



A GUIDEBOOK

DE·COL·O·NIZE

DISCLAIMER: Please note that the writings in this guidebook are rooted in my personal experiences as an Indigenous person and legal scholar. My perspectives have been formed through interacting with people residing on Treaty 6, 7, and 8 territories, and interacting with people on the unceded territories across British Columbia and living my life as a white-passing Indigenous person. I am well aware of my mooniyaw face and this is another story I can tell at a later date. I have built good relationships with Treaty 6, 7, and 8 Nations, Métis Nations, Métis Settlements, Northern Secwēpemc te Qelmūcw (Northern Shuswap Tribal Council), T'exelc (Williams Lake First Nation) and with Indigenous individuals, scholars, elders, knowledge keepers, youth, students across this nation politically known as Canada and hold myself accountable to all Indigenous nations.

I am a Métis Nation of Alberta citizen whose great grandparents, grandparents and parents suffered from diaspora and ended up residing on the east side of Treaty 6 territory (originally from the Red River Settlement). I grew up in the unceded territory of the Lheidli T'enneh First Nation, part of the Dakelh (Carrier) peoples' territory in Prince George, BC.

My insights have been shaped by being Métis and engaging with settler colonial institutions, systems and jurisdictions in various professional and personal capacities all my life and experiencing racism, misogyny, discrimination, colonialism, hatred, cruelty, bigotry, paternalism, sexism, cognitive dissonance, backlash, white innocence, gaslighting, white fragility, white supremacy, "nice" racism, white feminism, neoliberalism, capitalism, micro-aggressions which amounted to my own epistemicide, loss of identity, and self-hatred.

At present, I am teaching at the University of Calgary, Faculty of Law a course I designed, "Reconciliation and Lawyers" (LAW 693) and at Osgoode Hall Law School, York University, a course I co-designed, "Searching for Reconciliation Through Dispute Resolution" (ALDR6305).

I am also the Lead Educational Developer, Indigenizing Curricula and Pedagogies and hold a cross appointment with the Centre for Teaching and Learning and with the Vice Provost Office, Indigenous Programming and Research at the University of Alberta.

This guidebook is part of an exploration in examining my own attempts at decolonizing and Indigenizing the K-12 education system in Alberta. I created the DE·COL·O·NIZE framework (not completed) and the ~decolonization hoop~ to use as application tools to guide you in decolonizing and Indigenizing the K-12 education & governance systems.

The perspectives in this guidebook do not represent the official views or endorsement of the University of Alberta.



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## TERMS:

### COLONIALISM:

Colonialism a practice or policy of control by one people or power over other people or areas, often by establishing colonies and generally with the aim of economic dominance. In the process of colonization, colonizers may impose their religion, language, economics, and other cultural practices. The foreign administrators rule the territory in pursuit of their interests, seeking to benefit from the colonized region's people and resources. It is associated with but distinct from imperialism.

### DECOLONIZATION:

Deconstructs colonial ideologies of the superiority and privilege of Western thought and approaches  
Involves dismantling structures that perpetuate the status quo and addressing unbalanced power dynamics  
Involves valuing and revitalizing Indigenous knowledge and approaches and weeding out settler biases or assumptions that have impacted Indigenous ways of being  
For non-Indigenous people, decolonization is the process of examining your beliefs about Indigenous peoples and culture by learning about yourself in relationship to the communities where you live and the people with whom you interact.

### INDIGENIZATION:

The process of incorporating Indigenous knowledge, perspectives, and practices into institutions, systems, and structures. Indigenization recognizes the unique cultural, historical, and spiritual contributions of Indigenous peoples and seeks to create a more inclusive and diverse environment that honors and respects Indigenous ways of knowing and being.

## RECONCILIATION:

The ongoing process of building respectful and just relationships between Indigenous and non-Indigenous peoples to address the historical and ongoing impacts of colonization, residential schools, and systemic discrimination. Reconciliation involves recognizing and addressing past and present injustices, fostering healing and understanding, and working together to create a more equitable and inclusive society.

