  
All the (relatives) families are the heart of life.

**Ts'iiyulh ch 'u tuni' s-aamusthamut.**  
Give thanks for what you have been given.

**Stsielhstuhw tu Sul-hween 'i' to' mukw' lhwet.**  
Honour the Elders and every person.

**Thuthul'uqtul' ch 'u kwthu ni' 'aluxut 'uhw.**  
Share what you have harvested.

**Tl'i' to' mukw' mustimuhw.**  
Each person is important.

**Hwialasmut ch tun' s-ye'lh.**  
Take care of your health.

**'lyusstuhw tun'a skweyul.**  
Enjoy today.

**Hwialasmut tu tumuhw.**  
Take care of the earth.

**Hiiye'yutul tst 'u to' mukw' stem 'i' 'u tun'a tumuhw.**  
Everything in nature is a part of our family – we are all relatives.

**Yath ch 'o' lhq'il'.**  
Always be positive.

**Tl'im' ch 'o' lhq'il', 'i' yelh'us qwal.**  
Be certain before you speak.

**Nem' ch thay'thut, 'uso' hwu stsuwet.**  
Go prepare yourself so you can become knowledgeable.

**Hwiiw' tsus tul'.**  
Teach one another.

**Su-hiim'stuhw tun hi'wa'qw 'i' tu xutsmims.**  
Hold your leaders and their decisions in high respect.

**'I' yetul' ch.**  
Treat each other respectfully.

**Ts'i'ts'uwatul' tseep', 'u tun syaays, 'i' mukw' lhwet tse' 'uw', tsihuw'nus.**  
Help one another with your work, and all will benefit.

**Mukw' stem, 'i' mukw' lhwet, 'o' shilhukw'tul'.**  
Everyone and everything is connected.

## **PREAMBLE**

### **Whereas:**

- A. The Quw'utsun people have never ceded nor surrendered our land, nor any of our rights;
- B. Since time immemorial and our ancestors first fell onto these lands, we have governed, stewarded and been living on our land, in our way with our distinct laws and traditions of our culture;
- C. Quw'utsun Aboriginal rights, including title, are recognized and affirmed by section 35(1) of the *Constitution Act, 1982*;
- D. Cowichan Tribes has the inherent right to self-government, including over our educational systems;
- E. The United Nations Declaration on the Rights of Indigenous Peoples, as affirmed by the provincial *Declaration on the Rights of Indigenous Peoples Act, S.B.C. 2019, c. 44* and the federal *United Nations Declaration on the Rights of Indigenous Peoples Act, S.C. 2021, c. 14*, recognizes our rights to self-determination and self-government, including in Article 14 the right to establish and control our educational systems and institutions providing education in our own language, in a manner appropriate to our cultural methods of teaching and learning;
- F. Exercising Cowichan Tribes' inherent right to establish and control education systems is vital to the protection and proliferation of our unique knowledge, traditions, language and culture;

- G. The Cowichan Tribes education system will be guided by our *syuw'entst 'i' snuw'uy'ulh* and reflect the unique knowledge, traditions, language, culture and values of the Quw'utsun *Mustimuhw*;
- H. Quw'utsun knowledge, traditions, language, culture, values and understanding of good relationships are the foundation of our Cowichan Tribes education system, and are an all-encompassing way of seeing the world and understanding the Quw'utsun worldview;
- I. Cowichan Tribes is working to overcome the ongoing nature of colonialism and current and past systems, structures, laws and policies, and their ongoing effects on students, families of students, and Quw'utsun language and culture when implementing and administering this Law;
- J. Canada has enacted the *First Nations Jurisdiction over Education in British Columbia Act*, S.C. 2006, c. 10;
- K. British Columbia has enacted the *First Nations Education Act*, S.B.C. 2007, c. 40;
- L. Cowichan Tribes and Canada entered into a Canada-Cowichan Tribes Education Jurisdiction Agreement on May 26, 2022;
- M. Cowichan Tribes and the Province of British Columbia entered into a British Columbia-Cowichan Tribes Education Jurisdiction Agreement on July 25, 2022;
- N. Cowichan Tribes adopted the *Cowichan Tribes Education Law-Making Protocol* on January 8, 2022;
- O. The First Nations Education Authority became operational on July 1, 2022 pursuant to the federal enabling legislation; and
- P. Cowichan Tribes and the First Nations Education Authority entered an Education Co-Management Agreement on October 27, 2023.

**NOW THEREFORE**, Cowichan Tribes, with the ratification of the Quw'utsun *Mustimuhw*, hereby enacts and adopts this Law.

## **PART 1 – GENERAL**

### **Citation**

1. This Law may be cited as the *Squw'utsun'a'lh Sniw' 'u tu Stutul'na'mut*.

### **Definitions and Interpretation**

2. In this Law:



**“Adult Learner”** means a person aged 18 or over on December 31 of the School Year in which funding support is required and for whom Cowichan Tribes is able to access funding.

**“Annual Report”** means the report prepared by the Quw’utsun Syuw’entst Lelum for Council.

**“Appeal”** means an appeal brought under this Law.

**“Appellant”** means a person who files an Appeal of an administrative decision in accordance with the appeal process in this Law.

**“Band Council Resolution”** or **“BCR”** means a resolution adopted by Council at a duly convened Council meeting.

**“Chief Financial Officer”** means the chief financial officer for the Quw’utsun Syuw’entst Lelum under this Law.

**“Commissioner for Teacher Regulation”** means the commissioner appointed under the *Teachers Act*, S.B.C. 2011, c. 19 to oversee the discipline process for certified educators in British Columbia.

**“Complaints and Appeal Board”** means the body appointed by Council to determine Appeals under this Law.

**“Council”** means the body composed of those persons elected to serve as Chief and Councillors for Cowichan Tribes.

**“Director”** means a director of the *Shxuts-xets-tun tu Quw’utsun Syuw’entst Lelum*.

**“Director of Governance”** means the person appointed by Cowichan Tribes to oversee the governance and legislative development of Cowichan Tribes.

**“Education Program”** means education programs and services for Kindergarten to grade 12 students.

**“Employee”** means an employee of the Quw’utsun Syuw’entst Lelum and does not include a *Shsi-em’s tu Quw’utsun Skwoul’ew’t-hw*, *Hi’wa’qw Shsi-em* or *Ts’uwtun tu Hi’wa’qw Shsi-em*.

**“FCD Committee”** means the FNEA teaching certification and discipline committee.

**“Finance and Audit Committee”** means the finance and audit committee established under the *Cowichan Tribes First Nation Financial Administration Law*, 2018.

**“First Nations Authorized Courses Process”** means the process adopted by FNEA

for the approval of courses required to graduate from a Participating First Nation school, as may be amended from time to time.

**“First Nations Graduation Certificate”** means a certificate of graduation issued by FNEA.

**“First Nations Education Authority”** or **“FNEA”** means the First Nations Education Authority established under the *First Nations Jurisdiction over Education in British Columbia Act*, S.C. 2006, c. 10.

**“Hi’wa’qw Shsi-em”** means the principal of a Quw’utsun School.

**“Hwulmuhw”** means First Nations.

**“Jurisdiction Agreement”** means the *Canada-Cowichan Tribes Education Jurisdiction Agreement* entered into between Cowichan Tribes and Canada on May 26, 2022, as may be amended by the parties.

**“Kindergarten”** includes kindergarten programs for children who have reached the age of five by December 31 of that School Year.

**“Law”** means this *Squw’utsun’a’lh Sniw’ ’u tu Stutul’na’mut*.

**“Non-Citizen”** means a person who is not a Quw’utsun *Mustimuhw*.

**“Officer”** means those persons in managerial roles in the Cowichan Tribes education system, including the *Shsi-em’s tu Quw’utsun Skwoul’ew’t-hw*, *Hi’wa’qw Shsi-em* and *Ts’uwtun tu Hi’wa’qw Shsi-em*.

**“Parent”** means:

- (a) the guardian of a student;
- (b) the person legally entitled to custody of a student; or
- (c) the person who has the usual care and control of a student

in accordance with Quw’utsun *snuw’uy’ulh ’i’ syuw’entst*.

**“Parents’ Committee”** means a parents’ committee established under this Law.

**“Participating First Nation”** means a First Nation that signs a Canada-First Nation Education Jurisdiction Agreement.

**“Pre-Kindergarten”** includes pre-kindergarten programs for children who have reached the age of four by December 31 of that School Year.

**“Quw’utsun Syuw’entst Lelum”** means the community education authority of Cowichan Tribes established under this Law.

**“Quw’utsun *Mustimuhw*”** means any person who is, or is entitled to be, registered as a citizen of Cowichan Tribes.

**“Quw’utsun School”** means a school established and operated by the Quw’utsun Syuw’entst Lelum.

**“Quw’utsun *Tumuhw*”** means reserve lands set apart for Cowichan Tribes within the meaning of the term under the *Indian Act*, R.S.C. 1985, c. I-5, and includes Tumuhw within the meaning given it in section 2.1 of the Quw’utsun Tumuhw (Land Code), effective November 1, 2019, as amended.

**“Regulation”** includes a regulation, order, BCR, rule, form, tariff of costs or fees, proclamation, bylaw, resolution or other instrument issued, made, established or enacted by or under the authority of Council under this Law, but does not include an order of a court made in the course of an action or an order made by a public officer or administrative tribunal in a dispute between two or more persons.

**“S’a’luqw’a”** or **“syuth ’i’ s’a’luqw’a”** means our *tumuhw* and everything on it, and our reciprocal family relationships with it and with each other.

**“School Year”** means the period beginning on July 1 and ending on the following June 30 each year.

**“Shhwtheth ’i’ qun”** means a speaker, or other trusted helper or advocate.

**“Shsay’s tu t’at Quw’utsun”** means the Quw’utsun ways of knowing and being.

**“Shsi-em’s tu Quw’utsun Skwoul’ew’t-hw”** means the person appointed by the Quw’utsun Syuw’entst Lelum under section 88 of this Law.

**“Shxuts-xets-tun tu Quw’utsun Syuw’entst Lelum”** or **“Shxuts-xets-tun”** means the board of Directors of the Quw’utsun Syuw’entst Lelum.

**“Snuw’uy’ulh”** means a set of teachings, including the traditional beliefs, customary practices and laws of the Quw’utsun people.

**“Student with Exceptionalities”** means a student who is gifted, has a disability of an intellectual, physical, sensory, emotional or behavioural nature, or has a learning disability.

**“Stut ’ul’na’mut Sul-hween”** means the committee of *Sul-hween* established under this Law to provide direction and guidance on matters of language, culture and cultural

protocol.

**“Sul-hween”** means a Quw’utsun *Mustimuhw* recognized by Cowichan Tribes as an elder.

**“Syuw’entst”** means the traditional laws and ways of being of the Quw’utsun people.

**“Ts’uwtun tu Hi’wa’qw Shsi-em”** means the vice principal of a Quw’utsun School appointed under section 109 of this Law.

**“Ts’uwtun tu Xets’ul”** means a person appointed by the *Shsi-em’s tu Quw’utsun Skwoul’ew’t-hw* under section 92 of this Law as an assistant *Xets’ul*.

**“Xets’ul”** means a person appointed by the *Shsi-em’s tu Quw’utsun Skwoul’ew’t-hw* under section 92 of this Law.

**“Youth”** means a person who is 19 years of age or over but is under 27 years of age.

3. Unless the context otherwise clearly indicates, words used in the singular include the plural, the plural includes the singular, and the neutral gender includes the masculine and the feminine.
4. Nothing in this Law or in the Quw’utsun Syuw’entst Lelum’s purpose shall be interpreted so as to abrogate, derogate, or jeopardize the inherent rights of Cowichan Tribes recognized and affirmed by section 35(1) of the *Constitution Act, 1982* or the United Nations Declaration on the Rights of Indigenous Peoples.

