



CHIEFS OF ONTARIO POST- SECONDARY ENGAGEMENT REPORT

This report includes 41 recommendations to be used as a starting point for further exploration of First Nation developed post-secondary education models that better meet the needs of First Nation learners.

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ABOUT THE ARTIST

My name is Emily Kewageshig, I am an Anishinaabe artist from Saugeen First Nation No. 29. I express myself creatively through paintings and illustrations, using my art as a tool for storytelling and preserving cultural teachings.

I created this art piece with the idea that education is power. In today's world, it is so important for us to engage in advancing our education, whether that's in school, in a workplace, or out on the land. Education has no limitations and learning opportunities can be forever limitless.

In this drawing I created a divided circle to show the duality of learning; there is no right way to learn, we all have unique paths to follow. In the middle is the merging of traditional and contemporary approaches to learning. Radiating lines symbolize the power we hold by using our knowledge out in the world, for the betterment of our communities and for ourselves. Four figures are situated inside of the circle, visually giving balance to the piece that also correlates with the need to find balance in our lives while journeying through post-secondary school. The flowing warm colours can be seen as a transference of knowledge with our ability to learn in a good way.

DEDICATION

This report is dedicated to the late Murray Maracle whose passion and dedication to First Nations education is a source of perpetual optimism and encouragement for all working to improve the educational environment for First Nation learners.

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The Post-Secondary Engagement Committee has produced this report. The Post-Secondary Engagement Committee was established through the Chiefs and Technical Committee on Language & Learning (formerly First Nation Education Coordination Unit). The report is the culmination of community engagement consisting of focus groups, surveys, policy analysis and interviews. The report does not claim to represent the views or positions of any individual First Nations community, First Nations organization or treaty council in Ontario. It is published without prejudice to any legal proceedings.

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ABOUT THE CHIEFS OF ONTARIO

Guided by the Chiefs-in-Assembly, the Chiefs of Ontario upholds self-determination efforts of the Anishinaabek, Mushkegowuk, Onkwehonwe, and Lenape Peoples in protecting and exercising their Inherent and Treaty rights. Keeping in mind the wisdom of our Elders, and the future for our youth, COO continues to create the path forward in building our Nations as strong, healthy Peoples respectful of ourselves, each other, and all creation. The activities of the Chiefs of Ontario are mandated through and guided by:

- Resolutions passed by the Chiefs-in-Assembly of the 133 First Nations in Ontario.
- The Leadership Council (formerly known as the Political Confederacy) made up of the Grand Chiefs of Provincial Territorial Organizations (PTOs), Independent First Nations, Mushkegowuk Council and the non-affiliated communities.
- The Regional Chief as selected by the Chiefs in Ontario.

The Chiefs in Ontario affirm that the First Nations possess the Inherent right of self-determination. This is the defining measure of nationhood. It is the responsibility of individual First Nations governments to exercise this jurisdiction through the passage of laws, development of programs, and other initiatives.

The Chiefs of Ontario shall support First Nations in the exercise of their Inherent right.

The international Treaties entered into by First Nations shall be respected. This includes Treaties entered into before first contact with the European settlers, and Treaties entered into after first contact. The Treaties are the foundation of a harmonious relationship between First Nations and Canadian governments.

THE CHIEFS OF ONTARIO MISSION

The Chiefs of Ontario supports all First Nations in Ontario as they assert their sovereignty, jurisdiction, and their chosen expression of nationhood.

THE CHIEFS OF ONTARIO VISION

First Nations in Ontario are united towards self-sufficiency and vibrancy while never forgetting who we are; this unity is facilitated through the Chiefs of Ontario. We envision a future where our inherent laws, lands, and traditions are recognized and respected by governments, industry and the general public.

CHIEFS OF ONTARIO EDUCATION RESOLUTIONS

For decades, the Chiefs of Ontario have been mandated to advocate for First Nations post-secondary education. The following resolutions address post-secondary education.

Resolution 8 (1978) called for an increase in funding for all levels of education, including post-secondary, to enable First Nations to participate effectively in their First Nations;

Resolution 95/106 (1995) stressed that post-secondary education is critical to the well-being of First Nations and called for the full implementation and funding of the Treaty right to education;

Resolution 12/19 (2012) emphasized that current funding levels do not cover inflation, population increases or tuition increases, and called for increased funds for post-secondary education to be provided immediately to address this crisis.

Resolution 39-17 (2017) fully supported the recommendations in the Our Nations, Our Future, Our Vision: Transformative Change through First Nation Higher Education report and required the provincial and federal governments to work in full partnership with First Nations to develop, design, implement and evaluate potential solutions.

Resolution 16/18 (2018) directed the First Nation Education Coordination Unit (FNECU) to review the Post-Secondary Student Support Program and report back to the Chiefs in Assembly with results and recommendations for new regional models.

EXECUTIVE SUMMARY

From time immemorial, First Nations had laws, governments, economies, and societies, all supported by their own education systems focused on lifelong learning. First Nations education was holistic and transmitted not just practical knowledge, but important cultural values and traditions. Education was used as a vehicle for nation-building. As Dr. Palmater states “[e]veryone had an education suited to their role in their particular Nation which supported their individual sovereignty and independence, which in turn supported their Nation’s sovereignty and independence.”¹

First Nations languages played an integral role in lifelong learning, teaching citizens about their Nation’s values and relationships. Traditional knowledge was passed from one generation to the next using oral and symbolic forms of communication, as well as actual demonstration. Through lifelong learning and education, knowledge was shared, refined, tested, replaced, and updated on a regular basis.

Following colonization, however, the Crown adopted an approach of assimilation and elimination towards Indigenous Peoples. Through the *Indian Act*, the Residential Institution system, the Sixties Scoop, and the child welfare system, among others, the Crown carried out a purposeful, systemic, and violent attack on First Nations that can only be described as cultural genocide.

These policies have resulted in the deaths of thousands of children; significant intergenerational trauma for survivors and their families; and unacceptable disparities in the health, well-being, and socio-economic conditions of First Nations Peoples compared to Canadians.

Recently, the Government of Canada has stated its intention to improve educational outcomes for First Nations Peoples. As part of this commitment, the Government agreed to fund a post-secondary engagement process to allow First Nations to reimagine how First Nations post-secondary education is carried out and supported. This report is the result of that process.

First Nations are, and have always been, independent and sovereign Nations. The British Crown acknowledged this when it entered into Treaties with First Nations. Canada, however, continues to assume that at some point sovereignty vested in the Crown, despite lacking a cogent legal principle to justify this. While this assumption may be upheld in English common law systems, it is not valid in Indigenous legal systems. First Nations continue to assert their sovereignty and approach post-secondary reform through a government-to-government relationship with the Government of Canada and the Government of Ontario.

¹ Pamela D Palmater, *Our Nations, Our Future, Our Vision: Transformative Change through First Nation Higher Education* (Toronto: Chiefs of Ontario, 2017), page 11

Post-secondary engagement is a 3-year First Nations led engagement process to develop recommendations for new First Nations post-secondary models that fully respect First Nations control over First Nations education.

To support the engagement process in Ontario, a Post-Secondary Engagement Committee was established. The PSE Committee is made up of representatives from First Nations and First Nations organizations that are working directly on post-secondary engagement, including representation from:

- Grand Council Treaty #3;
- The Anishinabek Nation;
- The Association of Iroquois and Allied Indians;
- Nishnawbe Aski Nation;
- The Independent First Nations;
- Sagamok Anishnawbek First Nation;
- Mississaugas of the Credit First Nation;
- Six Nations of the Grand River Territory;
- The Indigenous Institutes Consortium; and
- The Chiefs of Ontario.

The PSE Committee was established to provide a forum to develop a flexible post-secondary engagement process through collaboration, collective problem-solving, and support.

The process for carrying out post-secondary engagement was designed to respect a First Nations led approach. It followed a flexible, bottom-up methodology in which First Nations set priorities at the community level. Where a Provincial Territorial Organization (PTO) or other entity was responsible for the engagement process on behalf of their constituents. This flexible approach helped to ensure that First Nations could tailor the engagement process to their community's unique needs and context, and recognized the significant diversity amongst First Nations in Ontario.

In some cases, PSE Committee members indicated a desire to work collectively on certain issues. Where members indicated a desire to engage collectively with partners, COO organized and facilitated engagement sessions.

The Chiefs of Ontario's role in engagement was to provide support to First Nations in carrying out engagement activities. The Chiefs of Ontario was also tasked with compiling this report. This report reflects the findings of the post-secondary engagement process in Ontario. Included in this report are recommendations that provide the framework for First Nations in Ontario to conclude regional post-secondary models with the Government of Canada. Regional, in this context, is interpreted flexibly and can mean a single First Nation, a group of First Nations, a First Nations organization, a Provincial Territorial Organization, a Treaty organization, or any other structure that First Nations deem advisable.

Several themes, summarized below, stood out through the engagement process.

First Nations education is rooted in lifelong learning. First Nations education is holistic and transmits practical knowledge, cultural values, and traditions. Education has always been used as a mechanism to build individual and community sovereignty and independence. Indigenous languages are integral to this process.

First Nations must have control of fully resourced First Nations education. Indigenous Services Canada's (ISC) previous approaches of inadequate funding and paternalistic guidelines are not acceptable in a nation-to-nation and/or government to government relationship. The federal government has had decades to improve First Nations education. Not only has the government repeatedly failed to do so, but it has failed to even put adequate measurements and evidence-based decision-making practices into place.

First Nations have Inherent, Treaty, and Aboriginal rights to education, including post-secondary, that must be respected and upheld by all levels of government.

Education is an investment not a cost. Investing in First Nations post-secondary education to achieve comparable attainment rates with the Canadian population has significant benefits for First Nations, and federal and provincial governments. Closing the post-secondary opportunity gap would:

- Increase First Nations income;
- Increase government taxes and lower government spending transfers;
- Improve health;
- Improve volunteer activity; and
- Lower rates of criminal activity and incarceration.

Under the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)*, **First Nations have the right to establish and control their education systems and institutions at all levels of education.** States are required to take all effective measures, including funding, to enforce this right. Under the *United Nations Declaration on the Rights of Indigenous Peoples Act*, the federal government has committed to taking necessary measures to ensure Canadian laws are consistent with the *UN Declaration*. This includes programs aimed at supporting post-secondary education.

The Government of Canada is responsible for remedying the failures of discriminatory federal education policies and programs. Much like the child welfare system, multiple government documents acknowledge the federal government's underfunding of K-12 education in comparison with provincial schools. Decades of insufficient funding and supports have resulted in crumbling First Nations education infrastructure, poor student outcomes, and poor socio-economic outcomes. Further, in multiple reports between 2000 and 2018, the Auditor General of Canada found that ISC failed to put adequate education measures in place; failed to share data with First

Nations despite agreeing to do so; and failed to use that data to make decisions to improve education programs.

A number of reports were developed as part of the post-secondary engagement process. Collectively, these reports generally show that the Post-Secondary Student Support Program (PSSSP), and federal education policies more broadly, are significantly underfunded and are not meeting their stated objectives. In addition, the PSSSP was found to undermine, rather than support, Inherent, Treaty, and Aboriginal rights to education.

A scoping literature review of the history and current status of First Nations post-secondary education found that many issues facing First Nations students have been ongoing for decades and are yet to be resolved. The literature review found that:

- Inadequate financial resources are a significant barrier that First Nations students face when attempting to access post-secondary education.
- First Nations control over fully funded First Nations education leads to improved success rates.
- “Poor academic preparation” prevents First Nations students from accessing post-secondary education.
- First Nations students lack access to information on post-secondary.
- First Nations students lack self-esteem and self-confidence as a result of colonial education systems that undervalue Indigenous knowledge, cultures, and history.
- First Nations students are still significantly affected by the intergenerational trauma caused by Residential Institutions.
- Many First Nations students find post-secondary to be an overwhelming alien environment as many students are forced to leave their home community to attend.
- A lack of on-reserve employment opportunities lead First Nations students to question the value of post-secondary education.
- Indigenous Student Services played an important role in the success of many First Nations students.
- First Nations students and professors frequently face racism and discrimination on campuses.
- Language and knowledge play a critical role in sustainable self-determination for First Nations.
- First Nations language learning significantly contributes to the health and well-being of First Nations students.
- First Nations language immersion and culturally relevant curriculum have been associated with positive school outcomes, and better identity and self-esteem.
- Education is a significant social determinant of health for First Nations Peoples.
- First Nations need improved connectivity.

The Association of Iroquois and Allied Indians, Grand Council Treaty #3, Anishinabek Nation, Nishnawbe Aski Nation, the Independent First Nations, Mississaugas of the Credit, Sagamok Anishnawbek, Six Nations of the Grand River, and the Indigenous Institutes Consortium all carried out engagement activities and produced reports as part of the engagement process.

The Indigenous Institutes Consortium (IIC) presented its regional model based on four foundations:

- A lifelong, holistic, Indigenous approach to learning;
- Institutions that are mandated and led by First Nations;
- A sound and transparent legislative and regulatory framework; and
- Core funding to institutions for operations and capital.

In addition, the IIC's model presented five principles to guide the Government of Canada's funding for IIC's model:

- Achieving equity for First Nations with respect to post-secondary education;
- Assessing First Nations actual needs as part of a post-secondary education funding model;
- Providing core operating funds to institutions;
- Applying evidence-informed and transparent funding models; and
- Acknowledging the medium- and long-term positive impact and returns arising from Indigenous post-secondary education.

The reports developed by Provincial Territorial Organizations, the Independent First Nations, and the non-affiliated First Nations largely came to similar findings. First Nations post-secondary students need significantly more funding and holistic wrap-around supports. First Nations post-secondary personnel need sufficient and sustainable administration funding to adequately support First Nations learners.

Reports from these organizations found that:

- First Nations students show incredible strength and resilience for navigating colonial post-secondary systems.
- The level of racism that our students are forced to deal with is extremely damaging. The discrimination, micro-aggressions, prejudice, and isolation significantly and negatively impact academic achievement and, in many cases, student retention.
- Post-secondary institutions have a responsibility to protect our students, particularly from subtle forms of racism that are perhaps more damaging than blatant forms.
- Funding must increase in line with the cost of tuition and living expenses.
- Post-secondary education administration and personnel to support First Nation learners need adequate funding. Post-secondary personnel supporting First Nation learners need opportunities for professional development, equity in pay,

and networking and relationship building. Funding must cover ongoing and reliable services.

- First Nations post-secondary education must be rooted in Nation-based principles and expertise, and respected as an Inherent and Treaty right.
- First Nations must be involved in developing any funding formulas and formulas must be based on the actual costs for all eligible students, as defined by the First Nation, to attend post-secondary.
- Students must have a full suite of wrap-around services, including informational and knowledge-based supports, culturally centered supports, mentorship and opportunities for reciprocity, mental health and well-being supports, early intervention strategies, support for mature learners, and supports for off-reserve students. All levels of government and post-secondary institutions must take responsibility for this.

The Post-Secondary Engagement Committee compiled several evidence-based recommendations from the information gathered in the engagement process. These recommendations are rooted in First Nations control of fully resourced First Nations education; lifelong learning and Nation-building; respect for Inherent and Treaty rights; the *UN Declaration*; education as an investment; and ending discrimination and racism towards First Nations Peoples.

INTRODUCTION

From time immemorial, First Nations have had their own systems of lifelong learning to prepare each citizen for the future and for their role in building strong, independent, sovereign nations.² Lifelong learning allowed both citizens and Nations to live and prosper all over Turtle Island. First Nations education focused on the holistic well-being of citizens, transmitting both practical knowledge and cultural traditions and values.³

Indigenous Nations have always known that education is one of the keys to nation-building. Strong, independent sovereign Nations raised knowledgeable, skilled citizens who could perform many functions to not only provide for their families (hunting, fishing, fowling, gathering, agriculture, building) but also to support the sovereignty and strength of their Nations (military defense, political negotiations, multi-language translation and interpretation, manufacturing, trade, governance, law-making).⁴

As Europeans settled on Turtle Island, however, First Nations systems of lifelong learning were disrupted and education became a tool of genocide, instead of one of prosperity. Although education policy has shifted over the decades, the underlying purposes of assimilation and elimination in Western education have never been eradicated. First Nations knowledge and perspectives are still not adequately represented in curriculum across all levels of education and First Nations learners still face a disproportionate number of barriers in education landscapes across Ontario.

Meanwhile, the Government of Canada and the Government Ontario have benefited significantly from the dispossession of First Nations lands and territories. Canada and Ontario have become unjustifiably enriched at the expense of First Nations by ignoring First Nations Inherent, Treaty, and Aboriginal rights. This type of relationship can no longer continue.

Thousands of First Nations students across Ontario offered their voices and experiences to create this report. They recounted stories of success, leadership, pride, resilience, fortitude, sharing, teamwork, Nation-building, and community. They also recounted stories of racism, discrimination, struggle, barriers, poverty, unimaginable pain, and intergenerational trauma. Yet, one thing these students all shared in common was hope: hope that we could improve education for future learners; hope that their voices would make a difference; and hope that leaders everywhere would listen and take action.

As many of these students (and a large number of others) have recognized, First Nations education is a vehicle for prosperity, well-being, and reconciliation. The benefits of post-secondary education, including access to Indigenous Institutes, are immense.

² Pamela D Palmater, *Our Nations, Our Future, Our Vision: Transformative Change through First Nation Higher Education* (Toronto: Chiefs of Ontario, 2017), 12.

³ Palmater, 13-14.

⁴ Palmater, 14.

Post-secondary education has positive impacts on health and mental health, well-being, employment and income, productivity, innovation and technological development, life expectancy, overall life satisfaction, food security, volunteering, civic engagement, and social cohesion.

For First Nations students, having access to culturally appropriate curriculum also has significant positive impacts. Studies suggest that Indigenous language learning improves the health and well-being of First Nations students. First Nations students have also reported positive outcomes from Indigenous programs and courses, and Indigenous Student Services offered on campus.

Indigenous Institutes play an important role in First Nations education. Indigenous Institutes are built on the foundation of Indigenous ways of knowing and being. They are uniquely situated to offer programs and services that are aligned with community needs and play an essential role in language revitalization. Further, Indigenous Institutes are vital to reconciliation through education. Not only are they designed to serve Indigenous communities, but Indigenous Institutes can also be an invaluable resource for school boards, private sector firms, and community and professional organizations to advance reconciliation.

Reconciliation through education requires all post-secondary actors, including governments and post-secondary institutions, to take steps to return power and benefits to First Nations. This requires the full recognition of First Nations jurisdiction over First Nations education, and includes stable and sufficient funding, as well as additional investments to address issues that accumulated due to decades of severe underfunding in First Nations education.

All levels of government must take their responsibilities for reconciliation seriously. Governments can no longer offer reconciliation with one hand, while continuing to offer the status quo of discriminatory underfunding for education with the other. Reconciliation must move from apologies and symbolic gestures to concrete actions that result in actual improvements for First Nations learners.

Through investments in First Nations education, we can begin to restore Crown-First Nations relations built on trust and mutual prosperity.

FIRST NATIONS SOVEREIGNTY

Post-secondary engagement, and this report, must be situated in the broader context of First Nations sovereignty. First Nations are sovereign Nations with Inherent rights to self-determination and self-government. First Nations sovereignty exists through First Nation laws and legal orders, not colonial legal systems. As a result, First Nations sovereignty is independent of Canadian common and civil law and cannot be extinguished by unilateral Crown action.

Historically, Canada has relied on the Doctrine of Discovery and *terra nullius* to justify Canadian sovereignty.⁵ *Terra nullius* and the Doctrine of Discovery are premised on the idea that the British Crown could decline to recognize the sovereignty of other political entities where the Crown believed these groups to be inferior.⁶ These types of legal justification are rooted in racism, a false superiority of Canadian legal systems, and ignorance of First Nations laws and legal orders.