## INDIGENOUS LAWS:

The customs, traditions, and practices of Indigenous peoples that form their legal systems. These laws, often orally transmitted through generations, are embedded in various cultural forms, including songs, stories, ceremonies, and land use practices. They are living and evolving, responding to contemporary societal issues. Indigenous laws represent the relationship between Indigenous communities, the land, and all living beings, aiming to maintain harmony and balance. It is crucial to recognize and revitalize these laws as part of reconciliation and decolonization processes.

## ABORIGINAL LAWS:

Aboriginal law in Canada refers to a body of law that concerns a variety of legal issues related to Indigenous peoples in Canada, including treaty rights, land claims, self-governance, taxation, hunting and fishing rights, and cultural protection.

It's an area of law that has been shaped by constitutional legislation, statutory law, and court rulings.

Aboriginal law is distinct from Indigenous laws. The latter refers to the legal traditions, practices, and customs of Indigenous peoples themselves, which are embedded in their unique cultures, histories, and philosophies.

Indigenous laws often govern relationships and responsibilities within Indigenous communities and with the land and environment. Whereas Aboriginal law includes the principles outlined in Section 35 of the Canadian Constitution Act, 1982, which recognizes and affirms existing Aboriginal and treaty rights. This includes rights of First Nations, Inuit, and Métis peoples. These legal principles guide negotiations between Indigenous groups and the federal and provincial governments, and are interpreted and applied in Canadian courts.

It's important to note that the legal landscape in Canada is evolving to increasingly recognize and incorporate Indigenous legal traditions, partly due to the work of Indigenous legal scholars and the ongoing process of reconciliation in Canada.

## **TRUTH AND RECONCILIATION COMMISSION OF CANADA (TRC):**

The Truth and Reconciliation Commission (TRC) Canada is an official body established in 2008 as part of the Indian Residential Schools Settlement Agreement. The commission was created to investigate and address the historical injustices and human rights abuses inflicted upon Indigenous peoples in Canada through the Indian Residential School system, which operated from (approximately) the 1850s until the late 20th century. The TRC concluded its work in 2015, releasing a final report that included 94 Calls to Action. These calls to action covered a wide range of areas, such as child welfare, education, language and culture, health, and justice, with the aim of guiding Canadian society toward healing, reconciliation, and a more just and equitable future for Indigenous peoples.

## **UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (UNDRIP):**

UNDRIP is a comprehensive international human rights instrument adopted by the United Nations General Assembly on September 13, 2007. UNDRIP outlines the rights of Indigenous peoples globally and establishes a universal framework of minimum standards for their survival, dignity, and well-being.

UNDRIP contains 46 articles that cover various aspects of Indigenous peoples' rights, including:

- 1). The right to self-determination, which includes the right to freely determine their political status and freely pursue their economic, social, and cultural development.
  
- 2). The right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions while retaining the right to participate fully in the political, economic, social, and cultural life of the state.



3).The right to be free from discrimination and to have their cultural traditions, customs, and land rights recognized and respected.

4).The right to maintain, protect, and develop the past, present, and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, and technologies.

5).The right to redress for past human rights violations, including forced assimilation and dispossession of their lands, territories, and resources. UNDRIP is a significant milestone in the recognition and protection of the rights of Indigenous peoples worldwide. While not legally binding, it serves as a guiding document for governments and other institutions to develop policies and practices that respect and promote the rights of Indigenous peoples.

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## DE·COL·O·NIZE

I developed the DE·COL·O·NIZE framework to critically examine the turn to cultural competence to the Truth and Reconciliation Commission's (TRC) Calls to Action #63 and the SLQ, LQS, TQS and other competencies, guidelines, and information outlined in the CASS website. I suggest that an uncritical embrace of cultural competencies and other verbiage, diagrams, instructions and rules as currently displayed on the website and its corresponding documents of adherence and supposed transparency is inadequate and might even prove to be counterproductive despite best intentions.