## Guiding Principles

5. Cowichan Tribes recognizes the following guiding principles in respect of its education system:
  - (a) The Cowichan Tribes education system will recognize and support the importance of the Quw’utsun *syuth ’i’ s’a’luqw’a’*, culture, knowledge, traditions, language, land and natural world;
  - (b) Quw’utsun teaching methods, perspectives and knowledge must be included in all aspects of the Cowichan Tribes education system and be part of the educational development of students in the Quw’utsun Schools, including through land-based education that incorporates the seasonal round and Quw’utsun *s’a’luqw’a’*;
  - (c) The Cowichan Tribes education system will be guided by our *squw’utsun’a’lh syuw’entst ’i’ snuw’uy’ulh*, in particular, the *syuw’entst ’i’ snuw’uy’ulh* set out in section 6 of this Law will serve as the basis for how the Cowichan Tribes education system will operate;

- (d) Students must have access to educational opportunities that ensure that they are connected to their self-identity, families, culture and communities;
  - (e) All students are important and valued, and will be at the centre of decision-making in the Cowichan Tribes education system;
  - (f) The Quw'utsun Schools will provide learner-centered education programs that embrace and accommodate the unique needs and aspirations of individual students;
  - (g) Inclusive education will be promoted at the Quw'utsun Schools, which requires teachers to be innovators and make the best use of current and relevant technology;
  - (h) The Quw'utsun Schools will be a safe environment for students and staff, embracing cultural values and providing an optimal learning environment informed by Quw'utsun *syuw'entst 'i' snuw'uy'ulh*;
  - (i) Learning is life-long, valued and encouraged;
  - (j) A multi-generational approach will be incorporated as part of the learning environment in the Quw'utsun Schools, including through the involvement of the *Sul-hween* in the education system and the sharing of oral history, language, culture and traditions;
  - (k) Parents are honoured as partners in all aspects of learning;
  - (l) The Cowichan Tribes education system strives for a balanced education system centered on motivation, self-esteem and personal wellness, with the goal of providing an education where every student is acknowledged in order to be able to make the most of their gifts, achieve a fulfilling life, support themselves, and contribute to the wellbeing of their communities; and
  - (m) The Cowichan Tribes education system takes a holistic approach to education regardless of colonial boundaries and will seek to provide educational opportunities to all Quw'utsun *Mustimuhw*.
6. Cowichan Tribes' education system is further guided by our *syuw'entst 'i' snuw'uy'ulh* that are to be interpreted and applied taking into account the education context, including the following principles:
- (a) *Si'emstuhw tu t'at mustimuhw, tu mukw' Sul-hweentst, tu s'a'luqw'a' tst, 'i' tu mukw' lhwet* [respect for our ancestors, our Elders, our relatives, and every person]:
    - (i) respect for family systems and *Sul-hween*;

- (ii) every person is important to the health and well-being of our community, and as such, every person deserves to be treated with respect;
  - (iii) respect helps us to live a good life and helps us to follow our teachings in the ways we learn, teach, work, act, and interact with others; and
  - (iv) the best interests of a student are upheld when a student feels that they, and all their relations, are treated with respect.
- (b) *Hwial'asmuthut, Hwial'asmutul'* [looking after ourselves and one another]:
  - (i) teachings about the importance of caring, protection, and treating everyone with respect are implicit in our *snuw'uy'ulh*;
  - (ii) this includes the importance of taking care of ourselves and treating ourselves with respect, which is necessary before we can take care of each other;
  - (iii) our stories, customary practices, and experiences teach the importance of protecting all our relations as a way of honouring and showing respect to all our relations and ancestors; and
  - (iv) everyone owes every student an obligation to protect and acknowledge them.
- (c) *Ts'i'ts'uwatul'* [helping one another]:
  - (i) we are the caretakers of our students, and we must support each other to protect our students and their families respectfully;
  - (ii) it is important to share and selflessly reach out to help and acknowledge other families, which is evidenced by our ceremonies that are a means of being generous, celebrating and helping our relations, and creating connections with others;
  - (iii) working with others within and outside of our families to support one another, honour one another, and celebrate with one another helps us to develop relationships and resolve conflicts, and teaches us to be selfless and to recognize that our interests are best served by building deeper and enduring connections to all people within the Cowichan Tribes education system;
  - (iv) the best interests of a student are upheld when the community works to actively support the student and each other; and

- (v) the rights and distinct needs of a Student with Exceptionalities are to be considered in order to promote the participation of a Student with Exceptionalities to the same extent as other students in the Cowichan Tribes education system and to remove barriers to participation in the Cowichan Tribes education system.
- (d) *Nuts'a'maat shqwaluwun* [working together respectfully with one mind, one heart, one spirit]:
  - (i) our *snuw'uy'ulh* teach us that working together respectfully to make a decision is just as important as the decision itself;
  - (ii) a process of collaboration helps to build sustainable outcomes and sustainable relationships;
  - (iii) collaboration processes enable all individuals to share their gifts – including spiritual gifts – participate, build connections, develop the strength of our education system and communities, and help participants to work past divisive conflicts and rebuild their connections and commitments to each other; and
  - (iv) in decision-making under this Law, collaboration processes must be considered.
- (e) *Thu'it stuhw tun shqwaluwun 'ulup* [trust, honesty, and focused in your collective thoughts and mind]:
  - (i) students and their Parents must be able to exercise their rights under this Law, including the right to have their views heard in decisions that affect them, and they must be able to do so without discrimination, including discrimination based on sex, gender identity or expression;
  - (ii) the exercise of rights under this Law must be respectful of the *shsay's tu t'at Quw'utsun*; and
  - (iii) both a student and a Parent of a student have a right to appoint a *shhwtheth 'i' qun'* to help ensure their ability to exercise their rights.
- (f) *Tl'u tl'i' tul* [committed to and caring for ourselves and each other]:
  - (i) understanding and caring for each other and ourselves, and compassion, are important foundations in community relationships; and
  - (ii) the best interests of a student are upheld when a student feels that they and their family members are treated with love and compassion.

- (g) *'Uw-wu 'o' tl'uhwla us'us'ul tu sts'lhhwulmuhw tst* [each person is important]:
  - (i) our *snuw'uy'ulh* teach us the value of life;
  - (ii) each person is important because we are all different, have a gift to share, and bring various strengths and fulfill different needs in our families and communities;
  - (iii) respecting difference means that each student and family may require different supports and services to enable them to survive and thrive;
  - (iv) treatment that is the same for everyone may lead to inequality among certain students and families;
  - (v) this principle includes the concept of substantive equality, which seeks to remedy distinctions in law, policy or programs that have the effect of perpetuating arbitrary disadvantages against certain groups of people and seeks to achieve the provision of services in a manner that meets the unique needs and circumstances of students and families to the extent able; and
  - (vi) decision-makers must consider the ongoing nature of colonialism and current and past systems, structures, laws and policies, and their ongoing effects on students and families of students when implementing and administering this Law.

## **Rights and Duties of Students**

- 7. Students must:
  - (a) comply with the school rules authorized by the *Hi'wa'qw Shsi-em*;
  - (b) comply with the rules, policies and procedures authorized by the Quw'utsun Syuw'entst Lelum; and
  - (c) participate in an Education Program as directed by the *Hi'wa'qw Shsi-em* or the Quw'utsun Syuw'entst Lelum.
- 8. A student is entitled to consult with a teacher, the *Ts'uwtun tu Hi'wa'qw Shsi-em* or the *Hi'wa'qw Shsi-em* regarding that student's Education Program.

## **Rights and Duties of Parents**

- 9. A Parent of a student attending a Quw'utsun School has the right:



- (a) to be informed of the student's attendance, behaviour and progress in school;
  - (b) to examine all student records kept by the Quw'utsun Syuw'entst Lelum pertaining to that student on request, and while accompanied by a *Hi'wa'qw Shsi-em* or a person designated by a *Hi'wa'qw Shsi-em*;
  - (c) on request and on payment of a fee, if one is established by Regulation, to receive a copy of any student record that they are entitled to examine under paragraph (b);
  - (d) to be informed of curriculum and course options for the student; and
  - (e) to belong to a Parents' Committee, if one has been established.
10. A Parent of a student may, and at the request of a teacher, *Hi'wa'qw Shsi-em*, or *Ts'uwtun tu Hi'wa'qw Shsi-em* must, consult with the teacher, *Hi'wa'qw Shsi-em*, or *Ts'uwtun tu Hi'wa'qw Shsi-em* with respect to the student's Education Program.
11. Subject to this Law, Regulations and any policies of the Quw'utsun Syuw'entst Lelum, a Parent of a student may provide volunteer services at a Quw'utsun School.

### ***Hul'q'umi'num'* Immersion Program**

12. The Quw'utsun Syuw'entst Lelum may establish and operate a *Hul'q'umi'num'* immersion program.

### **Parents' Committee**

13. Parents of students attending the Quw'utsun Schools may apply to the Quw'utsun Syuw'entst Lelum to establish a Parents' Committee for the Quw'utsun School.
14. On receipt of an application under section 13, the Quw'utsun Syuw'entst Lelum must establish a Parents' Committee for the Quw'utsun School.
15. There must be only one Parents' Committee for each Quw'utsun School.
16. Parents of Non-Citizen students are entitled to participate as full members on the Parents' Committee.
17. Parents of any student who attends a Quw'utsun School, whether they are a Quw'utsun *Mustimuhw* or a Non-Citizen, must have the opportunity to have input, through their participation in the Parents' Committee, into any decision with respect to a program or service where that decision directly and

significantly affects their rights as Parents or the rights of their children as students.

18. The Parents' Committee, through its members, may:
  - (a) provide information to the Quw'utsun Syuw'entst Lelum and Officers and Employees of the Quw'utsun School respecting certain matters relating to the Quw'utsun School as set out in Regulation; and
  - (b) at the request of Quw'utsun Syuw'entst Lelum, assist in the school planning process.
19. Subject to this Law and the Regulation under section 21, a Parents' Committee, in consultation with the *Hi'wa'qw Shsi-em* and the Quw'utsun Syuw'entst Lelum, must establish written procedures governing its meetings, business and conduct of affairs.
20. A Parents' Committee must remit any funds raised on behalf of a Quw'utsun School to the Quw'utsun School.
21. Council must enact a Regulation regarding the functions, powers, duties and financial administration of the Parents' Committee, including how fundraising is conducted.
22. (1) A Parents' Committee must provide an annual report to the Quw'utsun Syuw'entst Lelum and to the Parents of the Quw'utsun School.  
  
(2) The format of the report in subsection 22(1) may be prescribed by Regulation of Council or policy of the Quw'utsun Syuw'entst Lelum.

### **General Feedback**

23. Council may by Regulation or the Quw'utsun Syuw'entst Lelum may by policy establish a procedure for the submission of general feedback regarding the Cowichan Tribes education system.

## **PART 2 – QUW'UTSUN EDUCATION PROGRAMS**

### **Standards for Quw'utsun Education**

24. The Quw'utsun Syuw'entst Lelum will establish education standards for the Quw'utsun Schools that recognize and support the importance of the Quw'utsun history, culture, knowledge, traditions, language and land, taking into account the guiding principles and *syuw'entst 'i' snuw'uy'ulh* set out in sections 5 and 6.

## **School Calendar**

25. The Quw'utsun Syuw'entst Lelum must develop, or direct all *Hi'wa'qw Shsi-em* to develop, a school calendar for the following School Year in accordance with any requirements that are set out in this Law and any Regulation, and any policy adopted by the Quw'utsun Syuw'entst Lelum.
26. The Quw'utsun Syuw'entst Lelum may in a school calendar set under section 25:
  - (a) set the number of days in session in a School Year;
  - (b) set a minimum number of instructional days within the days in session;
  - (c) set a maximum number of non-instructional days within the days in session;
  - (d) set the number of days in a calendar week that are to be school days;
  - (e) set the minimum number of hours of instruction that must be provided in a School Year;
  - (f) specify the opening and closing dates for the Quw'utsun Schools;
  - (g) specify the dates of vacation periods, cultural days and holidays within the days in session; and
  - (h) set out cultural and community ceremonies and events that may cause changes to the school calendar.

## **Home Education**

27. Subject to having the capacity and resources to do so, Council may, by Regulation, establish requirements regarding supports for Quw'utsun *Mustimuhw* to be educated at home.

