

**Tangible Change or Deaf Ears? An Exploration of Canadian Justice and Juris Doctorate
Programs in Response to the Truth and Reconciliation Commission's Calls to Action**

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Abstract

Since the release of the Truth and Reconciliation Commission's (TRC) Calls to Action in 2015, there has not been any research pertaining to their uptake in law schools and justice programs across Canada. This study involved a literature review and an environmental scan of 17 law schools and 25 justice-related programs across Canada and examined their respective curriculums to determine whether and how they have shown consideration for the TRC's 28th and 63rd Calls to Action. It was posited that, if lawyers and law enforcement workers are not being educated on Indigenous issues while they are in school then they will be more prone to negative interactions with Indigenous clients and individuals. Ultimately, this could contribute to the significant overrepresentation of Indigenous persons in custody in the Canadian justice system. The findings indicated that there is indeed a lack of consideration for the Calls to Action - more so for justice programs than law schools but apparent in both nonetheless. Further research will be required to explore this issue in depth, including what barriers prevent programs and schools from instituting the Calls to Action, and to ensure that academic institutions are contributing to reconciliation efforts and making tangible steps towards change.

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Land Acknowledgement

As this research was conducted to satisfy the honours program degree requirement for the Bachelor of Arts in Criminal Justice at Mount Royal University (MRU), it is important to recognize that MRU is located on Treaty 7 land in Southern Alberta, home of the Blackfoot First Nations tribes of Siksika, the Piikani, the Kainai, the Stoney Nakoda First Nations tribes of Chiniki, Breas paw, and Wesley, and Tsuut'ina First Nation, and the Métis Nation Region 3. Furthermore, since this study examined academic institutions from every Canadian province, I acknowledge that these institutions are situated on the lands of Indigenous peoples that were taken from them as the original habitants of these lands.

We must not forget the purpose of truth and reconciliation - to right the wrongs of the past, to hear Indigenous voices, to empathize with those who have been affected by colonialism and residential and day schools, and to make changes.

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Tangible Change or Deaf Ears? An Exploration of Canadian Justice and Juris Doctorate Programs in Response to the Truth and Reconciliation Commission's Calls to Action

In 2015, after eight years of conducting interviews, collecting statements, and reading through historical records, as part of the Indian Residential Schools Settlement Agreement, the Truth and Reconciliation Commission of Canada (TRC) released “a historical record of the [Canadian] residential schools system” alongside 94 “calls to action” to further reconciliation between Canadians and Indigenous peoples (Government of Canada, 2021, para 6). These calls to action included demands for: Canada’s post-secondary institutions to incorporate Indigenous teachings and paradigms into their courses, for law schools in Canada to provide courses in Indigenous law, and for Canada’s justice system to address the overrepresentation of Indigenous peoples in custody (Gaudry & Lorenz, 2018; Truth and Reconciliation Commission of Canada [TRC], 2015).

Since the release of the “calls to action” in 2015, there has been very little research whether post-secondary institutions and justice-related agencies incorporated them. As such, this research examined the publicly available curriculums for Juris Doctorate (JD) and justice-related programs (JRPs) across Canada in post-secondary institutions, to examine whether and how the programs have considered the recommendations put forward by the TRC.

Conceptualization

Some key concepts that require conceptualization include justice-related program, Juris Doctorate program, curriculum, Indigenous-related course, Indigenous, Indigenization, and Call to Action.

Firstly, for this study, a “justice-related program” is any degree or diploma-level program whose primary purpose is to teach students about the criminal justice system and that advertises it prepares students for a career in law enforcement, law, corrections, etc. This included programs such as: criminal justice, criminology, police studies, public safety, and justice studies.

Secondly, a “Juris Doctorate program” is a program offered by a Canadian law school that is recognized by the Law School Admission Council (LSAC). The program’s primary purpose is to provide legal education and prepare students to become lawyers in Canada. There are 18 different Law Schools in Canada, 17 of which were examined through this study (Law School Admission Council, n.d.). It is important to note that many of these universities offer focused graduate programs and research centres which are also related to the study of law, but since the purpose of these programs and centres is not necessarily to prepare students to become lawyers, their curriculums will not be included in this study.

Thirdly, Hicks (2018) argues that the commonly held notion of a program being a predetermined set of courses, activities, curriculum, and learning outcomes is overly limited; it is more appropriate to understand curriculums as broadly defined avenues for learning. While these avenues are necessarily guided by their respective planned content, they are also shaped by less-formal factors such as the learning environment of the classroom, social structure of the institution, and underlying purposes of the course design (Hicks, 2018). Therefore, when

examining “curriculums,” this study did not rely solely on articulated factors, such as course descriptions and outcomes, but also analyzed the institution’s overall social environment and student exposure to Indigenous learning. This was done by examining the Indigenous initiatives and extracurricular activities which were published on the institutions’ websites. Analysis of the curricula was reflected through code sheet questions such as question #13: “does the JD program offer an opportunity to work with Indigenous communities and/or Elders?” and Question #10: “does the academic institution have an Indigenous resource centre or ceremonial space?”

Fourthly, an “Indigenous-related course” is defined as a course, whether mandatory or optional within the Juris Doctorate or justice-related program, that includes content and assessments relating to Indigenous issues in Canada, current events, and fostering reconciliation and empathy with Indigenous peoples. For this study, the inclusion criteria for Indigenous-related courses were relaxed - as long as the course description mentioned any of the topics. Other questions, such as, “Does the program mandate students to take an Indigenous-related course?” and “Does the program incorporate land-based learning into its courses?” were included to discern which schools had taken extra steps towards meeting the calls to action.

Fifth, “Indigenization,” refers to a process for academic institutions to incorporate Indigenous perspectives and ways of knowledge into their curricula (Kuokkanen, 2008, as cited in Gaudry & Lorenz, 2018). Gaudry & Lorenz (2018) explain that there are three stages of Indigenization, ranging from least to most transformative, and that most academic institutions have only reached the first stage - drawing more Indigenous persons to campus and “... supporting the adaption of Indigenous people to the current (often alienating) culture of the Canadian Academy” (p. 218). The third stage, which is what Canadian institutions should be striving for, is referred to as “decolonial indigenization” which “envision[s] the wholesale

overhaul of the academy to fundamentally reorient knowledge production based on balancing power relations between Indigenous peoples and Canadians, transforming the academy into something dynamic and new” (Gaudry & Lorenz, 2018, p. 219).

As explained by Gaudry & Lorenz (2018), who sent out online surveys to 25 Indigenous scholars and their allies and heard their perspectives on the current state of indigenization in post-secondary institutions, the fact that most institutions are still on the first stage is indicative of an overall slow status of change. This project created research questions built around Gaudry & Lorenz’s three stages of Indigenization to help identify where various institutions currently stand in applying the truth and reconciliation’s calls to action.

Lastly, “Call(s) to Action” are the 94 calls listed in the TRC’s (2015) report. However this study focuses on Call to Action #28 and #63 in particular as they spoke specifically to education and the justice system

Call #28: Change for Law Schools

We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Call #63: Change for Canadian Education

We call upon the Council of Ministers of Education, Canada to maintain an annual commitment to Aboriginal education issues, including:

- I. Developing and implementing Kindergarten to Grade Twelve curriculum and learning resources on Aboriginal people in Canadian history, and the history and legacy of residential schools.
- II. Sharing information and best practices on teaching curriculum related to residential schools and aboriginal history.
- III. Building student capacity for intercultural understanding, empathy, and mutual respect.
- IV. Identifying teacher-training needs relating to the above. (TRC, 2015, p. 239)

Why Juris Doctorate Programs?

In 2016, Indigenous persons accused of a crime were overrepresented in Canadian courts “by a factor of five” (Saghbini, Bressan, & Paquin-Marseille, 2021, p.11). Reasons for this disparity are discussed in-depth in the literature review section, but include systemic discrimination, fallout from colonialism, and a lack of empathy from justice system workers (Clark, 2020; Rudin, 2007). This issue is worsened when these accused are given sentences involving imprisonment “30% more... than White accused” (Saghbini, Bressan, & Paquin-Marseille, 2021, p. 24). These statistics reveal that Indigenous offenders encounter the criminal justice system at a much higher rate than their non-Indigenous counterparts and are experiencing more punitive outcomes. While further research is required to understand whether this difference in sentencing severity and frequency can be explained by the types of crimes

Indigenous offenders are committing, this project asks if a lack of Indigenous education for judges and lawyers could also be a contributing factor.

Furthermore, It is important to examine the Indigenization of Juris Doctorate Program curricula because the 28th Call to Action instructs law schools in Canada to make Indigenous-related courses compulsory for all law students. The TRC's final report outlined the importance of educating lawyers on Indigenous culture.

The criminal prosecution of abusers in residential schools and the subsequent civil lawsuits were a difficult experience for survivors. The courtroom experience was made worse by the fact that many lawyers did not have adequate cultural, historical, or psychological knowledge to deal with the painful memories that the Survivors were forced to reveal. The lack of sensitivity that lawyers often demonstrated in dealing with residential school Survivors resulted, in some cases, in the Survivors' not receiving appropriate legal service. These experiences prove the need for lawyers to develop a greater understanding of Aboriginal history and culture as well as the multi-faceted legacy of residential schools (TRC, 2015, p.168).

While Indigenous education is needed for the legal profession as a whole, implementing it in law schools, before the students become lawyers, is a more proactive way to approach the issue. By examining the curricula of Canadian law schools, this project uncovered where these institutions currently stand on the requested changes and helped illuminate whether and how Canadian law students are being exposed to Indigenous education, including the rights, cultures, and history of Indigenous persons in Canada.

Why Justice-Related Programs?