While acknowledging that the focus on cultural competencies is often driven by genuine commitments to reconciliation within the education profession in Alberta, I outline concerns which demonstrate that a limited and deficient conception of cultural competencies is unlikely to assist teachers, Superintendents, Principals, Trustees, Boards, Zone leaders, Presidents, regulatory bodies, and other stakeholders in understanding how to decolonize their systems.

I suggest that the TRC Calls to Action demand a response that centres accountability, and that educators must recognize Calls #63 as a unique opportunity to rethink education, competencies and ethics in a multi-juridical space such as Canada.

The DE·COL·O·NIZE framework comprises of ten interconnected components and I will only go into the first six in this guidebook. They are as follows:

1. **Disrupting Colonial Narratives (D)** Educators, leaders and policy makers must engage in rigorous processes of decolonizing their ways of making decisions; and understand that willful blindness does not exonerate them from partaking in a colonially violent process they are currently in.
2. **Empowering Community Voices: Centring Indigenous Laws (E)** Elevate the voices of Indigenous individuals and communities by centring Indigenous laws that often get ignored or mistranslated as another 'diversity initiative'. Indigenous peoples have sovereign rights that extend well beyond meetings of 'cultural competence'.
3. **Cultivate Being the Ethical Translator & Stop Being Nice (C)** Become an ethical translator for other allies who need assistance in decolonization, Indigenization, and truth and reconciliation.
4. **Ongoing Self-reflection and Accountability (O)** Educators, leaders and policy makers must engage in regular self-reflections and critical examinations of how they continue to practice in colonially violent systems and how they are going to get out of doing so.
5. **Localized Indigenous & Indigenized Decision-making (L)** Promote decision-making at the local Indigenous levels, because that is where the laws are. Question: who is local to where you teach? What Indigenous individuals are in your community right now doing the hard work? Seek them out.
6. **Open Dialogues & Trauma-Informed & Ethical Spaces (O)** Learn heart-centered, honest, brave, and truthful communication skills and learn to decolonize and call out a system that is wrong. Learn to be a traitor and epistemically disobedient.

## CRITICAL FAILURES IN EFFORTS TOWARDS DECOLONIZATION EDUCATION TODAY:

The critical failure in efforts towards decolonization in Canadian education systems reside in educators taking yearly Indigenous cultural competency workshops and adhering to their own matrices (e.g.: SLQ, TQS, LQS) on being "culturally competent" instead of turning inwards and focusing on dismantling systems that sustain colonial violence. The work of decolonization requires reflective practices and ongoing dedicated inner- work - both personally and professionally and individually, and in groups.

Communications between educators and Indigenous peoples are seen mainly as communications between an "educational expert" and a "non-expert Indigenous person" who is a "storyteller".

What is not acknowledged in conversations on cultural competence is that an Indigenous person may be speaking a different educational and legal language, invoking different pedagogies, practices, laws, and deploying different educational categories and claims that have been rendered untranslatable through colonial violence and spaces Canada has designed to not be able to hear Indigenous peoples.

Colonialism=annihilation of Indigenous peoples.

An educator/leader/policy maker who recognizes that colonialism is meant to extinguish Indigenous peoples lives will see the encounters between educators and Indigenous peoples as encounters between two different legal worlds that need to be respected and honoured.

As generations of Indigenous peoples and scholars who study Indigenous laws have repeatedly pointed out, Indigenous laws are alive in Canada. These laws live in resilient legal traditions that have survived repeated attempts by the colonial state to erase Indigenous laws along with Indigenous cultures and languages. The continued existence of these plural legal orders makes Canada a "multi-juridical nation".

In fact, the TRC Report urges us to recognize Indigenous laws as a source for reconciliation - Call #50 specifically point to the importance of learning Indigenous law; and Article #40 of UNDRIP acknowledges the relationship between ensuring access to justice for Indigenous peoples and formal recognition of Indigenous laws and legal systems.

Reconciliation demands that the education profession turn its mind to training competent educators who are committed and adept at ensuring that the education system no longer replicates colonial violence.

It has to be more than an acknowledgement of the "multicultural nature" of Canadian society, which is the idea that underlies much of the existing literature on cultural competence broadly, educators must learn to recognize that reconciliation is not a 'diversity initiative'.

