Teaching Aboriginal Higher Learners
Professional Development Workbook

Coastal Corridor Consortium
April 2009
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The Coastal Corridor Consortium

Consortium Logo design by Janine Island

"The four split U’s represent the four dimensions of learning, the medicine wheel (all races, the elements of the earth, the four directions/gifts, the four teachers) and our people. The split U’s were chosen to form the circle to respect the Coast Salish people whose traditional territory the Consortium operates upon.

The sacred eagles within represent the potential of our people when we learn.

The circle opens up like the tree of life, with the eagle leaving the circle representing the journey our people take when we grow, change and achieve our potential”.

**All Aboriginal art photography within this workbook provided by Janine Island.

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_The term Aboriginal as used throughout this document is intended to include all persons of Aboriginal ancestry; status Indian (First Nation), non-status Indian, Métis and Inuit._
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Preface

Coastal Corridor Consortium

This Workbook was prepared for the First Nation, Métis & Inuit Centre for Excellence and the Coastal Corridor Consortium (Consortium). The Consortium, supported by the Ministry of Advanced Education and Labour Market Development, is an unincorporated society made up of volunteer board members who, as stakeholder representatives, work collectively to improve levels of participation and success for Aboriginal learners in post-secondary education and training in the Coastal Corridor (Lower Mainland and Sunshine Coast) region of British Columbia. The Consortium is made up of the following ten partners:

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<th>First Nation’s</th>
<th>Aboriginal Organizations</th>
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The Coastal Consortium Region serves the largest Aboriginal population within BC, wherein approximately 41,550\(^1\) Aboriginal people reside. This urban population is comprised of a diverse range of Aboriginal peoples from across North America including First Nations, Métis, Inuit, non-Treaty, etc.

\(^1\) Source Census 2006 (GVRD 40,310, Lil’wat 390; Sechelt 300; Upper Squamish 550)
The collective decisions and actions of the Consortium are intended to meet the needs of Aboriginal learners in a fair and equitable manner, based upon the following principles and values that guide how the parties share information and communicate:

- Mutual Respect
- Collaboration
- Sharing
- Accountability
- Mutual Understanding and Openness
- Commitment
- Trust

**The Vision:**
In 2015, the completion and success rates in higher learning² between Aboriginal learners and non-Aboriginal learners living in the coastal corridor region are equal.

**The Mission:**
The Coastal Corridor Consortium will work collectively through its Aboriginal Service Plan (ASP) to provide equal opportunity for Aboriginal learners that result in improved rates of completion and success. This will be done through collaborative planning, knowledge-based strategies, providing improved services and learner tools, and tailored post-secondary educational programs.

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² Higher education is referred to as a level of education provided by universities, vocational universities, community colleges, liberal arts colleges, institutes of technology and other collegiate level institutions, such as vocational schools, trade schools and career colleges, that offer transition programs, awards academic degrees, and/or professional certifications.
Background

The Teaching Aboriginal Higher Learners Professional Development Workbook will assist non-Aboriginal teaching faculty to better understand Aboriginal learners and their learning needs. The design of this workbook uses a combination of behavioural and constructivist teaching models. The teaching methodology used is learner oriented emphasizing multi-modal, experiential learning, and an understanding and respect of Aboriginal culture and learners. This workbook will increase participant’s knowledge of:

- Aboriginal Peoples in Canada, Aboriginal cultural diversity, regional Aboriginal population and education trends, and the role of Aboriginal peoples in the regional skills / labour shortage and the economy;
- Aboriginal values and the inter-relationships important to Aboriginal learners succeeding;
- Traditional Communication styles;
- Course Planning for Aboriginal learners;
- Teaching Strategies for Aboriginal learners that are based upon Traditional Learning Styles and Activities related to learning; and
- Teaching Practices that create an environment of respect & empowerment for learners, and measures of success & things to watch for.
Workshop Introduction

Educators should understand the reasons for Aboriginal learners pursuing higher education, and the goals that they attain to. To start, this workbook uses a simple technique of traditional protocol introduction, which you are encouraged to use in your teaching. The steps for this are as follows:

Step 1. Elders Opening Prayer

Step 2. Traditional Territory: Acknowledge the Nation whose Traditional Territory you are meeting in (see column left for information on traditional territories).

Step 3. Traditional Protocol Introductions: Starting from the teacher/facilitator and moving counter clockwise (keeping with the traditional meeting protocol of the Coast Salish First Nations) use a Traditional Protocol Introduction, and discuss your learning expectations for this workshop, as follows:
   i. Name (Traditional and English)
   ii. Nation, Community and Clan/Family
   iii. Learning Expectations

Similar to how you would start a course, workshop or lesson we will use your learning expectations throughout the workshop. Throughout the workshop we will review these goals to ensure that they have been met.

First Nations Traditional Territories in the Consortium Region:

**Musqueam Nation**
The Musqueam people’s traditional territory occupies much of what is now Vancouver, UBC and surrounding areas. Descendants of the cultural group known as the Coast Salish tribe, today’s Musqueam community counts 1,000+ members who live on the Musqueam Indian Reserve located near the mouth of the Fraser River.

**Squamish Nation**
The Squamish Nation is comprised of Coast Salish peoples, whose traditional territory encompasses Gibson’s Landing (north of Vancouver) and Squamish River watershed. The Nation’s population resides in nine communities stretching from North Vancouver to the northern area of Howe Sound, with 2,239 of its 3,324 members living on reserve.

**Tsleil-Waututh Nation**
The Tsleil-Waututh Nation, formerly the Burrard Band, are Coast Salish people whose members live in a community on the North Shore of Burrard Inlet. The traditional territory of the Tsleil-Waututh First Nation reaches from the Fraser River (south) to Mamquam Lake near Whistler (north).

**Lil’wat Nation**
The community of Mount Currie is home to the Lil’wat Nation. Located approximately 160 kilometres from Vancouver and 22 km north of Whistler, the Lil’wat Nation has a membership of 1800+ people. Approximately 1400 of its members reside on reserve; making Lil’wat Nation the fourth largest on-reserve community in B.C.

**Sechelt Nation**
The shíshálh traditional territory is on the Sechelt Peninsula (Sunshine Coast), approximately 50 km northwest of Vancouver. The Sechelt Nation is made up of 1,185 members. The Sechelt became the first Indian band in Canada (1986) to attain self-government through proclamation of the federal Sechelt Indian Band Self-Government Act.
Section 1.0 Understanding Aboriginal Peoples

Terms Used Regarding BC and Canadian Aboriginal People

**Aboriginal** A term defined in the Constitution Act of 1982, and which refers to all indigenous peoples of Canada, including Indians (First Nations), Métis, and Inuit people. This term includes a diverse range of peoples with unique heritages, languages, cultural practices, and spiritual beliefs.

**First Nation** First Nation is the more widely accepted term used to describe Indians, both Status and Non-Status. There are 198 First Nations in BC, making it the province with the greatest Aboriginal cultural diversity in Canada.

British Columbia has the greatest range of Aboriginal cultural diversity in Canada.

**Métis** As defined by the Canadian Métis Council, a Métis person is ‘someone who is distinct from Indian and Inuit, someone who has genealogical ties to Aboriginal ancestry.’ As defined by the Métis National Council and Métis Provincial Council of BC a “Métis” is a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation ancestry, and is accepted by the Métis Nation.

**Indian** An historical government term referring to the original inhabitants of North and South America and still used to define some Aboriginal peoples under the Indian Act. “Indian” has generally been replaced by “Aboriginal peoples”, as defined in the Constitution Act of 1982.

**Inuit** The Inuit are Aboriginal persons in northern Canada, who traditionally lived above the tree line in the Northwest Territories, and in Northern Quebec and Labrador. The word means “people” in the Inuit language - Inuktitut. The singular of Inuit is Inuk.
Enfranchised Indian An enfranchised Indian is a person who has lost the right to status and band membership, and who has, as a citizen of Canada, the right to vote, attend university, and joins the military.

Off-reserve Aboriginal Off-reserve Aboriginal people do not live on their home reserves. Depending on where they live, they may (or may not) be entitled to benefits of programs available to all British Columbians. An On-reserve Aboriginal lives on a reserve. The federal government has jurisdiction over the Aboriginal people who live on reserves.

Status Indian Status Indian refers to an Aboriginal person who meets the requirements of the Indian Act and who is registered under the Act (Registered Indian). A Status Indian has at least one parent registered as a Status Indian or is a member of a band that has signed a treaty. The federal government has sole authority for determining status through registration. Bill C-31, legislation of 1985 in which the Indian Act was amended, reinstated Aboriginal women and their descendants who had previously been denied status because of marriage to a non-Aboriginal. There are approximately 87,700 Status Indians in BC.

Non-status Indian A non-status Indian is a person of Aboriginal descent who does not meet the criteria of the Indian Act, or who, despite meeting those criteria, has not been registered as a Status Indian. There are approximately 67,500 Non-status Indians in BC.

Treaty Indian A treaty Indian is a person who is a descendant of First Nations people who signed treaties with the colonial government. Most First Nations in BC did not sign treaties.

Within this diversity there are also Aboriginal people who are more or less ‘traditional’. An Aboriginal person who is considered traditional is someone who practices their community's traditions and rituals regularly and studies with Elders to become future knowledge keepers.
Aboriginal Education Background

The following is contextual information intended to explain the perspectives, constraints and expectations of Aboriginal people.

Perspective: Traditional Education Process

Since time immemorial First Nations were self-governing, self-sustaining nations, with well established infrastructure systems established to effectively manage their communities. The traditional First Nations education system was based upon an intergenerational transmission of knowledge, both declarative and procedural. The education processes within this system “were embedded in their social institutions, both formal and informal, occurring over a person’s lifetime. Children were regarded as gifts from the Great Spirit, and it was believed that all children came into the world with their own gifts or talents. It was the responsibility of the adults to recognize and nurture those abilities. Decisions about life role and community roles were usually made by this time, and the learner embarked on a sequenced plan of study with the appropriate teachers. The length and time of study depended upon the role selected, and the efficiency and competency of the learner and the teacher. “The education always focused on all aspects of the task including cognitive, emotional, physical and spiritual components” (Geraldine Bob, G., Marcuse, G., Nyce, D., and Williams, L., 1993, p. 40-41).
Constraints: Historical Colonization Practices of Canada

**Education:** In 1632 colonizers established the first missionary school (also referred to as a residential school, private girls/boys homes, boarding schools) that broke this pattern of learning in the interests of assimilating First Nations by stripping them of their "languages, cultures, histories, and traditions" (Geraldine Bob, G., Marcuse, G., Nyce, D., and Williams, L., 1993, p. 41).

**Darling Commission Policy:** In 1828 the commission recommended a policy to relocate First Nations to reserves, to educate them, and convert them to Christianity. For the next six decades, the Government passed legislation which reflected the Commission’s recommendations and moved Indians to remote isolated reserves and established the residential school system.

