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Decolonizing & Effective Decision Making: A Guidebook

Disclaimer: All scenarios presented within this guidebook are purely hypothetical and serve exclusively for educational exercises.
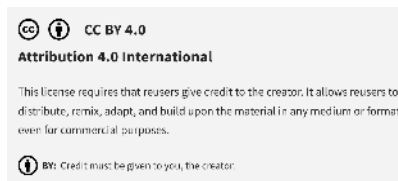
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Purpose of the Guidebook

Decolonization is not merely a historical or academic term; it is an ongoing process that seeks to redress the systemic imbalances and injustices perpetuated by colonial legacies. In the Canadian context, this is particularly relevant to Indigenous communities who have been marginalized through various forms of structural violence, including dispossession of land, erasure of culture, and imposition of foreign legal systems. Decolonizing spaces—be it educational, governmental, or corporate—means actively dismantling these oppressive structures. It involves recognizing and validating Indigenous epistemologies, engaging in meaningful consultation with Indigenous communities, and making reparative efforts to restore a more equitable balance of power and representation.

Effective decision-making, on the other hand, is a cornerstone of any successful organization, including those in the public sector like an Ombuds office. Decisions must be made in a manner that is not only efficient but also ethically sound and socially responsible. In a decolonial context, effective decision-making means going beyond the superficial application of 'diversity and inclusion' to deeply interrogate how decisions impact marginalized communities and society as a whole. It means understanding who it ultimately benefits in the end, and who loses. It involves applying a systems thinking approach to understand the complex, interrelated factors that contribute to systemic issues, thereby enabling more targeted and impactful interventions. When decolonization principles are integrated into decision-making processes, it leads to outcomes that are not only more just but also more robust and sustainable in the long term.

The choice of trees as a metaphor for decision-making is deeply symbolic and instructive. Trees, with their intricate root systems, serve as a vivid representation of the complex, interconnected networks that underlie each decision we make. Just as the health of a tree is dependent on the vitality of its roots, the outcomes of our decisions are shaped by the underlying systems from which they emerge. In a colonial context, decisions that are rooted in colonial systems of thought and governance have far-reaching impacts that extend to the entire 'forest' of societal structures, perpetuating cycles of marginalization and injustice. Therefore, understanding how to decolonize the 'roots'—or the foundational systems—is imperative. By doing so, we not only influence the health of a single 'tree' but contribute to the flourishing of an entire ecosystem that is more equitable, resilient, and just.

WHAT IS DECOLONIZATION?

HISTORICAL CONTEXT

Decolonization originally referred to the process by which colonies gained independence from their colonial rulers. This was often a complex, multifaceted process involving political, social, and economic changes. The mid-20th century saw a wave of decolonization, particularly in Africa and Asia, where nations emerged from under the yoke of European colonial powers.

CONTEMPORARY UNDERSTANDING

In contemporary discourse, decolonization has taken on additional, more nuanced meanings. It is now also understood as an ongoing process of resisting and undoing the legacies of colonialism that persist in various forms. This includes challenging the underlying ideologies, power structures, social practices, and forms of knowledge that perpetuate colonial relations.

KEY COMPONENTS

Land and Sovereignty: At the crux of the decolonization discourse lies the imperative to reinstate land rights and sovereignty to Indigenous communities, particularly in nations shaped by *settler-colonial legacies like Canada, the United States, Australia, and New Zealand. This facet is not merely an adjunct but a cardinal component, acting as a fulcrum around which other dimensions of decolonization revolve. The reclamation of land and sovereignty serves as both a symbolic and substantive act, representing a critical step in rectifying historical injustices and fostering equitable futures.

Cultural Revitalization: Cultural Revitalization within the context of decolonization signifies a multidimensional effort to resurrect and sustain Indigenous languages, traditions, and epistemologies that have been historically marginalized or systematically erased. This endeavor extends beyond mere preservation, aiming for the active resurgence and dynamic reintegration of Indigenous cultural elements into contemporary societal frameworks. Such initiatives are integral to the broader decolonization agenda, which seeks to restore balance and equity by re-centering Indigenous knowledge systems and practices.

Epistemic Justice: The endeavor necessitates a rigorous interrogation of Eurocentric knowledge structures that have historically marginalized Indigenous perspectives. Such scrutiny aims to deconstruct the normative hierarchies that prioritize Western forms of understanding, thereby creating space for the validation and inclusion of Indigenous epistemologies. This is an essential step in the broader project of decolonizing academia, policy-making, and societal narratives by anchoring them in a more inclusive and equitable knowledge base.

*Settler Colonialism is distinguished by the enduring presence of colonizing settlers who, rather than merely extracting resources and departing, establish a lasting dominion over colonized territories. In countries such as Canada, New Zealand, and Australia, the permanence of the settler population is a defining characteristic, resulting in an ongoing colonial impact that shapes contemporary social, political, and cultural landscapes. This form of colonialism is marked by its sustained intrusion and enduring influence, thereby necessitating continuous critical engagement and decolonization efforts.

Institutional Transformation

Decolonization in this sense involves restructuring institutions that perpetuate colonial relations. This could be in the form of curriculum changes in educational institutions, restructuring governance mechanisms, or changing practices in organizations like the Ombuds office.

Psychological Decolonization

Psychological decolonization is a multifaceted process aimed at dismantling internalized settler colonial ideologies and reconstructing a self-concept that is free from the impositions of settler colonialism. This involves a critical examination and deconstruction of the psychological tools that have been used to maintain settler colonial power structures in Canada, from justice, to health, to law to education.

MECHANISMS FOR PSYCHOLOGICAL DECOLONIZATION MAY INCLUDE:

Critical Consciousness: Critical Consciousness entails a rigorous cultivation of awareness concerning the pervasive influence of colonial legacies on individual cognitive frameworks and prevailing societal paradigms. This intellectual endeavor transcends mere acknowledgement, aiming to critically deconstruct how colonial narratives have shaped, and continue to shape, mental schemas while perpetuating harm against Indigenous communities. In essence, Critical Consciousness serves as an analytical lens through which one can critically evaluate and seek to redress the deeply embedded colonial structures that affect both individual thought processes and broader social relations.

Community Engagement: Community Engagement entails the strategic cultivation of spaces that not only support but actively affirm decolonial identities, serving as catalysts for transformative social change. This involves more than mere facilitation; it requires a concerted effort to engender environments where decolonial subjectivities are validated, nurtured, and empowered. In this context, Community Engagement acts as both a medium and an outcome, playing a pivotal role in the broader process of decolonization by fostering a collective ethos that aligns with anti-colonial imperatives.

Decolonial Education: Decolonial Education represents a profound reorientation of pedagogical paradigms, aiming to interrogate and dismantle colonial narratives embedded in conventional history and social relations curricula. It goes beyond a mere alternative presentation of facts; it fundamentally challenges the epistemological frameworks that have been shaped by colonial influences. As such, Decolonial Education serves as an instrument of cognitive and cultural liberation, seeking to provide learners with the analytical tools necessary to scrutinize, deconstruct, and ultimately transcend the limitations of colonial discourse.

Criticisms and Challenges

Performativity: The concept of performativity within the context of decolonization elucidates the potential for such efforts to be relegated to mere symbolic gestures, lacking the requisite impact for authentic systemic transformation. This phenomenon presents a significant risk of trivializing the decolonial agenda, reducing it to a series of performative acts that obfuscate the absence of material change. In this vein, performativity serves as a cautionary prism through which to interrogate the depth and sincerity of decolonization initiatives, necessitating vigilance against the commodification of decolonial discourse for superficial engagements.

Co-optation: The notion of co-optation within decolonial discourse refers to the disingenuous appropriation of decolonial terminology and objectives for initiatives that, rather than dismantling existing colonial structures, subtly work to legitimize and reinforce them under the aegis of ostensible reform. This subversive tactic poses a pervasive risk, as it not only obscures the continuing power imbalances but also delegitimizes genuine efforts towards decolonization by diluting the radical impetus required for structural transformation. As such, co-optation operates as a sophisticated form of resistance to genuine decolonial endeavors, demanding rigorous scrutiny to ensure the integrity and authenticity of such initiatives.

Complexity: The term "complexity" within the arena of decolonization underscores the nuanced, multi-dimensional nature of such efforts, challenging any reductionist, "one-size-fits-all" approaches. Recognizing the idiosyncratic socio-cultural, political, and historical contexts in which decolonization occurs is crucial, as it inherently makes the process a labyrinthine and frequently contentious undertaking. Therefore, the complexity of decolonization demands a tailored, context-sensitive methodology, necessitating a comprehensive understanding of the multiple variables at play in each unique setting.

WHY IS DECOLONIZATION IMPORTANT IN CANADA?

Canada's formation as a nation-state is deeply rooted in colonial processes that involved the dispossession of Indigenous lands, suppression of Indigenous cultures, and imposition of European legal and governance systems. The legacy of these processes, including the residential school system, the Indian Act, and systemic discrimination, continues to affect Indigenous individuals and Indigenous communities today.

LEGAL AND POLITICAL IMPERATIVES

Treaty Obligations: Many parts of Canada are covered by treaties made between Indigenous nations and the Crown. These treaties often have not been honoured, and decolonization involves the fulfillment of these legal obligations.

Constitutional Recognition: Section 35 of the Constitution Act, 1982, recognizes and affirms existing Aboriginal and treaty rights, providing a legal framework for decolonization.

Truth and Reconciliation: The Truth and Reconciliation Commission (TRC) of Canada laid out 94 Calls to Action aimed at redressing the historical and ongoing injustices against Indigenous peoples, many of which involve decolonial measures.

UNDRIP: Canada has endorsed UNDRIP, and the declaration has been used to shape legislation and inform judicial decisions, gradually transforming it from a 'soft law' into a more compelling part of the domestic legal landscape. Consequently, UNDRIP serves as a critical driver for both legal reform and political action aimed at dismantling colonial legacies and structures.