## **PART 3 – ACCESS TO QUW'UTSUN EDUCATION**

### **Eligibility of Students**

28. A person is eligible to be enrolled in an Education Program provided by the Quw'utsun Syuw'entst Lelum if:
  - (a) the person has reached the age of four on or before December 31 of that School Year;
  - (b) they are a Quw'utsun *Mustimuhw* or are a student for whom Cowichan Tribes can access funding for their education;

- (c) the person meets the Quw'utsun Syuw'entst Lelum's enrollment criteria, consistent with the provisions of this Law and the Jurisdiction Agreement;
  - (d) the Quw'utsun Syuw'entst Lelum determines that space, facilities, and capacity are available for the person at the Quw'utsun School; and
  - (e) the person's Parent enrolls them with the Quw'utsun School by September 30 of that School Year.
29. A Parent of a Quw'utsun *Mustimuhw* must:
- (a) enroll the Quw'utsun *Mustimuhw* in an Education Program provided by the Quw'utsun Syuw'entst Lelum, a public school, a school operated by or on behalf of another First Nation, an independent school or an Education Program otherwise provided by the Province of British Columbia on the first day of the School Year if, on or before December 31 of that School Year, the Quw'utsun *Mustimuhw* reaches the age of five; and
  - (b) ensure the Quw'utsun *Mustimuhw* participates in an Education Program provided by the Quw'utsun Syuw'entst Lelum, a public school, a school operated by or on behalf of another First Nation, an independent school or an Education Program otherwise provided by the Province of British Columbia until they reach the age of 16 years.
30. (1) A Parent of a Non-Citizen choosing to attend a Quw'utsun School must:
- (a) enroll the Non-Citizen in an Education Program provided by the Quw'utsun Syuw'entst Lelum on the first day of the School Year if, on or before December 31 of that School Year, the person reaches the age of five; and
  - (b) ensure the Non-Citizen participates in an Education Program provided by the Quw'utsun Syuw'entst Lelum until they reach the age of 16 years.
- (2) This section does not apply to a Non-Citizen person that chooses to attend a public school, a school operated by or on behalf of another First Nation, an independent school or an Education Program otherwise provided by the Province of British Columbia.
31. A Parent of a person referred to in subsections 28(a) and 29(a) may defer the enrollment of the person until the first school day of the next School Year.
32. The Quw'utsun Syuw'entst Lelum must develop and adopt a policy establishing supports for students attending the Quw'utsun Schools to remain in school and graduate.

## Registration

33. A Parent of a child choosing to attend a Quw'utsun School must register the child with a Quw'utsun School on or before September 30 in each School Year.
34. The Quw'utsun Syuw'entst Lelum may decline to enroll any person who does not meet the requirements set out in section 28.
35. The *Hi'wa'qw Shsi-em* of a Quw'utsun School may, subject to the policies of the Quw'utsun Syuw'entst Lelum, enroll a student:
  - (a) for whom Cowichan Tribes cannot access funding for their education; or
  - (b) whose Parent enrolls them after September 30 of a School Year.
36. Cowichan Tribes may purchase education for Quw'utsun *Mustimuhw* enrolled in a British Columbia Public School, a British Columbia Independent School, or a school operated by another First Nation in accordance with the requirements of the Jurisdiction Agreement.

## Students with Exceptionalities

37. The Quw'utsun Syuw'entst Lelum must develop and adopt a policy for education of Students with Exceptionalities that considers their rights and distinct needs in order to remove barriers to and promote their participation to the same extent as other students in the Cowichan Tribes education system, in accordance with the *snuw'uy'ulh 'uw-wu 'o' tl'uhwla us'us'ul tu sts'lhhwulmuhw tst* and *ts'i'ts'uwatul'*.

## Adult Learners

38. The Quw'utsun Syuw'entst Lelum may develop and adopt a policy for education of Adult Learners.

## Encouragement of Healthy Behaviour

39. The Quw'utsun Syuw'entst Lelum must develop and adopt a policy to guide students in relating to each other in a healthy way taking into account the guiding principles set out in sections 5 and 6 of this Law, including addressing anti-bullying and anti-harassment, anti-racism and anti-discrimination, and anti-substance use and a process for suspension and review.
40. A *Hi'wa'qw Shsi-em* may suspend a student from a Quw'utsun School in accordance with the policy established by the Quw'utsun Syuw'entst Lelum and the following limits, so long as the *Hi'wa'qw Shsi-em* continues to make available to the student an Education Program during the suspension:

- (a) a *Hi'wa'qw Shsi-em* may suspend a student from one to three days;
  - (b) a *Hi'wa'qw Shsi-em* may suspend a student from three to ten days with approval of the *Shsi-em's tu Quw'utsun Skwoul'ew't-hw*; or
  - (c) a *Hi'wa'qw Shsi-em* may suspend a student for greater than ten days with approval of the *Shxuts-xets-tun*.
41. Despite the other provisions of this Law, the Quw'utsun Syuw'entst Lelum may expel a student whose presence in the Quw'utsun School is detrimental to the physical or mental well-being of students or staff, or disruptive to the proceedings or function of the Quw'utsun School, in accordance with any Regulation of Council or policy of the Quw'utsun Syuw'entst Lelum for doing so.
42. A *Hi'wa'qw Shsi-em* or *Ts'uwtun tu Hi'wa'qw Shsi-em* may refuse to admit onto or remove from Quw'utsun School property a person whose presence in the Quw'utsun School or classroom would, in the *Hi'wa'qw Shsi-em's* or *Ts'uwtun tu Hi'wa'qw Shsi-em's* judgement, be detrimental to the physical or mental well-being of students or staff, disrupt the proceedings or function of the Quw'utsun School, or in accordance with any court order.
43. A *Hi'wa'qw Shsi-em* or *Ts'uwtun tu Hi'wa'qw Shsi-em* may refuse to admit onto or remove from Quw'utsun School property a student if they consider that the health condition of that student is such as to endanger the health or welfare of the students of a Quw'utsun School or the Officers or Employees of the Quw'utsun Syuw'entst Lelum.

## **PART 4 – GOVERNANCE AND JURISDICTION**

### **Authority and Jurisdiction**

44. This Law is made pursuant to the authority of Cowichan Tribes' inherent jurisdiction and right to self-government as recognized and affirmed by:
- (a) section 35(1) of the *Constitution Act, 1982*;
  - (b) the United Nations Declaration on the Rights of Indigenous Peoples;
  - (c) the *First Nations Education Act*, S.B.C. 2007, c. 40; and
  - (d) the *First Nations Jurisdiction over Education in British Columbia Act*, S.C. 2006, c. 10.
45. In the event of a conflict or inconsistency between this Law and a federal or provincial law, this Law will prevail on Quw'utsun *Tumuhw* to the extent of the conflict or inconsistency.

46. The *Canadian Charter of Rights and Freedoms* applies to Cowichan Tribes, the Quw'utsun Syuw'entst Lelum and any body exercising jurisdiction and authority over education under this Law.

### **Role of Council**

47. Cowichan Tribes will act through Council in exercising its powers and carrying out its duties and functions under the Law.
48. Council has the following powers and responsibilities in relation to the Cowichan Tribes education system:
- (a) enacting laws and Regulations consistent with this Law and the Jurisdiction Agreement;
  - (b) leading and conducting government-to-government relations with all levels of government in Canada by negotiating and entering into agreements with any level of government in Canada, including any government agency or entity or any other national, regional or local entity, as well as other Indigenous governments concerning delivery of education;
  - (c) appointing the *Shxuts-xets-tun tu Quw'utsun Syuw'entst Lelum*;
  - (d) delegating authority to any person or class of persons to exercise powers, duties and functions under this Law; and
  - (e) doing such other things as may be necessarily incidental to the exercise of jurisdiction over education set out in this Law.
49. (1) Without limiting the generality of subsection 48(a), Council may make any Regulations it considers necessary and advisable for purposes under this Law, including:
- (a) for any purpose in relation to which Regulations are provided for in this Law;
  - (b) to prescribe any matter or thing referred to in this Law as prescribed or to be prescribed;
  - (c) to set fees;
  - (d) regarding the form and content of forms, notices, and reports that are required or permitted under this Law;
  - (e) to set penalties;

- (f) to establish procedures for hearing Appeals and resolving disputes under this Law;
- (g) to define words and expressions that are used but not defined in this Law; and
- (h) generally for the purpose of giving effect to this Law.

(2) Any Regulations made under this Law must be consistent with this Law and the Jurisdiction Agreement.

50. Without limiting the generality of subsection 48(a) or section 49, Council has the ability by Regulation to:

- (a) expand or clarify the powers, duties or functions to be exercised or performed by the Quw'utsun Syuw'entst Lelum;
- (b) impose limits on the powers, duties or functions to be exercised or performed by the Quw'utsun Syuw'entst Lelum;
- (c) create requirements regarding the eligibility, appointment, terms of service, remuneration, disqualification, resignation, removal and other matters respecting the *Shxuts-xets-tun*;
- (d) create requirements regarding the terms and conditions of agreements entered into by the Quw'utsun Syuw'entst Lelum;
- (e) create requirements regarding the raising, holding, spending, investing or borrowing of money by the Quw'utsun Syuw'entst Lelum, and the securing or guarantee of the repayment of money borrowed;
- (f) create requirements regarding the acquisition, handling or disposal of property by the Quw'utsun Syuw'entst Lelum;
- (g) create requirements regarding indemnities, any terms and conditions of an indemnity, and the circumstances and manner in which an indemnity may be given;
- (h) adopt conflict of interest guidelines, codes of conduct and any other guidelines and policies of the Quw'utsun Syuw'entst Lelum;
- (i) require the Quw'utsun Syuw'entst Lelum to prepare and provide records, reports and accounts;
- (j) create requirements generally respecting the operations of the Quw'utsun Syuw'entst Lelum; and



- (k) any matter or thing that Council considers necessary or advisable to facilitate the establishment and operation of the Quw'utsun Syuw'entst Lelum.
51. In making Regulations under this Law, Council may delegate a matter to a person and confer a discretion on a person.

### **Establishment of the Quw'utsun Syuw'entst Lelum**

52. The Quw'utsun Syuw'entst Lelum is established to operate Education Programs and services.
53. Unless Council directs otherwise by BCR, the Quw'utsun Syuw'entst Lelum must make reasonable efforts to maintain its head office on Quw'utsun *Tumuhw*.
54. Subject to section 55, neither federal nor provincial legislation dealing with not-for-profit organizations shall apply to the Quw'utsun Syuw'entst Lelum.
55. The Quw'utsun Syuw'entst Lelum may incorporate and register under federal or provincial legislation for the same purposes, and on the same terms, as set out in this Law.

### **Purpose of the Quw'utsun Syuw'entst Lelum**

56. The purpose of the Quw'utsun Syuw'entst Lelum is to oversee:
- (a) the administration and implementation of this Law and Regulations on behalf of Cowichan Tribes;
  - (b) the establishment, operation, administration and management of the Cowichan Tribes education system and the Quw'utsun Schools; and
  - (c) the delivery of Education Programs pursuant to this Law.

### **Capacity of the Quw'utsun Syuw'entst Lelum**

57. For the purposes of carrying out its powers, functions and duties in accordance with this Law and Regulations, the Quw'utsun Syuw'entst Lelum has the power and capacity of a natural person of full capacity, including the power to:
- (a) be a party to any legal proceedings;
  - (b) sue and be sued in its own name;
  - (c) enter into contracts and agreements in its own name, including with Cowichan Tribes;

- (d) acquire, hold and dispose of any property;
  - (e) raise, hold, spend, invest or borrow money, and secure or guarantee the repayment of money borrowed; and
  - (f) do other things as may be ancillary to the exercise of its rights, powers and privileges.
58. Unless authorized by Council, the Quw'utsun Syuw'entst Lelum may not incur liabilities on behalf of Cowichan Tribes.