**Indian Act:** By 1876 a number of acts following the Darling Commission were amalgamated into the Indian Act. Examples of what was originally included in the 1876 Indian Act include:
- Outlawing Indians from participating in cultural events (Potlatches, Gatherings, etc.). This law was in effect until 1951;
- Outlawing Indians from retaining a lawyer to seek legal remedy to save their lands;
- Establishing numerous provisions which removed many First Nations status and all their Aboriginal rights; and
- Residential Schools that transferred jurisdiction of education away from First Nations people and communities to the control of the Federal Government and Religious organizations. With reports of mistreatment, abuse, poor medical treatment, disease and a rising death rate residential schools and their mandate of assimilation was recognized as an expensive failure in 1913, and in 1947 in the Joint Parliamentary Committee report “Liquidating Canada’s Indians in 25 Years” recommended closure of residential schools. The last residential school closed in 1986. The legacy of residential schools has been a complex ‘intergenerational residential school syndrome’ that, among other things, has crippled the social, cultural, and educational development of Aboriginal people in Canada.
Expectations: Historical Political Community Developments

Canada's Constitution: In 1982 Canada's Constitution (Section 35) revived the intent of the Royal Proclamation (1763) that recognized the unique status and rights of Aboriginal people in Canada (who were both military and economic partners with the British Government and Her Majesty the Queen), the signed treaties, and the provisions thereof. Since the passing of Section 35 of the Constitution, the relationship between Aboriginal and non-Aboriginal people in BC is growing stronger and starting to move beyond the limitations of the Indian Act. Improved legislation at the municipal, provincial and federal government levels is increasing the powers and authorities of First Nations in Canada.

Transformative Change Accord Agreement: Amidst the growing number of partnership documents and agreements, protocols and memorandums of understanding, that create mutual benefits and greater economic certainty for BC, the foremost is the Transformative Change Accord and the New Relationship Agreement (Nov 25, 2005). The purpose of this Accord is to bring together the Government of British Columbia, First Nations and the Government of Canada to achieve the goals of: closing the social and economic gap between First Nations and other British Columbians over the next 10 years; reconciling aboriginal rights and title with those of the Crown; and, establishing a new relationship based upon mutual respect and recognition.

Consistent with these interests the BC Ministry of Advanced Education and Labour Market Development, and the Coastal Consortium are committed to reducing the gap in educational attainment rates in higher learning between Aboriginal peoples and non-Aboriginal peoples.

For more information about the Transformative Change Accord and the New Relationship Agreement visit: http://www.ubcic.bc.ca/issues/transformativethechange.htm
Recent Aboriginal Population Trends

The Aboriginal population is the second largest ethnographic group nationally, growing dramatically, and is relatively young. In BC current projections indicate that BC’s Aboriginal population will grow more than three times the rate of the non-Aboriginal population to 219,400 by 2017 with 41.9% of the Aboriginal population being youth aged 20-29, compared to only 9% of the general Canadian population, with the average age of the Aboriginal population is expected to increase from 24.7 years in 2001 to 27.8 in 2017. Given that Aboriginal learners return to post secondary educational at the age of 30+ teachers and institutes should be well prepared to receive a large wave of Aboriginal learners within the next decade. As such, Aboriginal education planning will require a better understanding of Aboriginal learner needs including increased student services for financial planning, daycare, transition programs etc., which the Consortium is actively working upon.

Almost 21% of the province’s Aboriginals reside in the Greater Vancouver Regional District (GVRD). In 2006, the GVRD was home to the third largest Aboriginal population of all urban centres in the country with 40,310 Aboriginal people. The growing Aboriginal population in the GVRD has both significant regional and generational distribution.

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3 BC Statistics
4 Statistics Canada 2005c (http://www40.statcan.gc.ca/l01/cst01/demo26a-eng.htm)
5 Statistics Canada 2005c.

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Current Aboriginal Education Trends

In the Consortium region participation rates of Aboriginal people in college are above the BC average however there is a stark difference in the percentages of peoples with no certificate, diploma or degree and those with university completion, where parity in employment achieved (see next figure).

In the Vancouver CMA there is more parity in Labour Market Education levels than other parts of BC. Within the Vancouver CMA though, a stark difference exists in the percentage of peoples with no certificate, diploma or degree and those with university completion.

Financial Barriers

Although the accessibility barriers of Aboriginal learners for higher learning are long and complex one of the most significant reasons is lack of funding support, despite the fact that education is a treaty right. In fact, according to the Assembly of First Nations approximately 10,000 First Nations eligible students are on waitlists because of underfunding.

Currently, it is estimated that only half of all Aboriginal learners are able to access funding supports.

For more information please see the Consortium Research on Accessibility Exemplary Practices (2008).
According to Statistics Canada Aboriginal education trends indicate that within the Vancouver area that Aboriginal learners only achieve parity in employment rates upon completion of a university degree. Therefore, the Coastal Corridor Consortium, who is focused upon achieving parity in educational outcomes for Aboriginal learners, recognizes the importance of all educators in the region to strive to support university completion rates.

Employment Rates for the Aboriginal Population Aged 25-44, by highest level of schooling

Barriers to Higher Learning

In 2008 the Consortium undertook research to determine the specific barriers for Aboriginal learners to higher education, which resulted in identification of the following barriers in priority order:

- Funding
- Family/Community Support
- Community-based curriculum development and transition programs
- Systemic racism, which “continues to be the biggest barrier for FN [First Nations] learning”\(^6\)
- Age discrimination (mature learners)
- Urban Adjustment
- Economic sensitivity
- Intergenerational residential school syndrome

One of the largest barriers to Aboriginal higher learning is that of lack of high school completion. To address this need both the Consortium and the BC Ministry of Advanced Education and Labour Market Development (ALMD) are focusing upon the design and delivery of transition, ABE, and laddering programs.

\(^6\) (Battiste, 2005, p.14)
Regional Skills / Labour Shortage and the BC Economy

Due to robust economic growth and a more mature work force, early in 2008 the BC unemployment rate was at a 43-year low after a five year straight decline. By late 2008, unemployment had risen again to its highest level in almost two years. However, analysts predict BC is well positioned to see improved economic conditions by 2010, with employment rates rising again. Positive economic indicators will yield a skilled labour shortage and a widening skills gap as baby boomers enter into retirement.

In the wake of a wave of workers exiting the labour force "the Aboriginal population represents the largest untapped labour force in the country" (Forsyth, 2006) but to be mobilized "business, government and the Aboriginal community should ensure that potential Aboriginal employees possess the skills required to perform successfully in future employment positions."

Developing the young and growing Aboriginal labour market requires supporting Aboriginal learner’s access to skills development.

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8 CBC report on Statistics Canada figures, Nov. 7, 2008.
9 Office of Government Relations of the University of British Columbia
Section 2.0  Traditional Aboriginal Social Values & Interconnectedness

ACTIVITY ONE: Visual / Interpersonal Learning Objective: Understand and describe Aboriginal values and the interrelationships important to Aboriginal learners succeeding.

Separate into small groups and draw a map, diagram or image to describe Aboriginal values and the inter-relationships important to Aboriginal learners succeeding. Present to the group.

Social and economic development of Aboriginal peoples is only successful when it is culturally relevant. This includes incorporating traditional knowledge and culture by utilizing Aboriginal instructors as much as possible. Culturally relevant teaching is where “an emphasis is placed on building cultural strengths thus enhancing self-concept” (Battiste, 2002, p. 15) should begin with understanding Aboriginal values, traditional communication and learning styles, methodologies and teaching practices that can allow educators to support Aboriginal learners success and be better teachers for all students.

The following are the traditional Aboriginal social values that should be understood in order to support Aboriginal learners:

Respect: This includes respect of self, our relationship with others, the land, and animals. Aboriginal peoples highly value these relationships. For teachers this means working with learners, developing a supportive relationship with and between learners, listening and allowing for dialogue, and using a strengths-based approach to teaching that empowers learners to take ownership of, and interest in their learning processes. For teachers this relationship-based approach informally mitigates competition. This approach should be used in conjunction with formal processes designed to mitigate the intensive competition in non-Aboriginal institutes that can undermine Aboriginal learners, as outlined in the sections on Course Design and Creating an Environment of Respect & Empowering Learners.
**Land:** The Greater Vancouver and Sunshine Coast areas are recognized as a land of abundance, a land rich in marine resources, and a land of diverse plant and animal species that have been managed and maintained by the First Nations peoples since time immemorial. Aboriginal cultures, societies, values and ways of knowing are derived from this holistic relationship to the land and its resources, which continue to this day and are an integral part of the learning and education process of Aboriginal people.

**Shared Leadership:** In North America today we are most familiar with vertical leadership, which stems from an appointed or formal leader of a team. By contrast First Nations peoples who recognize all people as equals traditionally utilized a process of “shared leadership” (C. L. Pearce, 1997; C. L. Pearce & J. A. Conger, in press; C. L. Pearce & H. P. Sims, 2000, as cited in Pearce and Sims, 2002), which is a group process in which leadership is distributed among, and stems from, team members. Vertical leadership was reserved only for times of war.

**Community:** Aboriginal peoples are deeply committed to their communities, whether a distinct community or social affiliation. As such, community interconnectedness is key to the work of the Coastal Corridor Consortium’s community-based Aboriginal curriculum design process. Aboriginal learners’ interconnectedness and interest to ‘give back’ or contribute to their communities’ development is important to recognize and integrate into course design as community service. This includes involving Elders, parents, family, and community members. Educators should be flexible and work with the individual and community network to understand what role they can play in supporting the teaching of traditional skills, coordinating language activities, or leading and supporting in other areas of learning. (Battiste, 2002).

**Elders:** Elders are highly respected by Aboriginal people and are keepers of traditional knowledge such as knowledge of the land, ancient stories, and societal laws such as customary law, decision-making and clan systems. Elders are traditional teachers, and as with all Aboriginal people are lifelong learners. Today, Elders are particularly important as mentors for Aboriginal learners to set out positive expectations (Williams et al, 2008).
The following activities will assist teachers to understand Aboriginal communities, and Aboriginal learners:

- Respect Aboriginal cultural diversity and take an interest in the culture, history, community goals and aspirations. Participation in community events is still considered a responsible and respectful act and teachers should attend if invited or if there is a public function/community event. However, do not come into an Aboriginal community unannounced. This relationship building and developing trust can take years depending upon the individual, and the community.

- Find ways to celebrate the culture in class, in your institution and in the communities.

- Exhibit a humble attitude; share your expertise and knowledge in a caring way. If you do request input and feedback from an individual or community you are obliged to follow up to inform them what you have done with their information. Finally, their information and traditional knowledge is theirs alone – Academic Researchers should refer to appendix B, Coastal Corridor Consortium Draft Traditional Knowledge Protocol Agreement.

- ASSUME NOTHING (cultural, timelines, politics)

- Recognize and respect the close community ties that require a community to close offices to attend funerals and memorials.