Without explicitly endorsing Discovery, the Supreme Court has effectively adopted this reasoning in its section 35 jurisprudence. In *Mitchell*, for example, the Court states:

*The part of North America we now call Canada was first settled by the French and the British who, from the first days of exploration, claimed sovereignty over the land on behalf of their nations.*⁷

The only apparent legal justification one can assume for this immediate sovereignty is Discovery and *terra nullius*. However, a decade later in *Tsilhqot'in*, Chief Justice McLachlin denounced the application of *terra nullius* in Canada:

*The doctrine of terra nullius (that no one owned the land prior to European assertion of sovereignty) never applied in Canada, as confirmed by the Royal Proclamation of 1763.*⁸

Courts in other jurisdictions have also denounced these doctrines, recognizing the inherent discrimination and racism that underlies the concepts of Discovery and *terra nullius*.⁹ These concepts have not only been rejected in international law,¹⁰ but are now acknowledged to be neither “legally valid or morally acceptable.”¹¹ On 21 June 2021, the federal government passed the *United Nations Declaration on the Rights of Indigenous Peoples Act*, which includes the statement that “the doctrines of discovery

⁵ Michael Ash, “From Terra Nullius to Affirmation: Reconciling Aboriginal Rights with the Canadian Constitution,” *Canadian Journal of Law and Society* 17, no. 2 (2002): 1; Leena Heinämäki, “Inherent Rights of Aboriginal Peoples in Canada—Reflections of the Debate in National and International Law,” *International Community Law Review* 8, (2006): 156.

⁶ Ash at 2; Chase Blair, “Indigenous Sacred Sites & Lands: Pursuing Preservation through Colonial Constitutional Frameworks,” *Appeal* 25, (2020): 74.

⁷ *Mitchell v. MNR*, 2001 SCC 33 at para 9.

⁸ *Tsilhqot'in Nation v British Columbia*, 2014 SCC 44 at para 69.

⁹ Ash, “From Terra Nullius to Affirmation,” 5-6.

¹⁰ Ash at 6.

¹¹ Heinämäki, “Inherent Rights of Aboriginal Peoples,” 156.

and *terra nullius* are racist, scientifically false, legally invalid, morally condemnable and socially unjust.”¹²

However, the injustice caused by these doctrines has never been corrected.¹³ Canadian courts have simply shifted their explanation of sovereignty to mere assertion.¹⁴ Thus, the Supreme Court has failed to provide any legal justification for the Crown’s assertion of sovereignty.¹⁵

This issue was recently addressed in the Supreme Court of British Columbia, with Justice Kent stating:

But one may rightly ask, if the land and its resources were owned by Indigenous peoples before the arrival of Europeans, how, as a matter of law, does the mere assertion of European sovereignty result in the Crown acquiring radical or underlying title? How and why does pre-existing Indigenous title somehow become subordinate.¹⁶

Justice Kent then continued:

Some argue, in my view correctly, that the whole construct [of Crown sovereignty] is simply a legal fiction to justify the *de facto* seizure and control of the land and resources formerly owned by the original inhabitants of what is now Canada.¹⁷

It is well recognized that prior to European contact, First Nations in what is now known as Canada, had viable and thriving social, political, and legal systems.¹⁸ Through these systems, First Nations exercised sovereignty over lands and resources. When Europeans arrived, First Nations continued to exercise their sovereignty, which the British Crown clearly acknowledged and accepted when it began the process of negotiating Treaties.

It is these Treaties that form the only “legitimate justification for the constitution of shared political community on Turtle Island.”¹⁹ It is important to note, however, that Treaties did not create a single sovereign entity. It is a Western conception that

¹² *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021 C 14 at preamble.

¹³ Heinämäki, “Inherent Rights of Aboriginal Peoples,” 156.

¹⁴ *Tsilhqot’in Nation v. British Columbia*, 2014 SCC 44 at para 69.

¹⁵ Aaron Mills & Waabishki Ma’iingan, “What is a Treaty? On Contract and Mutual Aid,” in *The Right Relationship: Reimagining the Implementation of Historical Treaties*, ed. John Borrows & Michael Coyle (Toronto: University of Toronto Press, 2017), 223.

¹⁶ *Thomas and Saik’uz First Nation v. Rio Tinto Alcan Inc.*, 2022 BCSC 15 at para 196.

¹⁷ *Thomas and Saik’uz First Nation v. Rio Tinto Alcan Inc.*, at para 198.

¹⁸ Kent McNeil, “The Doctrine of Discovery Reconsidered: Reflecting on Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies,” by Robert J Miller, Jacinta Ruru, Larissa Behrendt, and Tracey Lindberg, and Reconciling Sovereignties: Aboriginal Nations and Canada, by Felix Hoehn” *Osgoode Hall Law Journal* 53, no. 2 (2016) article 10 at 699.

¹⁹ Mills, “What is a Treaty,” at 219.

sovereignty can reside in only one entity at a time.²⁰ Instead, Treaties created a framework to guide Crown-First Nations relations:

[Treaties are] frameworks for right relationships: the total relational means by which we orient and reorient ourselves to each other through time, to live well together and with all our relations within creation. They have a legal quality in the sense that they constrain behavior and they are at once political, social, economic, spiritual, and ecological. They're how we constitute ourselves as communities of communities, across our difference.²¹

Although Western conceptions of Treaty continue to situate the Treaty relationship within the Canadian constitutional structure, Treaties are instead the very thing that made this structure possible.²² Where Treaties exist, the Crown and First Nations are sovereign Treaty Partners and the Crown must focus on a return to right relationships. Where no Treaties exist, First Nations remain the only legitimate sovereign entities.

²⁰ Lilach Marom & Curtis Rattray, "On the Land Gathering: Education for Reconciliation" *Critical Studies In Education* 63, no. 1 (2022), 114-130.

²¹ Mills, "What is a Treaty," at 225.

²² Mills at 224.

PART I: BACKGROUND

ASSEMBLY OF FIRST NATIONS POST-SECONDARY ENGAGEMENT

As part of its 2017 budget, the federal government indicated that it would be undertaking a review of post-secondary programs aimed at supporting Indigenous students. In response, the Assembly of First Nations (AFN) passed Resolution 14/2017 calling on the federal government to ensure that a First Nations specific review of post-secondary programs would be conducted. After reaching an agreement with the federal government, the AFN began a six-month post-secondary review process in consultation with representatives from most regions across Canada.

The AFN engagement process found that:

- The Post-Secondary Partnership Program (PSPP) failed to adequately address Indigenous institute's needs and needed a new approach;
- Both the PSPP and the Post-Secondary Student Support Program (PSSSP) are inadequately funded;
- The PSSSP program objectives fail to address the value of learning outside employment, including learning experience, nation-building, and First Nations capacity-building;
- The PSSSP program fails to adequately implement Treaty and Inherent rights to education;
- The PSSSP program fails to support access, retention, and successful completion of post-secondary;
- The eligibility of programs, institutions, expenditures, and students are outdated and do not reflect First Nations' needs; and
- The PSSSP does not reflect a nation-to-nation relationship.²³

The AFN's review found that First Nations needed a new approach to First Nations institutions and post-secondary support. The AFN recommended that a new post-secondary support program be developed by First Nations and/or regional/Treaty organizations.

In 2019, the Federal Government committed \$7.5M nationally over three years for First Nations to conduct a post-secondary engagement process. The purpose of the engagement funding was to support First Nations in their development of comprehensive and integrated First Nations post-secondary education regional models that will be accessible to all First Nations.

²³ Tim Thompson & LuAnn Hill-MacDonald, *First Nations Post-Secondary Education Review: 2018 Interim Report* (Ottawa: Assembly of First Nations, 2018), 7.

PURPOSE OF ENGAGEMENT

The purpose of the engagement process is to provide recommendations for First Nations post-secondary models that fully respect First Nations control over First Nations education and First Nations sovereignty.

First Nations assert their right and responsibility to direct and make decisions regarding all matters relating to First Nations lifelong learning as an Inherent and Treaty Right. First Nations assert an Inherent and Treaty right to education that is in accordance with their culture, values, traditions, and languages to support holistic lifelong learning.

First Nations are seeking strengthened government support for First Nations post-secondary education through Treaty Based, self-government and/or regional models that enable First Nations control of First Nations education. Building on current best practices, the implementation of regional models will enable First Nations to holistically consider, design, and implement a suite of integrated programs and services to comprehensively support post-secondary education attainment and success.

Models must respect local control, honouring the autonomy of First Nations to dictate their own models that will not minimize flexibilities that First Nations communities currently have. These models, once created, must be First Nations directed and managed.

REGIONAL ENGAGEMENT

Post-secondary engagement was carried out regionally across Canada. All ten AFN First Nation regions received funding from the federal government for engagement activities. The engagement process began in fiscal year 2019-2020, however, engagement was delayed because Indigenous Services Canada did not provide funding until late in the fiscal year.

In 2020-2021, planned in-person engagement activities had to be modified due to the Covid-19 pandemic, which resulted in another delay. The third and final year of the engagement process began on April 1, 2021, with engagement activities planned to wrap up by fall 2022.

To support the engagement process, the Chiefs of Ontario Education Sector established a Post-Secondary Engagement Committee (PSE Committee). Initially, the PSE Committee met bi-weekly to support engagement activities but eventually transitioned to monthly meetings. The PSE Committee is made up of representatives from First Nations and First Nations groups and organizations that are working directly on post-secondary engagement.

The PSE Committee includes representation from:

- Grand Council Treaty #3;
- The Anishinabek Nation;
- The Association of Iroquois and Allied Indians;

- The Nishnawbe Aski Nation;
- The Independent First Nations;
- Sagamok Anishnawbek First Nation;
- Mississaugas of the Credit First Nation;
- Six Nations of the Grand River; and
- The Chiefs of Ontario.

The representatives that sit on the PSE Committee include consultants, policy analysts, policy advisors, education directors, and Chiefs. Collectively, the engagement process includes representation of 132 of the 133 First Nations in Ontario.

The PSE Committee was established to provide a forum to develop a flexible post-secondary engagement process through collaboration, collective problem-solving, and support. The PSE Committee's mandate was to design and recommend, to the Chiefs in Assembly and ultimately the federal government, a program that will ensure First Nations members are able to successfully complete post-secondary education. As part of this mandate, the program must:

- provide sufficient resources;
- allow for flexibility to accommodate regional needs;
- be culturally appropriate;
- respond to the individual needs of First Nations learners; and
- align with First Nations Treaty and Inherent rights to education.

The process for carrying out post-secondary engagement was designed to respect a First Nations led approach. It followed a flexible, bottom-up methodology in which First Nations set priorities at the community level. Where a Provincial Territorial Organization (PTO) or other group/organization was responsible for the engagement process on behalf of their member communities, member First Nations provided direction to the PTO or group/organization on the engagement process. This flexible approach helped to ensure that First Nations could tailor the engagement process to their community's unique needs and context, and recognized the significant diversity amongst First Nations in Ontario.

Although there was a lot of fluidity to the engagement process, several commonalities emerged. In some cases, PSE Committee members indicated a desire to work collectively on certain issues. Where members indicated a desire to engage collectively with partners, the COO organized and facilitated engagement sessions.

The Chiefs of Ontario's role in engagement was to provide support to First Nations in carrying out engagement activities. The COO undertook several research initiatives related to First Nations post-secondary education, including a scoping literature review, a PSSSP Policy Review, a needs analysis, and a review of funding models. The COO also worked with academics and various partners to develop supplementary reports on the economic and socio-economic benefits of First Nations post-secondary attainment.

As part of the engagement process, the COO was also tasked with compiling this report. This report reflects the findings of the post-secondary engagement process in Ontario. Included in this report are recommendations that provide the framework for First Nations in Ontario to conclude regional post-secondary models with the Government of Canada. Regional, in this context, is interpreted flexibly and can mean a single First Nation, a group of First Nations, a First Nations organization, a Provincial Territorial Organization, a Treaty organization, or any other structure.

PART II: THEMES

LIFELONG LEARNING

From time immemorial, First Nations had laws, governments, economies, and societies, all supported by their own education systems focused on lifelong learning.²⁴ Indigenous education was holistic and transmitted not just practical knowledge, but important cultural values and traditions.²⁵ Education was used as a vehicle for nation-building. “Everyone had an education suited to their role in their particular Nation which supported their individual sovereignty and independence, which in turn supported their Nation’s sovereignty and independence.”²⁶

Indigenous languages played an integral role in lifelong learning, teaching citizens about their Nation’s values and relationships.²⁷ Traditional Indigenous knowledge was passed from one generation to the next using oral and symbolic forms of communication, as well as actual demonstration.²⁸ Through lifelong learning and education, knowledge was shared, refined, tested, replaced, and updated on a regular basis.²⁹

Traditionally, education was largely an informal process that provided the young with the specific skills, attitudes, knowledge, and values required to function in everyday life. The development of the whole person was emphasized through teachings that were often shared in storytelling using “tricksters of learning” ... through which children learned such values as humility, honesty, courage, kindness and respect.³⁰

First Nations education was not confined to childhood or by geographical space during set times. Higher education was a lifelong process of learning. It was a practical, physical, mental, and spiritual process.³¹ It was embedded in the political, cultural, social, and language context of the First Nations from which it originated.³²

First Nations have always understood that education is essential for nation-building.³³ Thus, learning was tied to each person’s role in nation-building. Preparing an individual for their valued role in the Nation was fundamental to the First Nations concept of lifelong learning and higher education.³⁴

²⁴ Palmater, “Our Nations, Our Future, Our Vision,” 12.

²⁵ Palmater, 12.

²⁶ Palmater, 11.

²⁷ Palmater, 13.

²⁸ Palmater, 12.

²⁹ Palmater, 12.

³⁰ Verna Kirkness, “Aboriginal Peoples and Tertiary Education in Canada: Institutional Responses,” *London Journal of Canadian Studies* 11 (1995), 29.

³¹ Palmater, “Our Nations, Our Future, Our Vision,” 13.

³² Palmater, 13.

³³ Palmater, 14.

³⁴ Palmater, 13.

Strong, independent sovereign Nations raised knowledgeable, skilled citizens who could perform many functions to not only provide for their families (hunting, fishing, fowling, gathering, agriculture, building) but also to support the sovereignty and strength of their Nations (military defense, political negotiations, multi-language translation and interpretation, manufacturing, trade, governance, law-making). All of this learning was done within the context of specific Indigenous cultures, traditions, values and belief systems tied to a spiritual context and worldview.³⁵

FIRST NATIONS CONTROL OF FULLY RESOURCED FIRST NATIONS EDUCATION

First Nations must have control of fully resourced First Nations education. To date, a lack of adequate resources and ISC's paternalistic approach to First Nations have rendered First Nations control meaningless. To exercise meaningful control, First Nations must be given the resources necessary to administer education programs based on the actual needs of each First Nation.

For decades, First Nations have been calling on the government to fully implement First Nations control of First Nations education.³⁶ In 1972, the National Indian Brotherhood, now the Assembly of First Nations, submitted the "Indian Control of Indian Education" policy proposal to the federal government.³⁷ That same year, the Minister of Indian Affairs approved the proposal and committed the government to implementing it.³⁸

Between 1972 and into the 2000s, however, ISC (formerly known as Indigenous and Northern Affairs Canada – INAC) continued to sign provincial tuition agreements without First Nations input.³⁹ First Nations frequently expressed frustration at ISC's lack of consultation and cooperation.⁴⁰ Further, even when ISC agreed to work jointly with First Nations, they continued to make unilateral decisions without consulting First Nations further.⁴¹

Some 50 years later, First Nations still do not have meaningful control of First Nations education. Instead, First Nations have become administrators of federal government education policies, which are still subject to unilateral policy revisions and changes to funding.⁴²

³⁵ Palmater, 14.

³⁶ Michelle Pidgeon, et al., "Indian Control of Indian Education: Reflections and Envisioning the Next 40 Years," *Canadian Journal of Native Education* 36, no. 1 (2013), 5.

³⁷ Ron Phillips, "Keeping First Nations in their Place—The Myth of 'First Nations Control of First Nations Education': A Commentary," *Brock Education* 21, no. 1 (2011), 8-9.

³⁸ Phillips, "The Myth of First Nations Control," 9.

³⁹ Phillips, 9.

⁴⁰ Phillips, 9.

⁴¹ Phillips, 9.

⁴² Pidgeon, et al., "Indian Control of Indian Education," at 8, 16.

ISC remains in control of First Nations education with no accountability.⁴³ The federal government's approach to First Nations education has been to hand off operating responsibility for inadequately resourced programs to First Nations, while simultaneously requiring the First Nation to meet provincial standards with only a fraction of the funding that provincial schools receive.⁴⁴ Additionally, studies conducted on First Nations operated schools found that transfer of control to First Nations has not included second-level services or the creation of an education system comparable to provincial school boards.⁴⁵

Consecutive Auditor General Reports beginning in 2001 found that ISC was not using data to drive evidence-based policy decisions; could not determine if the education funding provided to First Nations was sufficient; was using out-of-date population data; and was applying costing factors, such as geographic isolation, arbitrarily.⁴⁶

As a result, First Nations operated schools:

- Are often in a state of disrepair due to underfunding;
- Have a high turnover rate of teachers and principals;
- Lack tools to effectively measure success; and
- Are failing to adequately prepare students.⁴⁷

ISC's haphazard approach to education has resulted in programs that do not meet their objectives.⁴⁸ The Post-Secondary Student Support Program is no exception. When asked to provide details on the PSSSP funding formula for First Nations in Ontario, ISC staff admitted that no funding formula existed. Instead, ISC uses historical allocations—for which there is also no funding formula—and adjusts each year depending on the type of funding agreement the First Nation has with the Department. As a result, significant funding disparities exist from one First Nation to another with no justifiable reasons.

Further, like all ISC First Nations education programs, First Nations are required to administer the PSSSP within the parameters of the National Guidelines, which ISC develops annually. ISC frequently makes unilateral changes to the guidelines without consulting First Nations and often fails to communicate these changes. As evidenced by the 2018 Auditor General Report, ISC also fails to make necessary changes to improve education programs, resulting in decades of status quo programming which has failed to advance First Nations education in any meaningful way.

⁴³ Phillips, "The Myth of First Nations Control," at 8.

⁴⁴ Phillips.

⁴⁵ Phillips, at 8.

⁴⁶ See Auditor General, Report 5—Socio-economic Gaps on First Nations Reserves—Indigenous Services Canada, (Ottawa: Office of the Auditor General, 2018), online: https://www.oag-bvg.gc.ca/internet/English/parl_oag_201805_05_e_43037.html#hd2b.

⁴⁷ Phillips, "The Myth of First Nations Control."

⁴⁸ Auditor General, "Socio-economic Gaps on First Nations Reserves."

As the federal government fumbles through its provision of programs to First Nations, First Nations are forced to bear the brunt of failed government initiatives. This approach has not, and will not work, and is no longer sustainable. It has long been time for a new approach. First Nations have the expertise and knowledge to develop and administer their own education programs, based on the actual needs of their community.

The government must fully implement First Nations control of First Nations education.

Meaningful control of First Nations education includes:

- adequate resources to be determined by each First Nation using a distinctions-based funding formula that is developed by First Nations;
- a level of control over program guidelines and program administration that is deemed sufficient by First Nations;
- investments in Indigenous Institutes that are deemed sufficient by the Institutes and First Nations;
- an infusion of 'equity-funding' to address significant backlogs that have developed as a result of decades of government underfunding;
- First Nations ownership, control, access and possession of data and information.