Many students in justice-related programs go on to work in jobs within the justice system such as policing. This job is sometimes referred to as the “gatekeepers to the criminal justice process” because, typically, they are the first point of contact for offenders (David & Mitchell, 2021, p. 24). In essence, these law enforcement workers have the discretion to decide whether an individual will journey through the justice system or be let free with a warning - when it comes to Indigenous persons, the former is being chosen disproportionately often (Clark, 2020; David & Mitchell, 2021; Rudin, 2007). Research has shown bias and discrimination can enter into the discretion process, particularly when law enforcement workers are dealing with Black and Indigenous persons (Samuels-Wortley, 2019). This leads to increased incarceration rates and “perpetuate[s] the marginalized status of Black and Indigenous populations in Canada by criminalizing them (Alyward, 1999, as cited in Samuels-Wortley, 2019, p. 391). Therefore, ensuring that police are properly trained and educated on these issues will help prevent discriminatory arrests and alleviate the overrepresentation issue in Canada’s criminal justice system.

Numerous studies have identified unnecessary conflict between Canadian law enforcement and Indigenous persons. Murphy-Oikonen, et al. (2021) collected primary and secondary data about Indigenous women who had been victims of sexual assault to understand how police in Canada handle these situations and, more importantly, how the victims perceived the police interactions. The participants felt like “they were being dismissed as victims of serious crimes” and that “they perceived the treatment from the police was attributed to their identity as Indigenous women” (Murphy-Oikonen, et al., 2021, p. 13).

Samuels-Wortley (2021) conducted interviews with Black and Indigenous youth in Canada to test the hypothesis if these groups “experience harsher treatment by police, and thus perceive the police to be racially biased” (p. 1140). The interviews consisted of open-ended questions, the answers to which were analyzed through code sheets to uncover common themes. The hypothesis was supported as it was uncovered that the respondents, including the Indigenous youth, do “believe they are being treated differently by police as a result of their race” (p. 1156).

Lastly, Cao (2014) performed a multiple regression analysis on the 2009 Canadian General Social Survey (GSS) to understand the difference in confidence Indigenous and non-Indigenous persons in Canada have with the police. The GSS is sent out every five years by the Government of Canada to collect data on various issues and emerging trends in the country. (Statistics Canada, 2021). These issues and trends are focused but change every five years, meaning each version of the GSS follows a different “theme” (Statistics Canada, 2021). Cao (2014) used the 2009 version because it focused on Canadian victimization and was the first time the GSS had placed Indigenous responses in a separate category. Cao’s (2014) findings suggested that Indigenous persons “have a significantly lower level of confidence than other Canadians do...” with police (p. 499).

Historical discrimination, colonialism, distrust, and marginalization, are all factors that result in Indigenous persons lacking confidence in Canadian law enforcement (Cao, 2014). A pattern can be seen and must be questioned about these negative feelings and encounters with the police, fear of law enforcement, and the effects of historical wrongdoings, such as colonialism and residential schools (Cao, 2014).

Lithopoulos and Ruddell (2011) found that “neophyte officers are not significantly different from older police officers in terms of their attitudes toward Aboriginal people” (as cited

in Cao, 2014, p. 517). This finding suggests that police discrimination against Indigenous persons is deep-rooted and cyclical in Canada. This project posits that insufficient training is factoring into this cycle. As such, one of the questions that this research sought to answer was, are officers being trained in Indigenous issues while they are in university or in cadet training? Reviewing the curriculum of cadet training programs across Canadian police services was beyond the scope of this project. Instead, the focus was on examining justice-related programs, specifically their course descriptions and curricula.

The literature supports the belief that there is a significant dissonance in Canada between law enforcement and Indigenous persons. Indigenous communities and persons are being overpoliced, over-incarcerated, ignored, and treated more poorly by the Canadian justice system than their non-Indigenous counterparts (Cao, 2014; Murphy-Oikonen, et al., 2021; Samuels-Wortley, 2021; and). These factors have created feelings of distrust and fear in the hearts and minds of Indigenous persons towards Canadian law enforcement. Examining the education that these law enforcement workers are receiving is therefore critical to ensure things change.

Methodology

The internet was used to gather a list of JRPs and JD programs at English-speaking universities and colleges across Canada. Every province, except for Quebec, was searched for programs and both JRPs and JD programs were found. The territories were also searched, however only Yukon University and Northern Lights College feature a JRP, there were no JD programs. It is important to note that, due to Quebec's Bill 101, the French Language Charter, which is provincial legislation making French the primary, "normal and habitual language" for the province, all the relevant information for the institutions in Quebec is in French (Behiels &

Hudon, 2013, para. 1). This created a language barrier that impeded the specificity and correctness of this study's data collection. Therefore, academic institutions in Quebec, for both JD and JRPs, were excluded.

Using this list, an environmental scan of their curricula was conducted. For JRP's, the following sentences and keywords were entered into Google: "Universities in Alberta," "Colleges in Alberta," "Universities in British Columbia," "Colleges in British Columbia" (variations of these two sentences were entered for each province and territory). This resulted in a large list of universities that were ordered at random by Google. Each of these universities was examined and purposive sampling was used to select the ones that met the inclusion criteria (see conceptualization section for inclusion criteria). It is unknown exactly how many institutions appeared on Google's list because the examination stopped after five JRPs were found for each included province and territory. Certain provinces had less than five JRPs (such as Saskatchewan and Manitoba). In these instances, the provinces were grouped together for parsimony. Inclusion was limited to five programs simply to limit the scope of the study due to the constraints of the academic year. Inclusion was also limited to five programs because the purpose of this study was solely to obtain a foundational understanding of the current stage of indigenization in Canadian academia - an exhaustive sample was not necessary to achieve this.

As a requirement for inclusion, these programs had to offer either a degree or diploma in a justice-related field, such as policing, criminology, or criminal justice. They also had to advertise that they prepared students for a career in the justice system. For instance, even though the University of Prince Edward Island offers a degree Diversity and Social Justice Studies, which could include some justice system content, it does not state anywhere on the program page that it prepares applicants for a career in the justice system. Therefore, it was excluded.

Certificate programs were also excluded, again, to limit the scope of the study and also because they vary greatly in length and are less targeted on law enforcement careers than diploma and degree programs. For instance, The University of Saskatchewan offers a certificate in Criminology and Addictions that takes two semesters to complete whereas Ryerson University offers a certificate in Criminal Justice and Criminology that only takes six months. Both of these certificates can be completed by students from any major which means successful completion is less likely to lead to a career in law enforcement - they may just be completing it as a general interest rather than career opportunity.

For JD programs, the Law School Admission Council provides a comprehensive list of law schools in Canada. Every law school on its list within selected provinces, was included in this study.

Next, two code sheets with varying questions were created, one for law schools and one for JRPs (See appendix A and B, respectively). These code sheets included questions that, when analyzed together, provided a reasonable insight into the institution's consideration of the TRC's Call to Action #28 and #63. Each question was assigned a numerical value (1 for yes, 2 for no) and the sum of all the questions resulted in a final score. The program's score is representative of their consideration for the 28th and 63rd Call to Action; a higher score means greater consideration and a lower score means less consideration.

This study's findings came from curriculums that were examined by searching through each institution's respective website. Since substantial information regarding course descriptions, learning outcomes, elective courses, and campus environments are publicly available through said websites, a sufficient understanding of each program's curriculum was able to be obtained.

Furthermore, since every law school in nine out of ten provinces were included in the study (17 in total), along with 27 JRPs, the sample used to collect the data was reasonably representative.

Each of the institutions included in this study provide a “search” feature on their website. When the code sheet questions could not be easily answered by navigating through the easy-to-reach web pages, then keywords were entered into their search engine instead. Some of the keywords used for this part of the data collection process were, “Truth and Reconciliation,” “Indigenous,” “Calls to Action,” “Course Descriptions,” “Land-Based Learning,” “Acceptance Quota,” “Strategic Plan,” “Faculty Plan,” and “Indigenous Scholarships.” This strategy helped collect data when the answers to code sheets’ questions could not be found on the easy-to-reach web pages.

Additionally, a literature review was conducted to analyze the relevant Calls to Action, Indigenous overrepresentation in the Canadian justice system, current examples of Indigenization in post-secondary institutions, police training, law school education, and any related and relevant research on these topics. The following keywords were used to find scholarly articles in the Mount Royal University library database: “Indigenous calls to action,” “Canadian law schools,” “factors of Indigenous overrepresentation,” and “responses to TRC calls to action.” The abstract of each potential article was read - if it was relevant to this study then the article was read, summarized, and included, if it was irrelevant then the article was excluded.

As this study did not involve primary data collection, no research ethics approval was required.

Operationalization

The law schools and JRP's degree of consideration and acknowledgement for the TRC's recommendations were measured by creating two code sheets and using them to review the curricula.

The law school and JRP code sheets asked 14 questions (See appendices A and B). The answer to each question was assigned a numerical value (either one or zero) and the sum of all the questions resulted in a final score. A zero indicated "no" and a one indicated "yes." The program's score is representative of their consideration for the Calls to Action; a higher score means greater consideration and a lower score means less consideration.

Literature Review

The TRC's Calls to Action

The TRC's 94 Calls to Action form the backbone of this study. As the product of an eight-year process, these Calls were publicized after the TRC conducted interviews and collected statements from residential school survivors and employees across Canada to reveal a layout for the atrocities committed through Canadian residential schools and the discrimination that Indigenous people in Canada continue to face today (TRC, 2015). With regards to this study, Calls #28 and #63 were particularly impactful as they spoke directly to education and the criminal justice system.

Call #28 identifies a deficiency in the curricula of Canadian law schools – that law students are not receiving enough education on Indigenous issues and history and subsequently becoming lawyers who are not educated and aware of the systemic issues. The Call identified some specific topics that should be paid particular attention to when changing curricula,

including “the history and legacy of residential schools..., Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations” (TRC, 2015, p. 168). Various law schools across the country have acknowledged these issues and, in response, have developed web pages dedicated to their “Indigenous Initiatives” - these pages often quote the 28th Call to Action and explain how the respective faculty of law is meeting the TRC’s instruction.

The positive impacts of these initiatives have already been noticed in certain law schools across Canada. For instance, O’Byrne (2019) writes of their experience teaching Aboriginal law at the University of New Brunswick. O’Byrne (2019) explains that using guest speakers, Indigenous-made videos, Indigenous ceremonies, and various land-based learning experiences, Indigenous paradigms can be effectively brought into the classroom. These paradigms consistently make students question their previously held beliefs and understandings and, for many of these law students, it is a new experience.