- Respect Elders, women and take an interest in Youth. This is a critical component to engaging not only individual clients but communities. Elders play a key role and as such an unyielding rule of business is to have respect for Elders. It is also important to acknowledge the fact that women have traditionally been treated with respect, particularly so if the community is a matrilineal society.

- Respectful Language. Aboriginal peoples place a high value on the power of words, which many Aboriginal peoples consider with great deliberation and slowly speak with humility, respect, and often humour. Your role is to be patient, do not interrupt, and listen intently.

- Honour the way First Nations communicate and learn how First Nations show respect in your community.
Section 3.0  Understanding Traditional Aboriginal Communication Styles

**ACTIVITY TWO: Auditory/Musical / Kinaesthetic Learning Objective: Understand Traditional Communication styles**

*Separate into small groups and using drums, clapping or through song mimic conversational rhythm, accommodating for subtle social cues. Present to class, using sharing circles to talk about your experience in this activity.*

Aboriginal people’s traditional communication style is highly focused around the following social principles:

- **Listening is more important than talking.** Social intelligence recognizes that there are social cues, dictated by culture, which establishes a rhythm and canter to a conversation or discussion. In most of North America society this conversational rhythm is faster and requires participants to aggressively interject. Silence is therefore awkward. By contrast Aboriginal traditional communication styles are more cooperative, slower, where intent listening is required and conversational silent spaces are common. These conversational silent spaces allow participants to thoughtfully reflect on the discussion, while allowing for respectful silent spaces for participants of the discussion to interject. You will commonly see Aboriginal people looking down in respect when someone speaks until they have finished their thought and created a silent space. The listener will then establish eye contact to respond fully expecting to be able to finish their thought without interruption.

- **Humour, Metaphor and Stories.** Aboriginal cultural communication styles frequently incorporate socially constructive humour, metaphors and stories, which are cognitive thought processes that provide insight and have the ability to disarm our defences. Humour, metaphor

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10 Personal principles vary from individual to individual and culture to culture, however many Aboriginal teachings promote: wisdom, love, respect, courage, honesty, humility, truth, fortitude, generosity, and patience.

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and stories allow the listener to succumb to a state of lateral thinking or divergent thought that facilitates learning, insight, and problem solving (D. Reicher, M. Platow, A. Haslam, 2007). It is important to note however that humour is either socially constructive or destructive. Socially constructive humour that is associated with high emotional intelligence, self-awareness and empathy, is equated with 'laughing at life' and ‘bonding humour’ (L. Dobson, 1996). By contrast socially destructive humour that can be malicious and damaging is ‘put-down humour’ and ‘hate me humour’ (L. Dobson, 1996) and creates a negative environment for people to perceive insights, truths or to learn.

• **Sharing Circles.**  _Sharing circles or talking circles are a common Aboriginal democratic communication tool wherein a group of people gather in a circle, recognizing the equality of each other and allowing for candid, informal dialogue. In sharing circles participants can share their experiences, understandings and vulnerabilities._

_The conversational rules of respectful listening and taking turns sometimes using a talking stick are strictly adhered to in this forum. In sharing circles negative thoughts are not allowed. There are as many methods to facilitating a sharing circle as there are benefits and outcomes to this communication process, perhaps the most important of which is establishing trust. “Members who trust one another learn to be comfortable being open, even exposed to one another around their failures, weaknesses, even fears.” (Lencioni, 2005, p.14)._  

• **Protocols.**  Aboriginal protocols are outlined formally in Protocol Agreements and informally in protocols that are usually based upon customary law. Showing respect to understanding the distinct Aboriginal culture in the area is important. To find out what specific protocols should be adhered to teachers can enquire directly with the Educational Coordinator of the Nation whose traditional territory the learning is occurring.
Section 4.0  Course Planning for Aboriginal Learners

**ACTIVITY THREE: Visual/mathematical**

*Learning Objective: Understand Course Planning Considerations for Aboriginal learners*

*In small groups use a chart to outline the considerations required to support Aboriginal learners and determine ranges of importance. Present to class.*

The following are considerations that should be included in course planning:

**Constructivist Teaching Model**

For more than a quarter century behaviourist theory (B.F. Skinner) has driven much of the practice of education with schools and teachers creating behavioural goals and objectives. Curricula have been tightly sequenced according mechanistic beliefs with assessment practices focusing on measurement of knowledge and skills, with little emphasis on performance and understanding.

More recent research has been focused on building an understanding of learning that grows out of cognitive and developmental psychology. The key principle in this new "constructivist theory" is that people learn best by actively constructing their own understanding. This model, and the principles contained within, is well suited to the needs of Aboriginal learners (Battiste, 2005, and Williams et al, 2008). See Appendix A for more information on constructivist teaching model if you are not already familiar with it.

The fundamental beliefs underlying this new paradigm for learning are summarized as follows:

- All knowledge is constructed through a process of reflective abstraction.
- Cognitive structures within the learner facilitate the process of learning.
- The cognitive structures in individuals are in a process of constant development.
- If the notion of constructivist learning is accepted, then the methods of learning and pedagogy/andragogy should agree.

"At every step of planning and implementing the course the two distinct worlds of the academy and the indigenous people needed to be negotiated and compromises found" (Williams and Tanaka, 2007).
Course Duration/ Flexible/ Blended Delivery

Some considerations for community-based or blended course design include:
- Hybrid models of delivery developed that provide transition support to institution based learning, such as the case with Sechelt First Nation and Capilano University;
- Part-time and flexible delivery format community-based programs, particularly bridging programs, have proven particularly effective for Aboriginal learners (ACCC, 2005);
- Reduced work-load options and work-based learning within Aboriginal communities (ACCC, 2005) that fulfill community-identified needs and skills shortages such as First Nations Program Manager Diplomas;
- Small class size has been noted as a unique and beneficial characteristic (Kaetenies Research, 2006, p. 26).

Curriculum Materials

Perhaps one of the most important tools required to support Aboriginal learners is that of culturally sensitive curriculum materials. Ironically it is also one of the slowest changes that will be realized. There is a shortage of culturally sensitive curriculum materials, despite the fact that ALMD through their Aboriginal Special Project Funds support.

The need to replace materials stems from the Aboriginal Peoples Royal Commission on Aboriginal Peoples’ finding of “elements of racism [which] are intertwined in history, in the history books, in the library books. It is found in school curriculum” (Piltz).

“We tend to focus on the curriculum and ultimately it doesn’t mean anything if the learner doesn’t learn.” – Jen Moses, Coordinator or ECE, Capilano University
Evaluation Options

“The concepts of ‘knowledge’, learning’, ‘evaluation,’ and ‘standards’ need to be expanded beyond traditional mainstream definitions to conform to First Nation learning theory” (Battiste, 2005, p. 15).

Assessment and evaluation practices should be well planned, tied to the curriculum and capable of meeting student needs. Student evaluation is an integral part of good teaching practices and should inform instruction. Assessment tools are needed to guide students and teachers in setting appropriate learning goals. Constructivist theory as outlined at the University of Saskatchewan\(^{11}\) sets out a series of evaluation options that can be offered including:

- **Anecdotal Records** - Anecdotal records are a form of ongoing assessment of observations of student(s) in the classroom. These jot-notes provide the teacher with information as to how the student is processing information, collaborating with students as well as general observations on learning styles, attitudes and behaviour. These records are a valuable form on ongoing assessment.
- **Exit Cards** - An easy 5 minute activity to check student knowledge before, during and after a lesson or complete unit of study. Students respond to 3 questions posed by the teacher. Teachers can quickly read the responses and plan necessary instruction.
- **Graphic Organizers** - Graphic organizers, also known as mind maps, are instructional tools used to illustrate prior knowledge.
- **Journals** - Journals can be used to assess for process of learning and student growth. They can be open-ended or the teacher can provide guiding, reflective questions for the students to respond to. These often provide insight on how the students are synthesizing their learning.
- **Oral Presentations** - Students are allowed to verbally share their knowledge. Some students may choose to do an oral presentation using multimedia.
- **Peer Assessment** - Assessment in which one learner, groups of learners or the whole class gives written or verbal feedback to another learner. Peers can use checklists, rubrics or give a written response to peer work.

\(^{11}\) Source: University of Saskatchewan [http://www.saskschools.ca/curr_content/constructivism/how/evaluation.html](http://www.saskschools.ca/curr_content/constructivism/how/evaluation.html)
- Portfolios - A portfolio is a representative collection of an individual student's work. A student portfolio is generally composed of best work to date and a few "works in progress" that demonstrate the process. Students show their knowledge, skills and abilities in a variety of different ways that are not dependent upon traditional media such as exams and essays. Multiple Intelligences Portfolios are an effective way for students to understand not how smart they are but how they are smart.
- Project-Based Learning - instructional strategy that challenges students to discover answers to their questions through real-world investigation. These are in-depth learning opportunities that motivate students and integrate many curriculum objectives.
- Rubrics - A rubric is "a road map, telling students and teachers where to begin, where they're going, and how to get there." Dr. Kay Burke. Rubrics are scoring guides or sets of expectations used to assess student level of understanding and allow students to know the expectations and what they need to do in order to be learning at a higher level. Examples: Graphic Organizer, Canada Collage, Reflection, Student Generated Evaluation Rubric
- Simulation - The use of role playing by the actors during the operation of a comparatively complex symbolic model of an actual or hypothetical social process; usually includes gaming and may be all-man, man-computer, or all-computer operations.

Celebrating Learning

Aboriginal peoples have and continue to build success by formally celebrating learning. "Inviting the community to witness, acknowledge, and recognize the class at the midway point and at the end of the class was in keeping with the indigenous way of measuring accomplishment (Williams and Tanaka, 2007)." Planning for a gathering to celebrate learning should include the learner, Aboriginal Advisory, community Education Coordinator, Community and/or affiliate organization.
Section 5.0  Teaching Strategies Based Upon Traditional Learning Styles

ACTIVITY FOUR: Logic/ Interpersonal
Learning Objective: Describe Teaching Strategies that are based upon Traditional Learning Styles and Traditions

In small groups discuss the following strategies and present your conclusions.

Cultural Learning

Perhaps the most important strategy that can be used in teaching Aboriginal learners is that of empowering them through assignments and experiential learning activities that allow them to research, understand and celebrate their culture, beliefs, and values. Recognizing the cultural diversity of Aboriginal peoples in BC, this approach is particularly important to support learner's cognitive development and the development of others by mitigating racism, encouraging diversity and understanding.