### **Powers, Functions and Duties of the Quw'utsun Syuw'entst Lelum**

59. The Quw'utsun Syuw'entst Lelum is responsible for the management of the Quw'utsun Schools and the custody, maintenance and safekeeping of all property owned or leased by the Quw'utsun Syuw'entst Lelum.
60. Subject to this Law and Regulations, in furthering its purposes, the Quw'utsun Syuw'entst Lelum will:
- (a) administer and implement this Law;
  - (b) establish, operate, administer and manage the Cowichan Tribes education system and the Quw'utsun Schools;
  - (c) develop and deliver Education Programs to all students enrolled in the Quw'utsun Schools;
  - (d) ensure that a *Hi'wa'qw Shsi-em* is responsible for each Quw'utsun School;
  - (e) administer agreements with all levels of government in Canada regarding the provision of funds and resources for the Cowichan Tribes education system;
  - (f) appoint the *Stut 'ul'na'mut Sul-hween*;
  - (g) hire and manage Employees and services for the operation of the Quw'utsun Schools;
  - (h) hire and manage the *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* of the Cowichan Tribes education system;
  - (i) hire and manage one or more *Hi'wa'qw Shsi-em* and *Ts'uw'tun tu Hi'wa'qw Shsi-em* of the Quw'utsun Schools and any other Officers of the Cowichan Tribes education system;
  - (j) hire and manage the Chief Financial Officer of the Quw'utsun Syuw'entst Lelum;

- (k) provide all necessary equipment and furniture for carrying on its purpose;
- (l) periodically review the effectiveness of this Law, and recommend possible amendments to Council;
- (m) establish rules, processes and policies for the effective and efficient operation of the Quw'utsun Schools and the Cowichan Tribes education system, including in respect of:
  - (i) enrolment criteria;
  - (ii) healthy behaviours for students attending Education Programs operated by or on behalf of the Quw'utsun Syuw'entst Lelum;
  - (iii) suspension of students and the provision of Education Programs for suspended students;
  - (iv) attendance of students in Education Programs;
  - (v) the provision of volunteer services;
  - (vi) establishment, operation, administration and management of:
    - 1. the Quw'utsun Schools and Education Programs provided by the Quw'utsun Syuw'entst Lelum; and
    - 2. transportation equipment used for the purposes of the Quw'utsun Syuw'entst Lelum;
  - (vii) management of and access to student records;
  - (viii) management and processing of scholarships, loans or funding for secondary education;
  - (ix) reporting for child protection purposes; and
  - (x) any other matter within the jurisdiction of the Quw'utsun Syuw'entst Lelum;
- (n) establish rules, policies and procedures for the internal governance of the Quw'utsun Syuw'entst Lelum;
- (o) approve education assessment mechanisms for students or groups of students;
- (p) oversee the administration of agreements with provincial authorities regarding Cowichan Tribes involvement in education for Quw'utsun

*Mustimuhw* not attending the Quw'utsun Schools, including ensuring Quw'utsun *snuw'uy'ulh*, *syuw'entst* and language are promoted;

- (q) provide stewardship and effective leadership over the Cowichan Tribes education system, including by providing progress and fiscal reports to Council and Quw'utsun *Mustimuhw* at least once every year;
- (r) set overall fiscal direction for the Quw'utsun Syuw'entst Lelum, the Quw'utsun Schools and the Cowichan Tribes education system; and
- (s) do everything reasonably necessary, suitable, proper, convenient or incidental to these duties.

61. Without limiting the generality of section 57, subject to this Law and Regulations, in furthering its purposes, the Quw'utsun Syuw'entst Lelum may do all or any of the following:

- (a) approve educational resource materials and other supplies and services for use by students;
- (b) install and operate video surveillance cameras in Quw'utsun Schools or on Cowichan Tribes property for the purposes of protecting:
  - (i) the safety of individuals in the Quw'utsun Schools or on the property;
  - (ii) an individual's belongings in the Quw'utsun Schools or on the property; or
  - (iii) Quw'utsun School property;
- (c) permit people other than students to utilize Quw'utsun School facilities, equipment and personnel;
- (d) evaluate and recognize educational activities of an educational program undertaken by a student outside of Quw'utsun Schools;
- (e) provide Pre-Kindergarten and childcare programs, or permit the operation of Pre-Kindergarten and childcare programs, using Quw'utsun Schools property owned or leased by the Quw'utsun Syuw'entst Lelum;
- (f) assist in the training of student teachers, and allow student teachers to practice and observe teaching in the Quw'utsun Schools;
- (g) if approved by the relevant government body, provide a system of traffic patrols to assist in the control of motor vehicle traffic on highways or elsewhere in the area close to the Quw'utsun Schools so

far as the traffic may affect students going to or from the Quw'utsun Schools;

- (h) develop and offer local courses for use in the Quw'utsun Schools, in accordance with the requirements of the First Nations Authorized Courses Process, where applicable;
  - (i) establish loan funds or bursaries for students enrolled in an Education Program and spend money received by donation;
  - (j) establish committees and specify the functions and duties of those committees provided that committees or individual members of the Quw'utsun Syuw'entst Lelum may not exercise the powers, functions and duties of the Quw'utsun Syuw'entst Lelum; and
  - (k) delegate specific duties to one or more of its Officers and/or Employees.
62. Subject to this Law and Regulations, Council approval and the capacity and resources to do so, the Quw'utsun Syuw'entst Lelum may provide housing accommodation for students.

### **Composition and Functions of the *Shxuts-xets-tun tu Quw'utsun Syuw'entst Lelum***

63. Council will appoint a *Shxuts-xets-tun tu Quw'utsun Syuw'entst Lelum* consisting of at least five and no more than nine individuals as Directors.
64. The *Shxuts-xets-tun* will supervise the management of the business and affairs of the Quw'utsun Syuw'entst Lelum.
65. Council must enact a Regulation regarding the eligibility, appointment, terms of service, remuneration, disqualification, resignation, removal and other matters respecting the *Shxuts-xets-tun*.
66. The *Shxuts-xets-tun* must establish rules, policies and procedures for the internal governance of the Quw'utsun Syuw'entst Lelum.
67. In making an appointment to the *Shxuts-xets-tun*, Council will have regard to the need to have Directors who, in the aggregate, have the full range of skills, knowledge and experience necessary to effectively lead the Quw'utsun Syuw'entst Lelum in achieving its purpose.
68. A Director holds office for a fixed term set out by Regulation.
69. The *Shxuts-xets-tun* must:
- (a) consist of a majority of Quw'utsun *Mustimuhw*;

- (b) include at least one Quw'utsun *Mustimuhw* who is a *Sul-hween*;
  - (c) include at least one Quw'utsun *Mustimuhw* who is a Youth;
  - (d) include at least one Quw'utsun *Mustimuhw* who is at least proficient in *Hul'q'umi'num'*, with fluency in *Hul'q'umi'num'* preferred;
  - (e) include gender balance and diversity; and
  - (f) not include any member of Council, or Quw'utsun Syuw'entst Lelum Employees or Officers.
70. For greater certainty, it is the preference that Directors be Quw'utsun *Mustimuhw* and, if not possible, preference will be given to *Hwulmuhw* applicants over non-*Hwulmuhw* applicants in order to support implementation of the Law, including the guiding principles in sections 5 and 6 of the Law, in a manner that aligns with Cowichan Tribes' self-determination and self-governance.
71. The *Shxuts-xets-tun* will designate one of the Directors as chair of the *Shxuts-xets-tun* to manage the day-to-day operations of the *Shxuts-xets-tun*, and may designate other Officers and establish committees.
72. A quorum of the *Shxuts-xets-tun* is a majority of the Directors holding office at the time of the meeting of the *Shxuts-xets-tun*.

### **Exercise of Powers**

73. (1) All of the powers of the Quw'utsun Syuw'entst Lelum may be exercised by resolution of the *Shxuts-xets-tun*.
- (2) Rules, policies and procedures must be adopted by resolution of the *Shxuts-xets-tun*.
74. The *Shxuts-xets-tun* must, forthwith after making a rule, policy or procedure, provide a copy of the rule, policy or procedure to Council.
75. The *Shxuts-xets-tun* may, prior to enacting a rule, policy or procedure, seek input from Council, any Parents' Committee, the *Stut 'ul'na'mut Sul-hween* and Quw'utsun *Mustimuhw* prior to its approval, and must do so in accordance with any Regulation or policy of the Quw'utsun Syuw'entst Lelum for doing so.

### **Property**

76. Unless otherwise approved by Council, the Quw'utsun Syuw'entst Lelum may acquire real property only through Cowichan Tribes and/or for the benefit of Cowichan Tribes.

77. Council must enact a Regulation establishing requirements regarding the acquisition, handling or disposal of property by the Quw'utsun Syuw'entst Lelum.
78. The Quw'utsun Syuw'entst Lelum may exercise a power with respect to the acquisition, handling or disposal of property owned or administered by the Quw'utsun Syuw'entst Lelum only in accordance with the Regulation enacted by Council pursuant to section 77 of this Law.

### **Agreements**

79. Subject to this Law and any Regulations, the Quw'utsun Syuw'entst Lelum may:
- (a) enter into an agreement to purchase or provide managerial, administrative or other services with respect to the operation of the Quw'utsun Schools;
  - (b) enter into an agreement to purchase education services that will be under the general supervision of an Officer or Employee; and
  - (c) enter into an agreement concerning the promotion, development or operation of recreational and community services.
80. The Quw'utsun Syuw'entst Lelum may, subject to this Law and Regulations, enter into an agreement with one or more school boards to provide health and support services, including busing and education resources, to one or more students enrolled with that school board.
81. The Quw'utsun Syuw'entst Lelum may enter into an agreement with the Province of British Columbia or any agency of the Province of British Columbia with respect to education matters.

### **Meetings of the *Shxuts-xets-tun tu Quw'utsun Syuw'entst Lelum***

82. Meetings of the *Shxuts-xets-tun* will be open to the public unless, in the opinion of the *Shxuts-xets-tun*, the matters to be discussed at the meeting pertain to confidential information, in which case only Directors, and staff or advisors whose participation has been requested by the *Shxuts-xets-tun*, may participate in the meeting.
83. The Director presiding as chair of a meeting of the *Shxuts-xets-tun* may expel a person who is acting in a way that is disruptive to the efficient conduct of the meeting or poses a threat to the health or safety of attendees.
84. The minutes of proceedings of all meetings of the *Shxuts-xets-tun* must be recorded.

85. The *Shxuts-xets-tun* must establish rules, policies or procedures for the conduct of *Shxuts-xets-tun* meetings.

### **Duties of Directors**

86. A Director must:
- (a) act honestly and in good faith and with a view to the best interests of the Quw'utsun Syuw'entst Lelum; and
  - (b) exercise the care, diligence and skill of a reasonably prudent person in exercising the powers and performing the functions as a Director of the Quw'utsun Syuw'entst Lelum.
87. The Quw'utsun Syuw'entst Lelum must adopt conflict of interest rules and procedures, and all Directors must adhere to these rules and procedures.

### ***Shsi-em's tu Quw'utsun Skwoul'ew't-hw***

88. The *Shxuts-xets-tun* must appoint a *Shsi-em's tu Quw'utsun Skwoul'ew't-hw*.
89. Council must enact a Regulation regarding the eligibility, appointment, terms of service, remuneration, duties, disqualification, resignation, removal and other matters respecting the *Shsi-em's tu Quw'utsun Skwoul'ew't-hw*.
90. Under the general direction of the *Shxuts-xets-tun*, the *Shsi-em's tu Quw'utsun Skwoul'ew't-hw*:
- (a) has the general supervision and direction over the Employees, *Hi'wa'qw Shsi-em*, *Ts'uw'tun tu Hi'wa'qw Shsi-em*, Chief Financial Officer and other Officers of the Quw'utsun Syuw'entst Lelum;
  - (b) is responsible:
    - (i) to the Quw'utsun Syuw'entst Lelum, for the improvement of the student experience in line with the guiding principles and *syuw'entst 'i' snuw'uy'ulh* under sections 5 and 6 of this Law;
    - (ii) for the general organization, administration, supervision and evaluation of all Education Programs provided by the Quw'utsun Syuw'entst Lelum; and
    - (iii) for the operation of the Quw'utsun Schools; and
  - (c) must perform other duties as set out in any Regulations or Quw'utsun Syuw'entst Lelum policies.