O’Byrne also says that, prior to the Calls to Action being released, “there was very little institutional support for, or interest in Indigenizing the academy” and that, while some progress has been made since then, the University of New Brunswick still has a very long ways to go (2019, p. 61). Although there seems to be an overall increase in interest for Indigenous issues, some institutions are not providing the resources necessary to foster true change (O’Byrne, 2019). For instance, in her class, O’Byrne can only teach “approximately 18 students [the] basics of Aboriginal-state constitutional relations... [meaning] that approximately one-fifth of [the] graduating class will have received the knowledge acquisition called for in #28 of the TRC Calls to Action” (p. 63). While not clearly stated, O’Byrne (2019) insinuates that she is limited to only teaching 18 students because UNB’s Faculty of Law has not allocated the resources necessary to

teach more. These statements suggest that at least some law schools are not adequately considering the TRC's Calls to Action.

Call #63 identifies an overarching need for educational institutions in Canada to prioritize the teaching of Indigenous issues. As explained by the TRC (2015), “[m]uch of the current state of troubled relations between Aboriginal and non-Aboriginal Canadians is attributable to educational institutions and what they have taught, or failed to teach over many generations... Education must remedy the gaps in historical knowledge that perpetuate ignorance and racism” (p. 234).

In other words, Canadian students are not learning enough about Indigenous issues during their formative years. While it is admittedly an inference, some of these students will enter justice programs where, if the education issue is not fixed, their lack of Indigenous knowledge and the systemic issues (or “gaps,” as defined by the TRC), will eventually transfer into the Canadian justice system as they become police officers, parole officers, corrections officers, etc. This project asks, what remedial actions can JRPs take to close these gaps?

Since the TRC's calls to action were only published in 2015, research pertaining to their uptake, especially in the context of JRPs and JD programs, is quite limited. However, the benefit of this is that the articles that will be covered in this section are timely and relevant.

Borrows (2017) references the TRC's 28th Call as he argues why the incorporation of “land-based education” can be significantly beneficial for the academic development of law students (p. 3). For clarification, “land-based education” means “directly experiencing and analyzing law's interactions with the physical world” (Borrows, 2017, p. 2).

It is important to note that the concept of land-based learning should not be limited to Indigenous law classes and is not necessarily disruptive to North American law schools - it has

already been used in other law courses to help students apply the concepts they learn in the classroom (Borrows, 2017, p. 5). However, Borrows (2017) does identify it as an important Indigenous learning paradigm that should be standard in Indigenous-related courses. This argument was reflected in the code sheet through question #12: “Does the program incorporate land-based learning?”

The work of Metheny and Fletcher (2021) has been helpful as it built itself around the TRC’s 23rd and 24th calls to action, for cultural competency training for all health-care professionals and mandated Indigenous health courses in Canadian medical and nursing schools (TRC, 2015). The study examined if and how nursing and midwifery programs are meeting these calls (Metheny & Dion Fletcher, 2021). The study’s method was nearly identical to the ones proposed herein as it “included a review of website pages, posted curricula, course descriptions, and keyword searches for terms such as ‘Indigenous’, ‘First Nations’, and ‘cultural safety’” (Metheny & Dion Fletcher, 2021, p. 421). The study also used a similar sample - all accredited nursing and midwifery programs across Canada’s provinces and territories and the results could be applied to other educational programs such as criminal justice or law. The uptake of the TRC’s calls were operationalized by creating three criteria which, when answered, could accurately reflect each program’s consideration of the calls. In their study, only 17.8% of the programs satisfied all three criteria and only 18.7% had incorporated the 24th Call to Action into their curricula, thus signaling an overall failure to consider the TRC’s calls (Metheny & Dion Fletcher, 2021).

The importance of truth and reconciliation implementation in post-secondary institutions is also explained in Howe, Johnson & Te Momo (2021). Their paper includes their own personal anecdotes of truth reconciliation implementation in curricula and the corresponding outcomes.

For instance, by using land-based learning, bringing Indigenous educators into the classroom, and hearing about Indigenous stories, “[s]ome students were brought to tears” because, prior to the teachings, they had had no true understanding of the plight of Indigenous persons in Canada (Howe, Johnson, & Te Momo, 2021, p. 27). The literature discussed in this section shows how powerful, and necessary indigenization of the Canadian academy can be. Unfortunately, it also illuminates how rare it is for students to experience it.

Indigenize the Academy

Gaudry and Lorenz (2018) argue that Canadian post-secondary institutions are having difficulties meeting the TRC’s instructions because they are unsure of how to best incorporate Indigenous paradigms into classrooms and curricula. These problems have also been identified by Cicek, et al. (2021) as they state that, instead of working towards the Calls to Action, some institutions have been taking steps backward. This incorporation is referred to as *indigenization*, “... a move to expand the academy’s still-narrow conceptions of knowledge, to include indigenous perspectives in transformative ways (Kuokkanen, 2008, as cited in Gaudry and Lorenz, 2018, p. 1). Many of the institutions analyzed through this project have created Indigenous Strategic Plans (ISP) that outline their vision for indigenization and define the concept.

Mount Royal University’s (MRU) ISP states five goals: indigenizing MRU, fostering and respecting Indigenous research, building and strengthening relationships with the proponents of Indigenous education, helping Indigenous students thrive, and incorporating Indigenous paradigms into the curricula (MRU, n.d.). With regards to the first goal, MRU’s vision for indigenization is dependent on various strategies. The ISP must be transparent, up-to-date and continuously rationalized. Programs and initiatives must be created that promote and teach

instructors, students, and employees about Indigenous peoples, history, and cultures. The Calls to Action must be recognized and acted on. The Indigenous student population must be made more representative. The physical appearance of campus must be changed to show Indigenous art and cultural symbols. Lastly, resources must be allocated to ensure these changes can be implemented.

The University of British Columbia's (UBC) ISP says that indigenizing the university's curriculum means "includ[ing] Indigenous ways of knowing, culture, histories, experiences and worldviews in curriculum delivered across Faculties, programs and campuses (UBC, 2020, p. 24). This will require a complete review of every program to ensure they all include at least one indigenous-related course, financial support for Indigenous students and employees, and partnerships with Indigenous communities so their knowledge can be understood and implemented into academia (UBC, 2020). The University of Toronto's (UofT) ISP echoes these sentiments. They also explain that indigenization requires collaboration with Indigenous communities and a complete review of all programs so that the new knowledge can be properly implemented (University of Toronto, n.d.).

Between the referenced literature and the examined ISPs, indigenization is partly understood to be the inclusion and incorporation of Indigenous paradigms into learning environments. However, with regards to Canadian academia, it is important that these paradigms are not simply being appended to the westernized status quo. Indigenization requires a rigorous review of current curricula, collaboration with Indigenous communities, physical changes to campus so Indigenous culture is visible, and a transparent and independent review process that tracks and publicizes how these changes are progressing. These measures will ensure that Indigenous knowledge is respected and stands equal to Western knowledge. Indigenization is

important because, as aforementioned, education can remedy the gaps in historical knowledge that perpetuate ignorance and racism” (TRC, 2015, p. 234). Through the strategies mentioned in this section, students in Canada will reach a better understanding of the plight of Indigenous people. This is a necessary step towards reconciliation, one that can lead to the betterment and advancement of our society.

It is important to note that, at the time of this research, Indigenous and non-Indigenous peoples across Canada are grieving as thousands of unmarked graves of children are being discovered at the sites of old residential schools (Gilmore, 2021). In May 2021, the first site was found. In Kamloops, Canada, 215 unmarked graves were found at the site of a residential school (Dickson & Watson, 2021; Newton & Chavez, 2021). On June 1, 2021, “over 750 unmarked graves” were found at a residential school site in Saskatchewan, Canada (Newton & Chavez, 2021; Ortiz, 2021). As of September 15, 2021, over 1300 unmarked graves have been discovered across various sites of former residential and day schools (Gilmore, 2021). Because only a small fraction of the 139 Canadian residential school sites have been searched so far, the final number of unmarked graves will be much higher (Deer, 2021; Gilmore, 2021).

The Calls to Action were created to “redress the legacy of residential schools and advance the process of Canadian reconciliation” (2015, p.319). Since the horrors of Canada’s residential schools are once again at the forefront of current events, it is important to ensure that the calls to action have not been forgotten and that tangible steps towards reconciliation are taken

Indigenous Overrepresentation

On January 21, 2020, the Canadian Office of the Correctional Investigator (OCI) published their report concerning the overrepresentation of Indigenous people in federal correctional custody. The OCI (2020, paras. 2-4, 6). It reports that as of January 21, 2020:

- Indigenous persons made up 5% of the general Canadian population yet accounted for 30% of the federal inmate population.
- Indigenous women account for 42% of the federal female inmate population.
- Recidivism rates for Indigenous offenders is significantly higher than their non-Indigenous counterparts... as high as 70% in the prairie regions.

Incarceration rates for different ethnicities should be proportionate to their percentage of the overall population. The fact that Indigenous persons are overrepresented by a factor of six in Canadian prisons is highly concerning and begs the question, what factors are leading to this disproportion? The issue is even worse for Indigenous females; what distinctive factors are applying to them that are not applying to the male population?

Furthermore, recidivism refers to an offender committing another offence after they have been punished for a previous one (National Institute of Justice, n.d.). The higher rate for Indigenous offenders indicates that normal deterrent and rehabilitation attempts are not working. While this issue could benefit from further study, it is out of this project's scope. However, ensuring that the agents of the justice system are being aptly educated on the problem is a proactive and indirect way to resolve it because it will presumably lower the chances of Indigenous persons being incarcerated in the first place.

One of the most significant statistics is that, while the percentage of federally incarcerated, non-Indigenous inmates has decreased by roughly 10% from 2009-2019, the rate of

federally incarcerated Indigenous inmates has been increasing by approximately 10% during the same period (see figure 1) (OCI, 2020). This upwards trajectory is expected to continue unless significant preventative measures are taken.