MMIWG2S: The issue of Missing and Murdered Indigenous Women, Girls, and Two-Spirit People (MMIWG2S) has emerged as a crisis indicative of broader systemic inequities and violence against Indigenous communities in Canada. The National Inquiry into Missing and Murdered Indigenous Women and Girls, finalized in 2019, identified this phenomenon as a "Canadian genocide" perpetrated through state structures and policies, reinforcing the notion that MMIWG2S is deeply rooted in the colonial legacy of the country. As such, the inquiry has put forth 231 "Calls for Justice," which serve as legal and political imperatives for governments, institutions, and Canadian society at large.

Legally, these calls have laid the groundwork for substantive amendments to the Canadian Criminal Code, policing procedures, and the child welfare system. They emphasize the need for a transformative legal approach that incorporates Indigenous laws and community-based justice, challenging the Eurocentric legal paradigms that have contributed to this crisis. Politically, the issue of MMIWG2S has prompted governmental bodies, both federal and provincial, to develop action plans and allocate resources to Indigenous-led initiatives aimed at redressing this issue, such as community safety plans and educational programs on Indigenous history and rights.

Given its grave human rights implications, MMIWG2S also aligns with international obligations, including those under UNDRIP, which makes it not only a national but an international imperative to address. This adds another layer of moral and legal obligation for Canada to engage in robust decolonization efforts that are intersectional and attentive to the unique vulnerabilities faced by Indigenous Peoples

Unceded Land: The term "unceded land" refers to land that were never surrendered or relinquished by Indigenous peoples. In the Canadian legal framework, the notion of "unceded land" presents an uncomfortable paradox: while the Crown claims de jure sovereignty, there exists a de facto Indigenous sovereignty that has never been extinguished. This dichotomy highlights a significant incongruence between Canadian common law and Indigenous legal orders, a chasm often glossed over in public discourse.

Legally, the matter of unceded land is subject to ongoing negotiations and litigation. Canadian courts, starting from the Calder case in 1973 to the more recent Tsilhqot'in Nation v. British Columbia in 2014, have gradually moved toward acknowledging Indigenous land rights, including title over unceded territories. However, these legal recognitions often come with caveats that attempt to balance Indigenous rights with the "public interest," a term that is typically defined through a Eurocentric lens.

Politically, the issue of unceded land remains a persistent subject of tension in Indigenous-Crown relations, manifesting in various forms such as land reclamation movements, protests, and blockades. Decolonization in the context of unceded lands would necessitate a paradigm shift in both legal and political mechanisms, wherein Indigenous sovereignty is recognized and respected, not merely as an exception, but as a foundational principle. This aligns with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), to which Canada is a signatory, and implicates substantive changes in governance structures, land management practices, and ultimately, the very fabric of Canadian federalism.

EPISTEMOLOGICAL AND OPERATIONAL IMPERATIVES

Diverse Knowledge Systems: Decolonizing organizations necessitates more than just superficial adjustments in the realms of equity, diversity, and inclusion; it demands a radical re-examination of the epistemological underpinnings that scaffold the organization. The acknowledgment of Indigenous epistemologies represents a seminal phase but must be augmented by substantial structural alterations that enable the symbiotic cohabitation and mutual fortification of diverse knowledge paradigms. In Canada's uniquely multi-juridical context, this comprehensive transformation transcends educational settings to permeate governance frameworks, research methodologies, organizational composition, collaborative engagements with Indigenous communities, and the conceptualization of a more nuanced ethical compass.

Governance Structures: Inclusive governance mandates the active participation of Indigenous individuals in decision-making spheres at every organizational echelon. Such participation should be genuine and substantive, ensuring that Indigenous viewpoints become integral components of institutional functionality, rather than perfunctory tokens. The absence of this inclusive paradigm perpetuates a Eurocentric model of governance that fails to embrace the heterogeneity and richness of Indigenous perspectives.

Research Methodologies: Indigenous research methodologies, characterized by their explicit emphasis on relationality, community-centric engagement, and ethical rigor, warrant not only recognition but active incorporation in the processes of decolonization and reconciliation. Their employment serves to enrich and diversify methodological frameworks, infusing them with culturally and ethically congruent approaches that align with the principles of Indigenous sovereignty and self-determination.

Workplace Composition: To engender an environment of inclusivity and equity, it is imperative to recalibrate hiring procedures specifically to resonate with Indigenous job seekers. Simultaneously, organizations must engage in a rigorous re-examination of existing policies, making necessary adjustments to not only retain Indigenous employees but also to facilitate their career progression within the institution.

Community Engagement: Institutional engagement with Indigenous communities must transcend mere consultation and extend into the realm of genuine, reciprocal partnerships. For comprehensive insights on initiating such transformative collaborations, one may refer to the guidelines provided by the Office of the Ombudsperson in British Columbia. This robust approach to community engagement serves not merely as a procedural requisite but as an ethical commitment to co-creating solutions and sharing decision-making power.

Pedagogical Approaches: Indigenous pedagogical frameworks diverge markedly from their Eurocentric counterparts, placing a premium on experiential learning, narrative traditions, and a wholistic methodology for problem-solving and life navigation. To cultivate a more inclusive and nuanced decision-making paradigm within the organization, it is imperative to incorporate these Indigenous pedagogical principles systematically.

Ethical Frameworks: Indigenous ethical paradigms, encapsulated by the Seven Grandfather/Grandmother Teachings and complemented by the quintet of Relationality, Reciprocity, Relationship, Reflection, and Responsibility (the 5 R's), offer a profound ethical compass. These principles, which emphasize interconnectedness with both community and land, warrant seamless integration into the organization's ethical guidelines governing decision-making processes.

Resource Allocation: For the efficacious development and long-term enactment of decolonial practices, a robust and sustained allocation of resources is indispensable. Rather than sporadic or tokenistic funding, there is a compelling need for a committed resource infrastructure that can continually support the complexities and nuances inherent in decolonial initiatives. This commitment becomes a cornerstone for institutionalizing change and ensures the durability and impact of decolonial actions over time.

Assessment and Accountability: In the realm of assessment and accountability, it is paramount to co-construct evaluative criteria in close collaboration with Indigenous communities. This approach serves to align the metrics of success with the specific priorities and values intrinsic to each community, thereby circumventing the limitations and biases of externally imposed standards. Such a participatory methodology not only lends validity and relevance to the assessment processes but also facilitates a more equitable and culturally sensitive mechanism for accountability.

Critical Pedagogy: In the context of decolonization is an educational approach aimed at interrogating and dismantling the power structures and knowledge hierarchies that perpetuate colonial legacies. It encourages critical thinking and self-reflection to recognize systemic biases, and it fosters an understanding of the historical and ongoing impacts of colonialism. Through this lens, individuals are empowered to challenge and transform oppressive systems, thereby contributing to the broader project of decolonization.

Intergenerational Responsibility: Intergenerational Responsibility is not merely a contemporary ethical imperative but is deeply rooted in Indigenous worldviews, most notably articulated through the Seventh Generation Principle. This precept obliges us to consider the impact of our actions not only on immediate circumstances but on the well-being and sustainability of seven generations into the future. It entails a moral obligation to rectify historical and present-day injustices, thereby fostering a more equitable future that honors the rights and dignity of subsequent generations.

Global Relevance

International Obligations: As a signatory to pivotal international frameworks such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Canada is not merely engaged in a symbolic gesture, but is bound by a multilateral commitment to initiate and sustain decolonial endeavors. This aligns the nation with a global consensus that recognizes and advocates for the inherent rights and self-determination of Indigenous communities. Consequently, these international obligations impose a juridical and ethical imperative upon Canada to enact policies and measures that substantively advance the tenets of decolonization.

Challenges and Criticisms

Tokenism: The notion of "tokenism" within the discourse on decolonization presents a cautionary framework, alerting us to the risk of superficial or insubstantial efforts that masquerade as genuine attempts at systemic change. Such tokenistic maneuvers function as optical gestures that create an illusion of inclusivity and reform, thereby diverting attention from the absence of any profound structural alterations. Consequently, tokenism serves as a mechanism that potentially undermines the integrity and efficacy of decolonization initiatives, requiring vigilant scrutiny to safeguard against the dilution of transformative goals.

Tokenism and Appropriation: In the realm of decolonization, both tokenism and appropriation function as pernicious tactics that erode the authenticity and effectiveness of transformative efforts. While tokenism involves the surface-level inclusion of decolonial rhetoric or token representatives without substantial change, appropriation extends this superficiality by co-opting Indigenous or marginalized cultures, ideas, and symbols for uses that do not align with their original cultural context. This form of appropriation often sanitizes or commodifies these elements, thereby stripping them of their complexity and potential for meaningful impact. Consequently, both tokenism and appropriation serve as disingenuous strategies that not only divert attention from the necessity for structural change but also potentially reinforce existing hierarchies and imbalances. As such, discerning these tactics necessitates a vigilant, critical approach to evaluating the depth and sincerity of any decolonial initiatives.

Purpose and Scope of Guidebook

This guidebook serves as a foundational resource for the Ombudsman SK office, aiming to equip employees with the theoretical and practical tools needed to incorporate decolonization through systems thinking into their daily operations. This is particularly crucial in the context of decolonization which is an area that requires a nuanced understanding of complex, interconnected systems. The guidebook is designed to be both a reference manual and a training resource, covering a wide range of topics.

WHAT IS SYSTEMS THEORY?

Systems theory is an interdisciplinary framework that seeks to understand complex systems in a holistic manner. Originating from the work of Ludwig von Bertalanffy in the 1950s, it has since been applied across various disciplines, including biology, engineering, sociology, and law. The theory posits that a system is a set of interconnected components that function as a whole, exhibiting properties and behaviors that are different from those of its individual parts.

Core Principles:

Wholism: Systems are viewed as whole entities, and the focus is on the interactions and relationships among the system's parts.

Emergence: The behavior of a system emerges from the interactions of its parts, often manifesting properties that are not evident in the individual components.

Feedback Loops: Systems often contain feedback mechanisms that can either stabilize (negative feedback) or amplify (positive feedback) changes within the system.

Adaptation: Systems have the ability to adapt to changing conditions in their environment, often through self-organization. Boundaries: Every system has boundaries that distinguish it from its environment, although these boundaries can be permeable.