91. The *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* will be accountable to the *Shxuts-xets-tun* on all matters, but may take direction from and report to the chair of the Quw'utsun Syuw'entst Lelum.
92. The *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* may appoint one or more *Xets'ul* or *Ts'uwtun tu Xets'ul* to perform duties assigned by the *Shsi-em's tu Quw'utsun Skwoul'ew't-hw*.
93. The *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* will provide:
  - (a) reports to the *Shxuts-xets-tun* at a minimum on a quarterly basis, and at any other time upon request by the *Shxuts-xets-tun*; and
  - (b) an annual report to Council.
94. The *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* is not an employee within the meaning of the *Labour Relations Code*, R.S.B.C. 1996, c. 244; *Employment Standards Act*, R.S.B.C. 1996, c. 113; or *Canada Labour Code*, R.S.C. 1985, c. L-2.

#### **Chief Financial Officer**

95. The *Shxuts-xets-tun* must appoint a Chief Financial Officer for the Quw'utsun Syuw'entst Lelum.
96. Council must enact a Regulation regarding the eligibility, appointment, terms of service, remuneration, duties, disqualification, resignation, removal and other matters respecting the Chief Financial Officer.
97. The Chief Financial Officer must perform the duties set out by Regulation or Quw'utsun Syuw'entst Lelum policy.
98. The Chief Financial Officer is not an employee within the meaning of the *Labour Relations Code*, R.S.B.C. 1996, c. 244; *Employment Standards Act*, R.S.B.C. 1996, c. 113; or *Canada Labour Code*, R.S.C. 1985, c. L-2.

#### ***Stut 'ul'na'mut Sul-hween***

99. In accordance with the guiding principles, the *Stut 'ul'na'mut Sul-hween* will be formed to help ensure that the decision-making processes of the Quw'utsun Syuw'entst Lelum are guided by Quw'utsun *snuw'uy'ulh 'i'* syuw'entst.
100. The *Stut 'ul'na'mut Sul-hween* is the authority on all matters of language, cultural protocol and culture for the Cowichan Tribes education system.
101. The *Stut 'ul'na'mut Sul-hween* will consist of at least 5 and not more than 9 Quw'utsun *Sul-hween*, with a preference for *Sul-hween* who have

demonstrated proficiency in *Hul'q'umi'num'* through a process determined by Council.

102. The members of the *Stut 'ul'na'mut Sul-hween* will be appointed, and may be removed, by the *Shxuts-xets-tun*, taking into account any recommendation of Council, the Quw'utsun *Sul-hween* and the laws, policies and procedures of Cowichan Tribes relating to *Sul-hween*.
103. The *Stut 'ul'na'mut Sul-hween* will designate one of the *Stut 'ul'na'mut Sul-hween* members as chairperson and may designate other roles.
104. The *Stut 'ul'na'mut Sul-hween* will adopt its own manner of meeting and proceeding to carry out its responsibilities.
105. (1) In carrying out its functions and duties, the *Shxuts-xets-tun* must consult the *Stut 'ul'na'mut Sul-hween* on at least a quarterly basis to ensure the Cowichan Tribes education system is guided by *snuw'uy'ulh 'i' syuw'entst*, and must adopt rules, policies or procedures for doing so.  
  
(2) The direction of the *Stut 'ul'na'mut Sul-hween* must be respected on matters of language, cultural protocol and culture.
106. (1) The *Stut 'ul'na'mut Sul-hween* must prepare and adopt a code of conduct, including with respect to the handling of confidential information and conflicts of interest rules and procedures.  
  
(2) Each member of the *Stut 'ul'na'mut Sul-hween* must sign the code of conduct and abide by its provisions.
107. When privy to information that is confidential, *Stut 'ul'na'mut Sul-hween* members must safeguard the information from further release in accordance with the *Stut 'ul'na'mut Sul-hween* code of conduct.

#### ***Hi'wa'qw Shsi-em and Ts'uwatun tu Hi'wa'qw Shsi-em***

108. The *Shxuts-xets-tun* must appoint a person as *Hi'wa'qw Shsi-em* of each Quw'utsun School to perform the duties and to have the powers set out by Regulation or in the Quw'utsun Syuw'entst Lelum's rules, policies and procedures.
109. The *Shxuts-xets-tun* may appoint one or more *Ts'uwatun tu Hi'wa'qw Shsi-em* for a Quw'utsun School to perform the duties and to have the powers set out by Regulation of Council and policy of the Quw'utsun Syuw'entst Lelum.
110. A *Hi'wa'qw Shsi-em* or *Ts'uwatun tu Hi'wa'qw Shsi-em* is not an employee within the meaning of the *Labour Relations Code*, R.S.B.C. 1996, c. 244; *Employment Standards Act*, R.S.B.C. 1996, c. 113; or *Canada Labour Code*, R.S.C. 1985, c. L-2.

## **PART 5 – COLLABORATION WITH FIRST NATIONS EDUCATION AUTHORITY**

### **Cowichan FNEA Representatives**

111. Cowichan Tribes will appoint two directors to serve on the board of directors of FNEA for an initial term of up to two years, and thereafter for terms of appointment to be established by the board of directors of FNEA.
112. At least one of the directors appointed by Cowichan Tribes to the board of directors of FNEA must be a Quw'utsun *Mustimuhw*.

### **FNEA Rules Adopted**

113. FNEA's rules, as amended from time to time, regarding the process, standards and requirements in respect of:
  - (a) teacher certification;
  - (b) school certification;
  - (c) graduation requirements; and
  - (d) courses that are required to graduate,are adopted, and form part of, this Law.

### **Teacher Certification**

114. FNEA's rules for the certification and regulation of teachers, as amended from time to time, apply to teachers employed by the Quw'utsun Syuw'entst Lelum.
115. The Quw'utsun Syuw'entst Lelum may develop rules for the certification and regulation of culture and language teachers for the Quw'utsun Schools.

### **School Certification**

116. FNEA's rules for the certification of schools, as amended from time to time, apply to the Quw'utsun Syuw'entst Lelum and the Quw'utsun Schools.

### **Standards for Courses**

117. Any courses developed by the Quw'utsun Syuw'entst Lelum that are necessary to meet graduation requirements must be authorized in accordance with FNEA's rules for courses required to graduate, as amended from time to time.

## **Reporting Teacher and *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* Misconduct, Suspension or Resignation**

118. If the *Shxuts-xets-tun* suspends or dismisses a teacher, or disciplines a teacher for misconduct that involves:

- (a) physical harm to a student or minor;
- (b) sexual abuse or sexual exploitation of a student or minor; or
- (c) significant emotional harm to a student or minor;

the *Shxuts-xets-tun* must without delay notify the *Shsi-em's tu Quw'utsun Skwoul'ew't-hw*, and send a report to FNEA, including the FCD Committee, and the Commissioner for Teacher Regulation regarding the suspension, dismissal or disciplinary action.

119. If a teacher resigns, the *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* must notify the *Shxuts-xets-tun* and the *Shxuts-xets-tun* must send a report to FNEA and the Commissioner for Teacher Regulation regarding the circumstances of the resignation.

120. If the *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* or *Shxuts-xets-tun* considers any conduct by, or the competence of, a teacher to be in breach of the performance or certification standards applicable to that teacher, the *Shxuts-xets-tun* must without delay send to FNEA and the Commissioner for Teacher Regulation a report regarding that conduct or competence if it is in the interest of Participating First Nations, other First Nations, students attending a Participating First Nation School or other First Nation school, or the public interest to do so.

121. The *Shxuts-xets-tun* must send a copy of the reports referred to in sections 118, 119 and 120 to the teacher whose conduct or competence is the subject of that report.

122. A report under sections 118, 119 and 120 must:

- (a) be in writing;
- (b) be signed by an authorized representative of the *Quw'utsun Syuw'entst Lelum*; and
- (c) include reasons for the action taken.

123. The *Shxuts-xets-tun* after making a report under sections 118, 119, or 120 must, without delay after being requested to do so by FNEA or the Commissioner for Teacher Regulation:

- (a) provide FNEA or the Commissioner for Teacher Regulation all of the records available to the *Shxuts-xets-tun* that relate to the matter in respect of which the report was made; and
  - (b) send to the teacher a copy of the records referred to in paragraph (a).
- 124. (1) If the *Shxuts-xets-tun*:
  - (a) suspends or dismisses a *Shsi-em's tu Quw'utsun Skwoul'ew't-hw*, or
  - (b) disciplines a *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* for misconduct that involves:
    - (i) physical harm to a student or minor;
    - (ii) sexual abuse or sexual exploitation of a student or minor; or
    - (iii) significant emotional harm to a student or minor;

the *Shxuts-xets-tun* must without delay send to FNEA, including the FCD Committee, and the Commissioner for Teacher Regulation a report regarding the suspension, dismissal or disciplinary action.
- 125. If the *Shxuts-xets-tun* considers any conduct by, or the competence of, a *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* to be in breach of the performance or certification standards, the *Shxuts-xets-tun* must send to FNEA and the Commissioner for Teacher Regulation a report regarding that conduct or competence if it is in the interest of Participating First Nations, other First Nations, students attending a Participating First Nation School or other First Nation school, or the public interest to do so.
- 126. If a *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* resigns, the *Shxuts-xets-tun* must report, without delay, the circumstances of the resignation to FNEA and the Commissioner for Teacher Regulation.
- 127. A report under sections 124, 125 and 126 must:
  - (a) be in writing;
  - (b) be signed by an authorized representative of the Quw'utsun Syuw'entst Lelum; and
  - (c) include reasons for the action taken.
- 128. The *Shxuts-xets-tun* must send to the *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* a copy of the reports referred in sections 124, 125 and 126.
- 129. The Quw'utsun Syuw'entst Lelum that has made a report to FNEA and the Commissioner for Teacher Regulation under this section in respect of a *Shsi-*

*em's tu Quw'utsun Skwoul'ew't-hw* must, without delay after being requested to do so by FNEA or the Commissioner:

- (a) provide FNEA and the Commissioner for Teacher Regulation all of the records available to the Quw'utsun Syuw'entst Lelum that relate to the matter in respect of which the report was made; and
  - (b) send to the *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* a copy of the records referred to in paragraph (a).
130. A person who fails to report under sections 118, 119, 120, 124, 125 or 126 commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.

## **PART 6 – EVALUATION WITHIN THE COWICHAN TRIBES EDUCATION SYSTEM**

### **Evaluation of Students**

131. The Quw'utsun Syuw'entst Lelum is responsible for evaluating all of the Education Programs and services provided by the Quw'utsun Syuw'entst Lelum.
132. The Quw'utsun Syuw'entst Lelum must have students evaluated by a teacher certified in accordance with the teacher certification process adopted by FNEA.

### **Graduation Diplomas**

133. The Quw'utsun Syuw'entst Lelum may issue a Quw'utsun Graduation Certificate to:
- (a) a student attending a Quw'utsun School who has met the graduation requirements established by the Quw'utsun Syuw'entst Lelum and approved by FNEA; and
  - (b) a Quw'utsun *Mustimuhw* attending a provincial public school, independent school, or the school of another First Nation who has met the graduation requirements established by the Quw'utsun Syuw'entst Lelum and approved by FNEA.
134. The Quw'utsun Syuw'entst Lelum may request that FNEA issue a First Nations Graduation Certificate in accordance with FNEA's rules regarding graduation certificates.
135. The Quw'utsun Syuw'entst Lelum may request that the Province of British Columbia issue a British Columbia Certificate of Graduation (Dogwood) or a

British Columbia Adult Graduation Diploma (Adult Dogwood) in respect of a student if that student has both completed an education program at the Grade 12 level at a Quw'utsun School and has achieved learning outcomes substantially comparable to those required for graduation by the Ministry of Education.

136. The Quw'utsun Syuw'entst Lelum may develop and adopt policies to provide for recognition of Students with Exceptionalities who completed their personal learning goals but did not meet graduation requirements.

## **PART 7 – REPORTING AND ACCOUNTABILITY**

### **Reporting and Coordination**

137. The Quw'utsun Syuw'entst Lelum must prepare and submit to Council reports and statements in the form, with the information and at the time required by Council.
138. Council must enact a Regulation with respect to transition planning, coordination with and reporting by the Quw'utsun Syuw'entst Lelum.