It is critical that teachers place an emphasis “on building cultural strengths thus enhancing self-concept” (Battiste, 2002, p. 15). Other important elements include: understanding and incorporating Aboriginal values, traditional communication and learning styles that are well suited to multi-modal, experiential learning; deep observation and reflective learning; telling stories and using metaphors; mentorship and apprenticeship learning; learning in a community; and learning by sharing and providing service to the community” (Williams et al, 2008). Some examples of these teaching methodologies and practices are as follows:

- Multi-modal design. It is important for learners to be aware of their learning style and to teach learners utilizing a variety of learning styles. Similarly, it is also important to recognize that Aboriginal learners, as with all learners, benefit from being grouped into similar age teams, particularly more mature learners who can benefit from peer support.
Mentorship and apprenticeship. Utilizing this method of learning can be easily achieved by supporting peer mentorship. The support that many Aboriginal learners have received during their high-school level education is often inadequate for their needs, and therefore they enter higher learning education with inadequate skills that may require additional supports. Peer mentorship can also be exercised by senior students who can internalize materials by instructing junior learners or community members/youth. This also provides an opportunity for learners to identify and find ways to provide community service, which is another powerful traditional learning style.

Notes:
Section 6.0  Teaching Practices that Create an Environment of Respect & Empowering Learners

**ACTIVITY FIVE: Social/ Interpersonal**

**Learning Objective:** Understand and describe Teaching Practices that create an environment of respect & empowerment for learners

*Full group discussion on how to engage in learner centered discussions on teaching practices that create an environment of respect and empowerment for Aboriginal learners.*

**Peer Feedback**

An important tool that can be easily adopted into regular use within the classroom is the sharing circle as described in traditional communication styles. As outlined within this section it is an important tool to establishing trust.

A commonly utilized learning strategy within higher learning institutes today is to incorporate informal or formal (included in grading processes) opportunities for peer feedback. Peer feedback is not the same as a peer evaluation it is a structured format that outlines how to provide positive feedback to other learners and may or may not be part of an overall grading. Usually the structured feedback criterion is determined by an institution, faculty, or faculty member, but should be finalized with the learners directly, and includes providing analytical and thoughtful positive feedback that encourages reflective thought, team development, peer mentorship and support.

Peer feedback does not focus on grammar, although it may have a writing component. Rather, peer feedback focuses on concepts and thoughts. It can be used particularly well for focused work in small teams, made up of same aged peers. Peer support is an important element that supports the success of Aboriginal learners.
Recognizing the importance of positive expectations and role models for Aboriginal learners the Consortium Manager of Operations can assist with recommendations and or coordination of guest speakers, specifically Elders.

Other sources available include contacting directly Aboriginal organizations, specific to the course. The Ministry of Aboriginal Relations and Reconciliation provides an annually updated ‘Guide to Aboriginal Organizations’ available from: [http://www.gov.bc.ca/arr/services/guide.html](http://www.gov.bc.ca/arr/services/guide.html)

INAC offers complimentary support to coordinate speakers to groups, organizations and classrooms interested in learning about treaty negotiations and Aboriginal issues in BC. For more information, or to request a speaker, please call 1 800 665-9320 or email bcinfo@inac.gc.ca.

### Positive Expectations

Traditional Aboriginal Teachers (Elders) have a particularly significant role in providing positive expectations (Williams et al, 2008) that goes hand in hand with establishing a relationship, trust and providing support. Teachers can actively demand while remaining personally warm; place an emphasis on academics; communicate clear expectations; while supporting the learner achieve the highest levels of success with all learners. This is particularly true with Aboriginal learners who benefit from communicated positive expectations once a relationship and trust is established.

Other activities that teachers should undertake to build an environment of respect that empowers learners is as follows:

- Listen intently, respect and understand Aboriginal communication styles, i.e.: allowing for silence
- Be aware of and sensitive to social cues that may be culturally specific, including proximity and other non-verbal preferences
- Share classroom control and responsibility (shared leadership and constructivist learning model)
- Regularly utilize sharing circles to understand the individual learners experience, understandings and challenges so that he/she can ensure the learning is appropriately paced.
- Avoid spotlighting or singling students out
- Use a holistic learning approach, supportive and empowering to teaching
- Use multi-sensory, multi-modal instruction, minimizing formal lecturing and including experiential learning
- Provide sufficient time and privacy for practice before expecting performance, as negotiated with the learner(s)
- Become a part of the community: observe and ask questions so that genuine caring and concern is communicated
- Encourage collaboration, over competition
- Enforce these positive expectations with guest speakers (sources: Consortium Manager and INAC)
Measures of Success & Things to Watch for

The outcome of a successful learning experience for Aboriginal peoples is, consistent with Aboriginal traditional learning, a never ending process that builds the whole person and empowers them to understand and engage in critical thinking about specific subject matter. According to Affective and Effective Schools (Chief’s of Ontario, 2005) the following are outcomes of successful learning experiences:

- Increased knowledge of traditional practices
- Increased interest in school and the value of education
- Increased attendance
- Improved understanding of community needs
- Improved understanding of student needs
- Improved relations with parent and school
- Improved self-concept & pride in oneself
- Improved participation in school
- Improved intercultural understanding
- Improved student performance and school success
- Improvement of attitude to students
- Increased interest in the curriculum
- Increased university preparation
- Stable adult friendships
- Less truancy
- Clear career aspirations
- Reduction in drop-outs
- Increased # of graduates
## Glossary

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aboriginal rights</td>
<td>Rights that some Aboriginal peoples of Canada hold as a result of their ancestors' long-standing use and occupancy of the land, e.g., to hunt, trap and fish on ancestral lands. Legally, the existence of specific Aboriginal rights is determined on a case-by-case basis.</td>
</tr>
<tr>
<td>Aboriginal self-government</td>
<td>Governments designed, established and administered by Aboriginal peoples.</td>
</tr>
<tr>
<td>Aboriginal title</td>
<td>A legal term that recognizes Aboriginal interest in the land. It is based on a long-standing use and occupancy of the land as descendants of the original inhabitants of Canada.</td>
</tr>
<tr>
<td>Band</td>
<td>As defined by the Indian Act, a Band is a body of Indians for whose common use and benefit lands have been set aside or monies held by the Government of Canada or declared by the Governor in Council to be a Band. Today, many Bands prefer to be known as First Nations.</td>
</tr>
<tr>
<td>Band Membership</td>
<td>What an individual Indian has when he or she is a recognized member of a Band and whose name appears on an approved Band List. Where a Band has adopted its own membership code, it may define who has a right to membership in the Band, so being a status Indian is not necessarily synonymous with being a Band member. Status Indians who are not Band members are listed in the General List.</td>
</tr>
<tr>
<td>Band Chief</td>
<td>The leader of the local Band and Band Council. The Chief is elected by eligible voters of the Band, or by the councillors according to the regulations of the Indian Act.</td>
</tr>
<tr>
<td>Band Council</td>
<td>Governing or administrative body of a Band, elected according to procedures laid out in the Indian Act. They may either be an elected or custom council under the Act. The councillors are elected by eligible members and serve a two-year term as per the Act, or more as defined by a custom code.</td>
</tr>
<tr>
<td>Chief and Council</td>
<td>Refers to the collective governing authority of a Band.</td>
</tr>
<tr>
<td>Band Manager / Administrator</td>
<td>Under the general direction of Council, the First Nation Administrator provides overall leadership for the implementation and delivery of programs and services for the benefit of the membership and community.</td>
</tr>
<tr>
<td>BCR (Band Council Resolution)</td>
<td>A Band Council Resolution is the authority mechanism by which the elected representatives of a Band Council authorize an action that is the equivalent to a municipal by-law. Source: Real Property Lexicon Working Group (2001.01.23)</td>
</tr>
<tr>
<td>Consensus Decision-making</td>
<td>Refers to the traditional decision-making style and decision-making process of Aboriginal and other indigenous peoples as it relates to fundamental community affairs.</td>
</tr>
<tr>
<td>DIAND</td>
<td>The Department of Indian Affairs &amp; Northern Development (DIAND) is also known as Indian Affairs Canada (Indian Affairs).</td>
</tr>
</tbody>
</table>
### Elder(s)
Aboriginal persons who are respected and consulted due to their experience, wisdom, knowledge, background and insight. Elder does not necessarily equate with age.

### First Nation(s)
A term that came into common usage in the 1970s to replace the word "Indian". Although the term First Nation is widely used, no legal definition of it exists. The term has also been adopted to replace the word "Band" in the naming of communities.

### First Nation Council
See Band Council.

### Hereditary Chief
Chiefs who generally inherit rank and title through their mothers or fathers. In most communities the candidate for the chief's name and responsibility had to first show genuine skilled leadership. A chief could also lose their authority and influence if they did not responsibly perform the duties of leadership.

### House
Extended family or household of a hereditary chief in the ranked societies, often living in the same long or big house.

### Indian Act
This is the Canadian federal legislation, first passed in 1876, that sets out certain federal government obligations, and regulates the management of Indian reserve lands. The Act has been amended several times, most recently in 1985 (see Bill C-31).

### Indian Band
See Band.

### Indian Reserve
Lands owned by the Crown, and held in trust for the use and benefit of an Indian Band, for which they were set apart. The legal title to Indian reserve land is vested in the federal government.

### INAC
Indian & Northern Affairs Canada (INAC) is the federal government department responsible for the administration of "Indians and lands reserved for Indians." Also known as DIAND.

### Indigenous
Generally used in the international context, "indigenous" refers to peoples who are original to a particular territory. This term is very similar to Aboriginal and has a positive connotation.

### Inherent Right of Self-governance
Derived from Aboriginal peoples' use and occupation of certain lands from time immemorial.

### Inuit
An Aboriginal people in northern Canada, who traditionally lived above the tree line. The word means "people" in the Inuit language - Inuktitut. The singular of Inuit is Inuk.

### Nation
A sizeable body of Aboriginal People with a shared sense of national identity that constitutes the predominant population in a certain territory or collection of territories.

### Off-reserve
A term used to describe people, services or objects that are not part of a reserve, but relate to First Nations.

### Oral history
Evidence taken from the spoken words of people who have knowledge of past events and
| **Reserve** | Land set aside by the federal government for the use and occupancy of an Indian group or Band. Legal title rests with the Crown in right of Canada. |
| **Potlatch** | A potlatch ceremony is a ceremonial feast among west coast First Nations Peoples usually held in celebration or recognition of an important event among the people. Potlatches involved the giving away of gifts to guests by the host or hosts of the event. Like many other traditional spiritual and ceremonial practices of First Nations people across Canada, the potlatch ceremony was outlawed by the Indian Act of 1876. This law was later repealed when the Indian Act was revised in 1951. |
| **Gathering** | A gathering is a community event that celebrates or commemorates births, marriages, celebrations or memorials. |
| **Pow-Wow** | A powwow is a gathering of First Nations people to socialize, dance, sing, and share entertainment. Traditionally, Plains First Nations peoples organized powwows as general gatherings of socialization, celebration, and entertainment, a practice that continues to the present day. |
| **Royal Proclamation of 1763** | Enacted by the British Government to ensure that the interests of Indian people and their lands were protected, and the Indian people were dealt with fairly if that interest was extinguished. |
| **Self-government** | Self-government is the ability of peoples to govern themselves according to their values, cultures and traditions. |
| **Treaty** | An agreement between First Nations and the Crown. |
| **Treaty Rights** | Special rights to lands and entitlements that Indian people legally have as a result of treaties; rights protected under section 35 of the Constitution Act, 1982. |
| **Tribal Council** | An association of 5 or more First Nation (Band) Councils. |
Bibliography


Appendix A: Constructivist Teaching Model

The constructivist classroom presents the learner with opportunities to build on prior knowledge and understanding to construct new knowledge and understanding from authentic experience. Students are allowed to confront problems full of meaning because of their real-life context. In solving these problems, students are encouraged to explore possibilities, invent alternative solutions, collaborate with other students (or external experts), try out ideas and hypotheses, revise their thinking, and finally present the best solution they can derive.