Hierarchy: Systems can be nested within other systems, forming a hierarchy of complexity.

Nonlinearity: Systems often exhibit non-linear behavior, meaning that small changes can lead to disproportionately large effects.

WHY SYSTEMS THEORY?

In the context of decolonization, systems theory can help identify deeply rooted systemic issues that perpetuate injustices against Indigenous peoples. Systems Theory provides a framework for understanding the intricate web of historical, cultural, and institutional factors that impact Indigenous epistemologies, laws, languages, rights, and ways of living, caring, being, and doing.

Relevance to Indigenous Law, TRC, UNDRIP and Decolonization

The guidebook is meticulously crafted to delve into the interconnectedness of systems thinking, Indigenous law, the mandates of the Truth and Reconciliation Commission (TRC), and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Rather than pigeonholing Indigenous peoples as mere participants in existing structures, the guidebook argues for their recognition as sovereign rights-holders within the multi-juridical context of Canada. Furthermore, the guidebook challenges systemic limitations in Eurocentric legal frameworks that have not yet fully recognized the distinct Indigenous legal systems that apply universally across the lands currently called Canada, influencing all who inhabit them.

Positioned as both a theoretical and practical resource, the guidebook employs systems thinking to identify actionable points of intervention for initiating decolonization within various organizational settings. By laying out this framework, it transitions from the realm of academic discussion into the pragmatic implementation of decolonization strategies. In short, the guidebook functions as a step-by-step guide to tangible change, predicated on the understanding that Indigenous laws are not confined to reserves but have widespread applicability throughout all jurisdictions.

FEEDBACK LOOPS

Feedback loops are cyclical mechanisms within a system where the output of one element serves as an input for another, creating a self-reinforcing or self-regulating pattern. Feedback loops are crucial mechanisms that can either stabilize a system (negative feedback) or amplify certain behaviors or outcomes (positive feedback).

POSITIVE FEEDBACK LOOP EXAMPLE: PUBLIC PERCEPTION & ORGANIZATIONAL ACCOUNTABILITY TO RECONCILIATION

Scenario: An Indigenous staff member has been terminated from the Ombuds office without substantiated justification, marking the third such occurrence of an Indigenous employee exiting the organization under similar circumstances.

Loop Dynamics: The termination of the third Indigenous employee without apparent justification could be perceived by the public as a blatant contravention of the Ombuds office's professed commitment to the principles of Truth and Reconciliation. Such an action would likely engender public disapproval, thereby catalyzing heightened scrutiny of the office's internal workplace dynamics and decision-making biases.

In response to the mounting public scrutiny, the Ombuds office initiates a comprehensive set of corrective actions designed to dismantle colonial structures within the organization. This includes forging meaningful partnerships with neighboring Indigenous nations to collaboratively engage in a process of learning, unlearning, and relearning. These strategic shifts pave the way for the establishment of robust, culturally sensitive support systems for Indigenous employees. With the active participation of Indigenous staff and community members, the entire office embarks on a journey of decolonization. This transformative approach not only enhances the retention of Indigenous talent but also significantly reduces the likelihood of unjust terminations in the future.

Negative Feedback Loop Example: Public Perception & Organizational Accountability to Reconciliation

Loop Dynamics: The termination of an Indigenous employee without just cause is widely interpreted as a regression in the Ombuds office's commitment to the principles of Truth and Reconciliation. This action incites skepticism and scrutiny from Indigenous nations, organizations, and their allies. In a misguided attempt to control the narrative, the office minimizes the gravity of the incident and eschews substantive corrective measures. This failure to act meaningfully exacerbates the erosion of trust and engagement from Indigenous stakeholders. Consequently, the office's capacity to effectively address issues pertinent to Indigenous communities is compromised, further alienating it from its professed commitments to Truth and Reconciliation.

Cognitive Dissonance Example:

Cognitive dissonance could manifest with pronounced complexity within the Ombuds office in the wake of terminating an eleventh Indigenous employee without justifiable cause. The office, which may have previously lauded its own dedication to the principles of Truth and Reconciliation as well as Indigenous inclusion, would find itself grappling with a disquieting incongruence. This dissonance emerges from the stark contrast between the organization's self-professed values and the tangible actions it has undertaken—namely, the recurrent firing and failure to retain Indigenous employees. This psychological tension could serve as a catalyst for either introspection and reform or further entrenchment in dissonant behaviors.

Systemic Impact: The systemic repercussions of cognitive dissonance within the office may manifest as a series of rationalizations aimed at reconciling the dissonance. These could include diminishing the gravity of the firing incident or disproportionately accentuating any perceived deficiencies of the terminated Indigenous employee. Such rationalizations serve to obfuscate the need for substantive organizational transformation, thereby perpetuating systemic inequities and undermining the office's professed commitment to Truth and Reconciliation.

Cognitive Biases Example:

Confirmation Bias: The insidious operation of confirmation bias within the organization could lead team members to disproportionately emphasize elements of an Indigenous employee's performance that align with preconceived stereotypes or biases. Concurrently, this cognitive distortion may result in the minimization or outright dismissal of the employee's positive contributions and competencies. Such a skewed evaluative lens not only perpetuates harmful stereotypes but also undermines the objective assessment of Indigenous employees, thereby compromising the office's commitment to equitable treatment and systemic justice.

Ingroup Bias: The phenomenon of ingroup bias could manifest subtly yet significantly within the organization, particularly among non-Indigenous employees. This cognitive bias entails an unconscious predisposition to favour individuals who belong to one's own cultural or ethnic group. Such a bias can engender a workplace atmosphere in which Indigenous employees find themselves at a disadvantage, more susceptible to being marginalized or dismissed. This not only undermines the office's commitment to diversity and inclusion but also perpetuates systemic inequities, thereby compromising the integrity of the institution's operations.

Sunk Cost Fallacy: The phenomenon of the sunk cost fallacy could manifest in a particularly insidious manner within the Ombuds office, especially if substantial resources have been allocated to diversity and inclusion initiatives. This cognitive bias may engender a reluctance to concede that such well-intentioned efforts have not yielded the desired outcomes. The office might be inclined to maintain existing policies, rationalizing that further investment should be directed towards employees who can 'adequately perform their duties' and 'conform to the prevailing organizational culture,' rather than revisiting and decolonizing these policies. This mindset perpetuates a cycle of ineffective practices, as the office becomes increasingly resistant to policy reevaluation and change, erroneously viewing the resources already expended as justification for continued commitment to a flawed approach.

Systemic Consequences: These ingrained biases not only engender a work environment that is inhospitable to Indigenous employees, but they also cultivate a resistance to transformative change. Furthermore, these biases operate in a recursive loop, reinforcing one another and perpetuating a system that is increasingly incongruent with established frameworks such as the Truth and Reconciliation Commission (TRC) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Leverage Points

Leverage points are specific junctures in a system where a small intervention can lead to disproportionate changes in the system's behavior. They are the "sweet spots" for effective action and can range from changing parameters and numbers to altering the underlying paradigms that govern the system.

Relevance to Ombuds Functions

Identifying leverage points is crucial for targeted and effective interventions. For example, a leverage point could be a specific policy, law, plan or other tool that, if leveraged, could significantly improve organizational practises for reconciliation and decolonization.

The Truth and Reconciliation Commission (TRC) and its Calls to Action serve as a significant leverage point for decolonization in Canada. The TRC provides a framework for redress and reconciliation that is recognized at various levels of government and civil society. Ombudsman SK can use the TRC's Calls to Action as a guiding document for its own policies and decision making practices, thereby aligning its work with broader goals of truth and reconciliation.

Similarly, the recognition of Indigenous law as a valid legal system within Canada's multijuridical landscape is another leverage point. Indigenous law, with its own principles and procedures, offers alternative pathways for justice and conflict resolution that are more aligned with Indigenous worldviews that can be applied to all, not just Indigenous peoples.

Ombudsman SK, deeply committed to decolonization could advocate for the incorporation of Indigenous legal processes in its own procedures. This could involve, for instance, creating space for Indigenous dispute resolution mechanisms within Ombudsman SK or advocating for their recognition in broader legal processes.
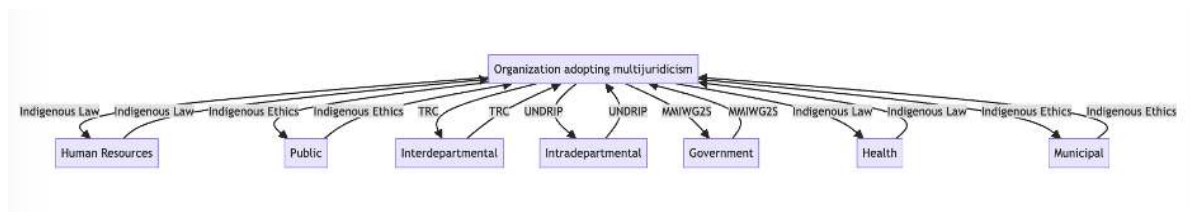
Systems Mapping

Systems mapping is a visual technique used to represent the complex interactions within a system. It can take various forms, such as causal loop diagrams, stock and flow diagrams, or network maps. The aim is to make the invisible structure of the system visible, thereby facilitating analysis and intervention.

Relevance to Ombuds Functions

Systems mapping can serve as a powerful tool for ombuds offices to understand the complexities of the issues they are dealing with. For example, a systems map could help visualize how different government departments interact with Indigenous communities, revealing bottlenecks or points of failure that could be addressed.

By understanding these key concepts, the Ombuds office can better navigate the complexities inherent in their work, particularly in the context of Indigenous rights, TRC, UNDRIP, and decolonization. Understanding feedback loops can help in diagnosing systemic issues, leverage points can guide effective interventions, and systems mapping can provide a wholistic view of the challenges and opportunities that lie ahead.

For example, a systems map could be used to understand the multi-layered factors contributing to land disputes between Indigenous communities and governmental bodies. This could include historical treaties, current land-use policies, economic interests, and cultural values. Understanding these interconnections can help Ombuds SK to identify the root causes of systemic injustices and recommend more effective solutions.