Additionally, meaningful control requires that First Nations students have access to Indigenous Institutes and that Indigenous Institutes have access to adequate resources. Indigenous Institutes allow First Nations students to obtain an education that is grounded in Indigenous culture, and provide important alternatives to western mainstream institutions.

FIRST NATIONS INHERENT RIGHTS TO EDUCATION

First Nations possess Inherent rights to education, including post-secondary education.

Inherent rights are those rights that exist independently of whether states recognize them.⁴⁹ They exist because First Nations have always been self-governing Nations. Inherent rights predate the Canadian state, and as such, their existence is rooted outside of Canadian constitutional structures. Inherent rights stem from First Nations sovereignty, self-determination, laws and legal orders, traditions, cultures, and practices.

As discussed above, First Nations have had systems of lifelong learning and nation-building since time immemorial. Education was used a tool for sovereignty and self-determination. As such, education is an Inherent right of First Nations. Since Inherent rights cannot be extinguished by any outside government or other entity, the Inherent right to education remains fully intact today.

⁴⁹ Heinämäki, "Inherent Rights of Aboriginal Peoples," 157.

FIRST NATIONS TREATY RIGHTS TO EDUCATION

Treaties 3, 5, and 9 all contain language that provide a Treaty right to education, including post-secondary.

When First Nations entered into treaty negotiations with Canada, they did so with specific goals.⁵⁰ One of those goals was to ensure that future generations would benefit and prosper from education.⁵¹ In exchange for the peaceful sharing of their land, First Nations negotiated for services that would enable them to fully participate in the new economy.⁵²

In numbered Treaty negotiations, First Nations understood formal education and intended for it to supplement traditional education practices.⁵³ The First Nations Chiefs and representatives involved in negotiations understood education as a holistic, lifelong process and negotiated the numbered Treaties through the lens of lifelong learning.⁵⁴

Treaty 3 and Treaty 5 state: “Her majesty agrees to maintain schools for instruction in such reserves hereby made as to her Government of her Dominion of Canada may seem advisable, whenever the Indians of the reserves shall desire it.”⁵⁵ Treaty 9 states: “His Majesty agrees to pay such salaries of teachers to instruct the children of said Indians, and also to provide such school buildings and educational equipment as may seem advisable to His Majesty’s government of Canada.”⁵⁶

When interpreting Treaties with First Nations, the Supreme Court of Canada has articulated a number of principles to be applied. The Supreme Court, in *Sioui*, held that a Treaty with First Nations must “be construed, not according to the technical meaning of its words by learned lawyers, but in the sense in which they would naturally be understood by” First Nations.⁵⁷ Treaties are to be given a fair, large and liberal construction in favour of” First Nations signatories.⁵⁸ Any uncertainties are to be resolved in favour of the First Nations claimants.⁵⁹

In *Simon*, The Supreme Court held that Treaties are to be interpreted flexibly in a way that is sensitive to the evolution of Treaty rights.⁶⁰ In other words, Treaty rights are not to be frozen in time. The Court in *Sparrow* specifically rejected a “frozen rights” approach to any section 35 rights.⁶¹ Consequently, interpreting courts are to “update Treaty rights to provide for their modern exercise. This involves determining what

⁵⁰ Sheila Carr-Stewart, “A Treaty Right to Education,” *Canadian Journal of Education* 26, no. 3 (2001), 2.

⁵¹ Palmater, “Our Nation, Our Future, Our Vision,” 11.

⁵² Carr-Stewart, “A Treaty Right to Education,” 2.

⁵³ Carr-Stewart, 3.

⁵⁴ Carr-Stewart, 5.

⁵⁵ Carr-Stewart.

⁵⁶ Treaty 9 <<https://www.rcaanc-cirnac.gc.ca/eng/1100100028863/1581293189896>> .

⁵⁷ *R v. Sioui*, [1990] 1 SCR 1025 at 1036.

⁵⁸ *R v. Simon*, [1985] 2 SCR 387 at 402.

⁵⁹ *Sioui; Nowegijick v. R.*, [1983] 1 SCR 29 at 36.

⁶⁰ *R v. Simon* at 402.

⁶¹ *R v. Sparrow*, [1990] 1 SCR 1075 at 1093.

modern practices are reasonably incidental to the core [T]reaty right in its modern context.”⁶²

Courts are also required to be “sensitive to the unique cultural and linguistic differences between the parties.”⁶³ Because Treaties represent an exchange of solemn promises, and the Honour of the Crown is always at stake in the Crown’s dealings with Indigenous Peoples, Treaties are not to be interpreted in a manner that would bring dishonour upon the Crown.⁶⁴ It is always assumed that the Crown intends to fulfil its promises.⁶⁵ Further, no sharp dealing is permitted.⁶⁶

In searching for the common intention of the parties, extrinsic evidence is admissible, including Indigenous oral history and other expert opinion that may assist to determine the meaning of the Treaties.⁶⁷ The Supreme Court acknowledged in *Delgamuukw* that the laws of evidence must be adapted to accommodate oral evidence and place it on an equal footing with other types of historical evidence, such as documentary evidence.⁶⁸

While the language in Treaty 3 and 5 (when compared to Treaty 1 and 2) attempted to decrease the Crown’s commitment to First Nations by including the words “Canada may seem advisable,” extrinsic evidence from Treaty negotiations shows no record of this language ever being presented to First Nations.⁶⁹ Savino and Schumacher state:

*It would appear more likely that between 1870 and 1873, the fine hand of the Department of Justice inserted wording into the Treaty which was never mentioned by the Treaty Commissioners nor understood by the signatory First Nations.*⁷⁰

Extrinsic evidence, in fact, shows that the Crown’s representative, Alexander Morris, committed to providing schools on reserves “whenever any band asks for them.”⁷¹ This was noted in both the shorthand reporter’s account and by Simon J Dawson, a Treaty commissioner.⁷² Nothing in the extrinsic evidence, which Morris himself stated was accurate, suggests that any conditions were discussed with the Treaty signatories.⁷³ Both oral and written accounts of Treaty negotiations record Morris promising to provide education whenever requested.⁷⁴ Extrinsic evidence also records Morris stating that the

⁶² *R v. Marshall*, [1999] 3 SCR 456 at para 78.

⁶³ *R v. Marshall*, at para 78.

⁶⁴ Vic Savino & Erica Schumacher, “Whenever the Indians of the Reserve should Desire it: An Analysis of the First Nation Treaty Right to Education,” *Manitoba Law Journal* 21, no. 3 (1996), 485.

⁶⁵ *R v. Badger*, [1996] 1 SCR 771 at para 41.

⁶⁶ *R v. Taylor*, 2014 SCC 50 at para 123.

⁶⁷ Ruth Sullivan, *Statutory Interpretation*, (Toronto: Irwin Law, 2016), 253.

⁶⁸ *Delgamuukw v British Columbia*, [1997] 3 SCR 1010 at para 87.

⁶⁹ Savino & Schumacher, “An Analysis of the First Nation Treaty Right,” 484; see also Carr-Stewart, “A Treaty Right to Education.”

⁷⁰ Savino & Schumacher, 485.

⁷¹ Savino & Schumacher, 485.

⁷² Savino & Schumacher, 482-485.

⁷³ Savino & Shumacher at 483.

⁷⁴ Carr-Stewart, “A Treaty Right to Education.”

Crown's Treaty commitments were made in perpetuity, and that First Nations would be provided educational opportunities equitable to non-Indigenous educational services.⁷⁵

At the time of Treaty negotiations, First Nations Peoples were unable to read the Treaties as they were being drafted.⁷⁶ First Nations intentions under the Treaties would, therefore, be largely based on Morris' spoken words.

A reasonable interpretation of Treaties 3, 5, and 9 requires the Federal government to provide education equivalent to that of Canadians.⁷⁷ Although post-secondary education as we know it today did not exist at the time Treaties were signed,⁷⁸ the right to education must be interpreted to include "modern practices [that] are reasonably incidental to the core [T]reaty right in its modern context."

In a modern context, post-secondary education is incidental to the core of the Treaty right to education. Post-secondary is now a natural extension of elementary and secondary schooling, with a significant portion of the Canadian population completing some form of post-secondary studies.⁷⁹ This interpretation aligns with (1) Morris' promise to provide education on par with other non-Indigenous citizens; (2) a modern conceptualization of Treaty rights to education; (3) First Nations views of education as a holistic, lifelong process;⁸⁰ and (4) First Nations intentions to negotiate for services that would allow their citizens to prosper.

The changes in language between Treaties 1-2, 3-5, and 6-9 should not be construed as providing different education rights as extrinsic evidence suggests that education was presented similarly across the numbered Treaties.⁸¹ In addition, the Treaty language "whenever the Indians of the reserves shall desire it" when construed in a broad and liberal manner, supports an interpretation that First Nations were to be responsible for the implementation and control of all First Nations educational services.⁸²

EDUCATION IS AN ABORIGINAL RIGHT UNDER SECTION 35

The transmission of First Nations cultures and languages is a generic right possessed by all First Nations under section 35 of the *Constitution Act, 1982*.⁸³

The Supreme Court of Canada, in *R v. Côté*, stressed the importance of cultural transmission:

⁷⁵ Carr-Stewart, 5.

⁷⁶ Savino & Shumacher, "An Analysis of the First Nations Treaty Right," 478.

⁷⁷ Savino & Schumacher, 487.

⁷⁸ Savino & Schumacher, 487.

⁷⁹ Savino & Schumacher, 488.

⁸⁰ Carr-Stewart, "A Treaty Right to Education," 5.

⁸¹ See Savino & Schumacher, "An Analysis of the First Nations Treaty Right"; Carr-Stewart.

⁸² Carr-Stewart, 4.

⁸³ *First Nations Child and Family Caring Society of Canada et al., v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2 at para 106.

In the [A]boriginal tradition, societal practices and customs are passed from one generation to the next by means of oral description and actual demonstration. As such, to ensure the continuity of [A]boriginal practices, customs and traditions, a substantive [A]boriginal right will normally include the incidental right to teach such a practice, custom and tradition to a younger generation.⁸⁴

The Supreme Court has also recognized the close relationship between language and culture. In *Doucet-Boudreau v. Nova Scotia (Minister of Education)*, the Court stated:

...any broad guarantee of language rights, especially in the context of education, cannot be separated from a concern for the culture associated with the language. Language is more than a mere means of communication; it is part and parcel of the identity and culture of the people speaking it. It is the means by which individuals understand themselves and the world around them.⁸⁵

Recently, the Court of Appeal of Quebec held that all First Nations have a generic right of self-government under section 35.⁸⁶ The Court found that the Crown's recognition of First Nations autonomy is evident from the numerous Treaties signed between the Crown and First Nations.⁸⁷ The Court held that included in the right to self-government is the right to regulate child and family services.⁸⁸

Similarly, the right of First Nations to control First Nations education is rooted in Aboriginal rights to self-government, culture, and language. In addition, historical accounts describe First Nations systems of lifelong learning (as discussed above) that existed prior to contact and continue in present day. Consequently, First Nations Aboriginal rights to education exist broadly and include all aspects of First Nations learning.

EDUCATION IS AN INVESTMENT NOT A COST

Funding for First Nation post-secondary education is an investment.

As part of the post-secondary engagement process, Dr. Christine Neill and Dr. Melanie O'Gorman produced a report to estimate the economic benefits of closing the post-secondary education opportunity gap between First Nations and non-Indigenous Canadians.

The report estimated that closing the opportunity gap could result in a variety of economic benefits, including considerable benefits to Ontario's economy and to society

⁸⁴ *R v. Côté*, [1996] 3 SCR 139 at para 56.

⁸⁵ 2003 SCC 62 at para 26.

⁸⁶ *Renvoi à la Cour d'appel du Québec relatif à la Loi concernant les enfants, les jeunes et les familles des Premières Nations, des Inuits et des Métis*, 2022 QCCA 185 at para 356.

⁸⁷ *Renvoi à la Cour d'appel du Québec relatif à la Loi concernant les enfants, les jeunes et les familles des Premières Nations, des Inuits et des Métis* at para 375.

⁸⁸ *Renvoi à la Cour d'appel du Québec relatif à la Loi concernant les enfants, les jeunes et les familles des Premières Nations, des Inuits et des Métis* at para 359.

at large. The report is based on an estimate of an additional 19,000 more First Nations individuals between the ages of 25 to 64 years of age with a post-secondary education in 2016 in Ontario.

Based on this number, the report estimates that:

- Private incomes of First Nations Peoples in Ontario before taxes and transfers would have been around \$700 million higher, including a potential gain of \$180 million for those living on-reserve in 2015/16;
- \$226 million of this income would have gone to reduce net government spending in the form of higher taxes and lower transfers;

The report also identifies a variety of other estimated benefits, including:

- Increased productivity; people with more education are more productive individually—they can produce more economic value in a given hour or year of work than those with less education.
- Higher personal income.
- Better health outcomes and increased life expectancy.
- Higher rates of self-perceived health and mental health.
- Better overall life satisfaction.
- Lower unemployment rates and improved food security.
- Increased productivity of nearby workers.
- Higher educational attainment of subsequent generations.
- More innovation and technological development.
- Lower crime.
- Lower government health spending.
- More volunteering, civic engagement and social cohesion.

Post-secondary education funding is an investment with significant positive benefits for First Nations students, communities, and Nations, as well as the economies of Ontario and Canada.

Part III: GOVERNMENT MANDATES and CROWN OBLIGATIONS

GOVERNMENT MANDATES

Investing in First Nations post-secondary education will not only improve the lives of First Nations peoples, but it will create capacity within First Nations to assist the Government of Canada in fulfilling a variety of mandates outlined in the Prime Minister's mandate letters to Ministers.

Current mandates, like climate change, reconciliation, the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*, and economic recovery and growth,⁸⁹ would all benefit from the experience and expertise of First Nations graduates.

First Nations priorities are best addressed through First Nations led and developed solutions. This requires resources and capacity at the community level, both of which are facilitated through increased post-secondary attainment. The sheer number of mandates that affect First Nations Peoples or are directed at First Nations is a testament to the need to support this capacity building through post-secondary investments.

These mandates include:

- Improve housing supply⁹⁰
- Distinctions-based Mental Health and Wellness Strategy for First Nations and addictions and substance use strategy⁹¹
- Close infrastructure gap of First Nations, including housing⁹²
- Renew and strengthen Canada's relationship with First Nations communities to advance self-determination through strong economic recovery and growth, including ensuring accessibility of Indigenous business supports:
 - Expand the Aboriginal Entrepreneurship Program to enable businesses to access a new, zero-interest loan when a 10 per cent advance is not possible;
 - Create a navigator position to help Indigenous entrepreneurs find programs that apply to their situation; and
 - Address the history and legacy of residential schools, including by continuing to provide the necessary supports to communities who wish to continue to undertake the work of burial searches at the sites of former residential schools and other federally-run institutions, such as day schools and Indian hospitals.
- Eliminate all remaining long-term drinking water advisories on reserve and make sure that long-term investments and resources are in place to prevent future ones, including by investing \$6 billion to ensure sustainable access to clean water in First Nations communities.

⁸⁹ *Deputy Minister and Minister of Finance Mandate Letter*, 16 December 2021, online: *Prime Minister of Canada* <<https://pm.gc.ca/en/mandate-letters/2021/12/16/deputy-prime-minister-and-minister-finance-mandate-letter>>.

⁹⁰ *Deputy Minister and Minister of Finance Mandate Letter*.

⁹¹ *Minister of Health and Addictions and Associate Minister of Health Mandate Letter*, 16 December 2021, online: *Prime Minister of Canada* <<https://pm.gc.ca/en/mandate-letters/2021/12/16/minister-mental-health-and-addictions-and-associate-minister-health>>.

⁹² *Minister of Intergovernmental Affairs, Infrastructure and Communities Mandate Letter*, 16 December 2021, online: *Prime Minister of Canada* <<https://pm.gc.ca/en/mandate-letters/2021/12/16/minister-intergovernmental-affairs-infrastructure-and-communities>>; *Minister of Indigenous Services and Minister responsible for the Federal Economic Development Agency for Northern Ontario Mandate Letter*, 16 December 2021, online: *Prime Minister of Canada* <<https://pm.gc.ca/en/mandate-letters/2021/12/16/minister-indigenous-services-and-minister-responsible-federal-economic>>.

- Work with First Nations, Inuit and the Métis Nation and provincial and territorial governments to continue to fully implement *An Act respecting First Nations, Inuit, and Métis children, youth and families*, providing long-term, predictable and sustainable funding to support communities looking to implement their jurisdiction for child and family services.
- Continue to work with First Nations partners to ensure fair and equitable compensation for those harmed by the First Nations Child and Family Services program and to ensure the long-term reform of child and family services in First Nations communities, including to help children and families stay together and providing First Nations youth who reach the age of majority the supports they need for up to two additional years.
- Continue to make sure that Indigenous children get the care they need:
 - Continue to fully fund Jordan's Principle;
- Accelerate the implementation of the Truth and Reconciliation Commission's Calls to Action.
- Address violence against Indigenous women, girls and 2SLGBTQQIA+ people by accelerating the implementation of the Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People, and to support the implementation of the 2021 MMIWG and 2SLGBTQQIA+ National Action Plan.
- Continue to support First Nation-led processes to transition away from the Indian Act. Work with communities and institutions to invest in capacity building initiatives that support and advance self-determination like the 10-year Grant. Advance the priorities of Indigenous communities to reclaim full jurisdiction in the areas that matter to them, such as child and family services, education, health care, policing, tax and the administration of justice.
- Work with First Nations partners to co-develop a legislative framework for First Nations policing, and on continuing to engage with Inuit and Métis on policing matters.
- Fully implement Joyce's Principle and ensure it guides work to co-develop distinctions-based Indigenous health legislation to foster health systems that will respect and ensure the safety and well-being of Indigenous Peoples.
- Co-develop and invest in a distinctions based Mental Health and Wellness Strategy to meet the needs of First Nations including culturally appropriate wraparound services for addictions and trauma, suicide and life promotion and the building of treatment centres.
- Co-develop a distinctions-based Indigenous Long-term and Continuing Care Framework to ensure Indigenous Peoples can receive these services in or near their own communities and bolster Indigenous health system navigators to provide dedicated support for Indigenous people and their families to navigate services related to long-term and continuing care.

- Fully implement the *United Nations Declaration on the Rights of Indigenous Peoples Act* across government.
- Work with First Nations and provincial and territorial government partners to strengthen the governance and service delivery for First Nations emergency preparedness, management and recovery.⁹³
- Continue to work in partnership with First Nations, Inuit and the Métis Nation to address climate change and its impacts, and chart collaborative strategies.
- Create a National School Food Policy.⁹⁴

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

The *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* sets out minimum standards for the survival, dignity, and well-being of Indigenous Peoples.

The *UN Declaration* provides a broad range of rights for First Nations, including education and full economic participation. Rights to self-government, self-determination, and economic participation can only be realized fully by ensuring First Nations rights to education, including post-secondary, are upheld. First Nations education rights must be construed broadly to include any and all education opportunities First Nations learners may wish to pursue, as well as expanding recognition and support for Indigenous Institutes, which are instrumental in providing culturally relevant education to First Nations students.

Some Articles under the *UN Declaration* are particularly relevant for First Nations post-secondary education.