Contrast this approach with the typical behaviourist classroom, where students are passively involved in receiving all necessary critical information from the teacher and the textbook. Rather than inventing solutions and constructing knowledge in the process, students are taught how to "get the right answer" using the teacher's method. Students do not even have to "make sense" of the method used to solve problems.

Recommended Links for further study:
- [http://www.usask.ca/education/coursework/802papers/Skaalid/application.html](http://www.usask.ca/education/coursework/802papers/Skaalid/application.html)
- [http://uwf.edu/nhastings/edg6335/Descriptive_Web/Leo_Murphy_Murphy_Descriptive_Theory_Assignment_Feb_08.pdf](http://uwf.edu/nhastings/edg6335/Descriptive_Web/Leo_Murphy_Murphy_Descriptive_Theory_Assignment_Feb_08.pdf)
- [www.elearningguild.com/pdf/2/062904DES.pdf](http://www.elearningguild.com/pdf/2/062904DES.pdf)

University of Saskatchewan Application of Constructivist Principles to the Practice of Instructional Technology

What are the implications of this philosophy of knowledge for the design of instructional tools? Traditional designers first attempt to analyze content and prerequisites (see Gagne and Briggs, 1979) to identify a course sequence. A constructivist course designer knows that content cannot be pre-specified. Although a certain amount of content may be available for students to use, they are encouraged to seek out as many alternate sources of knowledge as they can find which will deepen their perspective of the topic they are working on. And the notion of situated learning is important, where students are encouraged to consider what real life people in a particular environment would do. Traditional theory focused on the typical learner and what he would know when the course was completed. A constructivist learner is not described. Instead, through metacognition, all learners are encouraged to reflect on how and what they are learning and how it fits into what they already know. Traditional theory specifies objectives for knowledge acquisition in advance. Constructivism attempts to identify the culture of a knowledge domain. For example, a constructivist learner would be encouraged to learn how to think like a historian, as opposed to learning dates in history.

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12 Source: [http://www.usask.ca/education/coursework/802papers/Skaalid/index.html](http://www.usask.ca/education/coursework/802papers/Skaalid/index.html)
The synthesis, or design phase of traditional instruction would involve the design of a sequence and message which would achieve specified performance objectives. Pre-specified content and objectives are not congruent with the constructivist worldview. Substituted for these activities would be: learning based on situating cognition in real world contexts; cognitive apprenticeship and modelling; and negotiation of meaning through collaborative learning which emphasizes multiple perspectives of analysis. Another emphasis in constructivism is to make available an array of cognitive tools which can scaffold the learner within this rich, sometimes confusing, environment.

Wilson, et al (1993) provides some interesting insights into how instructional design should change in a constructivism environment. Below are some excerpts from a web article entitled "The Impact of Constructivism (and Postmodernism) on ID Fundamentals". (Wilson, Teslow, & Osman-Jouchoux)

Who Does the Design?

A key element in effective ID is the nature of the design team. Instead of a designer and subject expert working in relative isolation, constructivist ID suggests that all major constituencies be represented on the design team, including teachers and students. These end users' the "consumers" of the instructional "product" should contribute directly to the project's design and development. Greenbaum & Kyng (1991) refer to this as participatory design, and Clancey (1993) recommends "we should involve students, teachers, administrators, future employers, and the community as participants in design..., working with students and teachers in their setting not just calling them into the...lab to work with us" (pp. 9, 20). We can hear the comment now: "But we've always incorporated the end user in our ID models; this sounds like warmed-over formative evaluation." We respond: "If formative evaluation got done a tenth as much as it gets talked about, ID practice would be in much better shape."

Accommodating Multiple Perspectives

In a pluralistic world, more flexibility should be built into the instruction; after all, even experts disagree on optimal solutions to problems. Not all students share the same learning goals; not all students' learning goals converge completely with instructional goals; students have different styles of learning, different background knowledge. Rather than ignore these differences, instruction should acknowledge the evolving nature of knowledge and encourage students to engage in a continuing search for improved understanding. This plurality of content, strategies, and perspectives typifies postmodern approaches to instruction. Such a pluralistic approach to instruction follows a clear trend toward accommodating multiple goals, styles, and perspectives in instruction (Collins, 1991). But is pluralism the exception or the rule? What one views as "typical" may depend more on one's philosophical and value orientation than on any actual conditions found in schools and
training environments. And that relates to a continuing them of the chapter constructivism is a theory about how things are, about what the mind is like; then, through the lens of that theory, one begins to see ID in new terms.

**Guidelines for Doing Constructivist ID**

This section is composed of a laundry list of tips for viewing ID from a constructivist perspective, organized according to generic ID phases. For scope reasons, issues of implementation are not addressed. Some of the tips are abstract and conceptual; others are simple and practical. Some depart radically from current practice; others reflect how most practitioners already view their jobs. Collectively, they provide a clearer picture of what it means to do constructivist ID.

**General Methodology**

- **Apply a holistic/systemic design model that considers instructional factors (learner, task, setting, etc.) in increasing detail throughout the development process. A number of key factors are systemically related in any instructional situation. Rather than doing a learner or task analysis once early in the process, return to these factors and their interactions continuously through the project cycle (see Wilson, Teslow, & Osman-Jouchoux, 1993, for an example).**
- **Use fast-track (Smith, Miles, Ragan, & McMichael, 1993) or layers-of-need models (Wedman & Tessmer, 1990). Adapt ID methodology to the constraints of a given situation. A single generic ID model is not appropriate for all situations. Identify key principles underlying ID methods; such as consideration of the learning environment; then use those principles in determining a procedures that fits the situation.**
- **Include end users (both teachers and students) as part of the design team. Incorporate participatory design techniques, with design activity moving out of the "lab" and into the field.**
- **Use rapid prototyping techniques to model products at early stages. Rapid prototyping is particularly useful in testing out the feasibility of innovative methods or user interfaces (see Tripp & Bichelmeyer, 1990).**

**Needs Assessment**

- **Consider solutions that are closer to the performance context (job aids, just-in-time training, performance support systems, etc.). This is consistent with situated models of cognition and with the notion of distributed cognition (Perkins, 1993).**
- **Make use of consensus- and market-oriented needs assessment strategies, in addition to gap-oriented strategies. Not all instruction is designed to improve performance in a specific work setting. Schools may develop curriculum based on a consensus among political constituencies; Tom Snyder Productions may develop a Carmen Sandiego adventure based on market considerations.**
• Resist the temptation to be driven by easily measured and manipulated content. Many important learning outcomes cannot be easily measured.
• Ask: Who makes the rules about what constitutes a need? Are there other perspectives to consider? What (and whose) needs are being neglected? These questions arise out of the postmodern notion of the ideological base of all human activity.

Goal/Task Analyses
• Distinguish between educational and training situations and goals. Acknowledge that education and training goals arise in every setting. Schools train as well as educate, and workers should be educated not just trained in skills to work effectively on the factory floor. Discerning different learning goals in every setting provides a basis for appropriate instructional strategies.
• Use objectives as heuristics to guide design. Don’t always insist on operational performance descriptions which may constrain the learners’ goals and achievement. Pushing goal statements to behavioural specifications can often be wasted work. The "intent" of instruction can be made clear by examining goal statements, learning activities, and assessment methods. Goals and objectives should be specific enough to serve as inputs to the design of assessments and instructional strategies.
• Allow for multiple layers of objectives clustering around learning experiences. Instruction need not be objectives-driven. A rich learning experience may embody a whole cluster of meaningful learning outcomes.
• Don’t expect to capture the content in your goal- or task analysis. Content on paper is not the expertise in a practitioner’s head (even if you believed expertise resided in someone’s head!). The best analysis always falls short of the mark. The only remedy is to design rich learning experiences where learners can pick up on their own the content missing between the gaps of analysis.
• Allow for instruction and learning goals to emerge during instruction. Just as content cannot be fully captured, learning goals cannot be fully pre-specified apart from the actual learning context. See Winn (1990) for a thorough discussion of this issue.
• Consider multiple stages of expertise. Expertise is usually thought of as having two levels: Expert or proficient performance and novice or initial performance. Of course, a two-level model is insufficient for accurate modeling of student growth over time. A series of qualitative models of expertise may be needed for modeling students’ progression in learning critical tasks (White & Frederiksen, 1986). Be prepared to confront learners’ naive, intuitive theories and to scaffold their learning.
• Give priority to problem-solving, meaning-constructing learning goals. Instead of rule-following, emphasize problem solving (which incorporates rule-following but is not limited to it). Instead of simple recall tasks, ask learners to make sense out of material and demonstrate their understanding of it.
• Look for authentic, information-rich methods for representing content and assessing performance (e.g., audio, video). High-resolution methods for representing content can be useful throughout the ID process. Whereas we usually associate audio and video representations only with presentation of material to students, the same representation tools may be useful for documenting expertise and assessing student understanding.
• Define content in multiple ways. Use cases, stories, and patterns in addition to rules, principles, and procedures. Rich cases, stories, and patterns of performance can be alternative metaphors for finding and representing content.
• Appreciate the value-ladenness of all analysis. Defining content is a political, ideological enterprise. Valuing one perspective means that other perspectives will be given less value. One approach is given prominence; another is neglected. Somebody wins, and somebody loses. Be sensitive to the value implications of your decisions.
• Ask: Who makes the rules about what constitutes a legitimate learning goal? What learning goals are not being analyzed? What is the hidden agenda? Twenty years ago, a designer using "understanding" in a learning objective would have been laughed out of the office. "Understanding" was fuzzy; it was forbidden. Are there other expressions of learning outcomes that remain taboo? Are there other dimensions of human performance that remain undervalued? Good postmodern ID would pursue answers to these questions and be unafraid of re-examining current practice.