### **Accountability**

139. The *Shxuts-xets-tun* must hold two annual meetings that will be open to all Quw'utsun *Mustimuhw* and members of all Parents' Committees as follows:
  - (a) an annual meeting in the spring aligned with Cowichan Tribes' open house that must provide:
    - (i) updates on the Quw'utsun Syuw'entst Lelum's annual activities; and
    - (ii) updates on the Quw'utsun Schools' annual activities; and
  - (b) an annual financial meeting aligned with Cowichan Tribes' financial reporting that must provide an annual financial report on the most recent fiscal year.
140. The *Shxuts-xets-tun* must provide an aggregate outcome report on student performance to Parents of students that attend the Quw'utsun Schools.
141. The *Shxuts-xets-tun* must prepare and submit to Council by the first Council meeting in December each year an Annual Report on the operation of the Quw'utsun Schools, the Education Programs, and the Cowichan Tribes education system, including but not limited to:
  - (a) updates on the annual activities of the Quw'utsun Schools and the *Shxuts-xets-tun*;

- (b) updates on educational outcomes, registration, demographics and attendance for students of the Quw'utsun Schools;
- (c) updates on post-secondary education and employment outcomes for Quw'utsun *Mustimuhw*;
- (d) updates on barriers, trends and challenges identified by the *Shxuts-xets-tun* in relation to the education of students;
- (e) updates on the integration of Quw'utsun culture, knowledge, traditions, values, language, *snuw'uy'ulh 'i' syuw'entst* into Education Programs;
- (f) the annual financial report on the most recent fiscal year; and
- (g) any other matters as requested by Council.

### **Performance Audit**

142. Council may, by Regulation, appoint a performance auditor or performance audit committee to the Quw'utsun Syuw'entst Lelum, for a term decided by Council:
  - (a) to review the progress of the Quw'utsun Syuw'entst Lelum in respect of the improvement of student performance or to inspect and evaluate any other matters as directed by Council;
  - (b) to assist the Quw'utsun Syuw'entst Lelum in the conduct of the affairs of the Quw'utsun Syuw'entst Lelum in respect of any educational, financial or community matters; or
  - (c) if Council considers that there has been a reporting failure with respect to teacher or *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* conduct, in order to investigate the circumstances of the failure.
143. The performance auditor or performance audit committee must:
  - (a) submit a report to Council in respect of anything resulting from carrying out the duties under section 142; and
  - (b) provide to FNEA and the Commissioner for Teacher Regulation a copy of the report if the report relates to a matter described in subsection 142(c).
144. At the request of Council, a report under subsection 143(a) must include recommendations about student performance and the conduct of the Quw'utsun Syuw'entst Lelum in respect of any educational, financial or community matters.



145. With the approval of Council, a performance auditor or performance audit committee may:
- (a) appoint employees necessary for performing the duties of the performance auditor or performance audit committee;
  - (b) engage and retain specialists and consultants to carry out the duties of the performance auditor or performance audit committee, as required; and
  - (c) determine the remuneration of persons appointed or retained under subsection (a) or (b).
146. Council, by Regulation, may require the Quw'utsun Syuw'entst Lelum to do one or more of the following:
- (a) pay the remuneration of the performance auditor or performance audit committee and any person appointed or retained under section 145 at the rate determined by Council;
  - (b) pay the expenses of the performance auditor or performance audit committee; and
  - (c) implement one or more of the recommendations set out in a report under section 143 within the time period specified by Council.
147. Council may provide a direction to the performance auditor or performance audit committee or the Quw'utsun Syuw'entst Lelum respecting the duties of the performance auditor or performance audit committee.

#### **Powers of Performance Auditor or Performance Audit Committee**

148. A performance auditor or performance audit committee appointed under section 142 may:
- (a) attend any meeting of the Quw'utsun Syuw'entst Lelum;
  - (b) enter a Quw'utsun School building or any other building used in conjunction with the Quw'utsun School or offices of the Quw'utsun Syuw'entst Lelum, or any part of them, for the purposes of performing the auditor's or committee's duties; and
  - (c) inspect any record of the Quw'utsun Syuw'entst Lelum.

## **Responsibilities of the Quw'utsun Syuw'entst Lelum**

149. The Quw'utsun Syuw'entst Lelum and its Officers and Employees must assist a performance auditor or performance audit committee in the carrying out of the duties of the performance auditor or performance audit committee.

## **PART 8 – EMPLOYEES OF THE QUW'UTSUN SYUW'ENTST LELUM**

### **Education Employment Policies**

150. Subject to this Law and Regulations, the Quw'utsun Syuw'entst Lelum may on its own behalf hire Officers and Employees for such purposes and on such terms and conditions as may be determined by the *Shxuts-xets-tun*, and such Officers and Employees are not employees, officers, agents or servants of Cowichan Tribes.
151. The *Shxuts-xets-tun* is responsible for the management of those persons that the Quw'utsun Syuw'entst Lelum considers necessary for its operations.
152. The Quw'utsun Syuw'entst Lelum must establish rules, policies and procedures with respect to conduct, evaluation, discipline, terms and conditions of employment for Employees.
153. The Quw'utsun Syuw'entst Lelum must establish rules, policies and procedures with respect to conduct, evaluation, discipline, terms and conditions for service of Officers.
154. The Quw'utsun Syuw'entst Lelum may suspend an Employee or Officer from the performance of duties if the Employee or Officer is charged with an offence that the Quw'utsun Syuw'entst Lelum considers renders the Employee or Officer unsuitable to perform those duties.
155. If the *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* is of the opinion that the welfare of the students is threatened by the presence of an Employee or Officer, the *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* may suspend the Employee or Officer, with pay, from the performance of their duties.
156. When the *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* suspends an Employee or Officer under section 155, the *Shsi-em's tu Quw'utsun Skwoul'ew't-hw* must immediately notify the *Shxuts-xets-tun*.
157. When the *Shxuts-xets-tun* is notified under section 156, it must as soon as practicable confirm, vary or revoke the suspension and must, if the *Shxuts-xets-tun* confirms and continues the suspension, determine whether the continuation of the suspension should be with or without pay.

## **Minimum Qualifications**

158. The Quw'utsun Syuw'entst Lelum will ensure that any person who is employed or who is offered employment that involves working with children provides a criminal record check authorization and undergoes a criminal record check in accordance with the rules, policies and procedures of the Quw'utsun Syuw'entst Lelum.
159. The Quw'utsun Syuw'entst Lelum may employ a person who possesses qualifications approved by the Quw'utsun Syuw'entst Lelum, but does not meet the FNEA rules for the certification and regulation of teachers, to provide instruction in Quw'utsun culture or language.

## **Teacher Responsibilities**

160. A teacher's responsibilities include designing, supervising and assessing Education Programs, and instructing and assessing students.
161. Teachers must perform the duties set out in any Regulations.

## **Teachers' Assistants**

162. The Quw'utsun Syuw'entst Lelum may employ people other than teachers to assist teachers in carrying out their responsibilities and duties.
163. People employed under section 162 must work under the general supervision of a teacher, *Hi'wa'qw Shsi-em* or *Ts'uw'tun tu Hi'wa'qw Shsi-em*.

## **Reporting for Child Protection**

164. The Quw'utsun Syuw'entst Lelum must develop and adopt policies and procedures concerning reporting for child protection purposes in accordance with applicable laws.

# **PART 9 – INFORMATION MANAGEMENT**

## **Maintenance of Student Records**

165. The Quw'utsun Syuw'entst Lelum must develop written policies and procedures concerning management of and access to student records to ensure confidentiality of the information contained in the student records and privacy for students.

## PART 10 – APPEAL OF ADMINISTRATIVE DECISIONS

### Definitions

166. In this Part, the following terms have the following meaning:

“**Conflict of Interest**” means any situation where a member of the Complaints and Appeal Board is, or could be reasonably perceived to be by a reasonable, fair minded and informed person, influenced by a personal interest when carrying out their duties as a member of the Complaints and Appeal Board. A personal interest may include, but is not limited to: direct or indirect financial interest; immediate family, close friends or other relationships; bias; pre-judgment; close-mindedness; or undue influence.

### The Complaints and Appeal Board

167. The Complaints and Appeal Board is established as an independent institution of Cowichan Tribes and shall hear all Appeals under this Part of the Law.

168. The Complaints and Appeal Board has the jurisdiction to inquire into, hear, review and make a determination with respect to an Appeal under this Law.

169. The Complaints and Appeal Board shall be composed at all times of three (3) members, such members to be appointed in accordance with section 170.

170. From the roster prepared by the Director of Governance, Council shall, by BCR, appoint a Complaints and Appeal Board composed of three (3) members, as follows:

- (a) a Quw’utsun *Mustimuhw* who is a *Sul-hween*, a respected member of the community, and knowledgeable of Quw’utsun *syuw’entst ’i’ snuw’uy’ulh*;
- (b) a Quw’utsun *Mustimuhw* who is at least 18 years of age who is familiar with Quw’utsun traditions, values and language and has experience with education; and
- (c) a person who is at least 18 years of age but who is not a Quw’utsun *Mustimuhw* and has a background in law, dispute resolution, and/or education regulation.

171. The Director of Governance must prepare and maintain a roster of eligible persons who may be appointed by Council as a member of the Complaints and Appeal Board under section 170 or as an alternate member of the Complaints and Appeal Board under sections 178 and 182.

172. No member or alternate member of the Complaints and Appeal Board may be:

- (a) an Employee or Officer of the Quw'utsun Syuw'entst Lelum or Cowichan Tribes;
  - (b) a member of Council; or
  - (c) a Director of the *Shxuts-xets-tun*.
173. The *Shxuts-xets-tun* may provide training opportunities for members of the Complaints and Appeal Board if the *Shxuts-xets-tun* deems it necessary or advisable to do so.
174. With permission of Council, the Complaints and Appeal Board may retain legal counsel or other such professional advisors as it sees fit in order to assist the Complaints and Appeal Board in adjudicating Appeals.

### **Oath of Office**

175. Prior to undertaking their duties, each member and alternate member of the Complaints and Appeal Board shall complete an oath of office, with the content of the oath of office to be prescribed by Regulation.

### **Term of Office**

176. The term of office for each member of the Complaints and Appeal Board shall be from the date of appointment until a new Complaints and Appeal Board is appointed by Council.
177. A member's appointment to the Complaints and Appeal Board ends if:
- (a) the term of their appointment expires;
  - (b) the member resigns; or
  - (c) Council determines by BCR that the member, due to mental, physical or other inability, is not able to perform the duties and exercise the powers of a member of the Complaints and Appeal Board under this Law.
178. A member of the Complaints and Appeal Board or appeals roster may resign in writing by letter to Council, and the resignation of that member is effective as of the date indicated in that letter.
179. (1) Where a member of the Complaints and Appeal Board resigns or is removed from office, Council shall pass a BCR appointing an alternate member of the Complaints and Appeal Board from the roster prepared by the Director of Governance to fill the vacancy at the first reasonable opportunity.

(2) The alternate member appointed under this section shall remain on the Complaints and Appeal Board until a new Complaints and Appeal Board is appointed by Council.

### **Conflict of Interest**

180. A member of the Complaints and Appeal Board must not participate in an Appeal if by doing so that member is, or would appear to be, in a Conflict of Interest, and the member of the Complaints and Appeal Board in question must, at the first available opportunity, disclose the Conflict of Interest to the other members of the Complaints and Appeal Board and the parties involved in the Appeal, and recuse themselves from the Appeal.
181. A member of the Complaints and Appeal Board or a party to an Appeal who has reason to believe a member of the Complaints and Appeal Board is or would appear to be in a Conflict of Interest shall disclose this information to the Complaints and Appeal Board.
182. (1) Upon receipt of a complaint under section 181, the Complaints and Appeal Board will meet in camera in the absence of the member who is the subject of the complaint to discuss the potential Conflict of Interest.
- (2) Where the Complaints and Appeal Board determines a Conflict of Interest exists under subsection 182(1), it shall order the member who is the subject of the complaint to be excused from the Appeal.
183. (1) Where a member of the Complaints and Appeal Board recuses themselves under section 180 or is excused from a matter under section 182, Council shall pass a BCR appointing an alternate member of the Complaints and Appeal Board from the appeals roster maintained by the Director of Governance in accordance with the process under section 170 to participate in the proceedings in question.
- (2) An alternate member of the Complaints and Appeal Board appointed under subsection 183(1) is, for all purposes under this Law, an adjudicator until such time as the applicable proceeding is complete and the final order is made.