SYSTEMS THEORY: A DEEP DIVE INTO THE ROOTS OF THE TREE

When one observes a tree, the immediate focal points are often its trunk, branches, and foliage—the components readily discernible above the earth's surface. Yet, this is merely a superficial representation, an incomplete snapshot of an intricate system. Hidden beneath the soil is an elaborate root network that not only provides the tree with structural integrity but also plays a pivotal role in the absorption of nutrients and water, ultimately fostering its growth, adaptation, and resilience. Analogously, in the case of organizations, communities, or any complex systems, what is readily apparent—namely, individuals, policies, and overt activities—constitutes only the external facets.

Lurking beneath this observable layer are foundational structures, intricate relationships, and recurring patterns that function as the system's "root architecture." These subterranean elements engage in complex interactions and collaborations, either synergistically facilitating growth or, alternatively, contributing to systemic deficiencies. Much like the hidden root system of a tree, these underlying mechanisms wield considerable influence over the overall health, efficacy, and evolution of the system, even though they might not be immediately visible or easily discernible.
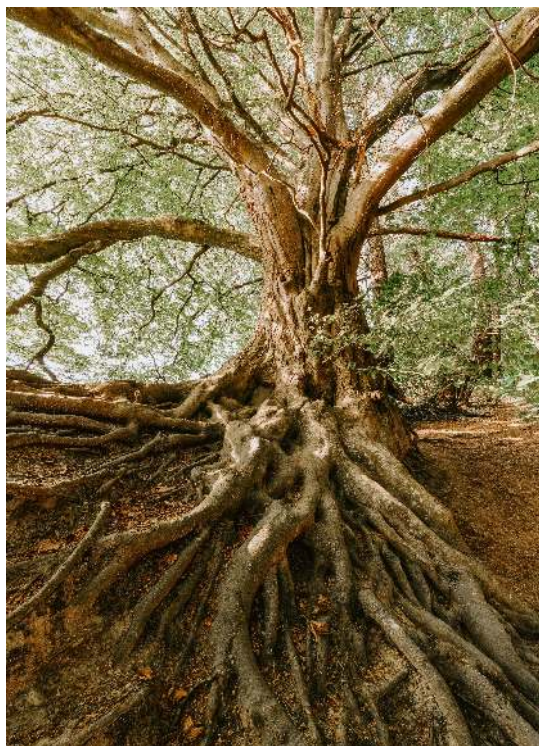
THE MEDICINE WHEEL

The Medicine Wheel originates across many Indigenous nations. While its meaning can vary, it is broadly used to represent wholistic thinking and interconnectedness.

The Medicine Wheel typically consists of a circle divided into four quadrants, often corresponding to the four cardinal directions: North, South, East, and West. These quadrants symbolize different aspects of existence, such as the four stages of life (childhood, youth, adulthood, and elderhood), or the four dimensions of well-being (physical, emotional, intellectual, and sacred).

It is my belief, from personally visiting the medicine wheels imbedded in the land near where I live, that the framework of the medicine wheel is an Indigenous systems theory. So I am creating it through the English written word in this guidebook for you to see how it works.

Figure 1: Aerial view of the Majorville Medicine Wheel (Courtesy of Alberta Environment and Parks)

THE MEDICINE WHEEL SYSTEMS THEORY

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In conceptualizing the Medicine Wheel as a framework for organizational structure and process, each quadrant can serve as a unique subsystem that contributes to the overall function and health of the Ombuds SK organization. To elucidate this, we must first recognize the principles commonly associated with the Medicine Wheel's quadrants: physical, emotional, intellectual, and sacred. These quadrants can offer a multidimensional approach to understanding the organization's operations, internal culture, stakeholder engagement, and overall mission alignment.

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Teachings from the Northern Direction:
Knowing

How do raced White settlers practise the 7 Grandfather/Grandmother Teachings?

How do you practise Critical Consciousness?

How do you communicate with Indigenous communities
and individuals using the 5R's?

How do you practise decolonization?

Intellectual

pahkisimôtâhk ᐸᑭᓯᒧᑖᕽ
Teachings from the Western Direction
Doing

How are raced White settlers
attempting to integrate Indigenous
laws & processes
into Ombuds
communications, decisions, and every day practises?

What is the role of Indigenous law, TRC,
MMIWG2S & UNDRIP & Systems Theory
in creating space for decolonization in Ombudsman
SK?

Physical

From The Centre:
Who Are You?
Relational/Reflexivity

Sacred

wâpanotahk ᐚᐸᓄᑖᐟ
Teachings from the Eastern
Direction:
Honouring

How are raced White settlers
learning, unlearning and relearning?

Who do raced White settlers hold as
Indigenous Knowledge Keepers in
their offices?

Emotional

îsopwenohk ᐃᓱᐻᓄᕽ
Teachings From the
Southern Direction:
Understanding

How do raced white settlers understand
current systems and the
inequalities they produce in settler colonial society?

What role can Indigenous ethics
contribute to decolonizing systemic bias?

Cyclicality and Feedback Loops: The Medicine Wheel emphasizes cycles and interconnectedness, concepts that align well with feedback loops in systems theory. Actions or changes in one quadrant should be understood as having ripple effects on the others, either amplifying (positive feedback) or balancing (negative feedback) systemic effects.

Wholism and Balance: The Medicine Wheel stresses the importance of balance among its quadrants. Similarly, systems theory calls for an understanding of how parts contribute to the balance or imbalance of the whole system. In the Medicine Wheel Systems Theory, the goal would be to achieve or maintain balance, necessitating interventions that consider the system's totality rather than isolated components.

Cultural and Contextual Adaptability: Eurocentric systems theory often assumes a universal applicability that can overlook cultural nuances. The Medicine Wheel Systems Theory would be adaptable to the cultural and historical context in which it is applied, allowing for more culturally sensitive and relevant systems analysis.

Ethics and Sacredness: One significant addition to systems thinking would be the explicit incorporation of ethical and sacred considerations. In Indigenous contexts, decision-making involves not just utilitarian assessments but also ethical and sacred dimensions. This adds a layer of complexity often missing from conventional systems theories.

Time and Generational Thinking: Unlike some Eurocentric constructs that view time linearly, many Indigenous cultures see time as cyclical. This perspective, incorporated into the Medicine Wheel Systems Theory, encourages long-term and generational thinking, essential for sustainability and justice.

COLONIZATION AS A SYSTEM

Understanding that Canada operates as a colonial system is imperative for gaining analytical clarity on the complex webs of influence and power that structure various aspects of our personal and professional lives, from governance to important judgements. By approaching issues from a systems lens, it becomes possible to dissect the multi-layered components and impacts of colonization. These layers coalesce to form a system that perpetuates colonial relationships, both overtly and subtly, affecting how we work, think, and make decisions within this context.

The application of systems theory provides an insightful framework for navigating this complexity. Originating from the study of intricate, interdependent networks, systems theory allows us to capture the emergent properties and feedback loops that characterize colonial systems. This is especially valuable in Indigenous contexts, where colonization has not just been a matter of land dispossession but also involves intricate dynamics of cultural erasure, epistemicide, and structural inequalities.

By merging the analytical scope of systems theory with the study of Canada as a colonial entity, we can attain a more refined understanding of the longstanding and ongoing impacts of colonization. This approach equips scholars, policymakers, and community leaders with the conceptual tools needed to identify and challenge the systemic forces perpetuating colonial relationships. Moreover, it serves as a foundational step towards initiating meaningful dialogues for reconciliation and decolonization, particularly within the complex Ombuds field.

Emergence in systems theory refers to the phenomenon where the collective behavior of individual system components results in outcomes that are unpredictable based on the components alone. In the colonial setting, this can be observed in the way that economic, legal, and cultural factors collectively create conditions that are overwhelmingly disadvantageous to Indigenous peoples, even if no single component is solely responsible for the effect.

Systems theory emphasizes that control in complex systems is often distributed rather than centralized. In Canada's colonial systems, this could mean that no single entity or policy is responsible for colonization; instead, it is perpetuated through a network of interconnected institutions, policies, and cultural practices.

In summary, the systems theory can provide a robust framework for dissecting the complexities of colonial structures. It enables scholars and practitioners to examine the complex relationships and feedback mechanisms that make colonization an insidious system of power and control.

In general, by applying systems theory to decolonization and truth and reconciliation, we gain not just descriptive capabilities, but also prescriptive insights that can inform more effective strategies for long term, transformative change that can build deep roots and can maintain capacity.

The Colonial Legacy of Settler Colonial [Canadian] Institutions

The jurisprudential architecture supporting contemporary Canadian organizations is fundamentally grounded in Eurocentric legal paradigms, effectively sidelining Indigenous legal orders. Rooted in historical ideologies such as the Doctrine of Discovery and the concept of terra nullius, this Eurocentric legal framework perpetuates a form of juridical colonialism that delegitimizes and marginalizes Indigenous sovereignty, governance, and rights.
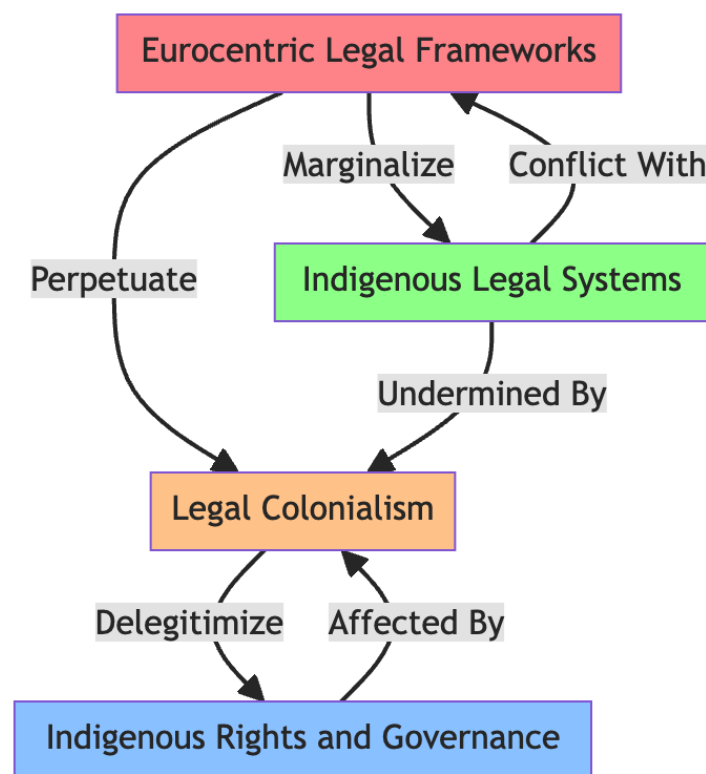
Bias in Problem-Solving Approaches

Ombuds offices often employ conflict resolution techniques influenced by Euro-centric theories, which are not culturally sensitive or appropriate for Indigenous complainants, leading to a form of epistemic injustice.