Under the *UN Declaration*, First Nations Peoples have the right to be free from any and all discrimination (Article 2).⁹⁵ First Nations have the right to self-determination, including the right to freely pursue economic, social, and cultural development (Article 3).⁹⁶ Under Article 4, First Nations “have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.”⁹⁷

Article 5 provides a right for First Nations to “maintain and strengthen their distinct political, legal, economic, social and cultural institutions” while also retaining the right to

⁹³ *Minister of Indigenous Services and Minister responsible for the Federal Economic Development Agency for Northern Ontario Mandate Letter*, 16 December 2021, online: *Prime Minister of Canada* <<https://pm.gc.ca/en/mandate-letters/2021/12/16/minister-indigenous-services-and-minister-responsible-federal-economic>>.

⁹⁴ *Minister of Agriculture and Agri-Food Mandate Letter*, 16 December 2021, online: *Prime Minister of Canada* <<https://pm.gc.ca/en/mandate-letters/2021/12/16/minister-agriculture-and-agri-food-mandate-letter>>.

⁹⁵ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*: resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295, art. 2.

⁹⁶ UN Declaration on the Rights of Indigenous Peoples, art 3.

⁹⁷ UN Declaration on the Rights of Indigenous Peoples, art. 4.

full participation in the economic life of Canada.⁹⁸ Article 8 protects First Nations communities and Peoples from forced assimilation or destruction of their culture, and includes redress mechanisms.⁹⁹

The *UN Declaration* recognizes First Nations rights “to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons” (Article 13).¹⁰⁰

Article 14 states:

1. *Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.*
2. *Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.*
3. *States shall, in conjunction with Indigenous Peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.*¹⁰¹

Further, Article 15 provides that education and public information shall appropriately reflect Indigenous Peoples cultures, traditions, histories and aspirations.¹⁰²

In June 2021, the federal government passed the *United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA)*. Under the *UNDA*, the government is required to work with Indigenous Peoples to “take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.”¹⁰³

As a result, the federal government must ensure that all First Nations education programs, including post-secondary, are consistent with the *UN Declaration*.

TRUTH AND RECONCILIATION CALLS TO ACTION

The Honourable Murray Sinclair, former Senator and head of the Truth and Reconciliation Commission of Canada (TRC) recognized the importance of education when he stated, “education got us into this mess and education will get us out.”

The TRC Calls to Action address several specific education-related priorities, including:

- *Call to Action 7: We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate educational and employment gaps between Aboriginal and non-Aboriginal Canadians.*

⁹⁸ *Declaration on the Rights of Indigenous Peoples*, art. 5.

⁹⁹ *Declaration on the Rights of Indigenous Peoples*, art. 8.

¹⁰⁰ *Declaration on the Rights of Indigenous Peoples*, art. 13.

¹⁰¹ *Declaration on the Rights of Indigenous Peoples*, art. 14.

¹⁰² *Declaration on the Rights of Indigenous Peoples*, art. 15.

¹⁰³ *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, s 5.

- Call to Action 9: *We call upon the federal government to prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.*
- Call to Action 10: *We call on the federal government to draft new Aboriginal education legislation with the full participation and informed consent of Aboriginal peoples. The new legislation would include a commitment to sufficient funding and would incorporate the following principles:*
 - *i. Providing sufficient funding to close identified educational achievement gaps within one generation.*
 - *ii. Improving education attainment levels and success rates.*
 - *iii. Developing culturally appropriate curricula.*
 - *iv. Protecting the right to Aboriginal languages, including the teaching of Aboriginal languages as credit courses.*
 - *v. Enabling parental and community responsibility, control, and accountability, similar to what parents enjoy in public school systems.*
 - *vi. Enabling parents to fully participate in the education of their children.*
 - *vii. Respecting and honouring Treaty relationships.*
- **Call to Action 11: We call upon the federal government to provide adequate funding to end the backlog of First Nations students seeking a post-secondary education.**¹⁰⁴

MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS CALLS FOR JUSTICE

The National Inquiry into Missing and Murdered Indigenous Women and Girls also contains specific Calls for Justice that pertain to education, including:

Call for Justice 11.1 :

We call upon all elementary, secondary, and post-secondary institutions and education authorities to educate and provide awareness to the public about missing and murdered Indigenous women, girls, and 2SLGBTQQIA people, and about the issues and root causes of violence they experience. All curriculum development and programming should be done in partnership with Indigenous Peoples, especially Indigenous women, girls, and 2SLGBTQQIA people. Such education and awareness must include historical and current truths about the genocide against Indigenous Peoples through state laws, policies, and colonial practices. It should include, but not be limited to, teaching Indigenous history,

¹⁰⁴ Truth and Reconciliation Commission of Canada, *Truth and Reconciliation Commission of Canada: Calls to Action* (Winnipeg, Manitoba: Truth and Reconciliation Commission of Canada, 2015), 2.

*law, and practices from Indigenous perspectives and the use of Their Voices Will Guide Us with children and youth.*¹⁰⁵

Call for Justice 11.2:

*We call upon all educational service providers to develop and implement awareness and education programs for Indigenous children and youth on the issue of grooming for exploitation and sexual exploitation.*¹⁰⁶

DISCRIMINATION IN EDUCATION

Section 5 of the *Canadian Human Rights Act* states:

It is a discriminatory practice in the provision of goods, services, facilities or accommodations customarily available to the general public

- (a) to deny, or to deny access to, any such good, service, facility or accommodation to any individual, or*
- (b) to differentiate adversely in relation to any individual on a prohibited ground of discrimination.*¹⁰⁷

In the Canadian Human Rights Tribunal's decision on child welfare services, the Tribunal found that funding can constitute a service under section 5 of the Act.¹⁰⁸ Similar to the child welfare services provided in that case, the federal government provides funding for First Nations controlled schools. In addition, the government also exercises discretionary control over First Nations education through policy and administrative directives.

Also like the case of child welfare, the federal government's consistent underfunding of First Nations education amounts to discrimination under section 5 of the Act.

When provincial governments were enacting legislation to provide education to all children in Canada, the federal government was not creating any education-specific legislation. Instead, the federal government administered First Nations education under the authority of the *Indian Act*. Although the federal government provided education policies and procedures through directives and circulars, it failed to establish educational services and educational resources (teachers, schools, materials) equitable with provincial educational systems.¹⁰⁹

¹⁰⁵ National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, vol. 1b online: <https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1b.pdf>, 193.

¹⁰⁶ National Inquiry into Missing and Murdered Indigenous Women and Girls, 194.

¹⁰⁷ *Canadian Human Rights Act*, RSC, 1985, c. H-6, s. 5.

¹⁰⁸ *First Nations Child and Family Caring Society of Canada et al., v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, at para 40.

¹⁰⁹ Carr-stewart, "A Treaty Right to Education," 6.

Gaps in First Nations education were identified as early as 1921.¹¹⁰ In 1946–1948, a study of the Joint Committee of the Senate and House of Commons on the *Indian Act* described First Nations schools as:

*Notoriously underfunded, poorly equipped and constructed, [and teachers were] paid less than their colleagues in neighbouring public schools. The residential schools attracted great criticism because of the half-day labor system [which] obliged the children to work in the fields, sew, clean, etc. for several hours each day, thereby greatly restricting classroom time.*¹¹¹

Minutes from parliamentary commissions as late as 1960, make clear that many reserves lacked school facilities, and those that did have facilities were often considered inferior to non-Indigenous schools.¹¹² In addition, the commissions found that educational programming lacked financial resources and that teachers' salaries were below provincial levels.¹¹³

In 1969, the federal government again attempted to pass-off its responsibilities by proposing to transfer First Nations education to the provinces. First Nations viewed this as an attempt to eradicate their special status and an example of the failure by Canada 'to honour commitments for Treaties signed with' First Nations.¹¹⁴ In response, First Nations issued the policy paper: *Indian Control of Indian Education*, which demanded that the federal government hand over responsibility for education to First Nations and provide equitable educational resources.¹¹⁵ However, despite the federal government's acceptance of *Indian Control of Indian Education*, the government continued to administer education in the same fashion.¹¹⁶

Subsequently, the *Royal Commission on Aboriginal Peoples (RCAP)* recommended in 1996, that the all levels of government work with Indigenous organizations to develop a First Nations controlled education system.¹¹⁷ Further, the *RCAP* called on the federal government to recognize and fulfill its Treaty obligations for First Nations education.¹¹⁸

Eventually, First Nations began to take control of educational services and schools on reserve. Federal funding, however, continued to be distributed in a prescriptive manner with insufficient resources to address community needs.¹¹⁹ In fact, many consecutive reports found significant shortfalls between First Nations and provincial funding levels.

In 2003, Postl found the funding shortfall between provincial and First Nations students was \$2,126.00 per student in a sample of eighty-three First Nations in British

¹¹⁰ Carr-Stewart, 7.

¹¹¹ Carr-Stewart, 7.

¹¹² Carr-Stewart, 11.

¹¹³ Carr-Stewart, 11.

¹¹⁴ Carr Stewart, 7.

¹¹⁵ Carr-Stewart, 11.

¹¹⁶ Carr-Stewart, 11.

¹¹⁷ Carr-Stewart, 12.

¹¹⁸ Carr-Stewart, 12.

¹¹⁹ Carr-Stewart.

Columbia.¹²⁰ Ron Phillips, in comparing First Nations funding in 2008, found that Indigenous and Northern Affairs Canada (INAC – now ISC) paid 33-50 percent more per student for students attending a provincial school than INAC did for students attending a First Nations school.¹²¹ Further, Cindy Fisher, President of the Ontario Native Education Counseling Association (ONECA) discussed her experience as an Education Director at a Senate committee meeting. She explained that the federal government would provide \$15,211.53 per student attending a provincial school fifteen minutes away from her First Nation.¹²² In contrast, her First Nations school received \$8,156.00 per student.¹²³

For decades, the federal government has failed to provide a comprehensive system of education for First Nations that is consistent with provincial education systems.¹²⁴ Many First Nations students attend schools without libraries, science and technology labs, or athletic facilities.¹²⁵ A variety of briefing notes prepared for the former Indigenous and Northern Affairs Canada department acknowledge that the federal government does not have the level of expertise to provide education and education services that provinces can offer.¹²⁶

The briefing notes acknowledged that First Nations-managed schools and communities do not have educational systems because of a “persistent federal funding gap and lack of structures and resources.” The briefing note also identified a lack of “proper curriculum development, teacher training, testing and quality assurance or the support structures available to non-Indigenous schools such as a school board, elected trustees, or an education ministry.”

In addition, briefing notes indicate that the federal government was aware that the two per cent annual increase for First Nations had “not kept pace with the growing needs and increasing costs” of First Nations education. The federal government also acknowledged the difficulty of providing federal programs comparable to provincial systems because provincial funding and benefits were growing at a higher rate. Further, the notes recognized that as a result of the two per cent increase, programs, including education, “have insufficient on-going base funding to keep pace with costs and cost drivers, provincial/territorial expenditures and service levels.”

Consecutive Audit General Reports also warned of the disparities in First Nations education and Indigenous Services Canada’s failure to improve First Nations education.¹²⁷ Reports found that:

¹²⁰ Phillips, “The Myth of First Nations Control,” 6.

¹²¹ Phillips, 6.

¹²² Ron Phillips, 7.

¹²³ Phillips, 7.

¹²⁴ Ron Phillips, “A Commentary: Education in Canada—Does Anyone read our Constitution?” *Brock Educational Journal* 28, no. 2 (2019) 4-16.

¹²⁵ Phillips.

¹²⁶ Phillips.

¹²⁷ Phillips, “The Myth of First Nations Control,” 9.

- Education data on First Nations was difficult to obtain and therefore, it was almost impossible to assess program effectiveness.
- Investigators “could not find a formal articulation of the [ISC’s] role or responsibilities in education.”
- It would take 27-28 years for First Nations to “reach parity in academic achievement with other Canadians.”
- ISC still did not have information on education costs and effectiveness, and did not know if resources were sufficient to meet requirements under the program, even though this has been flagged in several Auditor General Reports.¹²⁸
- ISC did not “adequately use the large amount of program data provided by First Nations, nor did it adequately use other available data and information” to improve educational programs.¹²⁹
- ISC did not adequately engage with First Nations or report on whether the lives of First Nations were improving as a result of ISC’s programs.¹³⁰

In 2018, the Auditor General also found that ISC could still not explain how “federal funding for on-reserve education compared with the funding levels for other education systems across Canada.”¹³¹

Discrimination in First Nations K-12 education has resulted in First Nations high school graduation rates that are significantly lower than non-Indigenous high school graduation rates. Consequently, this has perpetuated a significant gap in the post-secondary attainment of First Nations individuals.

CROWN OBLIGATIONS

Not only has the Crown failed to uphold its Treaty and constitutional obligations towards First Nations with respect to education, but the Crown has actively used education to assimilate, eliminate, and discriminate against First Nations.

The Crown’s early education policies were directed at assimilating and eliminating First Nations.¹³² Instead of a vehicle for prosperity, education was used in an effort to destroy Indigenous cultures.¹³³ To save money, the government passed off its Treaty obligations to provide education and educational facilities to religious institutions.¹³⁴ This resulted in the Residential “School” system.

¹²⁸ Phillips, 9.

¹²⁹ Auditor General of Canada, Report 5: Socio-economic Gaps on First Nations Reserves: Indigenous Services Canada, (2018) Office of the Auditor General, <https://www.oag-bvg.gc.ca/internet/English/parl_oag_201805_05_e_43037.html>

¹³⁰ Auditor General.

¹³¹ Auditor General, s. 5.38.

¹³² Carr-Stewart, “A Treaty Right to Education,” 3.

¹³³ Palmater, “Our Nations, Our Future, Our Vision,” 11.

¹³⁴ Savino & Shumacher, “An Analysis of the First Nations Treaty Right,” 491.

Through these Residential Institutions, over 150,000 Indigenous children were removed from their homes and communities, and sent to institutions where they were frequently physically, mentally, and sexually abused, forced to perform labour, starved, and experimented on. Residential schools were a violent form of genocide that resulted in the deaths of thousands of innocent children.¹³⁵

As discussed above, in moving away from the Residential Institution system, the federal government moved from a policy of assimilation and elimination to one of discrimination. While First Nations struggled to cope with the devastating intergenerational effects of Residential Institutions, the government began handing down responsibility for vastly underfunded education programs under the guise of First Nations control of First Nations education.

Throughout, the federal government consistently attempted to limit its Treaty and constitutional commitments to First Nations education.¹³⁶ Through Indigenous Services Canada, the federal government administers (either directly or indirectly) elementary and secondary education for First Nations students through a single school model.¹³⁷ This model leaves First Nations without the additional supports of school systems that include school boards, administrators, and departments of education.¹³⁸ With respect to post-secondary, the government continues to maintain the position that it provides post-secondary education as a matter of social policy.

The genocide committed at Residential Institutions and the ongoing discrimination in First Nations education require governments to take a generous and honourable approach to Treaty and constitutional obligations for education.¹³⁹ Historical discrimination in First Nations education must be remedied through investments to address backlogs in education infrastructure, capacity, and student needs. Treaty and constitutional obligations must be interpreted to include post-secondary education.

¹³⁵ Palmater, "Our Nations, Our Future, Our Vision," 11.

¹³⁶ Carr-Stewart, "A Treaty Right to Education"; Phillips, "The Myth of First Nations Control," at 5.

¹³⁷ Carr-Stewart, 4.

¹³⁸ Phillips, "The Myth of First Nations Control," 5-6.

¹³⁹ Savino & Shumacher, "An Analysis of the First Nations Treaty Right," 492.

PART IV RECOMMENDATIONS

The following broad regional recommendations were informed by all engagement activities and jointly developed by the PSE Committee.

CONSISTENCY WITH FIRST NATIONS RIGHTS, CULTURE, AND JURISDICTION

1. All recommendations brought forward in this report must be implemented in a manner that is consistent with:
 - a. The *United Nations Declaration on the Rights of Indigenous Peoples*;
 - b. First Nations Inherent, Treaty, and Aboriginal rights;
 - c. First Nations control of First Nations education;
 - d. The Calls to Action of the Truth and Reconciliation Commission's final report and the Calls for Justice in the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls; and
 - e. First Nations principles of lifelong learning, including holistic, whole-student approaches to well-being, and any preexisting and future education agreements.¹⁴⁰

POST-SECONDARY COSTS FUNDING

2. First Nations post-secondary systems must provide fair and equitable funding to First Nations learners that is based on student post-secondary need. Student need is defined as the costs associated with post-secondary education, including, but not limited to, childcare, remote travel, connectivity, technology, living expenses (including food) and increases each year at a rate consistent with the actual costs to attend post-secondary.
3. Funding for First Nations post-secondary systems must be adequate to cover the costs required for First Nations learners to attend their chosen post-secondary program, and include a diverse range of eligible expenditures, including
 - a. Childcare
 - b. Remote travel
 - c. Connectivity
 - d. Technology
 - e. Living expenses, including food
 - f. Transitional Programming
4. First Nations post-secondary support systems must focus on supporting transitions:
 - a. From secondary to post-secondary;

¹⁴⁰ Anishinabek Nation Education Agreement, *Indigenous Institutes Act*.

- b. From post-secondary into the workforce and future careers;
 - c. For non-traditional paths to post-secondary, including transition programs for mature students, students with families; and
 - d. For students continuing with education and lifelong learning, such as professional degrees, graduate degrees.
5. First Nations post-secondary support systems must include capacity to incorporate a school to work component that promotes programs that are relevant and reflective of building First Nations capacity.
6. First Nations post-secondary support systems must include capacity to develop early intervention programs and strategies that provide elementary and secondary students with accessible and easy-to-understand information on post-secondary programs, financial assistance, mentorship programs and opportunities for reciprocity, and other opportunities as determined by First Nations. Early intervention programs must meet the unique needs of students, including regardless of residency.

ADMINISTRATION

7. First Nations post-secondary support systems must be built from the First Nation up, through Nation-based principles and expertise, at the discretion of each First Nation. First Nations must have authority and control to determine and implement their own post-secondary support system. The government's role must be limited to financial administrator only.
8. First Nations post-secondary education systems must have adequate resources to take a proactive approach to post-secondary. This includes:
- a. A holistic approach with wrap-around services, including:
 - i. Informational and knowledge based supports;
 - ii. Culturally centered supports;
 - iii. Mental health and well-being supports;
 - iv. Targeted student supports for mature students, off-reserve students, first year students, and students with families.
9. Administration funding for a First Nations post-secondary education system must be provided separately from student supports, and including funding for:
- a. Equitable and consistent wages for post-secondary education personnel;
 - b. Salary/salaries for post-secondary personnel based on a ratio to students (with a minimum of one person) to be determined by each First Nation based on need;
 - c. Professional development and training;
 - d. Data personnel;

- e. Capacity-building resources to allow First Nations to assume full-control over the post-secondary support system.
 - f. Collaboration between First Nations post-secondary personnel, institutions, and other First Nations organizations.
10. First Nations post-secondary education systems must include funding to build, implement, and maintain a First Nations post-secondary data system. This may include:
- a. Software
 - b. Access to ISC or other government information
 - c. Data collection systems
 - d. Personnel to analyze data.
11. First Nations post-secondary systems must have flexible funding agreements that are comprehensive and specific, and increase yearly in accordance with associated costs, and that include:
- a. Investments into infrastructure.
 - b. Investments into human capacity.
 - c. Networking and relationship building, where desired.
 - d. Flexible and rolling funding.
 - e. Reliable service mapping.
12. First Nations post-secondary systems must allocate funding to build, implement and maintain the creation of a committee of First Nations students to support program design, provide input, and evaluate programs.
13. First Nations post-secondary systems must have funding and supports designated to celebrating First Nations student success.