### **Immunity Protection for Complaints and Appeal Board Members**

184. (1) Subject to subsection 184(2), no legal proceeding for damages lies or may be commenced or maintained against a member of the Complaints and Appeal Board or the Complaints and Appeal Board because of anything done or omitted:
- (a) in the performance or intended performance of any duty under this Law; or
- (b) in the exercise or intended exercise of any power under this Law.

(2) Subsection 184(1) does not apply to a person referred to in that subsection in relation to anything done or omitted by that person in bad faith.

## **Filing an Appeal**

185. If a decision of the *Shxuts-xets-tun* or its Officers or Employees directly and significantly affects the education, health or safety of an individual, the Parent of the individual or the individual may, within 30 days from the decision, appeal the decision by filing a notice of appeal with the Complaints and Appeal Board.
186. Despite section 185, the Complaints and Appeal Board may extend the timeline for filing a notice of appeal upon the application of the Appellant, before or after the timeline under section 185 has expired, in compelling circumstances, including culturally significant circumstances.
187. (1) An Appeal under section 185 does not suspend the operation of the decision under Appeal unless the Complaints and Appeal Board orders otherwise.  
  
(2) A party to the Appeal may request that the Complaints and Appeal Board suspend the operation of the decision under Appeal.  
  
(3) The Complaints and Appeal Board may on application by one of the parties under subsection 187(2) to the Appeal or its own initiative suspend the decision under Appeal for a period and on the conditions that the Complaints and Appeal Board considers to be appropriate.
188. Before filing the notice of appeal, the Appellant must provide a copy of the notice of appeal to the *Shxuts-xets-tun* and any other party affected by the Appeal.
189. A notice of appeal must:
  - (a) be in writing;
  - (b) sufficiently set out the nature of the administrative decision under appeal;
  - (c) sufficiently set out the facts supporting the grounds for the Appeal;
  - (d) sufficiently set out the grounds of the Appeal;
  - (e) include any supporting documentation;
  - (f) clearly identify the parties who are affected by the Appeal; and
  - (g) be accompanied by a fee if prescribed by Regulation, which is refundable if the Appeal is successful.

190. Council may by Regulation establish fees in relation to Appeals.
191. The Complaints and Appeal Board may summarily dismiss an Appeal, including on its own motion, if:
- (a) the Appeal was filed after the time limit in section 185 and an extension to the time limit was not granted;
  - (b) the Appellant did not first provide the *Shxuts-xets-tun* and any other affected party with a copy of the Appeal;
  - (c) the Appeal does not relate to an administrative decision that directly and significantly affects the health, education or safety of the Appellant or their child, as the case may be;
  - (d) the Appeal lacks sufficient detail to determine the parties involved or the nature of the administrative decision to be reviewed;
  - (e) the Appeal has no reasonable prospect of success; or
  - (f) the Appeal is frivolous, vexatious or made in bad faith.
192. Before dismissing all or part of an Appeal under section 191, the Complaints and Appeal Board must give the Appellant the opportunity to make written submissions or otherwise be heard.
193. Despite section 191, the Complaints and Appeal Board may:
- (a) seek further information regarding an Appeal from the Appellant;
  - (b) provide an Appellant the opportunity to satisfy the requirements of section 189 or cure any of the deficiencies described in section 191;
  - (c) permit a notice of appeal to be submitted in an alternative manner or form; or
  - (d) waive the payment of the fee described in section 189(g)
- to permit the Appeal to be decided.
194. (1) Unless an Appeal is rejected under section 191, upon receipt of an Appeal under section 185, the Complaints and Appeal Board may refer the matter for mediation to a mediator under contract with Cowichan Tribes or a person designated by Council.
- (2) If the Complaints and Appeal Board has referred a matter for mediation, the Complaints and Appeal Board may hear the Appeal for determination if:



(a) mediation is unsuccessful in bringing about agreement between the parties; or

(b) a party to the Appeal so requests.

(3) Council must enact a Regulation establishing practices and procedures for the purposes of a mediation under subsection 194(1), taking into account the guiding principles and *syuw'entst 'i' snuw'uy'ulh* set out in sections 5 and 6 of this Law.

## **Response to Appeal**

195. Within 14 days of the receipt of any notice of appeal, the administrative decision-maker that made the decision under appeal may submit a written response to the Complaints and Appeal Board, together with any supporting documentation.

## **Appeal Procedure**

196. Unless an Appeal is rejected under section 191, the Complaints and Appeal Board shall issue a decision within 60 days of the Appeal being properly filed with the Complaints and Appeal Board or if the matter is referred out for mediation, within 60 days of the notice of the termination of the mediation being filed with the Complaints and Appeal Board.
197. The Complaints and Appeal Board may extend the time required to make their decision under section 196 upon providing notice to the Appellant and any other affected party.
198. Council must enact by Regulation a procedure for reviewing Appeals, taking into account the guiding principles and *syuw'entst 'i' snuw'uy'ulh* set out in sections 5 and 6 of this Law.
199. Subject to the Regulation under section 198, the Complaints and Appeal Board has the power, right, privilege, and discretion to determine the process for reviewing an Appeal and shall, at a minimum, ensure that:
- (a) the appeal procedure as set out in Regulation is followed;
  - (b) all affected parties have notice of the Appeal; and
  - (c) all affected parties have the opportunity to be heard (whether orally or in writing) and provide evidence regarding the Appeal.
200. The Complaints and Appeal Board has powers, rights and privileges with respect to the compelling of attendance and examination of witnesses and the production and inspection of documents, and may:

- (a) receive and accept any evidence, including oral history, and other information, whether on oath or by affidavit or otherwise in an informal manner, that it sees fit, whether or not that evidence or information is or would be admissible in a court of law, unless it would be inadmissible in a court by reason of any privilege under the law of evidence;
  - (b) seek information from any individual it deems appropriate;
  - (c) take into consideration cultural diversity in applying the appeal procedure; and
  - (d) permit an Appellant to be accompanied by a support person for any aspect of the Appeal.
201. The Complaints and Appeal Board must provide reasons for its decision in writing to all affected parties, the *Shxuts-xets-tun* and Council.
202. The Complaints and Appeal Board may:
- (a) confirm, vary or revoke the decision under Appeal;
  - (b) dismiss all or part of the Appeal; or
  - (c) refer the matter back to the decision-maker for reconsideration, either generally or in respect of a specified matter, with directions.
203. If the Complaints and Appeal Board refers a matter back to the decision-maker for reconsideration, the Complaints and Appeal Board may:
- (a) request that the decision-maker review specific issues in its reconsideration; and
  - (b) require the decision-maker to complete its reconsideration by a certain date.

### **Exclusive Jurisdiction**

204. The Complaints and Appeal Board has exclusive jurisdiction to inquire into, hear and determine all matters of fact, law and discretion arising or required to be determined in an Appeal and to make any decision to be made pursuant to this Law.
205. A decision over which the Complaints and Appeal Board has exclusive jurisdiction is final and binding and is not open to question or review by any court.

## Judicial Review

206. The Complaints and Appeal Board's decision is only subject to judicial review if an application for judicial review is brought in the British Columbia Supreme Court within 30 days of the Complaints and Appeal Board rendering the decision.
207. Relative to the courts, decision-makers under this Law must be considered to have specialized expertise in relation to all matters over which they have jurisdiction under this Law.

## PART 11 – FINANCE

### General Financial Matters

208. The Quw'utsun Syuw'entst Lelum will carry out activities and achieve its purposes on a not-for-profit basis.
209. The fiscal year of the Quw'utsun Syuw'entst Lelum shall align with that of Cowichan Tribes.
210. The *Shxuts-xets-tun* will prepare annual financial statements for the Quw'utsun Syuw'entst Lelum.
211. Unless the auditor for Cowichan Tribes is appointed as the auditor for the Quw'utsun Syuw'entst Lelum, the *Shxuts-xets-tun* must appoint an auditor to audit, at least once each fiscal year, the financial statements for the preceding fiscal year.
212. The Quw'utsun Syuw'entst Lelum will meet the requirements that apply to "related bodies" pursuant to the *Cowichan Tribes First Nation Financial Administration Law, 2018* including by:
  - (a) providing sufficient and timely information for the Finance and Audit Committee and Cowichan Tribes to meet their obligations; and
  - (b) meeting the requirements for capital projects of the Quw'utsun Syuw'entst Lelum.
213. Council must enact a Regulation respecting the financial capabilities and responsibilities of the Quw'utsun Syuw'entst Lelum, including with respect to the raising, holding, spending, investing or borrowing of money by the Quw'utsun Syuw'entst Lelum, and the securing or guarantee of the repayment of money borrowed or other financial agreements.
214. The Quw'utsun Syuw'entst Lelum's ability to raise, hold, spend, invest and borrow money, and enter into financing agreements and provide security for

such agreements, is subject to the limitations and requirements set out by Council in Regulation.

215. Council may, by BCR or pursuant to any agreement between Cowichan Tribes and the Quw'utsun Syuw'entst Lelum, transfer money to the Quw'utsun Syuw'entst Lelum for the purposes of the Quw'utsun Syuw'entst Lelum fulfilling its duties and functions.
216. The Quw'utsun Syuw'entst Lelum may receive funding directly from the federal and provincial government, and from any other agencies, entities, individuals or First Nations.

#### **Duty to Assist Finance and Audit Committee**

217. Every Director, Officer or Employee of the Quw'utsun Syuw'entst Lelum must make available all records, with the exception of student records, required by the Finance and Audit Committee, and must give the Finance and Audit Committee every reasonable assistance and furnish the information and explanations concerning the affairs of the Quw'utsun Syuw'entst Lelum that the Finance and Audit Committee considers necessary to complete Cowichan Tribes' annual financial statements.

#### **Duty to Assist Auditor**

218. Every Director, Officer or Employee of the Quw'utsun Syuw'entst Lelum must make available all records, with the exception of student records, required by the auditor, and must give the auditor every reasonable assistance and furnish the information and explanations concerning the affairs of the Quw'utsun Syuw'entst Lelum that the auditor considers necessary to complete the audit.

#### **Power to Obtain Records**

219. (1) For the purposes of an audit under this Law, the auditor or Finance and Audit Committee may, in writing, require any person holding or accountable for records, money or securities:
  - (a) to produce the records, money or securities; and
  - (b) to appear before the auditor or Finance and Audit Committee and make and sign a declaration as to the accuracy of the records so produced.
- (2) A person who neglects or refuses to comply with the auditor's or Finance and Audit Committee's requirements under subsection 219(1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.

(3) A person who makes or signs a declaration under subsection 219(1), knowing it to be false, commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.

(4) the requirement to produce records in subsection 219(1) does not apply to student records.

### **Unauthorized Expenditures**

220. (1) If the Finance and Audit Committee or the auditor considers that an expenditure of the Quw'utsun Syuw'entst Lelum is not authorized under this Law, or its accompanying Regulations, policies, or agreements, the Finance and Audit Committee or the auditor must report the unauthorized expenditure to Council and any other person considered appropriate.

(2) A person who believes or has reason to believe that a proposed expenditure is not authorized and who authorizes or permits the expenditure is, on proof that the expenditure is not authorized, guilty of an offence.

(3) A person who commits an offence under subsection 220(2) is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.

### **Adoption of a Budget**

221. The Quw'utsun Syuw'entst Lelum must prepare an annual budget for the Cowichan Tribes education system in the form, containing the content and by the date specified by Council, and provide it to Council for their approval.

222. The Quw'utsun Syuw'entst Lelum will administer funds, provide reports, and comply with all terms and conditions of funding agreements associated with the operation of the Quw'utsun Schools.

223. Subject to section 224, estimated expenditures in the annual budget must not exceed estimated revenues plus accumulated surplus.

224. At the request of the *Shxuts-xets-tun*, Council may approve a budget that provides estimated expenditures that exceed estimated revenues and accumulated surplus.

225. (1) If the *Shxuts-xets-tun* wishes to exceed the total budget approved by Council, it may request a variation of the budget from Council.

(2) Any variation of the budget is in the sole discretion of Council.