Linguistic Barriers

The language used in ombuds processes often carries colonial assumptions and values, affecting how complaints are communicated, framed and understood.

Colonial Barriers

Systemic impediments, deeply embedded in colonial frameworks, render Ombuds offices largely inaccessible to Indigenous communities due to an intricate web of factors. These range from geographical isolation and a lack of institutional awareness perpetuated by colonial legacies, to an inherited mistrust of institutional structures. Current communication methodologies and complaint procedures typically lack cultural sensitivity, thus further aggravating barriers to access. Likewise, online interfaces are often designed without integrating Indigenous perspectives, contributing to the ongoing marginalization. It is imperative that these platforms undergo rigorous decolonization not only to become more inclusive and accessible but also to be less harmful. Importantly, these transformations should be crafted to counteract the erasure of Indigenous ways of knowing.

Tokenism and Performative Allyship

Ombuds offices run the risk of engaging in superficial consultations with Indigenous communities, which may create an appearance of inclusivity without effecting meaningful systemic reform. Such tokenistic initiatives can be mitigated by employing methodologically sound engagement strategies, as exemplified by the Office of the Ombudsperson in British Columbia, to initiate consultative processes in a manner that is both substantive and culturally respectful.

THE SYSTEMIC CHALLENGES OF COLONIAL ETHICS
NEUTRALITY

In matters concerning Indigenous rights, reconciliation, and decolonization, the uncritical adoption of neutrality as a guiding principle can pose severe ethical and systemic challenges. Neutrality, often viewed as a virtue in legal and administrative settings, can be misapplied in such a way that it actually entrenches existing inequalities rather than mitigating them.

First, it's crucial to understand that neutrality does not equate to a lack of bias. Instead, it often assumes a 'view from nowhere,' a purportedly objective standpoint that ignores how historical, socio-cultural, and institutional contexts shape present realities. In the context of Indigenous rights, such a position can further marginalize Indigenous voices by treating their claims as merely one set of interests among many, rather than recognizing the specific historical injustices and ongoing systemic issues that these communities face.

Second, an uncritical application of neutrality can lead to what is termed "epistemic injustice," where Indigenous modes of knowledge and ways of understanding are sidelined or invalidated in favor of Eurocentric viewpoints. This can have tangible impacts on legal cases, policy formulation, and reconciliation efforts.

Third, a simplistic approach to neutrality can severely impede reconciliation and decolonization efforts by perpetuating a status quo that is already imbued with colonial assumptions. For example, if an administrative body, such as a land management bureau or a judicial court, applies neutrality without considering the colonial history of land dispossession, it can inadvertently uphold land rights frameworks that inherently disadvantage Indigenous communities.

Finally, neutrality may also undermine the principles set out by key legal and ethical frameworks that guide Indigenous rights and reconciliation efforts, such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission of Canada (TRC). Both these frameworks explicitly recognize the unique histories, rights, and needs of Indigenous peoples and emphasize the importance of transforming existing systems to address these issues.

In summary, while neutrality may seem like an impartial and equitable approach, its simplistic application can serve to perpetuate systemic biases, particularly in contexts that require a nuanced understanding of historical and ongoing injustices against Indigenous communities. It is therefore imperative to critically examine the limitations of neutrality in such contexts and to strive for an approach that actively seeks to redress systemic imbalances.

Impartiality

While the principle of impartiality aspires to administer equitable treatment, it frequently finds itself in conflict with the intricate web of systemic inequality. This discord is notably palpable in instances involving Indigenous peoples, where issues such as racial discrimination, the legacies of colonialism, and Eurocentric legal frameworks perpetuate epistemic violence against Indigenous modes of knowledge and understanding.

7 Grandfather/Grandmother Teachings

The application of Indigenous frameworks, like the Anishnaabe Seven Grandfather/Grandmother Teachings can also serve as a transformative foundation for the decolonization of workspaces, which often operate as extensions of the colonial status quo. Below is an exploration of how these Indigenous teachings can be applied to Ombudsman SK with local Indigenous consultation:

Infusing the tenet of Wisdom Nibwaakaawin into organizational operations mandates the adoption of reflective and deliberative decision-making protocols. For entities like the Ombuds office, this requires the institution of frameworks that promote holistic analyses of conflicts, eschewing hasty judgments in favour of carefully considered resolutions. Such frameworks would be engineered to account for the complexities of systemic inequities, historical antecedents, and a diversity of stakeholder perspectives. By committing to this nuanced, contemplative methodology, the organization cultivates an ethical and comprehensive approach to problem-solving that honours the multi-dimensionality of human conflicts and organizational challenges.

Incorporating the principle of Love Zaagi'idiwin into organizational culture demands a multi-faceted, emotionally literate approach to conflict resolution, one that encompasses the relational and emotional complexities of all participants, including the ombudsperson. Acknowledging the ombudsperson's emotional state is not a peripheral consideration; rather, it serves as an integral component that can influence the overall integrity and efficacy of the resolution process. The act of consciously incorporating emotional intelligence and empathy into this process does more than just resolve conflicts—it builds a foundation for relationships characterized by mutual respect and understanding. This relational depth, in turn, fosters longer-lasting and more sustainable outcomes by creating a culture where emotional and relational considerations are not just acknowledged, but are central to the organization's approach to conflict management.

Incorporating the ethic of Respect Minaadendamowin into an organization's ethos necessitates a transformative reevaluation of existing power hierarchies. It invites the decentralization of decision-making authority, ensuring a more democratic participatory structure that elevates hitherto marginalized voices. In this reconceived paradigm, decision-making becomes an inclusive exercise that accords equitable weight to the viewpoints of all stakeholders, irrespective of their rank or social standing within the institution. By doing so, the organization moves closer to a model of shared governance, reinforcing the intrinsic dignity of each individual and honoring the multiplicity of experiences and perspectives that constitute its collective identity.

Integrating the principle of Bravery Aakode'ewin into an organization's framework necessitates an ethos of ethical courage that challenges systemic injustices and prevailing orthodoxies. This entails more than individual audacity; it calls for an institutional commitment to confront inequities and question entrenched norms, even at the risk of antagonizing established power structures. Consequently, bravery, in this setting, manifests as collective action geared toward eradicating stigmatizing practices and amplifying voices that have been historically silenced or disregarded. By adopting such a stance, the organization not only takes a position against injustices but also engenders a culture where moral courage is both expected and valorized, thereby fostering a resilient and ethical community.

Incorporating the ethic of Honesty Gwekwaadiziwin into an organizational framework transcends mere verbal affirmation; it demands the institutionalization of transparency across governance structures and decision-making processes. In practical terms, this means a commitment to comprehensive record-keeping that remains accessible to all stakeholders, except where issues of confidentiality or data protection prevail. It also necessitates explicit articulation of the methodologies and criteria employed in conflict resolution or any decision-making paradigm, thereby eliminating the potential for covert agendas or clandestine actions. By upholding such a commitment to transparency, the organization fortifies its credibility, fosters a culture of mutual trust, and strengthens its social contract with both internal and external stakeholders.

Embodying Humility Dabaadendiziwin within the Ombuds office necessitates a candid recognition of the institution's limitations, including potential socio-cultural biases embedded in its operational protocols. Such acknowledgment transcends a mere cursory review; it entails a comprehensive reassessment of the office's policies through the lens of pluralistic ethics, with a special focus on integrating Indigenous laws and value systems. The pursuit of humility could also compel the institution to seek external expertise, facilitating consultations with Indigenous scholars, elders, or legal experts, to ensure a culturally sensitive and ethically comprehensive approach is consistently employed. This proactive commitment to humility serves as a stepping stone for genuine inclusivity and paves the way for more equitable governance.

Incorporating the principle of Truth Debwewin within the framework of an Ombuds office necessitates an unwavering commitment to both factual rigor and ethical integrity. Beyond the mere dissemination of accurate information, the concept of truth here envelops a broader, more nuanced understanding of authenticity and moral candor. This extends to the earnest portrayal of an organization's limitations and capabilities, as well as to the transparent rendering of its decision-making processes, particularly in matters affecting Indigenous communities. The objective is to elevate the principle of truth from a transactional to a transformational ethic, one that does not merely comply with regulatory requirements but resonates with the foundational values of the organization. Such a commitment serves to legitimize the institution's authority, fortify trust, and facilitate more meaningful dialogues, especially in contexts that involve culturally sensitive or historically marginalized perspectives.

DECISION TREE EXERCISE

Decision Tree Exercise: Purpose

The Decision Tree exercise serves as a heuristic framework designed to guide the decision-making process within a hypothetical current day ombudsman office. It aims to systematize the evaluation of complaints or scenarios by presenting multiple courses of action (e.g., Decision A, Decision B) and their respective systemic impacts. This tool is particularly beneficial for navigating complex issues that have broader systemic implications, such as those involving Indigenous rights and decolonization.

By employing a systems thinking approach, the Decision Making Tree enables the hypothetical ombudsman office to anticipate the ripple effects of each choice on various stakeholders and the system at large. It aids in identifying leverage points for targeted interventions and potential feedback loops that could either amplify or mitigate the issue at hand.