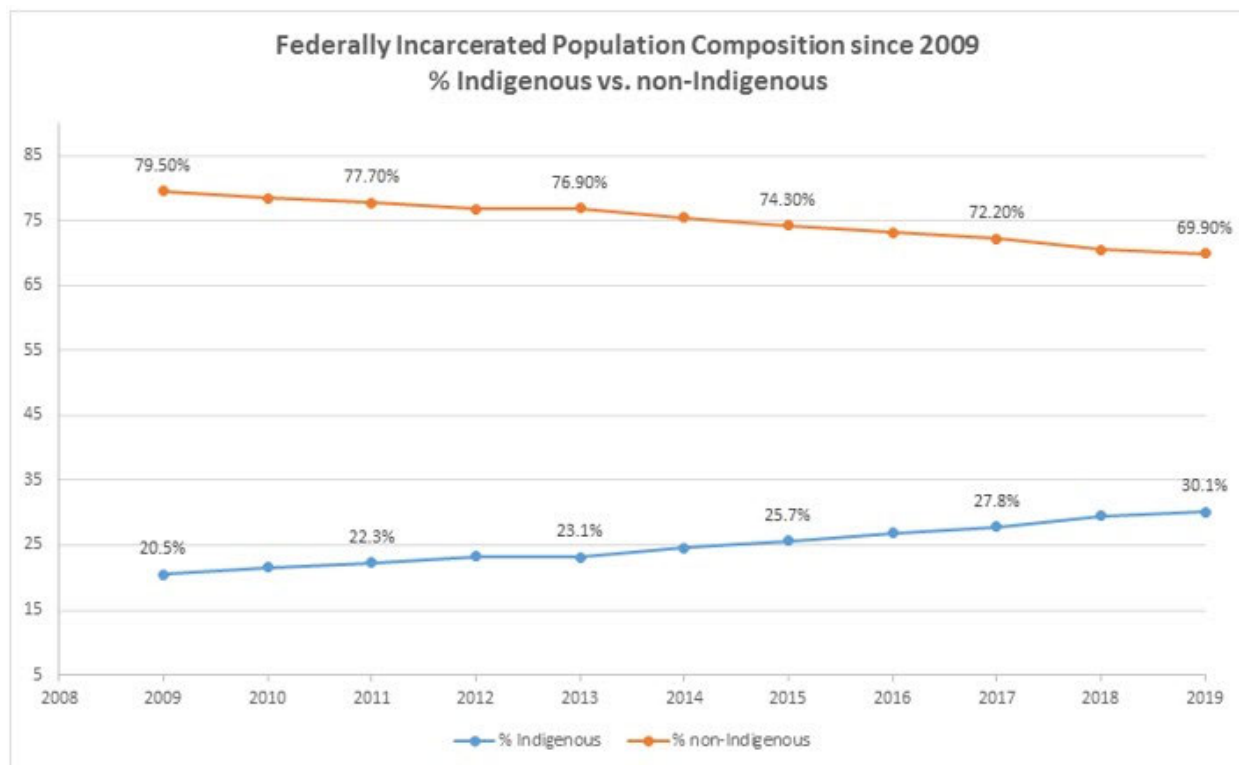


Figure 1. Federally Incarcerated Population Composition since 2009. % Indigenous vs. non-Indigenous. From “Indigenous People in Federal Custody Surpass 30%: Correctional Investigator Issues Statement and Challenge,” by OCI, 2020, para. 4).

The OCI concluded the report by listing seven measures that the federal government should implement to address this Indigenous overrepresentation issue. But better training and preparation of law enforcement workers and lawyers were not included on the list (OCI, 2020, para. 9). The fact that training and preparation were not included is not a discouragement to this study, but rather a potential oversight that is deserving of further examination.

Since Indigenous overrepresentation has been identified, the question now becomes, “what are the factors?” Clark (2020), presents four explanations: colonialism, socio-economic marginalization, systemic discrimination, and culture clash.

The arrival of Europeans in North America has led to many hardships for Indigenous persons. Clark (2020) specifically referenced violent relocation, unjust legislation (particularly through the *Indian Act*), government breaches of treaty agreements, and residential schools as the primary factors and actions contributing to the problem.

In 2015, the average income for the Indigenous population in Canada was ~20% less than the non-Indigenous population (\$36,748 to \$46,449) (Clark, 2020, p. 15). Furthermore, Indigenous employment rates were ~15% below non-Indigenous employment rates (65.8% to 81.6%) (pp. 15-16). These disparities are furthered through “seriously substandard levels of housing, education, and health care” (Clark, 2020, p. 16).

The following explanation of systemic discrimination and its relationship to Indigenous persons in Canada is given in Clark’s (2020) study: “‘The term ‘Systemic’ discrimination is used where the application of a standard or criterion, or the use of a ‘standard practice,’ creates an adverse impact upon an identifiable group that is not consciously intended’” (Aboriginal Justice Inquiry of Manitoba, 1991, p. 100, as cited in Clark, 2020, p. 17). Clark goes on to explain that these discriminatory practices have been demonstrated at all stages of the legal process, and from all agents of the criminal justice system.

Leaning on the work of Rudin (2007), Clark (2020) suggests that certain disparities between Indigenous and Western cultures, such as differing punitive values, misconstrued non-verbal expressions, and unparallel vernacular, leads to the unfortunate conclusion that

“Aboriginal people are required to fit into a system that does not recognize their values... [as such,] overrepresentation occurs (Rudin 2007, p. 22, as cited in Clark, 2020, p. 23).

The four factors outlined above have also been identified in other studies such as Cesaroni, Grol, & Fredericks (2019) and Rudin (2007). They also explain that Indigenous overrepresentation is, in part, a consequence of colonialism, socio-economic marginalization, and systemic and direct discrimination.

Indigenous overrepresentation in the Canadian criminal justice system is an irrefutable and pressing issue. Biases, shortcomings, and lack of understanding and empathy on behalf of the agents of the criminal justice system, including police, lawyers, and judges, are all contributing elements to the problem. Since some of the TRC’s calls to action are intended to remedy this, an exploration into their consideration by JRPs and JD programs helps us understand the steps that these institutions have taken towards reconciliation and repair and how well future justice workers are being prepared to remedy matters.

Findings

The data collected from each institution has been organized by province. The complete code sheets (see Appendices A and B) provide additional insight.

Law Schools

The data suggests that, for the most part, law schools in Canada are demonstrating a consideration for the Calls to Action. 17 law schools across seven provinces were examined. If a province had less than two law schools then it was grouped with a neighbouring province to reduce the number of graphs and help identify relationships. This occurred twice, the University

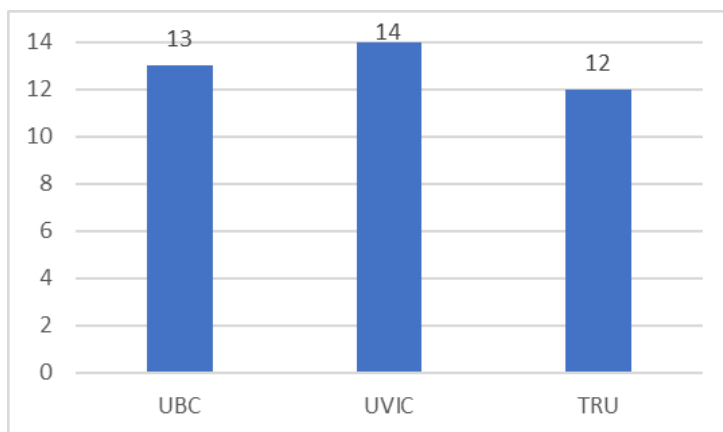
of Saskatchewan and the University of Manitoba were grouped together and the University of New Brunswick and Dalhousie University were grouped together.

British Columbia

Moving West to East, the first law schools examined were those in British Columbia, UBC, University of Victoria (UVic) and Thompson Rivers University (TRU). All three of these universities showed excellent consideration for the Calls. UBC scored 13, UVic scored 14, and TRU scored 12 out of a possible 14 (see figure 2.1). There is not much to be said about UVic as they satisfied every question, they were the only law school to accomplish this. Students graduating from UVic are highly likely to possess the cultural competencies requested by the TRC.

Figure 2.1

British Columbia Law School Scores



The only question that UBC did not satisfy was #8: “Does the law school have an acceptance quota or mandate for Indigenous applicants?” It is important to have these quotas or reserved seats for Indigenous applicants because it ensures the student body will be proportional to Canada’s Indigenous population. Aside from this, UBC acknowledged the TRC many times

on their website, offer many mandatory and optional courses on Indigenous matters, and support Indigenous applicants through financial measures and physical alterations to campus. Students graduating from this program are likely receiving sufficient cultural training.

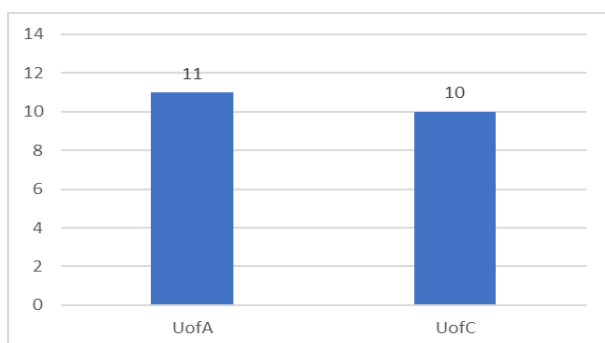
In addition to question #8, TRU also did not satisfy Question #14 because they do not offer a specialization in Indigenous Law. However, as was the case for the other high-scoring law schools, TRU did well in providing an indigenized curriculum. As such, even though they did not satisfy these two questions, students graduating from TRU are likely to be prepared to work with Indigenous clients.