Instructional Strategy Development
• Distinguish between instructional goals and learners’ goals; support learners in pursuing their own goals. Ng and Bereiter (1991) distinguish between (1) task-completion goals or hoop jumping," (2) instructional goals set by the system, and (3) personal knowledge-building goals set by the student. The three do not always converge. A student motivated by task-completion goals doesn’t even consider learning, yet many students’ behaviour in schools is driven by performance requirements. Constructivist instruction would nourish and encourage pursuit of personal knowledge-building goals, while still supporting instructional goals. As Mark Twain put it: “I have never let my schooling interfere with my education.”
• Allow for multiple goals for different learners. ID often includes the implicit assumption that instructional goals will be identical for all learners. This is sometimes necessary, but not always. Hypermedia learning environments almost by definition are designed to accommodate multiple learning goals. Even within traditional classrooms, technologies exist today for managing multiple learning goals (Collins, 1991).
• Appreciate the interdependency of content and method. Traditional design theory treats content and the method for teaching that content as orthogonally independent factors. Postmodern ID says you can't entirely separate the two. When you use a Socratic method, you are teaching something quite different than when you use worksheets and a post-test. Teaching concepts via a rule definition results in something different than teaching the concept via rich cases. Just as McLuhan discerned the confounding of "media" and "message," so designers should see how learning goals are not uniformly met by interchangeable instructional strategies (see Wilson & Cole, in preparation).
• Resist the temptation to cover material at shallow levels. Constructivist ID may throw away half the ostensive content and focus on deeper learning of less material. This attitude is not unique to constructivism of course programmed instruction theorists made a similar argument 30 years ago.

• Look for opportunities to give guided control to the learner, encouraging development of metacognitive knowledge. Encourage growth in students’ metacognitive knowledge, what we often call "learning how to learn." Don’t assume that students know how to exercise effective learning control; instead, establish metacognitive skills as a learning goal for instruction to achieve.

• Allow for the teaching moment. Situations occur within instruction where the student is primed and ready to learn a significant new insight. Good teachers create conditions where such moments occur regularly, and then they seize the moment and teach the lesson. This kind of flexibility requires a level of spontaneity and responsiveness not usually talked about in ID circles.

• Consider constructivist teaching models such as cognitive apprenticeship, minimalist training, intentional learning environments, and case- or story-based instruction. Seek out instructional strategies and systems that use authentic problems in collaborative, meaningful learning environments (see Wilson & Cole, 1991b, for examples).

• Think in terms of designing learning environments rather than selecting instructional strategies. Metaphors are important. Does the designer "select" a strategy or "design" a learning experience? Grabinger, Dunlap, and Heath (1993) provide design guidelines for what they call realistic environments for active learning (REAL); these guidelines reflect a constructivist orientation:
  o Extend students' responsibility for their own learning.
  o Allow students to determine what they need to learn.
  o Enable students to manage their own learning activities.
  o Enable students to contribute to each other’s learning.
  o Create a non-threatening setting for learning.
  o Help students develop metacognitive awareness.
  o Make learning meaningful.
  o Make maximum use of existing knowledge.
  o Anchor instruction in realistic settings.
  o Provide multiple ways to learn content.
  o Promote active knowledge construction.
  o Use activities to promote higher level thinking.
  o Encourage the review of multiple perspectives.
  o Encourage creative and flexible problem solving.
  o Provide a mechanism for students to present their learning.
• Think of instruction as providing tools that teachers and students can use for learning; make these tools user-friendly. This frame of mind is virtually the opposite of "teacher-proofing" instructional materials to assure uniform adherence to designers’ use expectations. Instead, teachers and students are encouraged to make creative and intelligent use of instructional tools and resources.

• Consider strategies that provide multiple perspectives and that encourage the learner to exercise responsibility. Resist the temptation to "pre-package" everything. Let the learner generate her own questions or presentation forms.

• Appreciate the value-ladenness of instructional strategies. Sitting through a school board meeting is enough to convince anyone of this. Instructional strategies grow out of our philosophies of the world and our value systems. Not only the content, but the strategy can be a threat to particular ideological positions or to learner motivation. Good designers will be sensitive to the "fit" between their designs and the situation.

Media Selection

• Consider media factors early in the design cycle. Practical and cost constraints typically dictate that tentative media decisions will be made relatively early in the design process. Media then becomes one of the instructional factors that receives increasing attention through iterations of analysis.

• Include media literacy and biases as a consideration in media decisions. Different media send different "messages" to an audience, independently of the instructional content. Look for any "hidden curriculum" elements in different media choices. Avoid negative stereotypes and cultural biases. Consider the rhetorical goodness of fit between media choice and overall instructional purposes. Also, design messages that are sensitive to an audience's media sophistication and literacy, paying particular attention to humour, media conventions, and production values.
Appendix B: Research Guidelines and Draft Coastal Corridor Consortium
Traditional Knowledge Protocol Agreement

Research Guidelines for First Nations

It is important to know who your clients are and it is recommended that each educator undertake research that will provide some insight into the history, traditions and culture of the community. It is recommended that the research includes both qualitative and quantitative data that recognizes that the oral history of the community as provided through the Elders, which should supersede that of written history, which was predominantly written by non-native archaeologists and researchers whose writings frequently do not include ethnographic research and are frequently incorrect. The Research Guidelines are as follows:

- Traditional territory. Most First Nations will have a clear statement of what their traditional territory is.
- Culture and Language. Extensive research on First Nations is now available on-line that will afford educators an excellent understanding of the distinct cultures, practices, and values of each Nation in Canada.
- Literature. Ask the Aboriginal community which writings they would recommend. Each community is keenly aware of the literature that has been developed about their peoples, which are accurate, and which are not.

Contained within the draft IP Protocol Agreement are some issues that should be respected and the recommended processes that should be undertaken for research on/for Aboriginal peoples.
Appendix C: Draft Coastal Corridor Consortium Traditional Knowledge Protocol Agreement

**THIS AGREEMENT** dated November 15, 2008 is among the **Aboriginal Partners** as represented by the:

- Lil’wat Nation;
- Musqueam Nation;
- Sechelt Nation;
- Squamish Nation;
- Tsleil-Waututh Nation;
- Métis Nation British Columbia (MNBC); and
- the United Native Nations (UNN).

(the “Aboriginal Partners”)

AND

**TRADITIONAL KNOWLEDGE APPLICANTS**, as represented by the:

- Native Education College;
- Vancouver Community College; and
- Capilano University.

(the “Applicants”)

being collectively referred to as “the Parties” to this protocol (the “Protocol”).

**Preamble:**
The Parties, who are partners on the Coastal Corridor Consortium, an unincorporated non-profit society, working collaboratively to create equality in the participation and success rates of Aboriginal and non-Aboriginal learners who live in the Coastal Corridor Consortium region. As such, this Protocol is based upon the processes of Aboriginal community-based curriculum development and acts as a guide for the Parties to incorporate traditional knowledge that will support Aboriginal learner success.
1.0 The Aboriginal Partners represent the Aboriginal rights, titles, and interests of the Aboriginal Members of the Coastal Corridor Consortium, upon whose collective traditional territory the Consortium operates, in what is today known as the GVRD and Sunshine Coast Regions of British Columbia.

2.0 The Consortium Partners have a mutual interest to undertake research to develop culturally relevant community-based curriculum content\(^{13}\), teaching materials, practices, and methodologies that incorporate Aboriginal Traditional Knowledge, through a collaborative community process that supports Aboriginal learner success.

3.0 Currently within Canada there is no legislation, developed or adopted, that clearly and effectively protects Aboriginal traditional knowledge\(^{14}\) that has, and continues to, result in misappropriation of traditional knowledge. It is recognized that these circumstances are compounded by the loss of Elders and traditional knowledge keepers who can no longer practice traditional methods of teaching within the existing educational systems.

4.0 Recognizing the need for traditional knowledge protections against cultural misappropriation or unauthorized use of Aboriginal Traditional Knowledge the Aboriginal Partners are entering into this agreement, which utilizes current legislation as one of many intellectual property protection tools for Aboriginal traditional knowledge.

5.0 Pursuant to the rights of Aboriginal peoples, within the meaning of sections 25 and 35 (1) of the Constitution Act, 1982, and those of all people within the Universal Declaration of Human Rights\(^{15}\) (1948) the Aboriginal Partners rights include ownership, protection, and custody of their Traditional Knowledge as intellectual property and that every such right includes the incidental right to teach such practices, customs, and traditions to a younger generation to ensure continuity of the knowledge.

6.0 The Applicants are post-secondary institutes who are partners of the Consortium and who are interested in developing with the Aboriginal Partners research to develop relevant curriculum content, teaching materials, practices and methodologies that are built upon and incorporate traditional knowledge to support the success of Aboriginal learners.

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\(^{13}\) Evans, M., McDonald, J., Nyce, D. (2000). Acting Across Boundaries in Aboriginal Curriculum Development: Examples from Northern British Columbia. (Guidelines to Curriculum Development, p. 11.) University of Northern BC. "The University does not copyright or otherwise require extensive control over course materials. Although it does require course outlines that can be used and disseminated freely". NVIT Affiliation agreements specifically contain a clause assigning curriculum content rights to the 'community' for which the course is developed.


\(^{15}\) Universal Declaration of Human Rights Article 27 (1) Everyone has the right freely to participate in the cultural life of their community, to enjoy the arts and to share in scientific advancement of its benefits. (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
7.0 The Applicants acknowledge that Aboriginal peoples are entitled to the recognition of the full ownership, control, and protection of their traditional knowledge, which is recognized both in its historical context and its evolving context\textsuperscript{16} “in response to a changing environment”\textsuperscript{17}.

8.0 The Applicants acknowledge the Aboriginal Partners rights, titles and interests within the Traditional Territory, including their rights to ownership, protection and custody of their Traditional Knowledge as used and developed for the purposes of research, curriculum content, teaching materials, practices and methodologies, and is entering into this Protocol as an act of good faith and recognition of such rights.

9.0 The Applicants therefore agree that all research, curriculum ‘content’, teaching materials, practices, and methodologies that include the Aboriginal Partners traditional knowledge will remain the property of the Aboriginal Partners. The curriculum ‘outline’ would remain the property of the Applicant(s).

10.0 Pursuant to the Aboriginal Partners laws, including Aboriginal customary law, the Aboriginal Partners have reviewed and recommended this Protocol to their duly authorized representatives and agents.

11.0 The Applicant has reviewed and recommended this Protocol to its duly authorized representatives and agents.

In consideration of the exchange of promises set out in this Protocol, and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by each of the Parties, the Parties covenant and agree as follows:

DEFINITIONS

(a) For the purposes of this agreement the Aboriginal Partners traditional knowledge is defined as moveable and immovable property, tangible and intangible property, original items and reproductions including but not limited to:

i. All types of literary and artistic works, including but not limited to language, oral history narratives, life skills narratives, other narratives, poetry, illustrations, manuscripts, music, dance, public performing arts, sacred and other ceremonies,

\textsuperscript{16} R. v. Gladstone, [1996] 2 S.C.R. 723] states that “The ‘frozen right’ approach focusing on aboriginal practices should not be adopted. Instead, the definition of aboriginal rights should refer to the notion of “integral part of distinctive aboriginal culture” and should “permit the evolution of aboriginal rights over time”.