Moreover, the Decision Tree can cultivate a more transparent and accountable decision-making process, as it requires the hypothetical ombudsman office to explicitly outline the rationale behind each choice and its anticipated outcomes. This is crucial for building trust and credibility, especially when dealing with marginalized communities who have historically been subject to systemic injustices.

DECISION TREE: INSTRUCTIONS

As you stand before this tree, take a moment to scan the QR code (or pick a document before you) and read the scenario you have randomly selected. This scenario is designed to challenge your thinking and encourage you to reflect deeply on the complexities it presents. Whether it involves a decision to be made by the Ombuds office, an ethical dilemma, or a systemic issue, consider it carefully.

As you contemplate Decision A or Decision B, it's crucial to adopt a multi-dimensional perspective that goes beyond immediate outcomes. Start by identifying the most apparent risks and benefits—these are often the short-term impacts that are easiest to foresee. However, don't stop there; extend your analysis to consider the ripple effects of your decision on broader systems over the long term.

For risks, ask: What are the immediate drawbacks or dangers? How might these risks propagate through the system over time? Could they exacerbate existing vulnerabilities or create new ones? Are there ethical or social implications that could lead to systemic inequities or injustices?

For benefits, consider: What immediate gains can be expected? How might these benefits amplify positively within the system? Could they serve as leverage points for broader systemic improvement? Are there long-term sustainability aspects to consider?

Remember, each decision exists within a complex network of interrelated systems. Your evaluation should, therefore, include not just the impact on you or your immediate context, but also on other stakeholders and the system as a whole. This comprehensive approach ensures that your decision is not just beneficial in the short term but also sustainable and equitable in the long term.

Reflect on how these systems intersect with your own cognitive biases and emotional states. Are there ways in which your own perceptions and attitudes are shaped—or even distorted—by these systems? This exercise is not merely an intellectual endeavor but a wholistic reflection that calls for an awareness of your cognitive, emotional, and even physical responses to the systems that influence you.

Take the next 15 minutes to walk in solitude, pondering the implications of the scenario. Think about the roots of the tree beneath your feet as a metaphor for the foundational elements that influence the decision in your scenario. What are the systemic roots that might be affecting the situation? How do they relate to colonial structures, and what opportunities are there for decolonization?

After your solitary reflection, you are welcome to discuss your thoughts in small groups if you wish.

Later, we will reconvene at the bonfire to share our insights and explore these scenarios in greater depth.

The Decision Trees are not puzzles to be solved but catalysts for reflection. The aim here is not to arrive at a single "correct" decision but to engage deeply with the complexities of each scenario. This is an opportunity to explore how systemic factors, including colonial legacies and current structures, influence decision-making processes. The exercise is designed to provoke thought, encourage self-awareness, and deepen your understanding of systems thinking and its relevance to decolonization. As you engage with your chosen scenario, allow yourself the freedom to think broadly and critically, without the pressure of needing to find a solution.

As you engage in this reflective exercise, consider the metaphor of the tree that has been woven into its fabric. Just as a tree is not merely a sum of its parts—roots, trunk, branches, and leaves—but a living, breathing entity that exists in relation to its environment, so too are the scenarios and decisions you are contemplating. They are part of larger, interconnected systems that have deep roots in history, culture, and social structures. In a similar vein, the act of "ripping up" a tree into its constituent parts for momentary satisfaction or ease of understanding is akin to approaching complex issues with a reductionist mindset.

Such an approach often leads to superficial solutions that don't address the root causes of systemic issues. Instead, honour the tree and its intricate web of life by approaching these scenarios with a wholistic mindset, recognizing that each decision has far-reaching implications that ripple through the interconnected roots and branches of the systems we are part of.

Colonialism is not merely a historical event but a complex, ongoing system that has deeply infiltrated various aspects of society, from legal frameworks to educational curricula. It has shaped the way we perceive interconnectivity, often fragmenting wholistic systems into compartmentalized units that can be easily controlled or exploited.

This fragmentation is antithetical to many Indigenous worldviews, which often emphasize the interconnectedness of all elements within a system—be it ecological, social, or sacred. Wholistic thinking and Indigenous systems of knowledge offer a profound counterpoint to the divisive logic of colonialism. They invite us to consider the interconnectedness of all things, urging us to recognize the ripple effects of our actions across various systems.

Indigenous epistemologies often incorporate principles like relationality, reciprocity, and balance, which can serve as foundational elements for a more equitable and sustainable society. By integrating these principles into contemporary systems— whether they be legal, educational, or governmental—we have the opportunity to dismantle the colonial underpinnings that perpetuate systemic inequities.

This is not merely an act of restoration but a revolutionary reimagining of how systems can function, grounded in wisdom and practices that have been nurtured on these lands for millennia. Through this transformative approach, we can begin to decolonize existing systems, replacing them with paradigms that honour the intricate web of relationships that sustain us as a society.

Decision Tree 1: Complaints about Consultation & Settler Land Use

Scenario: The ombuds office receives a complaint about a government agency not consulting Indigenous communities about settler land use in municipal boundaries.

Decision A: Prioritize the complaint and initiate an immediate investigation.

Immediate Action: The ombuds office decides to prioritize the complaint and initiates an immediate investigation.

Leverage Point: The immediate initiation of an investigation serves as a leverage point. This action could set a precedent for how similar complaints are handled in the future, potentially leading to systemic change.

Positive Feedback Loop: The prioritization of the complaint sends a signal to Indigenous communities that their voices are valued. This could encourage more Indigenous communities to come forward with their grievances, thereby strengthening their collective voice and influence over time.

Negative Feedback Loop: On the flip side, government agencies might become defensive or less cooperative in future interactions with the ombuds office. This could make it more difficult to resolve issues amicably in the future.

DECISION B: REFER THE COMPLAINT BACK TO THE GOVERNMENT AGENCY FOR INTERNAL REVIEW.

Immediate Action: The ombuds office refers the complaint back to the government agency for internal review.

Leverage Point: The follow-up after referring the complaint could serve as a leverage point. Rigorous follow-up could ensure that the internal review is not just a formality, thereby potentially changing the behavior of government agencies over time.

Negative Feedback Loop: This choice could perpetuate systemic neglect of Indigenous voices. If Indigenous communities see that their complaints are not being directly addressed, they may become less likely to engage with the ombuds office, further marginalizing them.

SYSTEMIC BLINDNESS INSTITUTIONAL INERTIA

The ombuds office may have a history of deferring to government agencies, which could create a systemic bias against taking immediate action. This inertia can blind the office to the urgency of Indigenous issues.

NORMALIZATION OF EXCLUSION

If the ombuds office is accustomed to a system where Indigenous voices are marginalized, it may not fully grasp the systemic impact of referring the complaint back to the government agency.

LIMITED PERSPECTIVE

Without adequate representation of Indigenous voices within the ombuds office, there may be a lack of awareness or understanding of Indigenous epistemologies and legal traditions, leading to decisions that perpetuate systemic inequities.

COGNITIVE BIASES

Status Quo Bias: The ombuds office might lean towards maintaining existing procedures (Choice B) rather than initiating change (Choice A), even when change could lead to more equitable outcomes.

Confirmation Bias: If the ombuds office has pre-existing beliefs about the effectiveness of government agencies in handling internal reviews, it may ignore evidence suggesting that these reviews are often inadequate, especially concerning Indigenous issues.

Risk Aversion: The potential strain on relations with government agencies (Choice A) might be overemphasized due to a cognitive bias against taking risks, even when those risks could lead to systemic improvements.

Cognitive Load: The complexity of systems thinking itself can be cognitively demanding, potentially leading to simplified decision-making that overlooks systemic impacts.

Mitigation Strategies

Incorporate Diverse Perspectives: Including Indigenous voices in the decision-making process can mitigate both systemic blindness and cognitive biases.

Regular Training: Ongoing training on systemic thinking and cognitive biases can help staff recognize and counteract these issues.

Consult Systems Maps

Regularly updating and consulting systems maps can help in visualizing the broader impacts of decisions, making systemic blindness less likely.
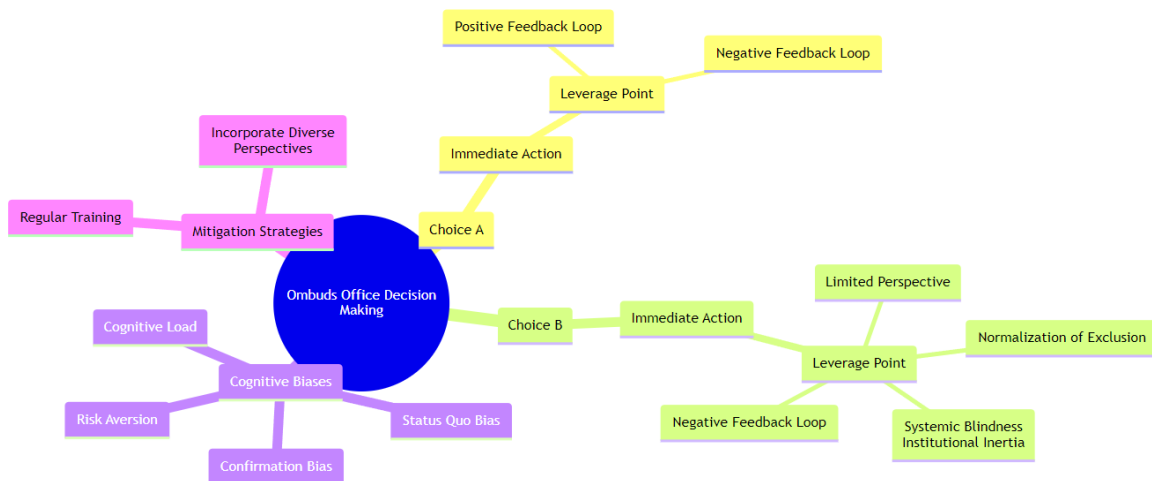
The diagram encapsulates the complexities involved in the decision-making process within the ombuds office. It outlines two primary choices—Choice A and Choice B—each with its immediate actions, leverage points, and feedback loops. Additionally, it delves into the cognitive biases that could influence the decision-making process and suggests mitigation strategies. The diagram serves as a comprehensive visual tool for understanding the multi-layered factors that contribute to the ombuds office's decisions, particularly in the context of Indigenous rights, reconciliation and decolonization.