226. Council:

- (a) may disclose to the Quw'utsun Syuw'entst Lelum the amount of funding it receives to support education programs and services provided by the Quw'utsun Syuw'entst Lelum;
  - (b) must approve an annual budget for the Quw'utsun Syuw'entst Lelum on or before June 30 of each year for the next School Year; and
  - (c) may amend the annual budget under subsection (b).
227. Any accumulated surplus of funds remains with the Quw'utsun Syuw'entst Lelum to be used for the Cowichan Tribes education system the following year.
228. If funding expected to be received by the Quw'utsun Syuw'entst Lelum is withheld or reduced by funders, Council may request that:
- (a) the *Shxuts-xets-tun* propose amendments to the Quw'utsun Syuw'entst Lelum's annual budget; and
  - (b) the *Shxuts-xets-tun* forward a proposed amended annual budget to Council for its consideration.
229. If the Quw'utsun Syuw'entst Lelum ceases to operate, the assets of the Quw'utsun Syuw'entst Lelum will be distributed to Cowichan Tribes to be used for education purposes for the benefit of Quw'utsun *Mustimuhw*.

## **PART 12 – QUW'UTSUN SCHOOL PROPERTY**

### **Operation of School Property**

230. The Quw'utsun Syuw'entst Lelum may:
- (a) open, close or reopen a Quw'utsun School permanently or for a specified period of time; and
  - (b) temporarily close a Quw'utsun School building if the health or safety of the students, Employees or Officers is endangered.
231. The Quw'utsun Syuw'entst Lelum may operate more than one school in a single building or location.
232. The Quw'utsun Syuw'entst Lelum may not close a Quw'utsun School permanently under section 230 unless it has first consulted with the Quw'utsun *Mustimuhw* and Council has approved the closure by BCR.

## **Liability for Damage**

233. If property of the Quw'utsun Syuw'entst Lelum is destroyed, damaged, lost or converted by the intentional or negligent act of a student, that student and that student's Parents are jointly and severally liable to the Quw'utsun Syuw'entst Lelum in respect of the act of that student.

## **PART 13 – LIABILITY**

### **Limitation of Actions**

234. No legal proceeding for damages lies or may be instituted in connection with this Law against Cowichan Tribes for anything said or done or omitted to be said or done by Cowichan Tribes in the performance or intended performance of duties or the exercises of powers or for any alleged neglect or default in the performance or intended performance of duties or the exercise of powers under this Law.
235. (1) No legal proceeding lies or may be instituted in connection with this Law against Cowichan Tribes for a cause of action that is enforceable against the Quw'utsun Syuw'entst Lelum.
- (2) Without limiting the generality of subsection (1), no legal proceeding for damages lies or may be instituted in connection with this Law against Cowichan Tribes:
- (a) in respect of a tort committed by the Quw'utsun Syuw'entst Lelum or a Director, Officer, Employee, agent or volunteer of the Quw'utsun Syuw'entst Lelum;
  - (b) in respect of a breach of a contractual or employment-related obligation to a Director, Officer or Employee of the Quw'utsun Syuw'entst Lelum; and
  - (c) in respect of a breach of a duty attaching to the ownership, occupation, possession, or control of property owned or operated by the Quw'utsun Syuw'entst Lelum.
236. No legal proceeding for damages lies or may be instituted in connection with this Law against a Director, Officer or Employee of the Quw'utsun Syuw'entst Lelum for anything said or done or omitted to be said or done by them in the performance or intended performance of their duty or the exercise of their power or for any alleged neglect or default in the performance or intended performance of the duty or the exercise of the power.
237. No legal proceeding for damages lies or may be instituted in connection with this Law against the Chief, other member of Council, employee or officer of

Cowichan Tribes for anything said or done or omitted to be said or done by them in the performance or intended performance of their duty or the exercise of their power or for any alleged neglect or default in the performance or intended performance of the duty or the exercise of the power.

238. No legal proceeding for damages lies or may be instituted in connection with this Law against a volunteer for anything said or done or omitted to be said or done by them in the provision of volunteer services for the Quw'utsun Syuw'entst Lelum, or for any alleged neglect or default in the provision of volunteer services by the volunteer.

239. No action may be brought against a Director, an Officer or an Employee of the Quw'utsun Syuw'entst Lelum, the Chief, Council member or employee or officer of Cowichan Tribes, or a student or volunteer in respect of personal or other injuries sustained by a person arising out of the operation by the Quw'utsun Syuw'entst Lelum of traffic patrols.

### **Wrongful or Negligent Conduct**

240. Sections 236 to 239 do not provide a defence if:

- (a) the Director, Officer or Employee of the Quw'utsun Syuw'entst Lelum, the Chief, Council member, employee or officer of Cowichan Tribes, or the volunteer has, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or willful misconduct; or
- (b) the cause of action is libel or slander.

241. Cowichan Tribes is not liable in negligence for policy decisions made in accordance with this Law.

### **Indemnification**

242. Subject to the terms of a BCR, the Quw'utsun Syuw'entst Lelum may provide that the Quw'utsun Syuw'entst Lelum will indemnify a Director, Officer Employee or volunteer of the Quw'utsun Syuw'entst Lelum:

- (a) against a claim for damages against a Director, Officer, Employee or volunteer of the Quw'utsun Syuw'entst Lelum arising out of performance of their duties; or
- (b) if an inquiry or a proceeding involves the administration and conduct of the business of the Quw'utsun Schools,

and, in addition, may pay legal costs incurred in proceedings arising out of the claim, inquiry or other proceeding.



243. Subject to the terms of a BCR, the Quw'utsun Syuw'entst Lelum may pay:
- (a) any sum required to indemnify a Director, an Officer, an Employee or a volunteer of the Quw'utsun Syuw'entst Lelum if a prosecution arises out of the performance of their Quw'utsun Syuw'entst Lelum duties, and
  - (b) costs necessarily incurred,
- but the Quw'utsun Syuw'entst Lelum must not pay a fine imposed on a Director, Officer, Employee or volunteer as a result of their conviction.
244. The Quw'utsun Syuw'entst Lelum will not provide indemnities other than those authorized by sections 242 and 243 or provided in accordance with a BCR.
245. The Quw'utsun Syuw'entst Lelum must not seek indemnity against a Director, an Officer or an Employee of the Quw'utsun Syuw'entst Lelum in respect of any action of the Director, Officer or Employee that results in a claim for damages against the Quw'utsun Syuw'entst Lelum, but the Quw'utsun Syuw'entst Lelum may seek indemnity:
- (a) against a Director, Officer or Employee of the Quw'utsun Syuw'entst Lelum if the claim for damages arises out of the gross negligence of the Director, Officer or Employee; or
  - (b) against an Officer or Employee if, in relation to the action that gave rise to the claim for damages against an Officer or Employee, the Officer or Employee willfully acted contrary to:
    - (i) the terms of their employment; or
    - (ii) an order of a superior.

## **Insurance**

246. The Quw'utsun Syuw'entst Lelum must maintain general liability insurance and any insurance required by Council.
247. The Quw'utsun Syuw'entst Lelum may maintain such additional insurance, other than the insurance referred to in section 246, as the Quw'utsun Syuw'entst Lelum considers necessary.
248. The Quw'utsun Syuw'entst Lelum and Cowichan Tribes must be named beneficiaries of any insurance policy obtained by the Quw'utsun Syuw'entst Lelum under sections 246 or 247.

## PART 14 – OFFENCES

### Maintenance of Order

249. (1) A person must not disturb or interrupt the proceedings of a Quw'utsun School or a Quw'utsun School function.
- (2) A person who is directed to leave the land or premises of a Quw'utsun School by a *Shsi-em's tu Quw'utsun Skwoul'ew't-hw, Hi'wa'qw Shsi-em* or *Ts'uwtun tu Hi'wa'qw Shsi-em*, or a person authorized by the *Shxuts-xets-tun* to make that direction:
- (a) must immediately leave the land and premises; and
  - (b) must not enter on the land and premises again except with prior approval from the *Shsi-em's tu Quw'utsun Skwoul'ew't-hw, Hi'wa'qw Shsi-em, Ts'uwtun tu Hi'wa'qw Shsi-em*, or a person who is authorized by the *Shxuts-xets-tun* to give that approval.
- (3) A person who contravenes subsections 249(1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.
- (4) A *Shsi-em's tu Quw'utsun Skwoul'ew't-hw, Hi'wa'qw Shsi-em, Ts'uwtun tu Hi'wa'qw Shsi-em* or a person authorized by the *Shxuts-xets-tun* may, in order to restore order on school premises, request adequate assistance from a peace officer.

### Reporting

250. (1) A person who makes or assists in making a report, return, notice or other document required by this Law or the Regulations to be sent to Council or to any other person that:
- (a) contains an untrue statement of a material fact; or
  - (b) omits to state a material fact required therein or necessary to make a statement contained therein not misleading in the light of the circumstances in which it was made
- commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months or to both.
- (2) Where the Quw'utsun Syuw'entst Lelum commits an offence under subsection 250(1), any Director of the Quw'utsun Syuw'entst Lelum who knowingly authorized, permitted or acquiesced in the commission of the offence is a party to and guilty of the offence and is liable on summary

conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months or to both, whether or not the Quw'utsun Syuw'entst Lelum has been prosecuted or convicted.

(3) No person is guilty of an offence under subsections 250(1) or (2) if the person did not know, and in the exercise of reasonable diligence could not have known, of the untrue statement or omission.

### **Limitation Period**

251. No prosecution for an offence under this Law shall be instituted more than 12 months after the time when the subject matter of the proceedings arose, unless the prosecutor and the defendant so agree.

### **Civil Remedy Not Affected**

252. No civil remedy for an act or omission is suspended or affected by reason that the act or omission is an offence under this Law.

### ***Criminal Code* Not Affected**

253. No penalty for an act or omission that constitutes an offence under the *Criminal Code*, R.S.C. 1985, c. C-46 is suspended or affected by reason that the act or omission is an offence under this Law.

### **Procedure**

254. The Provincial Court of British Columbia has jurisdiction with respect to violations of this Law.
255. Subject to an amendment to the Jurisdiction Agreement, if Council establishes a Cowichan Tribes court, that court may deal with violations of this Law in accordance with the procedures for that court.
256. The summary conviction procedures of part xxvii of the *Criminal Code*, R.S.C. 1985, c. C-46 apply to prosecutions of offences under this Law.
257. Council may enact a Regulation providing for the appointment of enforcement officials to enforce this Law, establishing powers of enforcement, and setting out training requirements for enforcement officials and procedures for responding to complaints against enforcement officials.

## PART 15 – GENERAL PROVISIONS

### Provisions are Severable

258. If a court of competent jurisdiction determines that a provision of this Law is invalid for any reason, the provision shall be severed from the Law and the remaining provisions of this Law shall remain in full force and effect.

### Enactment and Ratification

259. (1) If this Law is approved by Ratification Vote in accordance with the process set out in the *Cowichan Tribes Education Law-Making Protocol*, Council must enact it at the next duly convened meeting of the Council.
- (2) This Law, or any provision of this Law, will come into force on a day or days to be fixed by Council.
260. This Law will be published in the minutes of Council.
261. Council will post a copy of this Law in the Cowichan Tribes' administration building and on Cowichan Tribes' website within seven days of this Law being enacted, and will publish a notice of this Law in the community newsletter provided that it is in regular circulation.
262. An official copy of this Law and Regulations under this Law will be maintained at the Cowichan Tribes' administrative office and will be available to the public to review.
263. Any person may:
- (a) have reasonable access during regular business hours at Cowichan Tribe's administrative office to view a copy of this Law or any Regulations made under it; and
  - (b) obtain a copy of this Law and any Regulation on payment of a reasonable fee set by Council.

### Amendment

264. This Law may be amended by the processes set out in the *Cowichan Tribes Education Law-Making Protocol*.
265. Council may consult with any Parents' Committee, the *Stut 'ul'na'mut Sul-hween* and Quw'utsun *Mustimuhw* or any other person on any proposed amendments to this Law.

## **Five Year Review**

266. (1) Every five years after the day on which this Law comes into force, the Quw'utsun Syuw'entst Lelum must undertake a review of the provisions, operations, and effects of this Law and submit a report to Council setting out their analysis, conclusions and recommendations.
- (2) Council must cause the report submitted under subsection 266(1) to be tabled at the next annual general meeting of Cowichan Tribes after the day on which the report was completed.