Alberta

The University of Alberta (UofA) and the University of Calgary (UofC) were the two law schools examined within Alberta (see figure 2.2). UofA scored 11 out of 14, in addition to not having an acceptance quota for Indigenous applicants or a specialization in Indigenous law, they also did not acknowledge the TRC on their website. It is important for law schools to acknowledge the TRC because it is what prompted so many curriculum changes. Nonetheless, the UofA has done well to indigenize their faculty of law, students graduating from there are most likely well-prepared to work with Indigenous clients.

Figure 2.2

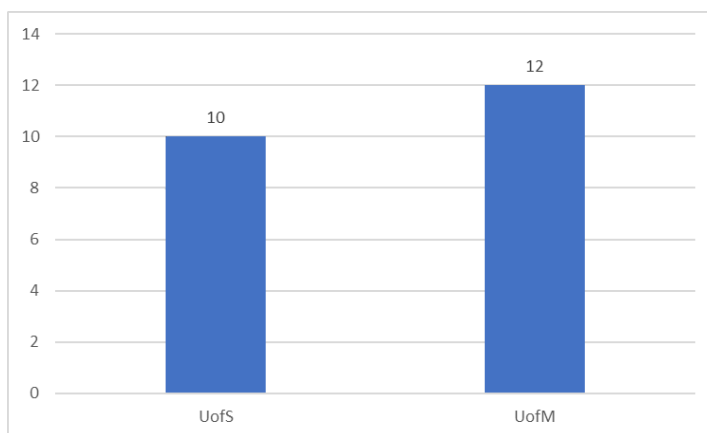
Alberta Law School Scores



The University of Calgary scored 10 out of 14. However, one of these points was missed because, since the timetables were not publicly available, question #11: “Is an Indigenous-related course offered in both Fall and Winter semesters?” was unable to be answered. In addition to questions #8 and #14, the UofC also failed to satisfy question #7 as they do not provide a separate application process for Indigenous applicants. While Indigenous applicants can still submit supporting documents speaking to their ethnic background, this process is a marked departure from other institutions that provide an entirely separate category. Systemic discrimination can prevent Indigenous students from learning at the same pace as non-Indigenous students. As such, providing a separate application category is an easy way to acknowledge this issue and ensure acceptance practices are non-discriminatory.

Saskatchewan and Manitoba

Since there was only one law school in each of these provinces, the University of Saskatchewan (UofS) and the University of Manitoba (UofM), they were grouped together (see figure 2.3). As was the case for many of the examined law schools, neither of these institutions have an acceptance mandate for Indigenous applicants or a specialization in Indigenous law. The UofM satisfied every other question so students graduating from there are most likely well-educated in Indigenous issues.

Figure 2.3*Saskatchewan and Manitoba Law School Scores*

Similar to the UofA, the UofS did not acknowledge the TRC on their website. The UofS Faculty of Law also does not provide financial support to Indigenous applicants. While they are offered through the UofS' general scholarships page, it is important for the Faculty of Law to offer their own because the cost of law school is preventing Indigenous students from being represented. While the other questions were satisfied, and thus students graduating from the UofS are probably well-educated on Indigenous issues, further examination is required to understand whether and how the lack of financial support is affecting the number of Indigenous applicants being able to study at the UofS' law school.

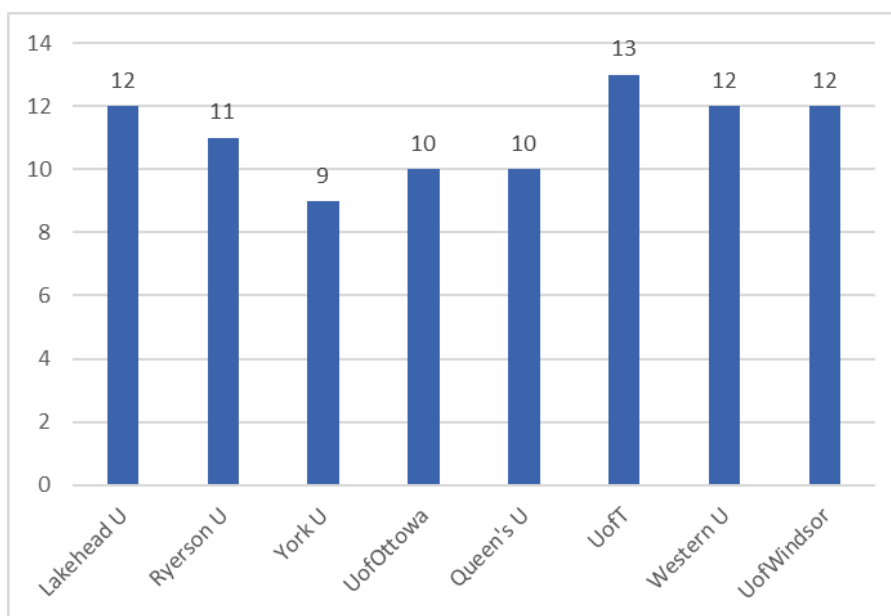
Ontario

There were eight law schools in Ontario: Lakehead University, Ryerson University, York University, the University of Ottawa, Queen's University, UofT, Western University, and the University of Windsor (UofW) (see figure 2.4). Lakehead University and Western University both scored 12 out of 14 and only missed question #8 and #14. They did well to satisfy all the

other criteria so students obtaining their Juris Doctorate from either of these institutions are likely to be well-educated in Indigenous issues.

Figure 2.4

Ontario Law School Scores



Ryerson University scored 11 out of 14. In addition to question #14 (specialization in Indigenous law), they also did not satisfy question #10 (offers an Indigenous resource centre/ceremonial space) and question #12 (incorporates land-based learning). However, there are explanations for these missing criteria. While there is not an Indigenous resource centre, Ryerson University does have an Indigenous resource team that assists Indigenous students with a variety of matters. As such, Indigenous students are probably receiving the help they need even though the physical change to campus has not been made.

Furthermore, Ryerson University's law program has coined itself an Integrated Practice Curriculum which means students do not have to article before practicing law by themselves. There are no optional courses at Ryerson University because students must abide by a strict set of classes to avoid the articling period. This strictness prevents students from experiencing

land-based learning because the current curriculum does not include it in any of the classes. This is just an explanation, not an excuse. A well-educated lawyer should experience land-based learning in school because it helps them empathize with Indigenous clients. Further examination of Ryerson's curriculum to see if it is changing to incorporate land-based learning would be beneficial.

York University scored 9 out of 14, the lowest of all Ontario law schools. They did not satisfy question #1, question #8, question #14, question #12 (incorporating land-based learning) and question #11 (offering an Indigenous-related course in both Fall and Winter semesters). It is important for Indigenous-related courses to be offered in both semesters because some students cannot always take on a full course load. In these cases, if an Indigenous-related course is not offered multiple times throughout the year, the student may be unable to take it. This category of student may not be receiving adequate education on Indigenous issues while studying at York University. However, for full-time students, they are likely learning the competencies requested by the TRC

The University of Ottawa and Queen's University both scored 10 out of 14. The most concerning criteria that was not satisfied was question #5: "Does the program mandate any Indigenous-related courses?" Failure to mandate Indigenous-related courses means that some students will never be educated on Indigenous issues because they choose not to take the course. Whether they choose not to take the course for scheduling purposes, or simply because they are not interested, the outcome is the same. Further research could help identify the number of students in the University of Ottawa and Queen's University's Faculties of Law who are graduating without taking an Indigenous-related course. These students are most likely not learning the competencies requested by the TRC. While they did well to satisfy most of the other

questions, mandating an Indigenous-related course is certainly something the law programs at the University of Ottawa and Queen’s University require to indigenize their curricula.

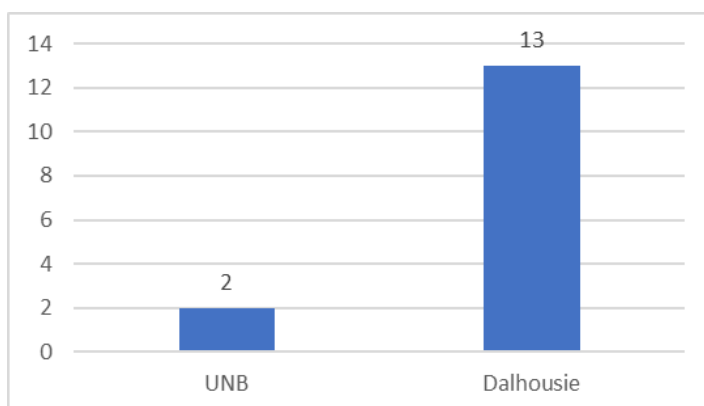
The UofT and Western University scored 13 and 12 out of 14, respectively. The UofT offers a certificate in Aboriginal legal studies which was enough to satisfy question #14. The only question they missed was #8 as they do not have an acceptance quota for Indigenous applicants. Western University missed question #8 and question #14, but satisfied all the other criteria. Additionally, both of these programs have extensive web pages dedicated to their Indigenous initiatives and the considerable progress they have made towards indigenizing their faculty. Students graduating from either of these programs are likely being well-prepared to work with Indigenous clients and communities.

Eastern Provinces

The “Eastern Provinces” included New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland and Labrador. There were only two law schools amongst these four provinces, the University of New Brunswick and Dalhousie University. As such, they were grouped together (see figure 2.5)

Figure 2.5

Eastern Provinces Law School Scores



Dalhousie University scored 13 out of 14, the only criteria they did not satisfy was question #8 as they do not have an acceptance quota for Indigenous applicants. While this is certainly something they should change and publicize moving forward, current graduates from this program are probably well-educated in Indigenous issues.

The University of New Brunswick (UNB) scored 2 out of 14, the lowest score for all the law schools by quite a significant amount (see figure 2.5). The two questions satisfied were question #9: “providing financial support to Indigenous applicants” and question #10: “offering a resource centre/ceremonial space.” While some reasons for this score will be discussed in the limitations section, it is highly concerning. Perhaps the most alarming aspect is that the UNB School of Law does not even offer a course for Indigenous law. As such, how can its students develop any of the competencies listed in the 28th Call to Action?