Reconciliation requires more than an attention to the specific needs of a marginalized minority group.

Cultural competence does not prepare educators to recognize and challenge systemic problems. It is necessary to unpack this terminology as the profession moves from broad commitments to the more challenging task of translating the commitment into specific skills required to become ethically competent.

Sensitivity to diversity and plurality, cross-cultural learning, listening carefully, humility, recognition of unconscious biases, are also highlighted in the context of cultural competency.

But the work necessary to learn what it means to have these skills in Canadian society given Indigenous peoples' particular history of dispossession, colonialism and racism, and how these skills can be acquired and practiced for reconciliation has only just begun.

Indigenization is a necessary approach due to the existing gaps of knowledge in the current colonial system Canadians currently operate in. Utilizing Indigenization transforms harmful systems into systems that heal.



Educators need to practice exposing the colonial underpinnings of Westernized knowledge and become transparent about the journey they are on to relearn. Willful blindness will not exonerate Canadians anymore.

Indigenous peoples possess the right to assert their sovereignty. Sovereignty requires an explicit acknowledgement of Indigenous peoples as the first peoples of Canada, whose rights are specifically recognized in the Canadian Constitution. Recognition of this difference and knowledge of the legacies of Canada's colonial history has to be part of appropriate training required for educators in the context of walking in truth towards reconciliation, decolonization and Indigenization.

The Church's recent repudiation of the Doctrine of Discovery has far-reaching implications for the legitimacy of Canadian laws and policies that have historically been premised upon this antiquated and injurious ideology of "being discovered" and the land as "terra nullius". This recent announcement necessitates a comprehensive reexamination and potential revision of Western academic, education, and legal frameworks.

A common misplaced belief is that cultural competence can be acquired through add-on courses or skill-development workshops in the absence of broader curriculum-wide changes.

Scholars point out that treating culture as a separate module, or cultural competence as a technical skill that can be learned in a short time, is an oversight.

Cultural competence does not prepare educators to recognize and challenge systemic problems that limit their ability to educate or make decisions appropriately in this multi-juridical country politically known as Canada we reside in, it is important to ask what, if anything, can be achieved through piecemeal attempts (such as an optional workshop or a set of guidelines for individual educators) in the absence of broader ongoing conversations in the profession and in academia about existing social, political, and economic inequities and ways in which education and education processes continue to reflect or replicate colonial violence. A systems change has to begin.



In order to move beyond the limitations of colonialism, Mignolo, W. and Tlostanova, M.V ((2012) "Learning to unlearn: Decolonial reflections from Eurasia and the Americas") suggest that we need to engage in what is called **epistemic disobedience**. This involves questioning dominant narratives and challenging the legitimacy of the systems and institutions that perpetuate colonialism. By doing so, we can begin to shift the balance of power and create new possibilities for collective action.

Danielle Lussier, PhD (Law) (Métis) and Steven Stuchley in, "'Other Materials" - Traitorous Love and Decolonizing the Canadian Guide to Uniform Legal Citation" argue that simply being an ally to Indigenous peoples is not enough - instead, they advocate for a more radical approach that involves actively challenging dominant Western paradigms and supporting the work of Indigenous peoples in rebuilding their communities.

By using the term, **traitorous** Lussier and Stuchley are suggesting that this approach requires a willingness to challenge established norms and values within the [legal] system, even if it means going against one's own interests or those of one's colleagues. In this sense, they see their work as a form of resistance against colonial ideologies that continue to operate within the academy and the [legal] system more broadly.





As we endeavor to establish more inclusive and equitable educational systems, it is imperative that we confront the enduring colonial legacies that permeate K-12 education and governance structures. This requires a thorough examination of policies, laws, and decision-making processes within leadership and regulatory bodies to effectively identify and dismantle the lingering impacts of colonialism in education. While education itself is not a "one size fits all" proposition, adopting the ~decolonization hoop~ application to uncovering, addressing, and dismantling systemic issues can contribute to significant progress in fostering decolonization in educational environments.