INFORMATIONAL

14. First Nations post-secondary support programs must include funding to build, implement, and maintain a First Nations developed and controlled app or database for First Nations students to access easy-to-understand information on post-secondary programs. The app or database will include information on:
- a. Indigenous Institutes;
 - b. Indigenous programs;
 - c. Career planning;
 - d. Mentorship;
 - e. Financial aid, scholarships, and bursaries;
 - f. Mainstream institutions;
 - g. Indigenous student resources;
 - h. Success stories; and

- i. Cultural-based supports, including mental health and well-being supports.
15. First Nations post-secondary support programs must provide funding to build, implement, and maintain capacity to include mentorship programs in all fields to help First Nations students navigate the post-secondary education system; build relationships with other First Nations students; and give back to their communities.
16. First Nations post-secondary support programs must provide funding to build, implement and maintain capacity for First Nations to develop clear and streamlined application processes that are accessible, easy-to-understand, predictable, and sustainable.

RELATIONSHIPS

FIRST NATION-TO-FIRST NATION

17. First Nations post-secondary support programs must include funding to build, implement and maintain capacity for communities to develop, maintain, and enhance relationships with other communities, including to:
- a. Build mentorship opportunities for students.
 - b. Access or promote professional development and training.
 - c. Share resources and strategize.
 - d. Create forums for discussion and support for post-secondary personnel.
 - e. Promote community well-being; and
 - f. Ensure support programs reflect diverse First Nations perspectives and needs.
18. First Nations post-secondary support programs must include funding to build, implement, and maintain a program for post-secondary personnel to visit First Nations students' in-person at the students' post-secondary institution.

INDIGENOUS INSTITUTES

19. The capacity of Indigenous Institutes must be leveraged at every opportunity to promote First Nations education.
20. All levels of government must increase students' access to Indigenous Institutes.
21. Funding to build, implement and maintain the Indigenous Institutes Consortium Model focusing on core operating grants for institutions, and providing stability for Indigenous Institutes.

22. The Government of Canada must provide secure, predictable, adequate funding to Indigenous post-secondary institutes in Ontario in the form of core operating grants that meet the needs of First Nations. Funding levels must support the unique operating model of Indigenous institutions and achieve, at a minimum, equity when compared to non-Indigenous institutions.
23. The Government of Canada must join Indigenous Institutes and the Province of Ontario at a tripartite table to ensure that Ontario's regional model is properly understood, recognized, and equitably funded; and, given that Ontario's Regional Model is well established, successful and supported by a strong research foundation supporting operations and delivery, strive to conclude the Table's work on funding within one year.
24. The Government of Canada must determine the size of operating grants in a transparent manner that is:
 - a. Periodically reviewed;
 - b. Includes base funding for all Institutes recognized in regulation through Ontario's Indigenous Institutes Act;
 - c. Includes needs-based and enrollment-based criteria;
 - d. Accounts for the higher cost of delivering trauma-informed services to Indigenous learners and through remote institutions;
 - e. Accounts for the unique model of Indigenous PSE recognized in Ontario's legislation; and
 - f. Invests in capacity to close historic gaps.
25. The Government of Canada must ensure that new funding begins immediately, and builds upon the Ontario Government's existing operating grants, and is delivered in a manner consistent with self-government and First Nations Treaty and Inherent rights to Indigenous education.
26. The Government of Canada must create a dedicated, application-based yearly capital budget, beginning immediately, to which any recognized Indigenous Institute in Ontario may apply, with an understanding that the Government of Canada will reimburse up to 100% of the costs of projects to begin to close the gaps in capital funding and infrastructure endowments between Indigenous and non-Indigenous post-secondary institutions.

GOVERNMENT OF CANADA

27. The Government of Canada must provide predictable and consistent needs-based funding for First Nations post-secondary systems.

28. The federal government must work with provincial counterparts to provide adequate connectivity to all First Nations in Ontario.
29. The Government of Canada must adjust the Canada Student Loans program to a grants-only based system for First Nations students and include a full debt forgiveness program for past First Nations students. First Nations students should never need to, or be required, to take a loan from the Government of Canada.
30. The Government of Canada must provide capacity and resources, including funding, for First Nations to develop their own community guidelines for First Nations post-secondary systems. Community policies for First Nations post-secondary support systems must be developed at the community-level without arbitrary, prescriptive, or paternalistic limitations imposed by Indigenous Services Canada. First Nations will determine the parameters of “success” in post-secondary education.
31. The Government of Canada must work in partnership with First Nations and all other relevant institutions to ensure that Jordan’s Principle is easier to access.
32. The Government of Canada must work to recruit corporate support for First Nations post- secondary students so First Nations students have more access to paid internships.
33. The Government of Canada must commit to investing in human capital to ensure that First Nations can fully realize their Nation-to-Nation relationship with the federal government.

GOVERNMENT OF ONTARIO

34. The Government of Ontario must take responsibility for its role in First Nations education and commit to upholding its Treaty and constitutional responsibilities to First Nations.
35. The Government of Ontario must work collaboratively with the federal government to provide adequate connectivity to all First Nations in Ontario.
36. The Government of Ontario must adjust the Ontario Student Assistance Program to a grants-only based system for First Nations students and include a full debt forgiveness program for past First Nations students. First Nations students should never need to, or be required, to take a loan from the Government of Ontario.

37. The Government of Ontario must work with First Nations, the Government of Canada, and all other relevant institutions to ensure that Jordan's Principle is easier to access and being administered as intended.
38. The Government of Ontario must commit to providing additional funding to support Indigenous Student Services at post-secondary institutions, and ensuring these services are adequate to meet student needs and are comparable across all institutions.
39. The Government of Ontario must commit to providing additional funding to support Indigenous Student Associations at post-secondary institutions.

POST-SECONDARY INSTITUTIONS

40. Post-secondary institutions in Ontario must take responsibility for their role in reconciliation with First Nations and commit to shifting power and benefits to First Nations. This includes:
 - a. Investment in to First Nations students and institutions through free-tuition as an acknowledgement of the significant benefits institutions have and continue to receive as a result of First Nations Land. Institutions must investment in First Nations students, report on enrollment achievements, and continue to build institutional capacity through diversity and efforts of reconciliation.
 - b. Requiring all professors, students, and staff to complete mandatory learning components on First Nations and reconciliation, including the Residential School System.
 - c. Increasing remote learning options that would allow students to remain in their home community.
 - d. Creating reciprocal relationships with First Nations that include accountability to First Nations
 - e. Increasing the number of First Nations instructors and mentors in post-secondary institutions and ensuring that these instructors are paid equally with non- Indigenous instructors.
 - f. Working with First Nations to increase the number of First Nations courses and to promote the inclusion of First Nations perspectives in all courses across post- secondary institutions.
41. Post-secondary institutions must create a baseline or standards for Indigenous Student Services to ensure that these services are adequate to meet the needs of First Nations learners and must communicate these needs to the government. Indigenous Student Services must include:
 - a. First Nations-specific supports.
 - b. Culturally centered and compassionate accommodation processes;
 - c. Culturally specific mental health and well-being services;

- d. Physical spaces on campus dedicated to First Nations;
- e. Holistic, wrap-around supports to bear hug students to ensure that their academic, cultural, emotional and social needs are met;
- f. Elders in residence, traditional healers, and access to appropriate cultural supports.

PART V: METHODOLOGY

SIGNIFICANT FEATURES OF THE RESEARCH

The current project is the first of its kind, a community-driven review of the Post-Secondary Student Support Program (PSSSP) since its inception in 1989. The task of creating conditions for positive transformation can be both painstaking and exhilarating. The process often begins with a decision that an existing structure or system is inadequate or underperforming and needs changing. The PSSSP program has seen many changes to the program (see-Post-Secondary Student Support Program National Guidelines Evolution and Post-Secondary Student Support Program Community Guideline Evaluation); unfortunately, the changes still need to address the program's shortcomings. The current engagement/review process highlights the barriers, positives and limitations from a First Nation perspective while providing evidence-based recommendations on what First Nation learners need and want for a culturally inclusive life-long learning experience.

From the announcement of the post-secondary engagement from the federal government, the region of Ontario, through a collaborative process, decided on how the engagement/review would occur. The decision was made to have a community-led approach, meaning the engagement would be designed, initiated, and achieved at the level of provincial-territorial organizations, Independent First Nations, and unaffiliated First Nations. Using the focus on community-driven concern selection, collaboration in the research process and actions for solutions. The process is well suited to identify and address educational disparities through advocacy for policy change to diminish these inequalities. With a focus on community-driven engagement, the collaborative approach seeks to achieve positive social change. The engagement process was First Nation-led. The engagement process drew on a variety of research methods and approaches.

MULTIPLE STAKEHOLDERS

The engagement process from the beginning has been a collaborative process. The inclusion of multiple stakeholders was a priority of the Post-Secondary Engagement Committee. The PSE Committee identified multiple stakeholders whose voices needed to be heard. The PSE Committee included: current and former post-secondary students, education counsellors and directors, parents and guardians of current grade 7-12 students, Chiefs and Councils, institutions both mainstream and Indigenous, Indigenous

Student Services located at colleges and universities across the region, Ontario Native Education Counselling Association (ONECA), Ministry of Colleges and Universities, Indigenous Services Canada, Ontario Student Assistance Program (OSAP), Ontario Undergraduate Student Association (OUSA), Council of Ontario Universities (COU), Ontario Council of Colleges (OCC), Inspire, and Reference Group on Aboriginal Education as stakeholders. It is imperative to gain a holistic perspective by including all parties involved in Lifelong Learning.

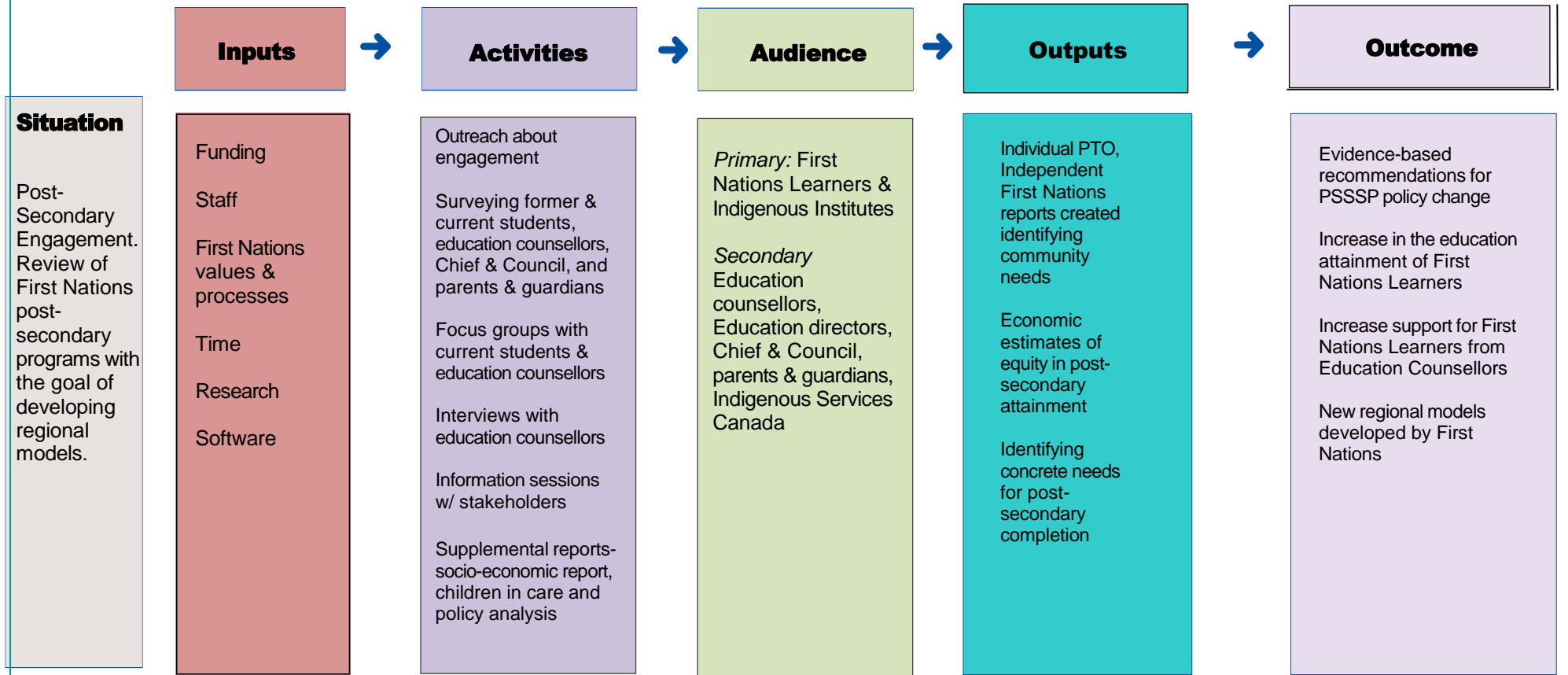
COMPREHENSIVENESS

The process of engagement was broad in scope, meaning the process explored every aspect of post-secondary education. The approach was based on an innovative combination of well-established and new research methods: focus groups, case studies, policy analysis, interviews, secondary data analysis and surveys. The purpose of this combined approach was to ensure a holistic, full picture was gathered to make informed evidence-based recommendations. The research explored macro and micro levels of post-secondary education.

FIRST NATIONS-LED APPROACH

The primary purpose of the engagement was to support First Nations in their development of comprehensive and integrated First Nations post-secondary education regional models which will be accessible to all First Nations members as determined by the First Nation. The process was initiated and completed from a culturally appropriate framework. First Nations-led research partnerships provided innovative models of knowledge gathering and community-based evidence to support a First Nations built model for Lifelong Learning.

Post-Secondary Engagement



PART VI: BACKGROUND LITERATURE

PSSSP NATIONAL GUIDELINES ANALYSIS

The Chiefs of Ontario conducted an analysis of the Post-Secondary Student Support Program National Guidelines beginning with the 1989-1990 guidelines. In total, nine versions of the National Guidelines were analyzed. Due to difficulties in obtaining older guidelines, gaps existed in certain periods, including between 1991 and 2002, and 2005 and 2012.

The Post-Secondary Student Support Program Guidelines have changed significantly since 1989. Often, changes to the Guidelines reflect the prescriptive and paternalistic attitude that government departments have taken towards First Nations. Since 1989, many of the changes to the National Guidelines appear to be aimed at limiting the costs associated with the program by:

- Excluding certain types of expenses (for example, until 2019-2020, part-time students were not eligible for living allowances); or
- The amount that can be allotted to certain types of expenses (for example, the 2003-2004 Guidelines included a \$2,000 cap on books and supplies); or
- Limiting access to the program for some students (for example, the 2013-2014 Guidelines required students to maintain satisfactory academic standing to qualify for funding).

While Indigenous Services Canada removed many of the most problematic provisions (limits on assistance and restrictions on eligible expenditures) from the National Guidelines in recent years, the Guidelines still significantly undermine First Nations control of First Nations Education.

In compiling the National Guideline Analysis, the Education sector noted several issues with changes to the National Guidelines. Structurally, the section numbers of the Guidelines were frequently changed; the order of provisions were often rearranged and/or moved to a completely different section (often to be moved back again the following year); and entire sections were frequently moved and renamed. A review of these structural changes suggests that they were preferential and served little practical purpose. These types of unnecessary adjustments make it difficult to track policy changes within the National Guidelines and create additional work for First Nations staff, who are responsible for ensuring compliance with the National Guidelines.

Further, the Analysis shows significant variation between stagnation and change in the National Guidelines. Some provisions (for example, the program's objectives) have only changed once or twice since 1989, while others (eligible expenditures) undergo revision almost every year. The program's objectives and outcomes raise particular concerns over whether ISC has adequately evaluated the PSSSP each year to determine whether these key performance indicators are being met. Additionally, frequent changes

to the program guidelines create uncertainty in how the program will be administered, which can undermine the accessibility of the program.

PSSSP COMMUNITY GUIDELINES ANALYSIS

The Post-Secondary Student Support Program National Guidelines provide the option for First Nations and First Nations organizations that receive PSSSP funding to develop their own community-based guidelines (as long as community guidelines are consistent with the National Guidelines). The purpose of the PSSSP Community Guideline Analysis was to explore the implementation of the PSSSP at the community-level. A total of twenty-seven publicly available policies were used.

The PSSSP Community Guideline Analysis found that significant limitations exist within the program due to insufficient funding; the rising costs of post-secondary education in Ontario; and the high cost of living to attend Ontario post-secondary institutions, which are overwhelmingly located in large urban centres. Every community guideline studied in the analysis indicated that funding was a key influence in guideline development. As a result of insufficient funding, the Community Guideline Analysis found that, generally, PSSSP policies were under-inclusive and undermined First Nations Inherent and Treaty rights to education.

In many cases, community guidelines stated that a variety of funding priorities were conditional on the availability of funds. Policies appeared to be mainly driven by funding considerations and used as a mechanism to prioritize certain applicants or types of expenses due to funding constraints. For example, many policies prioritized tuition, books, and living allowances for full-time students over other priorities such as childcare, travel, and part-time student expenses.

The analysis also found inconsistencies in community guidelines and the National Guidelines, which likely stems from a lack of communication on changes to the National Guidelines. Limited funding for administration under the PSSSP also likely affects communities' ability to update their community guidelines on a regular basis or from developing comprehensive community guidelines.

Clear, simple and predictable First Nations developed guidelines would help to alleviate issues.

Most policies examined in this analysis included a priority list. Priority lists are a mechanism used in the PSSSP to determine which students are prioritized to receive PSSSP funding. Local guideline priority lists largely reflected the suggested content and order of priority categories listed in the National Guidelines. Most community guidelines contained lists that prioritized recent high school graduates and students who had previously received PSSSP funding and were continuing in their program. When first and second priority levels were combined, 86 percent of local guidelines prioritized high school graduates and continuing students.

The analysis indicates that recent high school students likely receive a disproportionate amount of funding compared to other students. This may place students who do not take the traditional route to post-secondary at a disadvantage. This is of particular concern because studies indicate that First Nations students tend to be older than the provincial average and often have additional responsibilities, which require targeted assistance.¹⁴¹ Further, the emphasis on full-time studies may exclude other viable education paths (such as part-time studies) which allow learners to remain in community or attend to additional non-academic responsibilities while in school.

In 60 percent of policies, the lowest priority category was students who withdrew from post-secondary studies. In many cases, students who are unsuccessful in their first attempt at post-secondary may be unable to access funding in the future. Categorizing withdrawal in this way may also deter students who are unsure about their capacity to attend or succeed in post-secondary.

Overall, priority lists were found largely to be exclusionary mechanisms that prevent certain students from accessing PSSSP funding. This undermines Inherent and Treaty rights to education. It also puts First Nations in a difficult position of having to choose which members to fund.

Almost half of community guidelines included several additional application requirements beyond what the National Guidelines required. This included:

- Essays on career goals, long-term plans, and program decisions.
- Reference letters.
- Disclosures of private personal information related to health and family responsibilities; and
- In-person meetings with education counsellors to discuss choice of study.

Most community guidelines also included a variety of in-program requirements. These are activities that students must complete while receiving funding under the PSSSP. This included:

- Routine check-ins with PSE personnel.
- GPA standards higher than program requirements set by the institution.
- Submission of official transcripts yearly; and
- Mandatory attendance.

These types of policies place additional burdens on First Nations learners that are not required of non-Indigenous students receiving other financial aid. It is unclear how these policies developed in relation to the National Guidelines. However, as early as 2003, the National Guidelines required First Nations to keep detailed records on PSSSP students, including copies of transcripts.

¹⁴¹ See Literature Review attached as supplementary document.