Since the work of O’Byrne (2019) indicates that UNB’s Faculty of Law actually does offer an Indigenous-related course, this score could be a consequence of UNB having an outdated website. However, since O’Byrne (2019) also mentioned that UNB was not providing the necessary resources to enable true change, it is possible that, in the two years since she published her report, the indigenization efforts at UNB have faded. Further research would be quite beneficial to understanding the true causes behind this low score. Nonetheless, the findings from this project indicate that students graduating from the UNB’s Juris Doctorate program are most likely not learning the competencies requested by the TRC. Significant changes need to be made and an independent body should be created to track and publicize the institution’s progress

Justice Programs

While the scores for most of the examined law schools suggest that the curricula are being indigenized and the students are learning the core competencies requested by the TRC, the

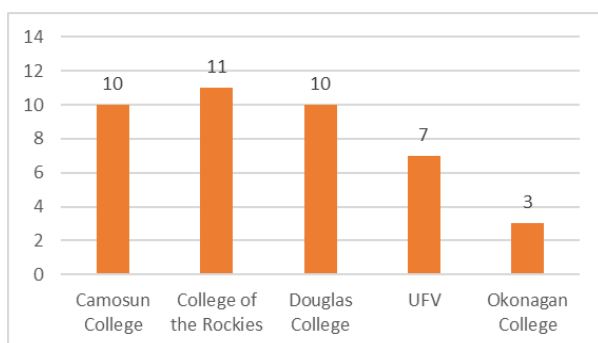
same cannot be said for the JRPs. 25 JRPs across seven provinces and two territories were examined. Consistent with the law schools, if neighbouring provinces had very few JRPs then they were grouped together. This occurred for Saskatchewan and Manitoba (see figure 3.3) and Nova Scotia and Fredericton (see figure 3.5).

British Columbia

There were five JRPs in British Columbia that were included in this study (see figure 3.1), Camosun College, College of the Rockies (CotR), Douglas College, University of the Fraser Valley (UFV) and Okanagan College. There were three questions that all five of these programs missed, question #2: “Does the JRP acknowledge the TRC anywhere on their website?” question #8: “Is there a separate application process for Indigenous applications?” and question #9: “Is there an acceptance mandate for Indigenous applicants?” The reason why the TRC is not acknowledged on any of these websites could be because post-secondary institutions are not explicitly mentioned in the Calls to Action. However, when examining the TRC’s (2015) complete report, and as explained above, post-secondary institutions are responsible for “... remedy[ing] the gaps in historical knowledge that perpetuate ignorance and racism” (p. 234). Therefore the TRC should be recognized as a catalyst for the indigenization of these programs.

Figure 3.1

British Columbia JRP Scores



It is concerning that none of these programs provide a separate application process to Indigenous applicants, especially since it was standard for nearly every examined law school. Whether it is for Juris Doctorate programs, JRPs, or any other field, the fact remains that Indigenous applicants face distinct challenges when applying for these programs. Again, a separate application process will help ensure that the admission process is fair and equitable - it should be implemented by all JRPs both to grow their Indigenous student bodies and demonstrate empathy for Indigenous challenges.

The only other criteria that Camosun College's JRP missed was question #13 as they don't appear to incorporate land-based learning into their courses. This was a common theme amongst all JRPs. In fact, out of the 25 JRPs included in this study, CotR, the University of Winnipeg, and the University of Manitoba were the only ones that demonstrated land-based learning in their curriculums. It is important for justice students to experience land-based learning because it introduces them to Indigenous culture and helps them understand the places and people they will encounter as agents of the Canadian justice system. While this is certainly an area that Camosun College can improve on, it should not take away from the fact that they did relatively well on the other criterion - students graduating from their Criminal Justice Diploma Program most likely have a solid foundation in Indigenous knowledge. An identical score and findings were produced for Douglas College.

CotR also performed well, only missing the three aforementioned criteria. In short, Camosun College, Cotr, and Douglas college scored the highest amongst the British Columbia JRPs. Aside from some minor adjustments, they appear to be indigenizing their curricula quite well. However, the other two JRPs, UFV and Okanagan College, have not progressed as far.

The UFV scored 7 out of 14, missing some key criteria such as question #4 (having a learning objective of understanding truth and reconciliation), question #6 (mandating Indigenous-related courses), and question #12 (offering an Indigenous-related course in both Fall and Winter semesters). Question #4 is important because there is a difference between simply being taught Indigenous issues in a classroom and truly understanding and empathizing with the plight of Indigenous persons in Canada. The course descriptions for UFV did not indicate that students will learn these deeper understanding of truth and reconciliation. Furthermore, by not mandating any Indigenous courses (similar to York University), there is a chance that students will never enroll in an Indigenous course if it does not interest them or fit their timetable. The UFV still requires a fair amount of changes to reach the TRC's requested degree of indigenization.

Okanagan College scored 3 out of 14 - the lowest score for JRPs in British Columbia by a considerable amount. Their Criminal and Social Justice Diploma program did not satisfy question #3: "Does the JRP have a course specifically designed for Indigenous issues?" This may be the most important question on the list because it is almost the bare minimum that an academic program can do with regards to indigenization efforts. A common theme observed was that, if question #3 was not satisfied, nearly all the following questions were also not satisfied. Since there are no Indigenous-related courses offered, it is essentially impossible for students at Okanagan college to be taught about truth and reconciliation, Indigenous issues in the criminal justice system, or land-based learning. The only main questions that Okanagan College were question #10 (offering financial support for Indigenous application) and question #11 (having an Indigenous resource centre). Okanagan College has a very long way to go to Indigenize their

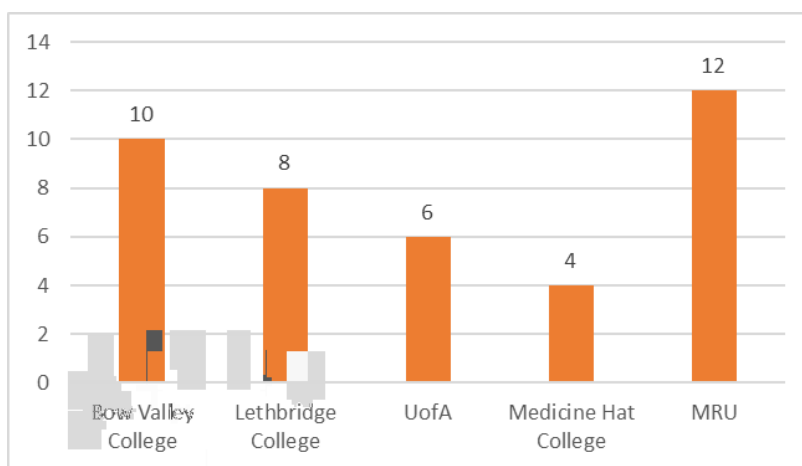
curriculum. As it currently stands, students graduating from this program are most likely not prepared to work with Indigenous persons.

Alberta

There were five JRPs in Alberta that were included in this study, Bow Valley College, Lethbridge College, the University of Alberta (UofA), Medicine Hat College, and Mount Royal University (MRU) (see figure 3.2). Similar to the JRPs in British Columbia, a common theme was that most of these schools did not have a separate application process for Indigenous applicants (MRU was the only exception). Again, it is important for this to be implemented because it acknowledges the distinct barriers faced by Indigenous students. To avoid redundancy, and since the importance of each question has already been discussed above, the remainder of the findings section will simply provide the scores for each school and focus on key findings.

Figure 3.2

Alberta JRP Scores



Bow Valley College scored 10 out of 14. They are doing well to provide mandatory and optional Indigenous-related classes to their students. Students can take these courses throughout the entire year and will learn about truth and reconciliation, Indigenous issues in the criminal

justice system, and will have an opportunity to work with Indigenous communities and Elders. Students graduating from Bow Valley College's Justice Studies Diploma program probably have a sound foundation of Indigenous knowledge. However, there is still some progress to be made for indigenization because the criteria that was not satisfied (particularly question #8 and #9) will make it difficult for Indigenous applicants to succeed in the program.

Lethbridge College (LC) scored 7 out of 14. They did not address the barriers faced by Indigenous students as they do not have an acceptance quota for or separate process for Indigenous applicants. Additionally, LC seems to be overly focused on classroom learning and not enough on experiential learning as they did not satisfy question #13 (incorporating land-based learning) or question #14 (working with Indigenous communities and/or Elders). There are Indigenous-related courses offered but it is unclear if they are mandatory or not. As such, students graduating from LC's Criminal Justice Diploma may be receiving a good education on Indigenous issues but more work is required to ensure it. As a side note, LC has done an excellent job to indigenize their campus, one of the key principles of indigenization spoken to in MRU's (n.d.b.) Indigenous strategic plan.

UofA's Law, Crime and Justice Studies degree scored 6 out of 14. It is important to note that their webpage was significantly outdated and they did not publicize their course listings which may account for the low score. Further research is required to understand exactly where this program stands in the indigenization process. At the moment, it appears that students graduating from this program are not being prepared to work with Indigenous clients. However, from an institutional point of view, UofA did well to acknowledge the unique barriers facing Indigenous students as they satisfied question #9 (having an acceptance quota for Indigenous applicants) and question #10 (providing financial support to Indigenous applicants).

Medicine Hat College (MHC) scored 4 out of 14 - the lowest score for the sampled JRPs in Alberta. They did well to acknowledge the TRC (question #2), offer financial support to Indigenous applicants (question #10) and provide an Indigenous resource centre (question #11). However, they did not provide any Indigenous-related course and, consequently, do not have learning objectives of understanding truth and reconciliation or Indigenous issues in the criminal justice system. Furthermore, students do not have an opportunity to engage in land-based learning or work first-hand with Indigenous communities and/or Elders. Based on these findings, students graduating from MHC's Criminal Justice Diploma are not being prepared to work with Indigenous persons. Significant work is required to Indigenize this program and meet the TRC's Calls to Action.