I developed the (work in progress) DE·COL·O·NIZE framework - an initiative aimed at deconstructing colonial systems and integrating Indigenous perspectives into the K-12 educational governance space and the broader educational landscape.

The DE·COL·O·NIZE framework equips Superintendents, Principals, Trustees, Zone Leaders, Boards, Teachers, regulatory bodies, and other stakeholders with the tools to cultivate environments that centre Indigenous laws, sovereignty, the Truth and Reconciliation Calls to Action (TRC), the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and rights to unceded lands (on-reserve and off-reserve) to Indigenous peoples through the ~decolonization hoop~. This framework encompasses ten interrelated components, which together with the ~decolonization hoop~ bring about transformative and intersectional change in education's approach, delivery, and accountabilities.



## DISRUPTING COLONIAL NARRATIVES (D)

Colonial narratives have long dominated the education system, shaping every Canadian's understanding of history, culture, and society. These learned narratives present a damaging Eurocentric perspective which causes violence to Indigenous peoples.

In the process of decolonizing education, disrupting and challenging these colonial narratives is crucial at every single step of the way (not just at the end) in order to create a more equitable, trauma-informed, and decolonized environment. I will briefly touch on the importance of disrupting colonial narratives and provide strategies for educators and leaders to do so effectively utilizing their own personal and professional strengths and gifts.

Colonial narratives are the stories and perspectives constructed and perpetuated by colonial powers, which privilege European or Western viewpoints while disregarding and devaluing the experiences, knowledge, and contributions of Indigenous and other marginalized peoples. These narratives permeate various facets of the education system, from decision-making at the highest levels, to off-handed remarks, "forgetfulness", and generally not having the stamina nor the capacity to take on difficult matters in any way, shape, or form.



## STRATEGIES FOR DISRUPTING COLONIAL NARRATIVES:

1. **Recognize and challenge dominant narratives:** Develop a critical understanding of the colonial narratives present in curricular materials, teaching practices, learning environments, and leadership tables. Encourage everyone at the table as well as educators and students to question these narratives and explore alternative perspectives, histories, and stories that have been marginalized or silenced.
2. **Centre Indigenous laws:** Ensure that leadership tables, curricula, regulations, policies, vision, strategic plans, and operations include Indigenous laws, sovereignty, the right to land, Treaty relationships, TRC, UNDRIP, and off-reserve First Nations, Métis, Inuit voices, experiences, and laws. For teachers, this can include dismantling your texts as you lecture and teach, and flipping everything upside down in what you do day to day. For other stakeholders, the exercise before you is to 'flip the script' in everything you do. Practise doing 180's.



3. **Foster critical thinking and dialogue:** Educators must engage in critical analysis of colonial narratives and power dynamics, fostering open dialogue and discussion about the ways in which these narratives have shaped their understandings of the way they do things and how it causes violence upon others. Expose, challenge and be a traitor to your profession as it currently stands.
4. **Engage in ongoing professional development and self-reflection:** Participate in professional development opportunities that practice decolonizing everything you do. Cultural competencies and sectioning off things like Indigenous peoples as a special category will not get you there. Scrutinize everything that is assumed. Learn, unlearn, relearn.



## EMPOWERING COMMUNITY VOICES: CENTRING INDIGENOUS LAWS (E)

In the pursuit of decolonizing education and K-12 education governance systems, it is crucial to centre the laws of local Indigenous communities, both on-reserve and off-reserve. Re-establishing the rights and jurisdiction of Indigenous laws is a vital step towards creating a more inclusive, equitable, and decolonized educational system that is legally responsive, ethically sound, and accountable.

### THE DIVERSITY OF INDIGENOUS LEGAL TRADITIONS:

Indigenous peoples in Canada encompass a wide array of nations, each with its own unique set of legal traditions and principles. These legal systems are deeply rooted in their respective cultures, languages, and relationships with the land, air, animals, ancestors and water (and more). They provide guidance on various aspects of life, including governance, dispute resolution, resource management, and social organization. That is why it is important to go local. We are all different. You need to reach out to Indigenous peoples who are in the cities as well.