There were several gaps noted in available funding. Many policies do not provide a living allowance for part-time students, whether or not they have need. Funding for tutoring support and childcare are absent from many policies. In some policies, childcare costs are included under the living allowance, even though it is insufficient even to cover living costs. Very few policies cover technology that may be necessary for students, such as laptops, software, and printers. Similarly, few policies provide funding for moving expenses or transportation while attending school. Guidelines related to travel and emergency travel vary between policies and may have a disproportionate impact on learners from northern, rural and remote First Nations.

Further, inadequate funding for the PSSSP forces First Nations to prioritize certain expenditures over others, and has led to underfunding in many areas, such as living allowances, childcare, and tutoring supports. Generally, funding appears to be directed to costs for full-time students in the areas of tuition, books, and supplies, and living allowances. Lack of funding is likely to leave students who require additional support, like tutoring or childcare, without the necessary resources to succeed in, or even access, post-secondary education.

Almost all policies considered included some form of extraordinary requirement. For the purposes of the analysis, requirements considered extraordinary were those not generally placed on students in other financial aid programs. Some policies had set living allowance deductions for absences or for failing to meet a check-in deadline. Sixty-seven percent of policies required applicants to give their community consent to access their personal post-secondary records. Additionally, some policies required applicants to give consent for their community to access personal data from Ontario Works, social services, or the Canada Revenue Agency.

A number of policies included clauses that allowed for eligibility to be revoked if the applicant changed their status from full-time to part-time studies or was absent from classes. Many policies also included heavy penalization for students who withdrew, ranging from multi-year to permanent suspensions from the program. Generally, extraordinary requirements appeared to operate from an assumption that applicants would abuse the program funding.

Extraordinary requirements may act as a barrier by deterring students who are unsure about post-secondary studies and as a result, do not want to risk being penalized if they are unsuccessful.

It is unclear whether any of the extraordinary requirements stem from the National Guidelines. Significant gaps exist in available copies of historical National Guidelines so not all policies were analyzed. Some local policies related to penalties for student withdrawal or change in status may relate to previous National Guideline provisions requiring First Nations to reimburse the Department of Indian Affairs and Northern Development (as it then was) for expenditures that did not comply with the program requirements (see 2003-2004 National Guidelines).

REPORT OF THE AUDITOR GENERAL: SOCIO-ECONOMIC GAPS ON FIRST NATIONS RESERVES

In 2018, the Auditor General of Canada conducted an audit of Indigenous Services Canada to determine if ISC “satisfactorily measured and reported on Canada’s overall progress in closing the socio-economic gaps between on-reserve First Nations people and other Canadians.” Overall, the Auditor General’s report found that ISC did not accurately measure well-being and the Department’s reporting of education results was inaccurate and incomplete.

In terms of well-being, the report found that ISC did not have adequate measures for First Nations Peoples on reserves.¹⁴² ISC uses the Community Well-Being index to measure First Nations well-being. The index, however, was developed in 2004 without the input of First Nations and had not been revised as of 2018.¹⁴³

The Auditor General found that despite ISC having access to data to compare well-being comprehensively, the Department failed to incorporate this data into its Well-Being index.¹⁴⁴ The index used did not “include critical variables such as health, environment, language, and culture.”¹⁴⁵

The Auditor General also found that ISC did not accurately or completely report on education data, despite the Department’s commitment to do so. The report found that ISC overstated high school graduation rates and combined students who received diplomas with those who received completion certificates in the Department’s reporting.¹⁴⁶

For post-secondary students, the report found that ISC did not collect data on the number of students who wished to pursue post-secondary education but were not able to access funding.¹⁴⁷ Further, the Department did know the “extent to which its support for First Nations’ post-secondary education improved student results or whether its delivery model ensured that eligible students had equitable access to post-secondary education funding,” despite committing to report on this in 2004.¹⁴⁸

The Auditor General further stated “that, although First Nations communities were required to supply extensive education data to ISC, the Department did not provide the promised access to its Education Information System.”¹⁴⁹ As a result, First Nations did not have access to the subsequent information and analyses.¹⁵⁰ ISC’s education

¹⁴² Auditor General, Report 5—Socio-economic Gaps on First Nations Reserves—Indigenous Services Canada, (Ottawa: Office of the Auditor General, 2018), online: https://www.oag-bvg.gc.ca/internet/English/parl_oag_201805_05_e_43037.html#hd2b, ss. 5.17-5.19.

¹⁴³ Auditor General, s. 5.34.

¹⁴⁴ Auditor General, s. 5.29.

¹⁴⁵ Auditor General, s. 5.26.

¹⁴⁶ Auditor General, ss. 5.94, 5.96.

¹⁴⁷ Auditor General, ss. 5.53.

¹⁴⁸ Auditor General, s. 5.53.

¹⁴⁹ Auditor General, s. 5.72.

¹⁵⁰ Auditor General, s. 5.72.

reporting requirements were found to place a high administrative burden on First Nations, with the Auditor General noting that ISC did not even make use of much of the education data collected.¹⁵¹

The Auditor General found that, due to ISC's failure to share information, First Nations could not meaningfully engage with the Department to improve education results.¹⁵²

POSTSECONDARY EDUCATION FUND FOR ABORIGINAL LEARNERS FOR ONTARIO'S COLLEGES AND UNIVERSITIES

The purpose of the Postsecondary Education Fund for Aboriginal Learners (PEFAL) is to support Indigenous learners at Ontario's publicly-assisted colleges, universities, and Indigenous Institutes.

Colleges and universities are eligible to receive funding through three programs within the Postsecondary Education Fund for Aboriginal Learners (PEFAL), including the:

- a) Indigenous Student Success Fund-Colleges and Universities (ISSF-C&U),
- b) Indigenous Targeted Initiatives Fund (ITIF), and
- c) Indigenous Student Bursary Fund (ISB).

In 2017-18, the Ministry of Colleges and Universities (MCU) undertook a review of PEFAL programs and conducted site visits with colleges and universities that receive funding from the Indigenous Student Success Fund for Colleges and Universities, Indigenous Student Bursary, and Indigenous Targeted Initiatives Fund. Discussions revolved around PEFAL funding objectives, student support, programming, community engagement and partnerships, and assessment of postsecondary success.

KEY THEMES, FINDINGS AND RECOMMENDATIONS:

Academic Programming

- Some students chose their program because of its cultural programming or Indigenous focus.
- Some institutions work in partnership with communities and industry to develop and implement specific academic programming designed to address an immediate need in the community, or in response to future employment opportunities.
- Some institutions delivered campus-based academic programs directly in First Nations communities. **These programs typically have higher retention rates because the program eliminates many transitional issues that can affect a student's participation in an on-campus program.**

¹⁵¹ Auditor General, s. 5.81-2.

¹⁵² Auditor General, s. 5.74.

- Many institutions offer upgrading programs for mature students or secondary school students. Upgrading programs require strong partnerships between the institution and the community to connect more Indigenous Peoples to postsecondary education and facilitate access to additional funding opportunities required to support these students.

Assessment and Reporting

- Institutions employ varying methods to assess student engagement and participation in workshops, sharing circles, and other events organized by the Indigenous Student Success Centre.
- It is recommended that a standard format and process be developed to accurately measure Indigenous student enrolment across the sector.
- It is recommended that future measurement templates on student success provide opportunities to capture how persistence and resilience can be measured to inform future understandings of success and better reflect the postsecondary journeys of Indigenous students.
- It is recommended that current reporting templates be revised to capture:
 - Specific and standardized data and information that would be meaningful for the institution and MCU; and
 - The participation and engagement of non-Indigenous students and staff in PEFAL-funded programs.
- It is recommended that opportunities be created for institutional staff employed to support Indigenous students to share ideas, best or wise practices, and to create networks of supports.

Financial Supports

- Financial challenges include housing/rental costs, childcare costs, increased food costs, transit and parking costs, and expenses associated with traveling to and from home communities.
- Increased living and educational expenses render the Indigenous Student Bursary (ISB) allocation insufficient to meet current student needs.
- It is recommended that the bursaries support short-term challenges and be distributed to alleviate financial hardships.
- It is recommended that financial assistance be complementary not subtractive.
- High costs of certain programs were cited as problematic for students.
- Financial aid applications are problematic as they require students to self-identify as Indigenous, have stringent residency requirements, and may require uncomfortable conversations with financial officers.

Indigenous Education Councils

- It is recommended that the structure, function, and responsibilities of IECs be more prescriptive to reduce the wide variation across the sector.

- IEC members are challenged with “membership fatigue” as they are called upon to participate at several institutions.
- IEC members recommend increased responsibility and are asking for additional support to continue and strengthen their work.

Indigenous Employees

- Employees of postsecondary institutions, whether they are support staff, administrators, or faculty, expressed views on strengthening their roles to support Indigenous students.
- Lack of long-term PEFAL funding guarantees contributes to high turnover rate in support staff positions.
- Institutions recommend that positions that are mandated as part of future PEFAL funding must be clearly defined to minimize confusion in their roles and responsibilities.

Indigenous Student Support Centres

- It is recommended that PEFAL funding or other funding opportunities be provided to institutions to explore and develop outdoor learning spaces for Indigenous and non-Indigenous students.
- Students value the ability to receive immediate assistance, or at minimum, a person to share and express their thoughts, frustrations, anxieties and challenges.
- Current levels of PEFAL funding are not sufficient to provide services and supports at multiple campuses.
- Limitations on a Centre’s ability to effectively communicate with the entire Indigenous student population about services and supports make it challenging for students to know about and access the Centre.
- Most institutions are asking for opportunities, whether in additional funding or resources, to meet growing demands and to strengthen their work.

Indigenous Students

- Diversity in the implementation of self-identification processes for Indigenous students makes it difficult to determine the exact number of Indigenous students attending Ontario’s universities and colleges.
- Inconsistent terminology to describe Indigenous identity may lead to confusion and deter self-identification.

PEFAL Structure

- It is recommended that the Indigenous Student Success Fund be increased to strengthen existing supports; the Indigenous Targeted Initiatives Fund be revitalized to promote creativity and innovation in programming and initiatives;

and the Indigenous Student Bursary be increased to support a growing Indigenous student population.

- A return to multi-year funding agreements is recommended to permit institutions to commit to full-time positions, and open opportunities for long-term planning to develop and implement new programs and supports.
- Protected base funding is recommended to permit Centres to maintain or develop permanent, full-time positions and minimize the current funding disparities between postsecondary institutions.
- One suggestion is to base PEFAL funding on Indigenous student numbers and make funding dependent on meeting KPIs or benchmarks.
- One recommendation was for MCU to incentivize institutions to invest core funding into the services and supports for Indigenous students.
- Another recommendation was for future PEFAL funding to have requirements to ensure its expenditures are in agreement with its mandates.
- One recommendation was to increase flexibility to adjust expenditures according to revised work plans and projects.

Indigenous Targeted Initiatives Funding

- Recommendations include:
 - Strengthen the connections between the Indigenous Student Success Fund and Indigenous Targeted Initiatives Fund; and
 - The ministry publicly announce how ITIF funds are allocated, and to announce which specific objectives will be prioritized for the upcoming fiscal year so that institutions and partnering communities can effectively plan for future projects.

Transitions

- The report recommended hiring an overall coordinator, to provide much needed assistance in the planning and delivery of the yearly recruitment fair and youth conferences.
- The report recommended strengthening opportunities for postsecondary partnerships to expand and strengthen pathways between institutions.
- Some students may require formal learning assessments to access proper accommodations. Most students cannot access funding to complete these assessments and the Centre may not have a budget to assist in these matters.
- The report recommended more opportunities to connect with Indigenous-based companies and/or positions within Indigenous communities and share employment information with prospective graduates.

DECOLONIZATION REPORT: CONFEDERATION COLLEGE

Confederation College contracted DiversiPro to perform a systemic racism audit at the college. The DiversiPro final report (*A Systemic Review of Everyday Practices 2019*) outlined a series of recommendations for the College to consider. The College

formulated a response in the *Report to the College Community: Systemic Racism Review Recommendations and Action Plan*.

Between the DiversiPro report and the College's Report to the College Community, there are 24 recommendations related to College policies, procedures, and practices.

In 2020, the College established a Decolonization Committee, a cross-functional group of faculty, support staff, administrators, and students. The Committee's mandate was to review the DiversiPro recommendations and the College's response to the report to date and develop substantive recommendations for the College to further their efforts to address systemic racism.

The Decolonization Report contains the following recommendations from which a work-plan was created for the College to progress in its decolonization process:

Policy Review Recommendations (work either complete or in progress)

1. Establish Indigenous Equity and Decolonization Committee.
2. Education and Capacity Building of all College employees in the areas of racial bias, human rights, reconciliation, support to implement Indigenous Learning Outcomes in teaching and curricula, and decolonization of pedagogy.
3. Diversity, Equity and Indigenous (DEI) lens launched in January 2020 to identify inequities faced by Indigenous students and staff.
4. Launched Human Rights webpage in 2020 that contains information on DEI Lens, relevant college policies addressing racism, and updates from the Decolonization Committee.
5. Accountability of the College to address decolonization through the development of a Strategic Plan and value statements on Courage, Equity, and Relationships.
6. Decolonization Policy established in 2019.
7. Established policy, procedures, and protocol for data collection on staff demographics to monitor that staffing reflects demographics of students.
8. Create Social Media Policy to address racism.
9. Develop policy or practices to support Indigenous students in distress.
10. Update existing initiatives and policies to ensure that respect for Indigenous peoples and content is included.
11. Revise the College's Recruitment and Appointments Policy and hiring practices to encourage recruitment of more Indigenous employees.
12. Revise College's workplace harassment policy and procedures to include language related to Indigenous human rights and include who addresses these types of complaints;
13. Develop an Anti-Profiling Policy.

Practice Review Recommendations

14. Create safe spaces and an empathetic working environment so members of the College community feel safe to speak up and share concerns.
15. Clearly articulate expectations of staff, faculty, and students to create an environment that acknowledges the place and history of Indigenous peoples within College's Mission, Vision, and Values.
16. Articulate expectations of third-party vendors regarding hiring and recruitment of Indigenous staff and training on unconscious bias and Indigenous history for their staff; College to seek Indigenous businesses to contract with.
17. Provide recommendations to Student Union of Confederation College Inc. to meet its responsibilities to address inclusion and equity.
18. Enhance training provided to public safety staff to include Indigenous history, unconscious bias, and intercultural competence. Public Safety department to collect and monitor data regarding interactions with Indigenous Peoples.
19. Hire more Indigenous security personnel.
20. Ensure that complaints process and any ensuing investigations are free from institutional bias and racism, which may include a third-party investigation when necessary.
21. Ombuds Office to work with the College's Indigenous services and student association on a targeted outreach initiative to Indigenous students about its services and to ensure the terms of reference for the Office meets the needs of Indigenous students.
22. Maintain ongoing dialogue and consultation through various methods with Indigenous students on how they are engaging with the College and to measure progress reducing systemic racism.
23. Increase communication efforts in relation to the College's decolonization efforts.
24. Review practices for performance evaluations, compensation, and promotion to eliminate workplace biases and include Indigenous Learning Outcomes as a performance measure for all faculty.
25. Further assess employee development around historic colonialism in Canada towards understanding equity as part of the ongoing learning and development of all employees.

ONTARIO STUDENT ASSISTANCE PROGRAM

The Ontario Student Assistance Program (OSAP) provides targeted funding supports for Indigenous learners. Indigenous learners are exempt from the OSAP student fixed contribution. OSAP notes that this can result in additional OSAP grant and loan support each year (up to approximately \$3,600 per year). When determining a student's full-time OSAP entitlement, the program does not consider contributions from the PSSSP as a resource. As a result, OSAP is not reduced by the amount of PSSSP funding a student receives.

Students who identify as First Nation and who wish to be exempt from the student fixed contribution are required to provide additional supporting documentation.

Ontario also provides the Ontario Indigenous Travel Grant for students travelling between their remote First Nations community and the post-secondary school they are attending. This Grant can also cover the costs for a spouse or dependent children if they will be living with the student during their studies. Eligible remote First Nations communities are listed by Crown-Indigenous Relations and Northern Affairs Canada as Zone 3 and Zone 4 communities.

Recently, the Government of Ontario has been working with Indigenous Institutes to include programs at Indigenous Institutes within OSAP eligibility. The Ministry expected degree, diploma, and certificate programs to start to be quality assured by the Indigenous Advanced Education and Skills Council in the 2021-2022 academic year.

LITERATURE REVIEW

At the beginning of the post-secondary engagement process, the Chiefs of Ontario undertook an expansive literature review to understand the history and current status of First Nations post-secondary education in Ontario. Studies for the literature review were selected based on their relevance to First Nations student experiences. Due to a lack of First Nations-specific data, however, the review also included studies of Indigenous students, more broadly.

The literature review was drafted through an intersectional lens. Intersectionality is a theoretical framework that considers how different individual characteristics interact to perpetuate inequalities. In other words, intersectionality posits that a person's characteristics cannot be divided into separate categories to understand how those individual experiences of discrimination. Intersectionality is particularly important for First Nations students because the barriers faced by First Nations learners are complex and cannot easily be reduced to a single factor.

Although Ontario has the highest post-secondary attainment of any province in Canada, First Nations students are significantly underrepresented in post-secondary institutions. Despite research suggesting that First Nations students are interested in attending post-secondary, government policies have done little to close the opportunity gap in First Nations education. In addition, the literature review found that many of the issues facing First Nations students are not new; in fact, most of the issues identified were raised decades prior and have yet to be resolved.

KEY FINDINGS

Inadequate financial resources are a significant barrier that First Nations students face when attempting to access post-secondary education. This is due to a number of factors, including:

- Disproportionately high levels of poverty in First Nations as a result of prior colonial policies;
- Insufficient funding for First Nations financial aid, including the PSSSP;

- A lack of targeted funding for mature students and families, including child care and adequate living allowances;
- Insufficient funding for remote and Northern travel costs; and
- A lack of funding for upgrading programs that First Nations students require due to insufficiently resourced federal schools.

Due to a lack of funding, many studies indicated that First Nations students had to rely on credit cards, employment income during the semester, food banks, and soup kitchens while attending post-secondary. Students who were able to find adequate funding indicated that this significantly reduced their stress during post-secondary.

Improving high school graduation rates is an important component in improving First Nations access to post-secondary. Studies indicate that:

- First Nations control over fully-funded First Nations education leads to improved success rates;
- “Poor academic preparation” prevents First Nations students from accessing post-secondary education;
- Educational institutes and teachers contribute to low rates of completion by failing to incorporate Indigenous issues and perspectives in curriculum; and
- Schooling environments that include Indigenous perspectives, knowledge, languages, traditions, and cultures positively influence academic performance and outcomes.

First Nations students lack access to information on post-secondary:

- Information is either not available or not available in a way that is readily accessible to First Nations students.
- In 2008, First Nations students identified lack of internet access as a barrier to receiving information on post-secondary.
- First Nations students often felt they had insufficient information on the PSSSP, other sources of funding, entry requirements, post-secondary programs, costs of post-secondary, costs of living, and additional costs, like textbooks and supplies.

First Nations Students face a number of diversity and motivation-related barriers to post-secondary. Studies found that:

- First Nations students lack self-esteem and self-confidence.
- First Nations students are still significantly affected by the intergenerational trauma caused by Residential Institutions (schools).
- Many First Nations students find post-secondary to be an overwhelming alien environment as many students are forced to leave their home community to attend.
- A lack of on-reserve employment opportunities lead First Nations students to question the value of post-secondary education.

- First Nations students lack mentorship programs with other First Nations students.
- First Nations students tend to be older, and married or have families but they lack adequate supports directed at mature students and families.
- Institutions lack First Nations professors and staff.
- First Nations students, however, indicated their desire to be role models for other students and to attend post-secondary so they “could give back to their community.”