MRU scored 12 out of 14, the highest score for Alberta JRPs. The only questions that were not satisfied were question #13 (incorporating land-based learning) and #14 (working with Indigenous communities and/or Elders). However, MRU did acknowledge in their ISP that working with Indigenous communities is one of their indigenization goals - it is unclear whether or not this goal has been achieved yet. MRU did very well to satisfy all other questions, particularly question #9 as they explicitly state that 10% of spots in their Criminal Justice Degree program will be reserved for Indigenous applicants (MRU, n.d.c). Students graduating from this JRP are likely well-prepared to work with Indigenous persons and communities although more work can be done to ensure they have experiential learning opportunities.

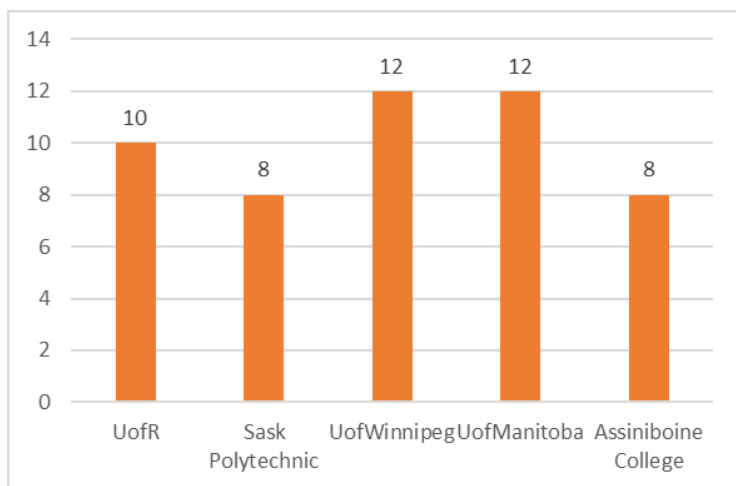
Saskatchewan and Manitoba

Saskatchewan had two JRPs that met the inclusion criteria (University of Regina and Saskatchewan Polytechnic) and Manitoba had three (University of Winnipeg [UofW], University of Manitoba [UofM] and Assiniboine Community College). As such, they were grouped together

(see figure 3.3). Each of these five institutions failed to satisfy question #8 (separate application process for Indigenous applicants) and question #9 (acceptance mandate for Indigenous applicants).

Figure 3.3

Saskatchewan and Manitoba JRP Scores



The University of Regina also did not meet question #13 and #14 (Incorporating land-based learning and working with Indigenous communities/Elders, respectively). As such, while students are probably being well-educated on Indigenous issues, more work is required to indigenize the program and ensure students have opportunities for experiential learning before beginning their careers in the justice system.

Saskatchewan Polytechnic scored 8 out of 14. Students in their Justice Studies Diploma program take mandatory Indigenous-related courses but, due to the precise structure of the program, do not have access to any optional courses. This puts a ceiling on how much Indigenous education the students can receive because, according to the course description, the only mandated course offered by Saskatchewan Polytechnic (NAST 120) does not engage in land-based or experiential learning. Students graduating from this program are receiving a

fundamental education in Indigenous issues but significant changes have to be made both to Indigenize the program and better prepare the students to work with Indigenous clients and communities.

The UofW and UofM's JRPs both scored 12 out of 14. The only questions missed by each program were #8 (separate application process for Indigenous applicants) and question #9 (acceptance mandate for Indigenous applicants). Both institutions have done well to indigenize their campus with Indigenous artwork and cultural symbols. As such, students graduating from these programs are being well-prepared to work with Indigenous clients, but the schools themselves can implement some additional measures to recognize the educational barriers facing Indigenous students.

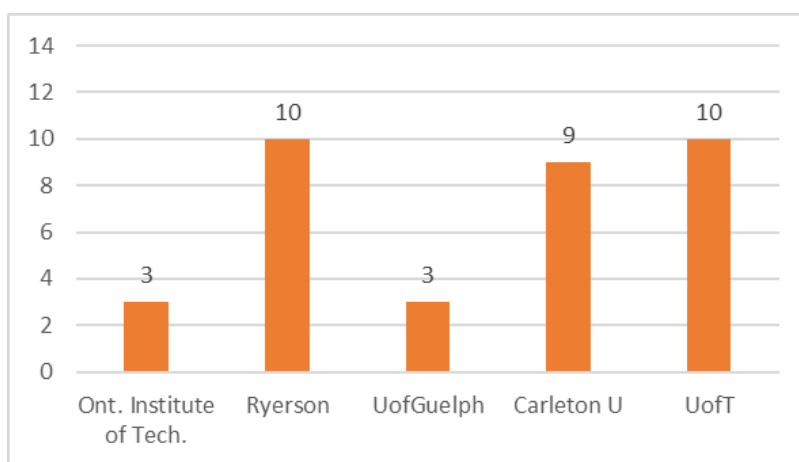
Assiniboine Community College (ACC) scored 8 out of 14. Their Advanced Diploma in Public Safety is similar to Saskatchewan Polytechnic's Justice Studies Diploma in the sense that students have a strict list of required courses they need to complete - the program does not offer any opportunity for electives. Again, this limits how much cultural training the students can receive. Since ACC did not satisfy question #12 (Indigenous-related courses offered in Fall and Winter semesters), question #13 (JRP incorporates land-based learning), or question #14 (JRP offers opportunities to work with Indigenous communities/Elders), it is possible that JRPs simply cannot satisfy all of the TRC's instructions through a single course. ACC also failed to satisfy questions #8 (separate application process) and #9 (acceptance mandate for Indigenous applicants). Therefore, students graduating from ACC's Advanced Diploma in Public Safety probably have a fundamental understanding of Indigenous issues but more work is required to indigenize the curriculum and move towards reconciliation.

Ontario

There were five JRPs from Ontario included in this study, The Ontario Institute of Technology (OIT), Ryerson University, The University of Guelph, Carleton University, and the UofT (see figure 3.4) Because of the five-program limit, there were quite a few JRPs that were excluded from the study. Since the scores for the included programs were extremely scattered, there is a possibility that many JRPs in Ontario are not close to meeting the TRC's instructions. Further research, with a more exhaustive sample size, would be very beneficial in confirming this pattern and keeping the excluded programs accountable.

Figure 3.4

Ontario JRP Scores



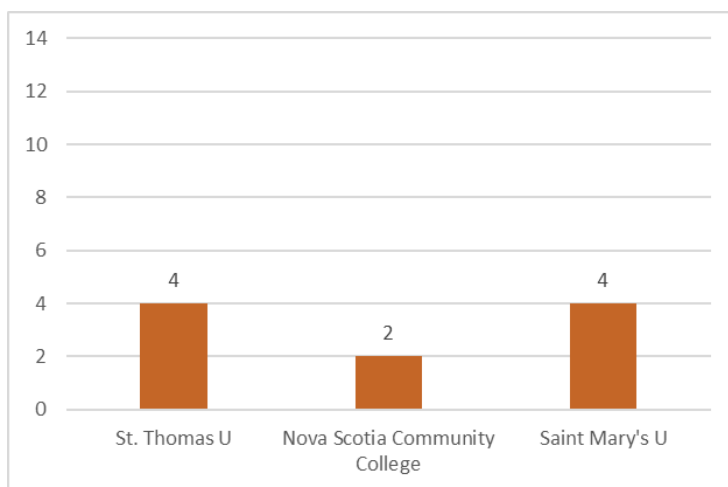
The OIT and University of Guelph both scored 3 out of 14. These programs require significant curricular overhaul to progress with indigenization and meet the Calls to Action. The most important finding from these schools was that they do not offer an Indigenous-related course. In these instances, it is almost a guarantee that graduates have a poor understanding of Indigenous issues and are ill-prepared to work with Indigenous clients and communities. This is a dangerous precursor to the unjust arrests and systemic racism mentioned above. These

institutions should implement transparent and independent bodies to implement, publicize, and monitor indigenization attempts.

The other three JRPs (Ryerson University, Carleton University, and UofT) scored 10, 9, and 10 out of 14, respectively. These schools did well to provide mandatory and optional Indigenous-related courses to their students but, as was the case with most of the institutions, did not have an acceptance quota for Indigenous applicants (question #9), did not incorporate land-based learning (question #13), and did not offer an opportunity to work with Indigenous communities and Elders (question #14). Students graduating from these three programs most likely have a fundamental understanding of Indigenous issues but more work is required to indigenize the curriculum and move towards reconciliation.

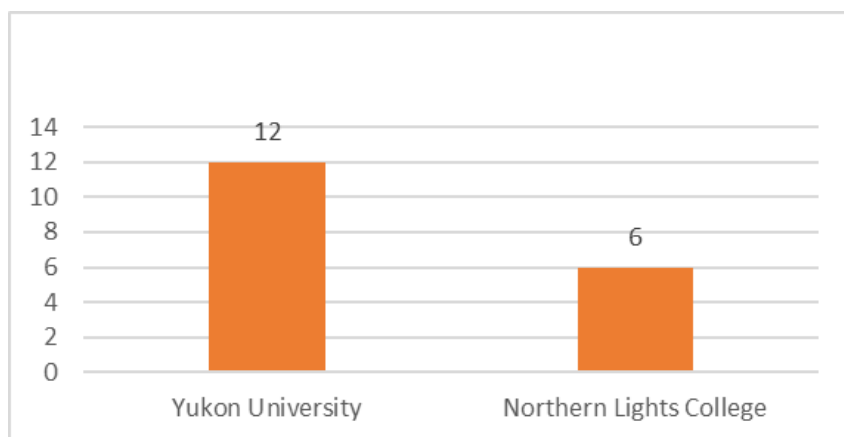
Eastern Provinces

There were three JRPs from the Eastern Provinces included in this study, St. Thomas University (STU), Nova Scotia Community College (NSCC), and Saint Mary's University (SMU) (see figure 3.5). All of these institutions performed quite poorly, none of them offered a course in Indigenous issues, have a separate application process for Indigenous applicants, or provide opportunities for land-based or experiential learning. To achieve indigenization and meet the TRC's Calls to Action, each of these programs require a significant curricular overhaul. Additionally, each of these programs should create independent and transparent teams to implement, publicize, and monitor indigenization attempts. Students graduating from these programs most likely have a poor understanding of Indigenous issues and are almost certainly underprepared to work with Indigenous clients and communities.