## RECOGNIZING INDIGENOUS JURISDICTION:

Indigenous jurisdiction pertains to the inherent rights and authorities vested in Indigenous peoples, enabling them to exercise autonomous decision-making powers not only over their reserve lands, resources, and communities, but also across the expanse of Canadian land. This is based on the recognition that all lands within Canada are considered unceded, thereby granting Indigenous peoples the ability to implement their own Indigenous laws and governance systems.

The foundation of colonial systems of governance is rooted in a historical falsehood known as the Doctrine of Discovery and the concept of terra nullius. It was recently repudiated, so what does that mean for us as a society?



## CULTIVATE BEING THE ETHICAL TRANSLATOR (C)

The mistranslation of Indigenous peoples pedagogies, epistemologies, laws and practises, sometimes by well-intentioned educators who may otherwise be committed to ensuring justice...happens frequently.

It is important to understand that the issue of mistranslation is not only one of linguistics and cross-cultural communications as emphasized in the cultural competence approach but also of failures in conceptual translation across legal and educational systems.

The fact that a person's right to a non-violent education system can be lost in the very process of being represented in education by people who think they know how to decolonize and espouse non-violence because they are either nice allies, or are 'effective' leaders who got to the top because of their 'hard work' and 'merit' and they 'attend yearly Indigenous workshops' should be quashed.

STOP BEING NICE. You aren't doing anyone any favours. Start dismantling NOW. (We love nice people, but you need to stop it).



The TRC Calls to Action necessitates a response focused on **ACCOUNTABILITY**, and the education profession should seize Calls #40, #50, #62 and #63 and the UNDRIP Articles 3, 4, 8(2), 13, 14, 15, 18, 19 as an opportunity to DECOLONIZE education within the **multi-judicial** context of Canada.

Article 14: Indigenous peoples have the right to establish and control their educational systems and institutions, providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning. States shall take effective measures to provide appropriate resources for these purposes.

Article 15: Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories, and aspirations which shall be appropriately reflected in education and public information. States shall take effective measures to combat prejudice and eliminate discrimination and to promote tolerance, understanding, and good relations among Indigenous peoples and all other segments of society.

Article 18: Indigenous peoples have the right to participate in decision-making in matters that affect their rights through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them.





## ONGOING SELF-REFLECTION AND ACCOUNTABILITY (O)

Ongoing self-reflection and accountability are essential components of the DE·COL·O·NIZE framework. By regularly examining fears, hesitations, and privilege that has a ripple effect on the way you create, teach, lead and make decisions that affects others in a deleterious fashion - Teachers, Principals, Superintendents, Zone Leaders, Board Members, regulatory bodies, and other stakeholders can identify and address the ways in which colonial structures and biases may be perpetuated in their work. And call it out! Bravery people! Bravery! Willful blindness will not exonerate you!

## STRATEGIES FOR IMPLEMENTING ONGOING SELF-REFLECTION AND ACCOUNTABILITY:

1. Provide professional development opportunities to dismantle policies, guides, strategies and rubrics.  
Use the TRC Calls to Action and UNDRIP to guide you.
2. Create trauma-informed and ethical spaces to invite Indigenous people in at appropriate times.  
You will notice you do not have the stamina to do this work, and it will seem incredibly difficult and discomforting.  
We need you to dismantle everything. You will be good at it.



## LOCALIZED INDIGENOUS AND INDIGENIZED DECISION-MAKING (L)

The importance of localized Indigenous and Indigenized decision-making in the context of decolonizing education cannot be overstated. By encouraging Indigenous-centric decision-making at the local level, we can ensure that each zone makes room for Indigenous local laws. We are not all the same!





## OPEN DIALOGUES & TRAUMA-INFORMED & ETHICAL SPACES (O)

Creating open dialogues and trauma-informed and ethical spaces within the education system is essential for decolonizing education and truthing your way forward. By providing trauma informed and ethical spaces for sharing experiences, voicing concerns on the violence of colonialism in practice, one can learn to utilize heart-centred wisdom in order to create the stamina for difficult conversations and plans to take form. The Seven Grandfather Teachings of honesty, wisdom, humility, love, truth and bravery are what I call Indigenous ethics. You can practise utilizing these teachings when difficult and 'risky' conversations arise. It will frame the conversation effectively.