\textsuperscript{17} Intergovernmental Consortium on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, Third Session, Geneva, June 13 – 21, 2002, pg. 11.
marks, and cultural expressions, as well as arts related to such ceremonies, symbols, designs, songs, art, handicrafts, tools, buildings and architecture, and vehicles;

ii. All elements of language, including but not limited to, family names, geographic place names, linguistic names of flora and fauna, and names of medicines;

iii. All knowledge, innovations and discoveries, including but not limited to, bio-harvesting and use of flora and fauna, and traditional, scientific, agricultural, technical and ecological knowledge, and methods of creating and using such things;

iv. All documentation of the Aboriginal Partners heritage on methods including but not limited to such film, photography, videotape, audiotape, and digital means; and

v. All special sites such as sacred sites, sites of historical significance, archaeological sites, and burial sites\textsuperscript{18}.

(b) “Inventory” means an inventory that may be held at the Aboriginal Partner’s offices or community, regional or national level containing Traditional Knowledge in written, audio, video, or other electronic form, including maps designating specific traditional land use and occupation within the Traditional Territory.

(c) “Aboriginal learner” means an individual person of Aboriginal ancestry who is pursuing or attending post-secondary institute within the collective traditional territory of the Aboriginal Partners.

(d) “Parties” means the Applicants and the Aboriginal Partners and “Party” means one of them.

(e) “Report” means a written narrative that includes the nature and scope of the Traditional Knowledge Project including objectives, methods, and findings.

(f) “Sacred Site” means a site used and/or identified by the First Nation for sacred purposes since time immemorial, including but not limited to, burial sites and sites of ceremonial, social, and/or cultural significance.

\textsuperscript{18} This definition incorporates language and concepts from three sources: “Protecting Aboriginal Knowledge, Culture and Art Under Canadian Intellectual Property Laws” (2005); United Nations Educational, Scientific and Cultural Organization (UNESCO); and the World Intellectual Property Organization (WIPO).
(g) “Traditional Knowledge Documentation” for the purpose of this Protocol, means the curriculum content, teaching materials, inventory, maps and/or all documentation or reporting of traditional knowledge, including all versions, editions and drafts thereof.

(h) “Traditional Knowledge Research” means the gathering, documentation, and preservation of Traditional Knowledge that result in Traditional Knowledge Documentation as a part of curriculum development and/or research.

(i) “Traditional Land Stewards” mean First Nation community members with a long family tradition of occupancy and use of an area within the Traditional Territory.

(j) “Traditional Territory” means that portion of the traditional territory of the First Nation located within the collective traditional territory of the Aboriginal Partners.

(k) “Traditional Knowledge Keepers” means an Aboriginal person that has been given the responsibility by his or her community to act as custodian of particular Traditional Knowledge to ensure the preservation of such Traditional Knowledge for future generations.

2.0 PRINCIPLES

The Parties agree to the following principles set out hereunder:

(a) **Prior Rights.** The Applicants acknowledge that the Aboriginal Partners have prior, proprietary rights, titles, and interests over the air, land, waterways, and the natural resources within the Traditional Territory, together with all traditional knowledge and intellectual property rights associated with their traditional territory, the resources contained therein, and all uses associated.

(b) **Self-Determination.** The Applicants acknowledges that the Aboriginal Partners have the Aboriginal right to self-determination within their Traditional Territory.

(c) **Inalienability.** The Applicants acknowledges that the Aboriginal Partners have inalienable rights to the Traditional Territory, including the Traditional Knowledge. These rights are collective by nature but can include individual rights. The Applicants shall defer to the Aboriginal Partners to internally determine for themselves the nature and scope of respective communal traditional knowledge rights.
(d) **Traditional Guardianship.** The Applicants acknowledges that the Aboriginal Partners have a holistic interconnectedness with the ecosystems within their Traditional Territory and the Aboriginal Partner’s obligations and responsibilities to preserve and maintain their role as stewards of these ecosystems through the maintenance of their culture, spiritual beliefs, and customary law.

(e) **Active Participation.** The Applicant acknowledges the crucial importance of the Aboriginal Partners to actively participate in all phases of any Traditional Knowledge research, curriculum development and the application or presentation of teaching practices and methodologies that integrate, use, or apply any forms of Traditional Knowledge. In the interests of mitigating ‘assimilative’ practices Aboriginal instructors who are cultural practitioners or knowledge keepers will be developed by the Parties and recruited by the Applicants.

(f) **Full Disclosure.** The Applicants acknowledge that the Aboriginal Partners are entitled to be fully informed and participate in the ultimate integration of the Traditional Knowledge (including curriculum content, teaching methodologies and practices). This information is to be shared with Aboriginal learners in a form and style that has meaning to the Aboriginal Partner communities, including translated information where possible.

(g) **Prior Informed Consent.** The Applicants acknowledge that the prior informed consent of one or more of the Aboriginal Partners should be obtained before the Traditional Knowledge or any work associated with Traditional Knowledge is undertaken. This includes ongoing consultation, which is necessary to maintain the prior informed consent throughout the duration of any Traditional Knowledge Research.

(h) **Confidentiality.** The Applicants acknowledges that the Aboriginal Partners have information concerning their Traditional Knowledge, including particular aspects of their culture, traditions, spiritual beliefs, and customary laws that should be maintained and treated as confidential by the Applicants, its members, alternates and/or agents thereof. This principle will be satisfied by meeting the obligations set out in Clause 10 herein.

(i) **Support of Aboriginal Partners Traditional Knowledge Research.** The Applicants acknowledge the Aboriginal Partners’ need to develop capacity to undertake their own Traditional Knowledge research and publications and in utilizing their own collections and databases.

(j) **Implementation of this Protocol.** The Applicants and the Aboriginal Partners acknowledge that a serious ongoing commitment by both Parties and the dedication of necessary resources to implement this Protocol is required to establish the necessary foundational agreements of the Consortium to achieve its collective vision and mission statements.
(k) **Mutual Autonomy.** The Parties, as members of the Coastal Corridor Consortium (Consortium) work collaboratively on the development of Aboriginal programs and services that support the success of Aboriginal learners, while respecting and maintaining the mutual autonomy, separate needs, and uniqueness of each partner.

(l) **Non-Derogation.** The Parties acknowledge that nothing in this policy shall be interpreted in a way that extinguishes, abrogates, or denies First Nations Aboriginal title or rights, or the exercise of those rights, within the meaning of sections 25 and 35 (1) of the Constitution Act, 1982, regardless of whether such title, rights, or privileges are established or defined at the time of implementation of this policy. The Parties also acknowledge that nothing in this policy shall prejudice any legal or other positions taken or that may be taken by the Aboriginal Partners in any court, tribunal or administrative proceeding, process, treaty negotiation or otherwise.

(m) **Third Party Consultation.** Nothing in this Protocol does or will limit the Parties ability to participate in consultations, discussions, and agreements with any third party.

### 3.0 PURPOSE OF THIS PROTOCOL

(a) The purposes of this Protocol include, but are not limited to, the following:

(i) Research and documentation of Traditional Knowledge to develop relevant Aboriginal curriculum, teaching methodologies and practices that ensure the continuity of First Nation’s customs, practices and traditions from one generation to the next and support Aboriginal learners in post-secondary education;

(ii) Provide a process to gather, preserve and integrate Traditional Knowledge with respect to any resulting curriculum content, teaching methodologies or practices for educational purposes;

(iii) Set out the mutual understanding of the Parties about ownership, protection and use of such Traditional Knowledge, curriculum content, teaching methodologies and practices; and

(iv) Commence a process of further integrating the Traditional Knowledge into broader educational endeavors of the Aboriginal Partners, including the development of curriculum, teaching practices, methodologies and other activities that ensure the continuation of the Aboriginal Partners social, cultural, and spiritual customs, practices and traditions.
4.0 PROCESS BY WHICH THE PROTOCOL WAS REACHED

a) Upon establishing the Coastal Corridor Consortium the Parties committed in the (2007) Aboriginal Service Plan (ASP) a partnership principle that includes “ensuring cultural authenticity”\(^{19}\). The focus of the ASP is the development of Aboriginal Programs and Services that are culturally relevant, and will therefore include Traditional Knowledge. Due to a long history of cultural misappropriation, exploitive and exclusionary research practices of Aboriginal Traditional Knowledge this standardized formal Protocol was developed to act as one of many tools to protect the Aboriginal Traditional Knowledge of the Aboriginal Partners.

b) On or about March 19, 2008 the Parties approved their Consortium Implementation Plan (Work Plan) that included research that they identified as a priority. This research included the development of a draft Traditional Knowledge Protocol Agreement.

c) On or about November 15, 2008, the Consortium Partners (the Parties):

   (i) Presented the draft Protocol Agreement; and

   (ii) Recommended the Protocol Agreement for approval by Parties.

   (iii) Each member, or their alternates, of the Applicants reported and recommended this Protocol for approval.

d) The Applicants ratified this Protocol.

e) Pursuant to the Aboriginal Partners’ internal protocols, the Aboriginal Partners ratified this Protocol.

5.0 RESPONSIBILITIES OF THE APPLICANTS

a) For the purposes set out in Clause 3 of this Protocol, the Applicants will do the following:

   (i) Respect the privacy, dignity, cultures, practices, traditions and rights of the Aboriginal Partners;

   (ii) Recognize the Aboriginal Partners’ rights to ownership, protection and custody of their Traditional Knowledge, including their rights to heritage resources;

\(^{19}\) Coastal Corridor Consortium Aboriginal Service Plan Goal 1, Objective 1.1 (2007).
(iii) Ensure that any Traditional Knowledge research and curriculum development occurs in an orderly, legal and respectful manner with due regard to the peaceable enjoyment of the Aboriginal Partners to the Traditional Territory;

b) The Applicants will not, without the prior informed consent of the Aboriginal Partners:

(i) Use or permit Traditional Knowledge to be used by any other person or body other than for the purposes of or incidental to the research and development of curriculum content, teaching methodologies and practices that support Aboriginal learners;

(ii) Knowingly undertake any collection of heritage or cultural materials;

(iii) Disclose any aspect of Traditional Knowledge which is not publicly available and which was communicated to or observed by the Applicants pursuant to the Traditional Knowledge Project, except as set out in Clause 10;

(iv) Seek to obtain any Traditional Knowledge of the medicinal and cosmetic properties of plants from a Traditional Knowledge holder which is not publicly available; and

(v) Sell or claim rights to sell any products, services, information in any and all forms, training or educational programs beyond those approved by the Aboriginal Partners that were obtained as a result of the research and curriculum development for which this Protocol has been developed.

c) Sacred Sites. In the event of and upon becoming aware of any Sacred Site within the Traditional Territory, the Applicants will adhere to the following procedure:

(i) Immediately cease any activities within the Traditional Territory which could reasonably be expected to damage or interfere with an identified Sacred Site;

(ii) Disclose the location of the Sacred Site to the Aboriginal Partners or a designated representative thereof,

(iii) Treat all information with respect to the Sacred Site as confidential to the benefit of the interests of the Aboriginal Partners,
(iv) Seek the advice of all the Aboriginal Partners regarding the Sacred Site.

d) The Applicants will not, without the prior informed consent of the Aboriginal Partners, knowingly enter upon any Sacred Site.