Decision Tree 2:
Cultural Sensitivity in the Ombuds Office

Scenario: Internal feedback suggests a lack of cultural sensitivity within the Ombuds office.

Decision A: Implement Mandatory Training

Positive Reinforcement Loop: Implementing mandatory cultural sensitivity and decolonial training can create a positive feedback loop. As staff become more culturally sensitive, the quality of case handling improves, leading to better community relations, which in turn reinforces the importance of such training.

Resource Allocation: While this choice has a high systemic benefit, it also requires a commitment of resources—both time and financial. The organization needs to be prepared for this investment.

Long-term Leverage Point: This choice serves as a leverage point for systemic change. By investing in staff training, the organization can significantly alter its internal culture and external effectiveness.

Decision B: No Immediate Action

Negative Reinforcement Loop: Acknowledging the feedback but not acting upon it can create a negative feedback loop. The lack of action may demoralize staff who are aware of the issue, leading to decreased job satisfaction and potentially poorer case handling, which further reinforces the perception that cultural sensitivity is not a priority.

Short-term Leverage Point: While this choice may seem to conserve resources in the short term, it risks long-term systemic degradation. The lack of action becomes a leverage point for maintaining a non-inclusive status quo.

COGNITIVE CONSIDERATIONS

Cognitive Dissonance: Staff may experience cognitive dissonance if the organization acknowledges a problem but takes no steps to resolve it. This can lead to decreased morale and engagement.

Status Quo Bias: The decision to not change existing practices (Choice B) may be influenced by a cognitive bias towards maintaining the status quo, even when evidence suggests that change is beneficial.

Sunk Cost Fallacy: If the organization has previously invested in other types of training or believes its current methods are sufficient, it may resist new training initiatives, erroneously considering past investments as reasons not to change.

Systemic Blindness: If the Ombuds Office opts for Choice B, it risks perpetuating systemic blindness by failing to recognize and address the systemic issue of cultural insensitivity.

Mitigation: Choosing Option A would be a step towards mitigating systemic blindness by acknowledging the issue and taking steps to address it.

Cognitive Biases: Status Quo Bias: The office might lean towards Choice B due to a preference for maintaining existing practices.

Confirmation Bias: If the office has not previously faced significant external criticism for cultural insensitivity, it may ignore internal feedback as an outlier.

By understanding both the systemic impacts and cognitive biases at play, the Ombuds Office can make a more informed and equitable decision regarding cultural sensitivity. Implementing mandatory training (Choice A) can serve as a countermeasure to these biases by forcing the organization to confront and reconsider its existing norms and practices.

Systems Mapping A systems map in this context would visualize the relationships between staff training, case handling quality, community relations, and resource allocation. It would help identify where leverage points exist and how feedback loops might develop over time, thereby aiding in making an informed decision.

The diagram provides a comprehensive overview of the decision-making process within the Ombuds Office concerning cultural sensitivity. It outlines two primary choices—Choice A and Choice B—each with its immediate actions, feedback loops, and leverage points. Additionally, it delves into the cognitive biases and systemic considerations that could influence the decision-making process. The diagram serves as a valuable tool for understanding the multi-layered factors that contribute to the Ombuds Office's decisions in the context of cultural sensitivity.

DECISION TREE 3:
COMPLAINT ABOUT HOSPITAL'S TREATMENT TO AN INDIGENOUS CITIZEN

Scenario: The Ombudsman SK office receives a complaint from an Indigenous citizen who resides in the city of Regina who reports experiencing racism during her hospital stay in Regina. She alleges that the medical staff neglected her, made derogatory comments, and provided substandard care based on her Indigenous identity. The complaint is valid and indicative of a broader issue of systemic racism in healthcare settings.

DECISION A:
LAUNCH A SYSTEMIC INVESTIGATION INTO RACIAL DISCRIMINATION IN THE HOSPITAL

Uncovering Institutional Biases: A systemic investigation could reveal whether the hospital has institutional policies or practices that perpetuate racial discrimination, either overtly or covertly.

Policy Recommendations: The investigation could lead to comprehensive policy changes within the hospital and potentially influence broader healthcare policies related to racial discrimination.

Community Trust: Demonstrating a commitment to addressing systemic racism could improve the relationship between healthcare institutions and Indigenous communities.

Resource Allocation: Systemic investigations are resource-intensive and may require specialized expertise in healthcare and racial discrimination.

Political and Institutional Resistance: Hospitals and healthcare providers may resist the investigation, fearing reputational damage or legal repercussions.

Positive Reinforcement Loop

Increased Accountability: A systemic investigation could lead to policy changes that make the hospital more accountable, thereby reducing incidents of racial discrimination.

Community Engagement: Positive changes could lead to increased trust and engagement from Indigenous communities, which in turn could provide more data and support for further systemic improvements.

Negative Reinforcement Loop

Resource Drain: Systemic investigations are resource-intensive, potentially leading to fewer resources available for other cases, which could result in reduced effectiveness of the Ombuds Office over time.

Political Backlash: Resistance from healthcare institutions could lead to political pressures that may limit the scope and impact of future investigations.

Leverage Points

Policy Change: The most significant leverage point is the potential for policy change that could have a ripple effect throughout the healthcare system.

Public Awareness: Publicizing the findings could create societal pressure for change, acting as another leverage point.

Cognitive Considerations

Confirmation Bias: Investigators must be wary of confirmation bias, where they seek out information that confirms pre-existing beliefs about systemic racism.

Complexity Blindness: The complexity of healthcare systems could lead to oversimplification and missed nuances.

Decision B:
Treat the Complaint as an Individual Case and Recommend Sensitivity Training for the Involved Staff

Limited Scope: This approach addresses the immediate issue but does not tackle the systemic factors that may have contributed to the incident.

Perpetuation of Systemic Issues: Without a systemic investigation, the root causes of the complaint, such as systemic racism or lack of cultural competency training, may remain unaddressed.

Short-term Resolution: Sensitivity training for the involved staff may provide a quick but superficial solution.

Community Skepticism: Treating the complaint as an isolated incident may lead to skepticism from Indigenous communities, who may view it as a lack of commitment to addressing systemic racism.

Legal Risks: Failure to address the systemic issues could expose the Ombudsman SK office and the hospital to future legal challenges based on systemic discrimination.

Positive Reinforcement Loop:

Immediate Redress: Quick action could satisfy the complainant and give the impression of an efficient Ombuds office, possibly leading to more people coming forward with their complaints.

Staff Awareness: Sensitivity training could make staff more aware of their biases, potentially reducing similar incidents in the short term.

Negative Reinforcement Loop

Surface-Level Solutions: Treating individual cases without addressing systemic issues could lead to recurring incidents, increasing workload without solving the root problem.

Community Distrust: Failure to address systemic issues could erode trust from Indigenous communities, leading to fewer complaints and less data for systemic change.

Leverage Points

Staff Training: The immediate leverage point is the sensitivity training for hospital staff involved in the incident.

Case Precedent: The way this case is handled could set a precedent for how similar future cases are treated.

Cognitive Considerations

Short-Term Bias: There may be a cognitive bias towards achieving quick, visible results at the expense of long-term systemic change.

Moral Licensing: Successfully resolving an individual case may give the Ombuds office a false sense of having "done enough," reducing the perceived need for systemic change.

In this scenario, the decision between a systemic investigation and treating the complaint as an individual case has significant implications. A systemic investigation has the potential to bring about meaningful, long-term change but is resource-intensive and may face resistance. In contrast, treating the complaint as an individual case offers a quicker resolution but risks perpetuating systemic issues and eroding community trust.

DECISION TREE 4: PUBLIC ENGAGEMENT IN CONSULTATION PROCESSES

Scenario: Ombudsman SK is tasked with conducting a public consultation process. Despite efforts to be inclusive, there is a noticeable lack of engagement from Indigenous communities. Two primary pathways are considered to address this issue, Decision A or Decision B, you decide:

DECISION A: EXTEND THE CONSULTATION PERIOD AND ENGAGE DIRECTLY WITH INDIGENOUS COMMUNITIES

Systemic Impact Extending the consultation period and directly engaging with Indigenous communities can foster a more participatory democracy. However, this inclusivity comes at the cost of temporal efficiency, potentially delaying policy implementation.

POSITIVE REINFORCEMENT LOOP

Relational Capital: Extending the consultation period and directly engaging with Indigenous communities can build "relational capital." As trust and mutual respect grow, the quality of feedback improves, leading to more effective policies. This, in turn, further enhances trust and encourages even greater participation in future consultations.

Negative Reinforcement Loop

Resource Strain: The extension of the consultation period requires additional resources—both human and financial. This could lead to budget overruns and delays in other projects, causing stakeholders to question the efficacy of the Ombudsman SK office, thereby reducing its political capital for future initiatives.

Leverage Points

Community Leaders and Elders: Engaging with community leaders can act as a force multiplier, as these individuals often have the social capital to mobilize broader community participation.

Feedback Mechanisms: Utilizing culturally appropriate methods for gathering feedback can significantly improve both the quantity and quality of input, thereby enhancing the validity of the consultation process.

Cognitive Considerations

Status Quo Bias: Institutional inertia may resist changes to established processes, viewing them as risky or unnecessary.

Complexity Blindness: The intricate web of historical, cultural, and social factors that influence Indigenous perspectives may be overlooked, leading to solutions that are overly reductionist.

Decision B:
Proceed with the Available Feedback

Systemic Impact: Choosing to proceed with the available feedback risks perpetuating systemic inequities by excluding Indigenous perspectives, thereby reinforcing existing power imbalances.

Positive Reinforcement Loop

Efficiency Metric: Completing the consultation process expeditiously can lead to quicker policy implementation, which may be lauded by stakeholders who prioritize efficiency. This can reinforce the existing operational paradigm, making it less likely that future consultations will be extended.