### ETHICAL SPACE BY WILLIE ERMINE, CREE SCHOLAR:

"Ethical space is formed when two societies, with disparate worldviews, are poised to engage each other. It is the thought about diverse societies and the space in between them that contributes to the development of a framework for dialogue between human communities.

The ethical space of engagement proposes a framework as a way of examining the diversity and positioning of Indigenous peoples and Western society in the pursuit of a relevant discussion on Indigenous legal issues and particularly to the fragile intersection of Indigenous law and Canadian legal systems.

Ethical standards and the emergence of new rules of engagement through recent Supreme Court rulings call for a new approach to Indigenous-Western dealings. The new partnership model of the ethical space, in a cooperative spirit between Indigenous peoples and Western institutions, will create new currents of thought that flow in different directions of legal discourse and overrun the archaic ways of interaction."

## **TRAUMA-INFORMED PRACTICE:**

To effectively communicate with Indigenous peoples, it is essential to understand the trauma-informed approach. This approach recognizes the extensive impact of trauma on individuals and communities, especially in the context of the historical and intergenerational trauma experienced most significantly by Indigenous peoples in colonial systems Canada continues to operate in.

By embracing trauma-informed approaches, educators and the K-12 system can cultivate a holistic environment that honours and respects Indigenous knowledges, languages, laws, and lands with a new lens.

## **THE TRAUMA-INFORMED APPROACH INVOLVES THE FOLLOWING PRINCIPLES:**

**Comprehend** the effects of historical and intergenerational trauma on Indigenous peoples, such as the consequences of the Residential School System and past and current day colonization, racism, discrimination and loss of identity Indigenous peoples experience. Is someone coming across as "rude"? Or is it time for you to decolonize your emotional spectrum? It is also important to comprehend that Indigenous peoples lives are on the line when we speak to you, but to you, it is just an intellectual exercise and you are not understanding why we are so distraught. Keep this in mind as you go along.

**Learn** about the manifestations of trauma, intergenerational trauma, and historical trauma and how it affects their learning, behaviour, cognition, health, etc. in a colonized world that they have NO AFFINITY with. This includes being aware of the potential triggers that may arise.

**Incorporate** knowledge from a trauma-informed lens into educational policies, procedures, teaching practices, support services, and the K-12 educational governance system. This includes providing ongoing professional development opportunities for educators to deepen their understanding of trauma-informed approaches and ensuring that school policies and procedures prioritize this approach both internally and externally.

**Diligently** prevent re-traumatization within the educational environment and decision-making spheres. This involves creating trauma-informed responses you can pre-prepare, and also design meetings, teachings and practices to be in an ethical space that is not neutral or "safe" but with ETHICAL trauma-informed boundaries.

**Lessen** the risk of triggering traumatic responses by holding yourself accountable and remember to be honest, humble, brave, wise, and utilize your heart space (love), by creating trust (by becoming aware and alive to the issues), and practise listening and respecting Indigenous communities and students' viewpoints even if you do not understand them. Remember: you do not currently have the stamina for this. Understand that and build it up.



## FINALÉ

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In summation, although the DE·COL·O·NIZE framework remains a work in progress, I trust that the initial principles will serve as valuable foundations in which educators can move towards decolonization, Indigenization and truth and reconciliation unabashedly with traitorous hearts and epistemic disobedience instilled.



## RESOURCES:

Canada, National Inquiry Into Missing and Murdered Indigenous Women and Girls, Reclaiming Power and Place: The Final Report of the National Inquiry Into Missing and Murdered Indigenous Women and Girls, vol 1a (Marion Buller).

Canada, National Inquiry Into Truth and Reconciliation Commission, “Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada” (2015), online (pdf): Truth and Reconciliation Commission <trc.ca> [perma.cc/V22-VTPJ].

D'Angelo, R. (2021). Nice racism: How progressive white people perpetuate racial harm. Beacon Press.