Indigenous Student Services played an important role in the success of many First Nations students.

- Opportunities to connect with other Indigenous students and having Indigenous spaces were important services for First Nations students.
- First Nations students need a sense of community on campus.

First Nations students and professors frequently face racism and discrimination on campuses. Several studies described incidences of racism experienced by First Nations students while attending post-secondary:

- Students experience racism from professors, other students, and administrators, which leaves students exhausted and negatively affects their health and well-being.
- Students felt that Indigenous culture, worldviews, and knowledge are erased through a lack of inclusion in post-secondary curriculum.
- First Nations students often view post-secondary schools as further attempts to assimilate Indigenous peoples.
- Indigenous students feel immense pressure to act as a “spokesperson” for Indigenous Peoples in post-secondary.
- Indigenous professors are also frequently marginalized within academia.

Indigenous language immersion and revitalization, and Indigenous knowledge play a critical role in First Nations education:

- Language and knowledge play a critical role in sustainable self-determination for First Nations
- Language learning significantly contributes to the health and well-being of First Nations students.
- Indigenous language immersion and culturally relevant curriculum have been associated with positive school outcomes, better identity and self-esteem.

Education is a significant social determinant of health for First Nations:

- Prior to contact, First Nations maintained health and wellness for centuries through culturally based practices.

- First Nations education and lifelong learning was used to promote individual and community well-being and Nation-building.
- Colonial policies have had devastating consequences on First Nations health.
- Post-secondary education can have a positive impact on a number of social determinants of health, including housing, income, food security, access to health care, cultural continuity, and self-determination.
- Racism and discrimination faced by Indigenous students at post-secondary has significant negative health impacts.
- Education has a strong correlation to self-perceived health and well-being for First Nations Peoples.
- Cultural continuity, language, and self-determination promote resiliency amongst First Nations Peoples.

First Nations need improved connectivity:

- Online learning provides First Nations post-secondary students the opportunity to remain in their communities while attaining their post-secondary credentials.
- Access to stable internet connections, appropriate technology, and appropriate delivery methods are significant barriers to remote learning for First Nations.
- First Nations control over content and delivery of distance education are important for in-community remote learning.

BILL S-3 AN ACT TO AMEND THE INDIAN ACT IN RESPONSE TO THE SUPERIOR COURT OF QUEBEC DECISION IN DESCHENEAUX C. CANADA (PROCUREUR GÉNÉRAL)

Bill S-3 (2017) was an amendment to the *Indian Act's* registration provisions intended to eliminate additional sex discrimination in Indian registration that had not been remedied by the former amendments in *Bill C-3* (2011) and *Bill C-31* (1985).

Implications of Bill S-3

The 1985 *Bill C-31* amendments to the *Indian Act*, added **174,500** re-instatees and newly entitled Indians between 1985 and 1999. The 2011 *Bill C-3* amendments added **37,000** newly entitled Indians to the list between 2011 and 2017. Both sets of numbers are much smaller than the estimates stated at the time.

Initially, the federal government estimated that as many as two million new people could be registered under S-3. However, the Parliamentary Budget Officer conducted an assessment and found that approximately **670,000** people could be entitled under S-3 and less than 2% are expected to return to reserves. The actual registered numbers are expected to be less than **270,000** individuals.

To date the numbers are much lower than the Parliamentary Budget Officer's estimated numbers. In actuality, the 8,679 newly registered Indians from S-3 (as of

July 2020), represents **less than 1%** of the total registered Indian population of **990,435** (as of 2018). The total number of registered Indians in Ontario is **213,717** (as of 2018). However, there are no S-3 numbers specific to Ontario and therefore, we cannot assess the population impact for Ontario, but it can be expected to be similar in nature to the national numbers.

Funding Considerations

The federal government must provide First Nations with sufficient funding for social and educational programs and services for their members on and off reserve.

PART VII: WHAT WE KNOW

EXECUTIVE SUMMARIES

The following are Executive Summaries submitted by engagement partners based on their local PSE engagement activities and final reports¹⁵³ followed by the Executive Summaries of supplemental reports used to formulate the overall recommendations in this final report.

INDIGENOUS INSTITUTES CONSORTIUM

Education is deeply connected to the strength and well-being of community. First Nations have an inherent and Treaty right to control their education systems. The Government of Canada has acknowledged its Treaty, constitutional and legal obligations to uphold and honour the authority of First Nations to exercise control over education, including post-secondary education (PSE).

The Government of Canada has passed legislation to support the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, which affirms the inherent jurisdiction of Indigenous people to exercise control their own education systems. Canadian legislation now commits the Government of Canada to “take all measures necessary to ensure the laws of Canada are consistent with the Declaration.” The Government of Canada’s current approach to funding First Nations’ post-secondary education in Ontario falls well short of this obligation – a shortfall that it acknowledges and is now in a position to remedy.

In recognition of this need for change, the Government of Canada has taken important steps forward. In 2019-20, the Government announced funding for a three-year engagement process to define and cost regional Indigenous PSE models. This process has afforded Ontario Indigenous post-secondary institutions (specifically, member Institutes of the Indigenous Institutes Consortium) with an opportunity to articulate the kind of resources and support that are required to deliver post-secondary education in a manner that meets the needs of learners, communities and First Nations institutions.

While some regions in Canada are still at an early stage in the development of Indigenous PSE institutions, Ontario Indigenous PSE has benefited from a sustained collaboration with the provincial government leading to a comprehensive legislative and regulatory structure, mature and growing institutions that are positioned to thrive, and an increasingly established culture of Nation-to-Nation dialogue between the Government of Ontario and First Nations – both of whom are ready to expand that table to include a federal partner in a meaningful way.

¹⁵³ Please note that not all partners were able to submit their Executive Summaries. However, all of the broad regional recommendations included in this report were informed by all engagement activities, jointly developed and agreed upon by the PSE Committee.

This report aims to articulate and build upon what was heard throughout the IIC's Indigenous PSE engagement process about the support required to grow and expand upon Ontario's First Nations regional post-secondary education model that:

- Is consistent with self-government, Treaty rights and inherent rights;
- Honours the Government of Canada's constitutional obligations with respect to First Nations education as articulated in the Report of the Royal Commission on Aboriginal Peoples;
- Fulfills the Government of Canada's commitment to UNDRIP and the Truth and Reconciliation Commission's (TRC) Calls to Action (CTAs), both of which commit the Government of Canada to supporting Indigenous-controlled post-secondary education models;
- Realizes the Government of Canada's existing commitment to fund First Nations' regional models of post-secondary education in adequate, predictable and sustainable ways that achieve equity with non-Indigenous post-secondary institutions; and
- Ensures Ontario First Nations exercise control over post-secondary education and that Indigenous post-secondary institutions, mandated by their Nations, can deliver holistic lifelong learning informed by Indigenous ways of knowing and being.

The Government of Ontario and First Nations formalized their successful model of Indigenous PSE with the passage of the *Indigenous Institutes Act* in 2017. The Act implements a strong regulatory framework, recognizes Indigenous Institutes as the Third Pillar of the Ontario PSE sector—along with Colleges and Universities—and provides core operating grants to Indigenous Institutes beginning in 2018-19.

This model is largely working well in meeting the needs of those it serves—learners, communities, First Nations and Ontario—though it remains significantly underfunded. As other regions in Canada build up their own Indigenous institutes and models of post-secondary education, Ontario's mature, successful model is one that others can learn from, adapt, replicate or improve upon, based on their own needs and priorities. While the Government of Ontario now provides core operating grants to the Indigenous Institutes, we are a long way from achieving the level of equitable funding that Indigenous learners and communities need and deserve.

The federal government now has an opportunity to redress this situation and discharge its as-yet unfulfilled constitutional and legal obligations to First Nations in Ontario. Canada can meet its obligations by supporting First Nations' economic, social and cultural development through a recognition of the success of the established and maturing Ontario model, and funding that model in a manner consistent with Inherent and Treaty rights and in line with the Calls to Action of the Truth and Reconciliation Commission and *UNDRIP*. Moving forward in this way is an important step towards

sustainable economic development for Indigenous communities and a meaningful step towards reconciliation.

The economic development benefits associated with successful post-secondary institutions and student success are significant and well understood. With stable core operating funding, investments in Indigenous Institutes will deliver significant, positive, medium-term impacts and outcomes and a very strong social and economic return on investment. Improving post-secondary education participation and completion rates for Indigenous learners will deliver positive returns to learners, communities, Nations and the Canadian economy.

Seven of the nine Indigenous Institutes in Ontario are members of the Indigenous Institutes Consortium (IIC) and choose to work in collaboration with one another on various matters relating to the regulatory and advocacy environment in which they operate. Through this collaboration, IIC members worked collectively on a three-year PSE engagement process (described in more detail below), which culminated in the development of this report. The primary inputs into this report come from the members of the IIC and represent their perspectives. This report attempts to address sector wide issues and challenges with respect to Indigenous post-secondary education in Ontario. While we hope that the description, analysis and conclusions speak to many of the realities faced by all Indigenous Institutes in Ontario, this IIC report and its conclusions do not purport to speak for other Indigenous institutions in Ontario.

CONTEXT

In response to calls from the Assembly of First Nations in 2017 and 2018, Indigenous Services Canada (ISC) expressed a willingness to pursue bilateral and/or regional approaches to funding Indigenous PSE. In 2019, ISC funded a three-year engagement process to support First Nations in developing and costing their regional models of PSE. On December 15, 2020, the Ontario Regional Chief elected to pursue the establishment of a regional, bilateral process between Ontario First Nations and the federal government. Canada agreed to this request, and a Joint Bilateral Committee consisting of representatives from ISC and the Chiefs of Ontario (the Ontario First Nations Education Coordination Unit), was established, meeting weekly starting in April, 2021.

The federally-funded Indigenous PSE engagement process, led by the IIC with its members, included interviews, literature reviews, international comparisons, a full-day workshop and digital town hall with key stakeholders and First Nations educators, administrators, researchers and students, as well as an additional engagement session with the Province of Ontario. The results of this engagement, along with the details of the existing Ontario regional model, are the basis of the model and approach proposed in this report.

We believe that this process is timely given the related progress that the Government of Canada has made in recent years. Importantly, Canada has:

- Committed itself to the TRC's Calls to Action;
- Passed legislation adopting *UNDRIP* and committing itself to developing an Action Plan to implement the arising obligations;
- Additional avenues to gain First Nations control with respect to K-12 education through the Regional Education Agreements;
- Passed the *Indigenous Languages Act*, and
- Passed *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*.

Fulfilling commitments to Indigenous control of Indigenous PSE is a necessary next step and will give life to the Government of Canada's commitments on self-government, education and Indigenous languages. These are important steps towards economic development, prosperity and meaningful labour market participation for Indigenous people. There is no doubt that successful Indigenous post-secondary institutions have a leading role to play in generating economic success for students, communities, Nations and Canada as a whole.

In Ontario, the Indigenous PSE sector is well developed, well governed and has a track record of success, despite insufficient resources and a lack of core institutional funding. Indigenous Institutes in Ontario know that through the regional model that they have designed, they are well placed to serve the needs of their communities and they eagerly await a federal partner.

First Nations have long asked for predictable and stable funding, rather than application-based funding. Ontario First Nations have underlined the need for core operating funding for their post-secondary institutions. The vulnerability of Ontario's Indigenous Institutes was underscored last year, when allocations to Ontario institutions through the Post-Secondary Partnership Program (PSP) were initially cut dramatically and reallocated to other provinces and territories. Although a temporary work-around was identified last year by the Government of Canada, the precarity of the current funding model was starkly revealed. First Nations learners and communities in Ontario suffer when their institutions cannot rely on stable funding that allows for medium-term planning, which, in turn, prevents them from fully exercising their rights to self-government with respect to education.

Elsewhere in Canada, notably in Saskatchewan, other established First Nations post-secondary institutions do not face the same year-to-year instability. A precedent has been established by the \$7 million core operating grant provided to First Nations University of Canada (FNUC). In recognition of its status as an established Indigenous PSE institution, it was treated differently than other funding recipients in the sector and its allocation was protected prior to subsequent regional allocation decisions. Ontario Indigenous Institutes are also well-developed, mature post-secondary institutions, supported by the province and regulated by a distinct legislative and regulatory

framework. These Institutes should similarly be protected and allowed to thrive, supporting the communities and learners that they serve.

Relying on unpredictable, unstable funding is not in keeping with the commitments that the Government of Canada has made to First Nations. As we have seen in other areas of public policy, notably child welfare and access to health services, the Government of Canada and First Nations communities are best served by moving forward in aspirational collaboration, rather than waiting for court or tribunal decisions to force the government's hand, producing outcomes crafted in courtrooms, rather than in classrooms and through collaborative negotiations.

There is broad consensus within Ontario First Nations about the strength of Ontario's existing regional approach to Indigenous PSE. The Government of Ontario has embraced its responsibilities and there is broad agreement that the regional model works for First Nations, learners, communities, the Government of Ontario, and the province as a whole. Still outstanding is an adequate recognition of Ontario's successful regional model by the Government of Canada, and an actualization of this recognition through core operating grants that align with the principles of self-government and that enable First Nations' control of Indigenous Education.

THE IIC REGIONAL MODEL

We know that public institutions do not thrive by chasing grants on a yearly basis. For a variety of reasons rooted in ongoing colonialism, non-Indigenous institutions have core funding, large capital budgets and additional revenues derived from a variety of sources, including endowments and valuable real estate portfolios. Achieving equity and honouring the Government of Canada's commitments and responsibilities requires a fundamental shift away from a program-based funding model towards core operating grants for institutions, providing stability for Indigenous Institutes.

The IIC's regional model for Indigenous post-secondary education is designed to achieve three goals: student success, community impact and building strong Indigenous institutions. The Indigenous model for PSE is a unique pillar of the Ontario PSE sector, different from non-Indigenous colleges and universities. In particular, it focuses on supporting learners throughout their lives and within their communities. To help learners succeed, many services, programs and curricula are delivered in community, through approaches informed by Indigenous ways of knowing, and in modes that provide trauma-informed services to individuals and their families even before they begin post-secondary education. The role that Indigenous institutions play in supporting learners is fundamentally more engaged, comprehensive and community empowered than in non-Indigenous colleges and universities. To that end, the IIC has built upon the work already done in Ontario to articulate a model for Indigenous post-secondary education as delivered by IIC member Institutes (the IIC Regional Model).

The Ontario regional model rests on four foundations:

- A lifelong, holistic, Indigenous approach to learning;
- Institutions that are mandated and led by First Nations;
- A sound and transparent legislative and regulatory framework; and
- Core funding to institutions for operations and capital.

The costing approach proposed in this report, to determine appropriate funding levels for Indigenous Institutes, rests on an application of the principles outlined in the Government of Canada's Collaborative Self-Government Fiscal Policy. Core to this approach is a commitment to the autonomy and flexibility of First Nations, and a recognition that First Nations have a diversity of needs.

The principles in the Collaborative Self-Government Fiscal Policy include sufficiency, equitable treatment, collaborative self-government, stability, predictability, transparency and simplicity, amongst others. They have been at the heart of Crown-First Nations negotiations around self-government and fiscal transfer agreements, have guided many successful agreements, and have been applied in a manner that respects the diverse needs of individual First Nations.

These overarching principles serve as a guide for a principled approach to fiscal transfers in general. In addition to these overarching principles, we propose five specific principles that should be applied by the Government of Canada in the context of operationalizing funding for the Ontario regional model for Indigenous PSE.

- Achieving equity for First Nations with respect to PSE;
- Assessing First Nations actual needs as part of a PSE funding model;
- Providing core operating funds to institutions;
- Applying evidence-informed and transparent funding models; and
- Acknowledging the medium- and long-term positive impact and returns arising from Indigenous PSE.

In this report, these principles are applied by developing a costing approach, which begins with a benchmarking exercise and then identifies the revenues and expenditures of comparable institutions. The analysis then continues with an assessment of the unique needs of Indigenous Institutes. It focuses on the financial resources needed to deliver services equitably, in a manner consistent with the approach and model used by Indigenous post-secondary institutions, which includes more comprehensive, wrap-around and community services than those found in the other two pillars of the Ontario PSE system.

As a result of our analysis and the inputs and advice provided during the engagement process, the report recommends that the Government of Canada:

1. Provide secure, predictable, adequate funding to Indigenous post-secondary institutes in Ontario in the form of core operating grants that meet the needs of First Nations, and that funding levels support the unique operating model of

Indigenous institutions and achieve, at a minimum, equity when compared to non-Indigenous institutions;

2. Join Indigenous Institutes and the Province of Ontario at a tripartite table to ensure that Ontario's regional model is properly understood, recognized and equitably funded; and, given that Ontario's Regional Model is well established, successful and supported by a strong research foundation supporting operations and delivery, strive to conclude the Table's work on funding within one year;
3. Determine the size of operating grants in a transparent manner that is: periodically reviewed; includes base funding for all Institutes recognized in regulation through Ontario's *Indigenous Institutes Act*; includes needs-based and enrollment-based criteria; accounts for the higher cost of delivering trauma-informed services to Indigenous learners and through remote institutions; accounts for the unique model of Indigenous PSE recognized in Ontario's legislation; and invests in capacity to close historic gaps;
4. Ensure that new funding begins in 2022-23, building upon the Ontario Government's existing operating grants and is delivered in a manner consistent with self-government and First Nations Treaty and Inherent rights to Indigenous education; and
5. The Government of Canada provide secure long-term, sufficient, sustainable and equitable capital funding.

Based on our application of these principles, and based on our current understanding of needs, costs, enrollments and projected growth, we believe the Government of Canada should work with the province and relevant Indigenous Institutes to undertake more detailed technical work, which could result in annual operating grants of about \$50 million, depending on actual costs and student numbers. These amounts do not include direct support for students, capital or adult education. These operating grants should be phased in over three years and should grow over time to accommodate evolution in the sector.

As stated by Indigenous Services Canada's guidelines to the Post-Secondary Partnership Program:

First Nations are seeking strengthened Government of Canada support for First Nations post-secondary education through treaty-based, self-government and/or regional models that enable First Nations control of First Nations education. Building on current best practices, the implementation of regional models will enable First Nations to holistically consider, design and implement a suite of integrated programs and services to comprehensively support post-secondary education attainment and success. Models must respect local control, honouring

the autonomy of First Nations to dictate their own models that will not minimize flexibilities that First Nations communities currently have. These models, once created, must be First Nations directed and managed.

Ontario Indigenous Institutes agree with ISC's assessment and—having completed an engagement process and built strong institutions and a strong regulatory framework over the past decade—have identified their needs and clarified how the Government of Canada can empower Ontario's approach and “comprehensively support post-secondary education attainment and success.” Ontario Indigenous Institutes and their partners in the Ontario Ministry of Colleges and Universities welcome federal engagement and support.

In a 2011 essay published in the *Globe and Mail*, Mary Simon spoke about the need to ground our work on complex policy issues in our duties and obligations to the next generation. She reminded us that even in the face of the challenges and broken dreams of our shared history, we must look for sources of hope. Now serving as Canada's first Indigenous Governor General, Mary Simon's reminder could not be more timely: “the roots of hope must lie in education.”

ANISHINABEK NATION AND KINOOMAADZIWIN EDUCATION BODY BACKGROUND

Starting in 2019-20, the federal government invested \$7.5 million over three years to support First Nations in their development of comprehensive and integrated First Nations Post-Secondary Education regional models. Funding, which flowed late in 2020, enabled the Chiefs of Ontario to act as lead for First Nations, Provincial-Territorial Organizations, and Independent First Nations to engage in the process.