Negative Reinforcement Loop

Erosion of Trust: Excluding Indigenous perspectives can further erode trust and decrease future engagement, creating a self-perpetuating cycle of marginalization and poor policy outcomes.

Leverage Points

Policy Implementation Speed: The speed of policy implementation can be a double-edged sword. While it may be valued in some contexts, it can also be a point of critique if it leads to poor policy outcomes.

Communication Strategy: The way the decision to proceed is communicated can either mitigate or exacerbate public backlash and mistrust.

Cognitive Considerations

Confirmation Bias: There may be a tendency to interpret low engagement as indicative of a lack of interest or stake in the issue, thereby justifying the decision to proceed without broader input.

Short-Termism: The focus on immediate outcomes may blind the Ombuds Office to the long-term systemic consequences of excluding marginalized voices.
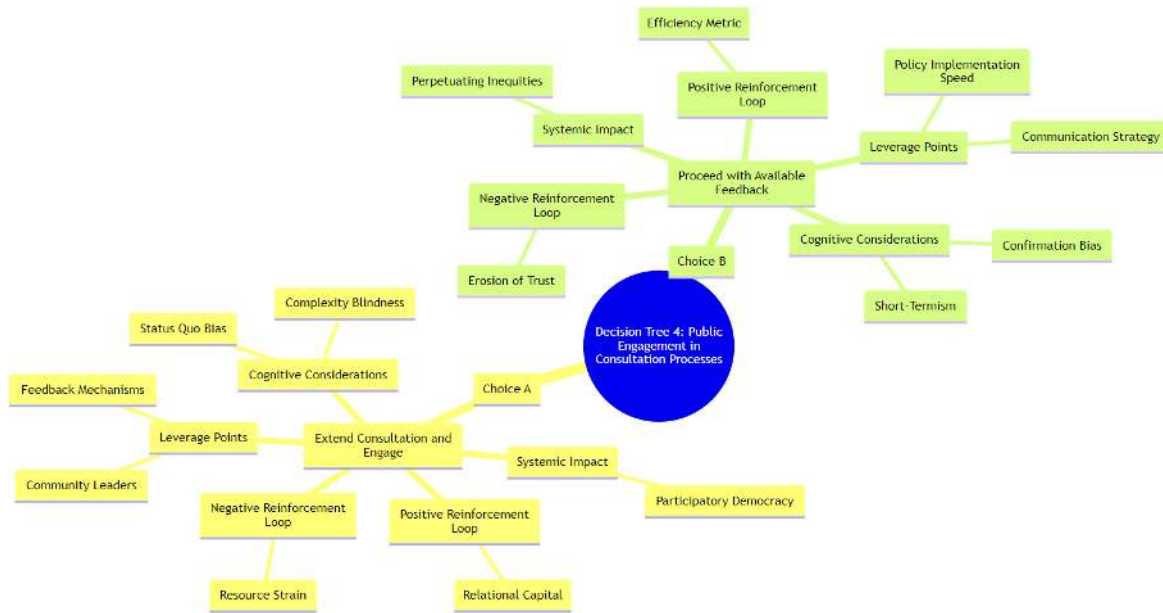
The diagram provides a comprehensive overview of the decision-making pathways within the Ombuds Office concerning public consultation processes. It outlines two primary choices—Choice A and Choice B—each with its systemic impacts, leverage points, and cognitive considerations. The diagram serves as a valuable tool for understanding the multi-layered factors that contribute to the Ombuds Office's decisions in the context of public consultation and Indigenous engagement.

DECISION TREE 5: WHISTLEBLOWER PROTECTION

Scenario: An Indigenous employee in a government agency is aware of systemic racism within the organization and wants to expose it but fears retribution. Ombudsman SK can make two decisions: Decision A or Decision B:

DECISION A: ADVOCATE FOR STRONGER WHISTLEBLOWER PROTECTIONS

Systemic Impact: Advocating for stronger whistleblower protections can create an environment that encourages transparency and accountability, thereby potentially reducing systemic racism. However, this approach may face resistance from government bodies that perceive it as a threat to their authority or efficiency.

POSITIVE REINFORCEMENT LOOP

Culture of Accountability: Stronger protections can encourage more whistleblowers to come forward, thereby creating a culture of accountability. This, in turn, can deter unethical behavior within organizations, leading to a more equitable work environment.

NEGATIVE REINFORCEMENT LOOP

Bureaucratic Resistance: Advocacy for stronger protections may be met with resistance from government bodies, potentially leading to a chilling effect on future advocacy efforts by the Ombuds Office or similar entities.

LEVERAGE POINTS

Legislation: Changes in laws can provide the most robust form of protection for whistleblowers.

Public Opinion: Mobilizing public opinion can exert pressure on government bodies to enact changes.

COGNITIVE CONSIDERATIONS

Loss Aversion: Government bodies may focus more on the potential risks of stronger whistleblower protections, such as leaks of sensitive information, rather than the benefits.

Cognitive Dissonance: There may be a tendency to downplay the severity of systemic issues like racism to avoid the discomfort associated with acknowledging such problems.
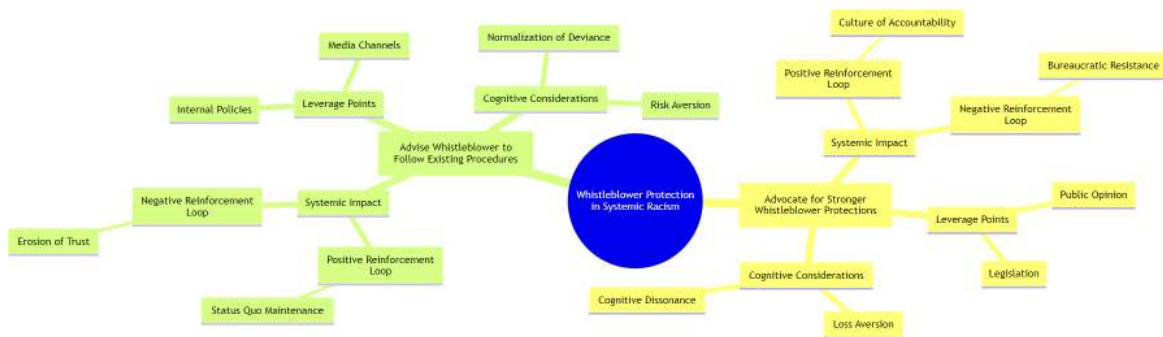
The diagram aims to encapsulate the systemic and cognitive considerations that come into play when the Ombudsman SK office is faced with a decision regarding whistleblower protection in the context of systemic racism. It outlines the positive and negative reinforcement loops, leverage points, and cognitive biases associated with each choice, thereby providing a nuanced understanding of the decision-making landscape.

Decision B: Advise the Whistleblower to Follow Existing Procedures

Systemic Impact

Advising the whistleblower to follow existing procedures may discourage whistleblowing by perpetuating a system that inadequately protects those who expose wrongdoing, thereby allowing systemic issues like racism to persist.

Positive Reinforcement Loop

Status Quo Maintenance: Advising to follow existing procedures can reinforce the perception that the current system is adequate, thereby reducing the impetus for change.

Negative Reinforcement Loop

Erosion of Trust: Failure to adequately protect whistleblowers can lead to a loss of trust in the system, making employees less likely to report issues in the future.

Leverage Points

Internal Policies: Even within the constraints of existing laws, some organizations may have more robust internal policies that can be leveraged for better protection.

Media Channels: Sometimes the threat of public exposure can act as a deterrent against retribution.

Cognitive Considerations

Risk Aversion: Whistleblowers may weigh the personal risks of coming forward more heavily than the potential systemic benefits.

Normalization of Deviance: Over time, systemic issues like racism may become so ingrained that they are viewed as normal, reducing the likelihood that they will be reported.

ABOUT:

Andrea Menard LLB, LLM (DR) PhD student, she/they/ᐃᔅᐊᐧ° wiyawâw, is Métis from the abolished Red River Settlement on Treaty 1 (Métis family names are: Bruneau, Carrière, Landry, Guerin, LaRocque, and Champagne). She is a 'white-coded' Indigenous person, and a Métis Nation of Alberta citizen. She is the 'Top 5 Most Influential Lawyers of 2023' for CIO Times, and also 'Top 25 Most Influential Lawyers of 2022' for Canadian Lawyer Magazine.

Menard wears many hats – in her academic role as Lead Educational Developer, Indigenizing Curricula and Pedagogies, cross-appointed with the Centre for Teaching and Learning and Office of the Vice Provost, Indigenous Programming and Research at the University of Alberta, she is entrusted with the critical task of transforming and Indigenizing academic spaces by applying Indigenous ethics, teachings, practises and laws.

Drawing from over 25 years of direct experience working with Indigenous Nations across Treaties 4, 6, 7, 8, and 10, the Métis Nation of Alberta, the Métis Settlements, the T'exelc Nation, and the Northern Secwēpemc te Qelmūcw on unceded lands in British Columbia, as well as her own lived experiences as a Métis person living between the Indigenous world and the settler world, she guides professionals towards how to build relationships with local Indigenous communities and how to Indigenize and decolonize structures that currently uphold inequitable systems.

As a professor at the University of Calgary's Faculty of Law, she expertly crafted the groundbreaking course "Reconciliation and Lawyers" (LAW 693). Additionally, she holds a faculty position at Osgoode Hall Law School, where she co-teaches alongside academic partner Marc Bhalla, "In Search of Reconciliation Through Dispute Resolution" (ALDR 6305). She also teaches, "Indigenous and Human Rights" (NS 404/504) at the University of Alberta, Faculty of Native Studies.

Andrea is a co-founder and co-chair of the Indigenous Lawyers' Forum, which recognizes the importance of supporting the next generation of legal professionals. The forum is dedicated to providing mentorship, support, and knowledge among Indigenous law colleagues, newly graduated law professionals, and current law students through monthly 'Tea & Bannock' sessions. Andrea is published, and also has a new book, 'Reflections on Allyship'. Find out more at: www.indigenousconnect.org or: www.authenticallyship.ca