D'Angelo, R. (2018) White fragility: Why it's so hard for white people to talk about racism. Beacon Press.

Ermine, W. (2007). The Ethical Space of Engagement. *Indigenous Law Journal*, 6(1), 193-194.  
<https://jps.library.utoronto.ca/index.php/ilj/article/view/27669/20400>

Fadden, L. (2017). Communicating effectively with Indigenous clients: Insights from Aboriginal legal services. *Aboriginal Policy Studies*, 7(1), 80-101. <https://doi.org/10.5663/aps.v7i1.28959>

Menard, A. (2023). Decolonizing Decision Making Processes in Canada: towards Truth and Reconciliation.  
<https://indigenousconnect.org/decolonizing-decision-making-processes-in-canada-towards-truth-and-reconciliation/>

Lussier, D. (2021). Decolonizing Legal Education, Developing Indigenous Legal Pedagogy, and Healing Community: Law with Heart and Beadwork (Doctoral dissertation). Retrieved from uoResearch:  
<https://ruor.uottawa.ca/handle/10393/42012>



Lussier, D., & Stechly, S. (2021). "Other Materials"—Traitorous Love and Decolonizing The Canadian Guide To Uniform Legal Citation. *Indigenous Law Journal*, 53(2), 301-326. <https://doi.org/10.1017/ind.2021.5>

Menard, A. (2023) How to Indigenize Decision-Making Processes and the Importance of Self-Reflection and Bravery. <https://indigenousconnect.org/how-to-indigenize-decision-making-processes-and-the-importance-of-self-reflection-and-bravery/>

Menard, A. (2023) The Seven Grandfather Teachings: An Ethical Framework for Decolonizing Legal Practise. <https://indigenousconnect.org/the-seven-grandfather-teachings-an-ethical-framework-for-decolonizing-legal-practice/>

Mignolo, W., & Tlostanova, M. V. (2012). *Learning to unlearn: Decolonial reflections from Eurasia and the Americas*. Ohio University Press.

Napoleon, V., & Friedland, H. (2016). Indigenous Legal Traditions: Roots to Renaissance. In M. Asch, J. Borrows, & J. Tully (Eds.), *The Promise and Perils of Reconciliation: Indigenous Peoples and the Law in Canada* (pp. 123-145). Toronto: University of Toronto Press.

Napoleon, V., & Friedland, H. (2014). An Inside Job: Engaging with Indigenous Legal Traditions through Stories. *McGill Law Journal*, 61(4), 725-754.

Napoleon, V. (2005). *Ayook: Gitksan Legal Order, Law, and Legal Theory*. Ph.D. Dissertation, University of Victoria.

Parmar, P. (2018). Reconciliation and Ethical Lawyering: Some Thoughts on Cultural Competence. *Canadian Bar Review*, 96(1), 63-88. <https://cbr.cba.org/index.php/cbr/article/view/4558>

(Substance Abuse and Mental Health Services Administration's "Trauma-Informed Approach." <https://www.samhsa.gov/programs>)

United Nations Declaration on the Rights of Indigenous Peoples, GA Res 295 (II), UNDRIP, 61 Sess, Supp No 53, UN Doc A/61.



# A CALL TO ACTION:

Embarking on a journey of decolonization and truth-telling, we acknowledge the significance of Indigenous sovereignty and epistemologies.

By centering Indigenous laws, we forge an ethical space that facilitates trauma-informed decision-making and learning, creating accountability and respect for Indigenous knowledge systems that benefit all of humanity, the four legged, the flyers, the ones who swim, the ones who crawl, the earth, land, water, air and more.

We recognize that Indigenous systems encompass a wealth of insights that are beyond our comprehension of the world because we have been, and still are colonized and continue to contribute off of colonization ourselves.

The call to decolonize education and K-12 educational governance systems transcends mere recognition; it demands a transformation that dismantles current practices and the way we do things.

Truthing our way forward is integral to establishing a more inclusive and diverse educational landscape that restores the rights and dignity of Indigenous peoples in Canada today.