Figure 3.5*Eastern Provinces JRP Scores*

The Territories

“The Territories” include The Yukon, The North West Territories, and Nunavut. There were two JRPs found, Yukon University and Northern Lights College (see figure 3.6). Yukon University performed quite well, scoring 12 out of 14. The two criterion missed were question #8 (separate application process for Indigenous applicants) and question #9 (acceptance quota for Indigenous applicants). It was serendipitously found that Yukon University requires all of their students to acquire a “Yukon First Nations Core Competency” (Yukon University, n.d.). As stated on their webpage, “[w]hether you belong to a Yukon First Nation or not, it is important to learn the history of the Yukon, to understand the current realities and acknowledge that we all have a role in the implementation of the land claims and self-government agreements” (Yukon University, n.d., para. 1).

Figure 3.6*The Territories JRP Scores*

There are various optional Indigenous-related courses that students at Yukon University can take to obtain this core competency which ensures students will be able to find a course that interests them and fits their class schedule. Between the wealth of Indigenous courses offered, the physical changes to campus that introduce Indigenous culture to students, and the opportunities for land-based and experiential learning given to justice students, it is concluded that students graduating from Yukon University's Northern Justice Diploma program are likely well-prepared to work with Indigenous persons and communities.

Northern Lights College did not perform as well, only scoring 6 out of 14. A significant issue found when examining their program is that there were no mandatory Indigenous-related courses. While their webpage encourages students to take an Indigenous-related course as an elective, it is entirely possible for justice students to graduate without ever being educated on Indigenous issues. Therefore, Northern Lights College still has a ways to go to ensure their JRP students are being adequately prepared to work with Indigenous persons.

Limitations of the Study

As a White settler, the main limitation to this project was my inability to understand indigenization and the Calls to Action through an Indigenous perspective. As a qualitative study, there is a certain degree of subjectivity wound into the data collection and results. While attempts at tempering this subjectivity were introduced through peer-reviewed research and direct quotes from the TRC's report, it is still possible that my non-Indigenous worldview limited the correctness of this project's interpretations. It is therefore important to remember that this project's findings are not irrefutable. Further research, that consults with Indigenous persons throughout the entire process, will be required to obtain a more in-depth and culturally-sensitive understanding of indigenization efforts in the Canadian academy.

Since institutions in Quebec were excluded from the study, a significant percentage of the country was not represented in the study. Future research into Quebec curricula could fill this gap and, for law schools, create an exhaustive sample. Similarly, since a fair amount of JRPs were excluded from this study due to the selection method and time constraints, future research into all JRPs in Canada would be warranted. Furthermore, certain justice students go through official training centres, such as the RCMP's depot academy, instead of a post-secondary program - the indigenization of these centres should also be examined. Future research can help ensure that all academic institutions, particularly those excluded from this study, and training centres for justice-system workers are being held accountable for reconciliation - an important precursor to tangible change.

There are also some limitations regarding the data collection method. For instance, it is possible that the low scores were a result of outdated web pages and did not accurately reflect the respective institution's movements towards reconciliation. This could be the case, at least partly,

for UNB's disproportionately low score because O'Byrne (2019) for example, discusses the Indigenous initiatives that she, an instructor for UNB's Faculty of Law, has incorporated into the classroom. However, none of these initiatives were found on UNB's website during data collection.

Conversely, it is also possible that the high scores were not a true indication of how well the institutions are teaching Indigenous issues to their students. Just because a course description identifies reconciliation or land-based education as a learning outcome does not mean that the instructor will properly teach the content, nor does it mean that the students will understand and retain the information. Similarly, although all the questions on the code sheets were weighted the same (0 for no and 1 for yes), it is possible that the TRC and Indigenous persons in Canada would consider some questions to be more important than others. There may also be additional questions that appear over time, or that were not apparent at the time of this research, that would be more appropriate to assess institutional progress towards the Calls to Action. Nonetheless, the results still indicate that, with regards to reconciliation efforts, certain JRP and JD programs are lagging behind.

With all these limitations, it is important to remember that this was novel research. Before this study, an examination of law schools and JRPs' responses to the TRC's Calls to Action had not been found in the literature. The purpose of this study was solely to build a preliminary understanding of a potential problem in the hopes of sparking action. That understanding was achieved - a lack of Indigenous initiatives in various academic institutions was identified - and the foundation has been laid for other studies to build on this finding.

Discussion

As this study was exploratory in nature, its purpose was merely to use the relatively recent release of the Calls to Action as a guide to examine colleges and universities uptake of Calls #28 and #63. This was a novel undertaking, the goal of which was to provide a foundational understanding of the current state of indigenization in Canadian academia that future research could build on. To achieve this, a review of the curricula of post-secondary JRPs and law schools was conducted. This was a worthwhile undertaking as the degree of consideration for the Calls varied amongst the included institutions. While some programs performed exceptionally well and are clearly indigenizing their curricula and considering the TRC's Calls to Action, others showed little to no progress on indigenization and are in need of significant program reviews, curricular overhauls, and independent oversight.

For Law Schools, consideration shown for the Calls to Action was fairly high. 16 out of the 17 examined programs scored a 9 or higher and eight of the programs scored a 12 or higher - a good indication that they are progressing exceptionally well with indigenization. Additionally, all of these 16 programs satisfied question #2 as they offered a course specifically for Indigenous Law. Of the fourteen questions asked by this project, this may be the most important one because it suggests, at the very least, that lawyers in those programs are gaining a fundamental understanding of Indigenous issues in Canada.

The most frequently missed question by law schools was question #8: "Does the law school have an acceptance mandate or quota for Indigenous applicants?" This question reflected the importance of post-secondary student bodies to be representative of the ethnic diversity present in society. Ethnic diversity in post-secondary environments can be beneficial for all students as it teaches different perspectives and improves learning in general (Goethe & Colina,

2018). Unfortunately, certain ethnic groups, such as Indigenous students, face unique barriers such as marginalization and systemic discrimination that make it difficult for them to succeed in school and be accepted into post-secondary programs. However, this does not mean they are poor students. Indigenization measures, such as acceptance quotas, acknowledge these barriers and provide an equitable avenue for Indigenous students to be accepted into post-secondary schools so they can still succeed. Academic institutions across Canada should implement this measure to help recruit Indigenous scholars and further the indigenization of their curricula.

UNB was the outlier amongst the law schools, only scoring 2 out of 14. It is important to remember that this project was not a comprehensive examination of the sample institutions, but a surface-level analysis of their indigenization efforts and responses to the Calls to Action. As such, this finding should not be taken as a certain conclusion, but rather a call for further investigation and confirmation. Additionally, O’Byrne (2019) discusses the Indigenous course she teaches at UNB’s law school. This contradicts UNB’s final score and supports the need for further investigation.

While law schools performed well overall, the findings for JRPs were more concerning. To reiterate why JRPs were examined, students in these programs are likely to go on to work as police officers, corrections officers, peace officers, etc. These jobs can be referred to as “gatekeepers” of the criminal justice system because they are typically the first point of contact for offenders (David & Mitchell, 2021, p. 24). The issue discussed in this project was that, when these individuals are not aptly trained or educated in Indigenous issues and knowledge, they are more likely to make poor decisions leading to unjust arrests and detentions when working with Indigenous persons and communities (Clark, 2020; David & Mitchell, 2021; Rudin, 2007). This

is contributing to the severe overrepresentation of Indigenous persons in the Canadian criminal justice system.

The mean for the data of all 25 JRPs was only 7.76. At face value, this low score implies that JRPs in Canada are not meeting the TRC's Calls to Action. However, the standard deviation (SD) for the JRP data set was 3.25. The SD indicates how dispersed the variables are from the mean. A SD of 3.25 is relatively large and indicates that the JRPs' scores are quite scattered; there was little consistency amongst the sampled institutions. This suggests that some Canadian justice students are being well-educated in Indigenous issues while others are receiving little to none. The scores for JRPs in Alberta and Ontario provide an excellent visual representation of this conclusion, notice the significant differences in the scores (see figures 3.2 and 3.4). As explained for UNB law, it is important to remember that these scores are not absolute; further, more in-depth research is needed to truly understand the indigenization efforts put forth by these institutions.

Before this project, the literature on the Calls to Action and their uptake in post-secondary institutions was quite limited. Therefore, this project successfully contributed to the literature by providing a sound foundation for future research. Certain law schools, such as UVic, UBC, UofT, and Dalhousie, and certain JRPs, such as MRU, UofW, and UofM, demonstrated clear and significant indigenization efforts. Further research into these institutions to understand how they achieved this degree of indigenization could provide a framework that other institutions can follow. This would be useful as Canadian academia, as a whole, moves towards indigenization. Conversely, UNB law and certain JRPs, such as Okanagan College, Medicine Hat College, the Ontario Institute of Technology, the University of Guelph, St. Thomas University, Nova Scotia Community College, and St. Mary's University demonstrated very poor

indigenization efforts. Further research would also be beneficial in this case as it will help understand why indigenization efforts are failing in some institutions.

This paper covered a wealth of contemporary issues facing Indigenous persons in Canada. Justice system overrepresentation, systemic discrimination, marginalization, overpolicing, and a lack of indigenization were some of them. The curriculums of various JD programs and JRPs were analyzed to see what steps these institutions have taken to remedy these issues. More often than not, true and lasting change can only rise in the wake of accountability. Therefore, in a sense, the underlying goal of this paper was to hold the included institutions accountable for reconciliation efforts. If the findings from this project can spur change, in any capacity, and bring Canada closer to reconciliation, then this goal will have been achieved. It was acknowledged that these findings and opinions arose from a non-Indigenous perspective. Further examination of the programs included in this study and consultation with Indigenous persons and communities is needed to build an in-depth and culturally-appropriate understanding of the issues covered in this project.

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Appendix A

Law School Code Sheet

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Appendix B

Justice Program Code Sheet

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