6.0 RESPONSIBILITIES OF ABORIGINAL PARTNERS

a) For the purposes set out in Clause 3 of this Protocol, the Aboriginal Partners will do the following:

(i) Provide Traditional Knowledge that is approved by their community that can contribute to the development of culturally relevant curriculum, teaching practices and/or methodologies;

(ii) Use reasonable efforts to secure the cooperation and participation of Traditional Knowledge–Keepers;

(iii) In a timely manner, bring information, matters or issues of concern forward for discussion and resolution in order to assist the Applicants in the planning and development of culturally relevant curriculum, teaching practices or methodologies;

(iv) Provide advice and assistance to the Applicants, as necessary, to enable it to fulfill its responsibilities under this Protocol; and

(v) Take any reasonable action to ensure compliance with this subsection as agreed to by the Applicants.

7.0 PRIOR INFORMED CONSENT

a) **Aboriginal Partners’ Responsibilities and Obligations to the Aboriginal Partners Members.** Pursuant to internal Aboriginal Partners protocols and for the purposes of undertaking research to develop culturally relevant curriculum, teaching methodologies and practices the Aboriginal Partners should seek, obtain and maintain the prior informed consent of the Aboriginal Partners members with respect to the protection, preservation and maintenance of Traditional Knowledge.

b) The Aboriginal Partners’ responsibilities and obligations to the Aboriginal Partners’ members with respect to the gathering, collection, integration, and use of Traditional Knowledge will be further elaborated upon if and when any specific projects are undertaken that contain Traditional Knowledge research beyond the scope of information publicly available and approved for use by the Aboriginal Partners.
c) **The Applicant’s Responsibilities and Obligations to the Aboriginal Partners.** The Applicants recognize and respect that the Aboriginal Partners’ Traditional Knowledge is collectively owned, managed, and controlled by the individual Aboriginal Partners in trust for each of their communities.

d) Unless authorized by the Aboriginal Partners, the Applicants will not approach individual Traditional Knowledge–Keepers in an effort to obtain Traditional Knowledge.

e) When requested by the Aboriginal Partners, the Applicants will explain the potential benefits and outcomes associated with the development of culturally relevant curriculum, teaching methodologies and practices to Aboriginal Partners members.

f) For clarity, the Parties acknowledge that ongoing consultation and provision of information will be required throughout the research and development of any culturally relevant curriculum that contains Traditional Knowledge to maintain prior informed consent.

g) For further clarity, the Applicants acknowledge that the Aboriginal Partners may withdraw their prior informed consent in writing or by termination of this Protocol.

8.0 **BENEFIT-SHARING**

a) **Benefits to the Aboriginal Partners.** As agreed to by the Parties benefits relating to the research and development of culturally relevant curriculum, teaching practices and methodologies that contain the Aboriginal Partners’ Traditional Knowledge may include, but are not limited to, the following:

   (i) Training of community members as Aboriginal learners;

   (ii) Training and/or contracting of community members as instructors; and

   (iii) Contributing to the awareness, understanding, capacity building, and planning that supports Aboriginal self-determination.

b) **Benefits to the Applicants.** The benefit to the Applicants includes, but is not limited to, the following:

   (i) Aboriginal Partners assistance and advice to the Applicants;
(ii) Opportunities to establish positive engagement of the Aboriginal Partners; and

(iii) The authenticity and evidentiary value of Traditional Knowledge in higher learning that support the success of Aboriginal learners.

c) **Mutual Benefits to the Parties.** Mutual benefits to the Parties include, but are not limited to, the following:

(i) Protection and enhancement of the Aboriginal Partners’ Traditional Knowledge research and sharing with their members;

(ii) Enhanced post-secondary education programs and services that support the success of Aboriginal learners;

(iii) Preservation of Traditional Knowledge for current and future educational needs; and

(iv) Furthering the development of positive, beneficial, and harmonious relationships between the Parties.

9.0 **CONFIDENTIALITY**

a) In this Protocol, “Confidential Information” means information identified and considered to be confidential by the Party providing the information. The Party providing the information shall notify the other Party in writing of its confidential nature.

b) Unless otherwise agreed by the Parties, neither Party will disclose, divulge, or otherwise communicate to a third party any Confidential Information received from the other party as a result of any research to develop culturally relevant curriculum, teaching methodologies or practices, nor use such Confidential Information for any purpose.

c) Where Traditional Knowledge that is confidential is required or requested by a third party, the Parties will make reasonable efforts to engage, negotiate, and conclude an agreement with the third party that will safeguard that Traditional Knowledge from public disclosure.

10.0 **OWNERSHIP**

a) **Aboriginal Partners’ Exclusive Ownership of the Traditional Knowledge.** The Aboriginal Partners shall remain the exclusive owners of the Traditional Knowledge. The Applicants acknowledge and agree that they have no interest whatsoever in the
ownership of the Traditional Knowledge, including any intellectual property rights there under. The Applicants hereby waive any intellectual property and/or any other rights that the Applicants may have with respect to the Traditional Knowledge. If, notwithstanding the foregoing, rights to Traditional Knowledge are recognized by a third party as residing with the Aboriginal Partner, the Applicants will take all reasonable efforts to waive or transfer all or any such rights to the benefit of the Aboriginal Partners.

b) **The Applicants Use of Traditional Knowledge.** For the consideration provided under this Protocol, the Applicants will be able to use the Traditional Knowledge for the purpose of developing culturally relevant curriculum content, teaching methodologies and practices. For clarity, the Parties do not intend that this use of the Traditional Knowledge includes any grant of ownership to the Applicants. Ownership of curriculum outlines that include Traditional Knowledge may rest with the Applicants.

11.0 **PROCESS MATTERS**

a) **Transferability and Accreditation.** All resulting curriculum that is developed by the Parties that contains Traditional Knowledge should also be transferrable to any other college or university and therefore should meet an appropriate standard with those of the Applicants.²⁰

b) **The Applicants Comments on the Curriculum Content.** The Applicants shall have the opportunity to review and provide comment on the curriculum content before it is finalized by the Aboriginal Partners.

c) **Review of the Curriculum Content.** Prior to the use of any curriculum developed by the Applicants, which contains any of the Aboriginal Partners’ Traditional Knowledge, a draft will be distributed by the Aboriginal Partners for the Applicants review and approval.

d) **Curriculum Evaluation.** The Parties, by their designated representatives, will collaborate in the development of learner-centered criteria for the annual evaluation of any curriculum content that meet both the Aboriginal Partners community educational goals and the institutions evaluation framework. The steps of collaborative curriculum development are attached as Appendix A to this agreement.

e) **Communications.** All external communications with respect to this Protocol or initiatives pursuant to this Protocol will be undertaken by joint communiqué, as authorized by the Parties.

f) **Copyright Acknowledgement.** All external communications with respect to this Protocol or initiatives pursuant to this Protocol will include copyright ownership, as authorized by the Parties, which may include:

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REPRODUCTION IN WHOLE OR IN PART OF (TK Application) IS STRICTLY PROHIBITED. PHOTO’S, VIDEO-TAPING OR ANY OTHER FORM OF DOCUMENTING THIS (TK Application) IS NOT PERMITTED.

No part of this (TK Application) in whole or in part, may be copied in any way without the express written permission of the copyright holder. Unauthorized reproduction, for commercial or non-commercial use in whole or in part is subject to legal action.

g) **Communities Information Strategy.** The Parties, by their designated representatives, will collaborate in the development and implementation of an Aboriginal Partners community information strategy with respect to this Protocol and any and all agreements, including the preparation of a summary thereof.

12.0 **DISPUTE RESOLUTION**

a) **Notice.** In the event that the Aboriginal Partners or the Applicants finds a conflict with the fulfillment of the terms, conditions or responsibilities set forth in this Protocol, that Party shall request an arbitrator.

13.0 **TERM, EXPIRY, AMENDMENT AND ASSIGNMENT**

a) The Parties agree that this Protocol is a document of a “living nature” and may be amended from time to time to continue to achieve the purposes of this Protocol or such other objectives as may be agreed upon by the Parties from time to time.

b) This Protocol may be amended by agreement of the Parties in writing.

c) Unless the Parties agree otherwise in writing, the term of this Protocol is indefinite. If the Parties do agree to terminate this Protocol, the specific conditions and covenants that survive termination should be specifically agreed upon. For clarity, section 9 – Confidentiality and section 10– Ownership, will survive termination of this Protocol.
d) This Protocol may not be assigned without the express written consent of the other Party.

14.0 MISCELLANEOUS

a) The Parties deem this Protocol to be approved when it is executed.

b) The Parties agree that this Protocol may be executed in separate counterparts, each of which so executed shall be deemed to be an original. Such counterparts together shall constitute one and the same instrument and, notwithstanding the date of execution, shall be deemed to bear the effective date set forth above.

TO EVIDENCE THEIR AGREEMENT each Party has executed this Protocol on the date appearing above.
The Teaching Aboriginal Higher Learners Professional Development Workshop is intended to provide teaching faculty the information and understandings necessary to better support Aboriginal higher learners. This is what some of the participants of the pilot-workshop had to say:

“I found this workshop very valuable in sharing possibilities of how to build meaningful relationships with Aboriginal learners. You’ve uncovered some of the complexities of creating relevant and rich learning environments. I loved the humour...”

– Jen Moses, Coordinator or ECE, Capilano University

“I now feel confident that I have the skills and motivation to make their learning experience an excellent one. This workshop allowed me to build on my strengths as an educator. I look forward to getting back to the classroom and applying what I have learned. Many thanks.”

- Patricia Gibson, Instructor Practical Nursing, Vancouver Community College, Broadway Campus.

"This workshop is essential for anyone teaching Aboriginal learners. It is a thoughtful, eye-opening and fun session that I would recommend to any of my teaching colleagues. The workshop is expertly delivered by Laara Mixon who bring an open and accepting approach to the subject and focuses on the goal of improving the success of Aboriginal learners. A very worthwhile day and a half - well done!"

– Alison McNeil, Coordinator Public Administration Department, Capilano University

“My main goal for this workshop is to pass these teachings onto other faculty and staff on campus. We are all accountable to our Aboriginal and non-Aboriginal learners. By working together and sharing this information we can bring about positive changes for our learners!"

- David Kirk, First Nations Advisor, Capilano University.

“I came straight back to class on Monday and started using some of the tools we were given. We did a sharing circle...only 3 of my students had an aboriginal background, but almost all of them appreciated this opportunity. One of my students originates from South Africa and she really enjoyed and connected to all of this which reinforced my feelings that learning about teaching aboriginal students is going to benefit all students.”

– Becky Wayte, Instructor Capilano University, Sunshine Coast Campus.