The purpose of the Post-Secondary Education engagement is to develop new models that provide sufficient resources and support to First Nation Post-Secondary learners, communities, and institutions; allow for flexibility to accommodate the diversity of needs among learners; communities and institutions; are culturally appropriate; and align with First Nation treaty rights to education.

The Anishinabek Nation and Kinoomaadziwin Education Body agreed to work collaboratively on a joint Post-Secondary Education engagement process. This work builds on the activities the Kinoomaadziwin Education Body and Anishinabek Education System have undertaken under the existing Education Agreement the Anishinabek Nation worked over 20 years to establish.

Despite the delay in funding and the pandemic restrictions affecting in-person gatherings, the Anishinabek Nation and Kinoomaadziwin Education Body coordinated various engagement activities to better understand the needs and concerns of Anishinabek Nation students, families, and communities as they pertain to the current Post-Secondary Student Support Program.

The Anishinabek Nation and Kinooaadziwin Education Body Post-Secondary Engagement Report and its relevant aggregate data will inform the Ontario Region response to the federal government.

Nothing in this report limits or defines the rights or positions that the Anishinabek Education System participating First Nations may take in their fiscal negotiations for post-secondary student support funding as part of their education self-government fiscal renewals with Canada. Further, the collaboration with the Anishinabek Nation does not limit the Anishinabek Education System Participating First Nations from developing their own regional model for post-secondary student support funding.

METHODOLOGY

With guidance from the Chiefs of Ontario, the Anishinabek Nation and Kinooaadziwin Education Body drafted and launched an online survey to engage members of the Anishinabek Nation First Nations. The survey was designed to collect Anishinabek feedback and opinion on what recommendations would need to be made to develop improved, successful Post-Secondary Education systems. There were six streams within the survey to ensure input from leadership, technicians, current/past post-secondary education students (both funded and non-funded), parents and youth in Grade 7-12.

The Anishinabek Nation and Kinooaadziwin Education Body also hosted four information sessions to engage Anishinabek Nation and Anishinabek Education System/Kinooaadziwin Education Body education staff, technicians, and community representatives on important topics related to post-secondary education.

Presentations included:

- Federal Government Investment in Post-Secondary Education
 - *Indigenous Services Canada: Bernadette Wabie - Senior Education Officer*
- Provincial PSE Engagement Activities & Overview of Current Post-Secondary Student Support Program
 - *Chiefs of Ontario: Murray Maracle - Education Policy Analyst, Amanda Bruce - Education Policy Analyst, Natalie Snow - Education Policy Analyst*
- Anishinabek Education System: Self-Governance with Respect to Education & Focus on Post-Secondary Education: Kinooaadziwin Education Body:
 - *Tracey O'Donnell - KEB Legal Counsel*
- Overview of the History, Mandate and Current Activities of the Ontario Native Education Counsellors Association
 - *Ontario Native Education Counsellors Association: Roxanne Manitowabi - Executive Director*
- Historical Changes to Indian Registration and its Impacts on Education Policy.
 - *Dr. Pam Palmater - Professor, Activist and Politician, Mi'kma'ki, New Brunswick*

The Anishinabek Nation then contracted the services of a consultant to facilitate survey dissemination and analysis, a final round of engagement which included facilitation of four focus groups, and development of a final report.

The focus group sessions were conducted using Zoom technology. Each session agenda included opening with a reading of the Ngo Dwe Waangizid Anishinaabe, introductions, a brief overview of the previous activities of the engagement, overview of respondents to the survey, and a brainstorming activity to identify and discuss Strengths, Weaknesses, Opportunities and Threats (SWOT). At the onset of each session, participants were polled using an online polling platform to determine which topics they would like to discuss. The topics discussed included: Mental Health Supports; Funding and Financial Assistance (including travel); First Nation Culture, History and Language Preservation and Promotion; and Post-Secondary Education System and Navigation (available opportunities, applications, logistics). A virtual circle approach was used to allow each participant an opportunity to speak to the topic verbally or through the meeting chat option. The SWOT analysis data was compiled, assessed, categorized and subsequently incorporated into recommendations.

Sabke Data Consulting used programming scripts to compile and analyze data from across all the survey streams. Each of the streams was assessed and data compiled into preliminary assessments. Finally, a list of challenges was compiled from the preliminary assessments, the four focus group SWOT analyses and the four information sessions. A list of recommendations was identified and formulated for the report and are included in this Executive Summary.

RECOMMENDATIONS

In the Anishinabek Nation and Kinoomaadziwin Bosy Post-Secondary Engagement Report, each of the recommendations are followed by an indication of which stakeholder has a role and responsibility in meeting the specified need. While stakeholders are identified, it is important to remember that all partners have a role and responsibility in working together to meet the needs of the Anishinabek learners, for the purposes of ensuring increased student success. Our recommendations on stakeholders with responsibility are not limited to those specified - enhanced partnerships and collaborations are always encouraged.

Student Success

1. Remote learning options should be available to students to provide them with more accessible education. This can be done by increasing the availability of online courses and by ensuring that the necessary educational supports are in place. Additionally, student supports should be available to help students succeed in their courses. By ensuring that remote learning options are available, institutions can provide more accessible education to their students.

Responsibility: Institution

2. It is important that students have access to quality support resources to thrive while attending post-secondary education. This would include access to accessible learning services as well as support programs that include training to help students adjust to post-secondary school life. Additionally, there should be increased awareness on campus about the available supports in order to ensure that all students have an opportunity to seek assistance if needed.

Responsibility: Institution

3. A student peer support network can be a valuable resource for students. This type of network can be created through collaboration between schools, communities and organizations. It can provide students with access to supports and resources that they may not have otherwise. The goal of a student peer support network is to ensure that all students have the opportunity to succeed by providing them with the opportunity to connect with others who have shared experiences, receive support, and access resources.

Responsibility: Institution, First Nation, Other Community Partners

4. Jordan's Principle is a legal requirement that ensures First Nations children have equal access to government services. Jordan's Principle should be easier to access so that more First Nations students can benefit from it. The government should work with Anishinabek Nation First Nations and organizations to make sure that all First Nation children have equal access to education and other necessary services.

Responsibility: Federal Government

5. Program and academic gaps need to be closed to provide more opportunities for students who want to attend post-secondary education. For example, lack of upgrading and bridging programs. Mastering student skills such as study skills, time management, and effective research are also important for success in post-secondary education but there is often a lack of dedicated support for these areas.

Responsibility: Institution, First Nation, Other Community Partners, Provincial Government

6. Recognizing student achievement is important to the success of Anishinabek students. One way to do this is through annual achievement honouraria. These honouraria can be given out by First Nations, institutions, or communities to recognize students who have excelled in their studies. This type of recognition can help to motivate and encourage Anishinabek learners to continue their education and achieve their goals.

Responsibility: First Nation, Institution, Other Community Partners

7. There is a need to shift our thinking away from viewing failure as a negative experience and instead see it as an opportunity to learn and grow. This can be done by First Nations, institutions, and student supports working together to create a safe and supportive environment for students.

Responsibility: First Nation, Institution, Other Community Partners

8. It is important to celebrate the success of Anishinabek students. One way to do this is to recognize and celebrate those who have overcome barriers to succeed. This can be done through community events, award ceremonies, or other forms of recognition. By celebrating the success of our students, we are sending a strong message that Anishinabek Nation values education and are committed to supporting our learners.

Technology and Connectivity

9. With the rise of online learning, it is more important than ever that students have access to a stable internet connection. This will allow them to complete their coursework and access the necessary resources. A lack of internet access can be a major obstacle for those seeking education. By working collaboratively with our communities, we can ensure that all students can succeed.

Responsibility: Federal Government, Provincial Government

10. Technology-based supports are important for students. They can help to improve student engagement, academic achievement and outcomes. First Nations should ensure that funding is available to provide these supports for students. Additionally, First Nations should work with service providers to develop and deliver technology-based supports that meet the needs of their students. By doing so we can help our students achieve their full potential.

Responsibility: Federal Government, First Nation

Post-Secondary Costs Funding

11. There has been an unanimous call for increased financial assistance for students to ensure they have the necessary tools to complete their education. This support is needed in order to counteract the prohibitive cost of education as well as other expenses such as student fees, travel costs, and supplies. By establishing a standard for financial assistance, we can make it easier for students to access the resources they need in order to succeed. Furthermore, by increasing financial assistance for dependents and providing travel cost assistance, we can remove some of the barriers that students face when attending school.

Responsibility: Federal Government

The government should provide grants to students to make post-secondary education more accessible. These grants could include but are not limited to;

- childcare,
- distance learning,
- housing,
- and transportation costs.

This would make it easier for students to attend school and would help to remove some of the barriers that are preventing them from achieving their goals. First Nations would have to be involved in the decision-

12. The government should provide grants to students in order to make post-secondary education more accessible. These grants could include but are not limited to;

- childcare,
- distance learning,
- housing,
- and transportation costs.

This would make it easier for students to attend school and would help to remove some of the barriers that are preventing them from achieving their goals. First Nations would have to be involved in the decision-making process to ensure that the needs of our communities are met.

Responsibility: Federal Government, Provincial Government

13. There is a need for more streams of funding for graduate studies, as well as former university students or graduates who are applying to colleges. Often, these students are not eligible for the same funding opportunities as other students, and this can create barriers to post-secondary education and hinder their ability to compete in the job market.

Responsibility: Federal Government, Provincial Government, First Nation, Institution

Student Mental Health and Wellbeing

14. It is important that mental health services be available to students and that these services are tailored to meet the needs of Anishinabek students. This can be done by ensuring that support programs include training to connect with students' hobbies and interests. Additionally, access to Student Wellness resources like counselling services and support groups should be increased. A mental health counsellor should be dedicated for students and system navigators should be employed to help students navigate the mental health system. Finally, normalizing getting mental health support by removing the stigma attached to seeking mental

health support is crucial.

Responsibility: Federal Government, Provincial Government, Institution

15. All stakeholders involved in post-secondary education should collaborate and share resources for the purposes of Anishinabek student well-being.

Responsibility: Federal Government, Provincial Government, First Nation, Institution, Other Community Partners

16. Students should be treated with respect. This includes ensuring that they are safe and feel supported in their learning environment. First Nations, institutions, and administrations should work together to create a culture of respect for students. We must remember that we are educating the next generation of leaders, and it is our responsibility to ensure that they are given the best possible chance to succeed.

Responsibility: Federal Government, Provincial Government, First Nation, Institution, Other Community Partners

17. Affordable, healthy and nutritious food is essential for the development and maintenance of good physical and mental health, as well as academic success. This can be addressed in part by increasing funding for programs that provide healthy food to students and by working with community partners to increase access to healthy food options.

Responsibility: Federal Government, Provincial Government, First Nation, Institution, Other Community Partners

Transitional Programming

18. It is important that students have easy access to information on post-secondary education programs. This can be done through collaboration with organizations who provide information on post-secondary education, as well as through providing support for students. By working together, we can ensure that students have the information they need to make informed decisions about their future.

Responsibility: Federal Government, Provincial Government, First Nation, Institution

19. One way to provide support for post-secondary students is through community-based programming. This could involve social events where Elders, healers and teachers would be invited to speak to and listen to students. Additionally, such programming could offer opportunities for community members to connect with PSE students and provide them with guidance and support.

Responsibility: First Nation, Institution, Other Community Partners

20. Both students and administrators have identified a desire for more proactive student post-secondary education system support. Currently, there are a few ways to provide this support. Institutions can work with their administration to provide better educational supports, First Nations can increase access to resources and information about available funding and scholarships, and counsellors can be better trained in how to work with Indigenous students. Additionally, regular check-ins should be conducted with students to track their progress and ensure they are accessing the appropriate resources. Finally, staff dedicated specifically to helping Anishinabek students access funding should be made available year-round. This could include Indigenous counselors who have cultural knowledge and experience working with Indigenous students.

Responsibility: First Nation, Institution, Other Community Partners

21. Mentorship programs should be created in all fields to help Indigenous students navigate the system. These programs would provide support for students as they transition into new roles and responsibilities. The mentorship program would also help to connect students with resources and services that they may need. Additionally, the program would monitor the progress of mentees and report back to Anishinabek Nation on their success and challenges.

Responsibility: First Nation, Institution, Other Community Partners

Administration and Policy

22. To remain competitive in the modern job market, it is important for students and lifelong learners to have the opportunity to pursue other courses, certificates and/or apprenticeships. These programs can provide students with the skills and knowledge they need to be successful in their chosen field, even when it is not a typical progression.

Responsibility: Federal Government, Provincial Government, First Nation

23. It is important that Anishinabek students have a voice in the design of support programs. To ensure that these programs meet the needs of our students, we should create a committee of Anishinabek students to provide input on their design. This committee would be responsible for providing feedback on the programs and making recommendations for improvements.

Responsibility: Institution, First Nation

24. To effectively administrate and run programs, funding needs to increase. This will allow us to retain quality technicians and administrators with competitive wages and offer the necessary support to our students. Additionally, this increase in funding will allow us to expand our programs and services to better meet the needs

of our learners.

Responsibility: Federal Government

25. There is a need for more streams of funding for graduate studies, as well as for former university students or graduates who are applying to colleges. Often, these students are not eligible for the same funding opportunities as other students, and this can create barriers to post-secondary education and hinder their ability to compete in the job market.

Responsibility: Federal Government, Provincial Government

26. The needs of Anishinabek students should be considered when developing and administering First Nation Education policies. This can be done by making deadlines more flexible, eliminating restrictive and ambiguous policies, and dedicating more staff to effectively administer the programming

Responsibility: Federal Government, First Nation

27. Funding resources should be increased/stabilized across all First Nations in order to provide more support for students regardless of program. Specialized academic fields including but not limited to law and medical sciences are significantly more expensive and require prerequisites such as LSATS

Responsibility: Federal Government, Provincial Government, First Nation

Informational

28. There is a need for a database program that can be used to collect data for students and manage post-secondary education programming. This program would include annual budgets, processing applications, and other administrative tasks. Additionally, this program would allow for the tracking of students who have applied for funding, been denied funding, or deferred their studies. This data would be used to determine if the program is meeting its goals and to make necessary changes. It is important that First Nations or designation First Nation organization holds this data to ensure that the program is meeting the needs of its students.

Responsibility: Federal Government, First Nation

Indigenous Institutes

29. There is a need to increase access to Indigenous Institutes for students. This can be done by increasing awareness of these institutes among students and providing more scholarships and bursaries for those attending. Additionally, the retention

rates and graduation rates of Indigenous Institutes should be monitored in order to ensure that they are meeting the needs of their students. Finally, more Indigenous Institutes should be created in order to better meet the needs of Anishinabek learners. By working collaboratively with Indigenous Institutes, we can develop curriculum that reflects our ways of knowing and teaching while promoting the success of these institutions.

Responsibility: Provincial Government, First Nation

Post-Secondary Institutions

30. Create Anishinaabe hubs on campus and with potentially more land-based and traditional learning spaces.

Responsibility: Institutions, First Nation, Other Community Partners

31. Anishinabek instructors and mentors can help create a supportive learning environment for Indigenous students. They can provide guidance and support, share traditional knowledge, and promote Indigenous perspectives in the classroom. Additionally, Indigenous instructors can act as role models for Indigenous students and help to build their self-confidence and sense of belonging at school. Mentors can also support students in their academic and personal growth and connect them with community resources.

There is a need to ensure the wages for these staff are not below the industry averages or below their non-Indigenous colleagues' wages.

Responsibility: Institution

32. It is important that students have access to quality support resources to thrive while attending post-secondary education. This would include access to accessible learning services as well as support programs that include training to help students adjust to post-secondary school life. Additionally, there should be increased awareness on campus about the available support to ensure that all students have an opportunity to seek assistance if needed.

Responsibility: Institution

33. Anishinabek history and culture is an important part of Canada's history, and it should be taught in schools across the country. By increasing the availability of Anishinaabe and Indigenous courses, we can help ensure that all students have access to this important piece of Turtle Island history. Additionally, teaching these courses in a way that reflects Indigenous ways of knowing and teaching can help create a more inclusive learning environment for all students.

Responsibility: Institution, First Nation

34. Review how Indigenous student associations can be better supported to encourage a sense of community and belonging. This can be done by providing more financial support, developing resources specifically for these associations, and working with them to create programming that reflects their cultures. By doing this we will help ensure that all Anishinabek students feel welcome and connected to their post-secondary institution.

Responsibility: Institution

35. Program and education gaps need to be closed to provide more opportunities for students who want to attend post-secondary education. For example, lack of upgrading and bridging programs. Mastering student skills such as study skills, time management, and effective research are also important for success in post-secondary education but there is often a lack of dedicated support for these areas.

Responsibility: Institution, Provincial Government

36. More investment in Anishinaabe-led research and scholarship to better understand the strengths and needs of Anishinabek communities and education systems.

Responsibility: Institution

DISCUSSION

In reviewing the challenges identified through the assessment of the data, some common themes emerged. These themes have been organized in the Final Report under the headings of: Student Success, Technology and Connectivity, Post-Secondary Costs Funding, Student Mental Health and Well-Being, Transitional Programming, Administration and Policy, Informational, Indigenous Institutes, and Post-Secondary Institutions. As expected, funding emerged as a significant area of concern and is included as one of the themes to address specific recommendations. However, it is important to note that many of the other recommendations also require adequate and sustainable investments from the federal government, and possibly the provincial government, to meet the needs of Anishinabek Nation First Nation students.

To address the challenges, it became evident throughout the engagement process that significant efforts, contributions, and collaboration amongst partners is essential. Each of the recommendations are followed by an indication of which stakeholder has a role and responsibility in meeting the specified need. While stakeholders are identified, it is important to remember that all partners have a role and responsibility in working together to meet the needs of the Anishinabek learners, for the purposes of ensuring increased student success. Our recommendations on stakeholders with responsibility are not limited to those specified - enhanced partnerships and collaborations are always encouraged.

CONCLUSION

The Anishinabek Nation and the Kinoomaadziwin Education Body are committed to working with partners to ensure that the treaty right to education is upheld and that First Nations have control over the education of our people. We believe that this is essential to providing quality education that meets the needs of our students, families and communities.

This report contains recommendations for improving post-secondary education opportunities for First Nations students. The information presented in this report will be essential for not only First Nations to improve their individual Post-Secondary Education programs, but also for collaborations with other partners. By pooling resources, sharing information, and providing consistent and equitable services, all First Nations students will have greater access to quality post-secondary education.

Achieving equity for Indigenous students is critical to closing the gap in educational outcomes and creating a brighter future for all. The key components of a successful Post-Secondary Education model for First Nations people include sustained and stable funding, and measures to ensure student success and well-being. We urge governments and other partners to continue working with us in a spirit of reconciliation as we strive towards equitable access to quality post-secondary education for Anishinabek students.

The high-quality responses of the survey, focus groups, and information sessions produced a wealth of information that provided a strong foundation for this report. The individuals who took the time to participate in this process have contributed immensely to the development of these recommendations and we are grateful for their input. Miigwech.

INDEPENDENT FIRST NATIONS (IFN)

The summary of findings in this report is based upon two years of engagement with three specific target groups from IFN communities: current and past post-secondary students, post-secondary counsellors, and leadership. A repetitive theme throughout the report outlines the overall lack of holistic programs and services in place for our First Nations students. A student may feel fully supported by their community, but this is not enough. Our data confirms that First Nations students do not feel seen, heard or supported when they enter post-secondary programs. The level of racism that our students are forced to deal with is extremely damaging. Discrimination, micro-aggressions, prejudice and isolation significantly and negatively impact academic achievement and, in many cases, student retention. This, in addition to the need for a more adequate level of funding for the students and the PSE program, is highlighted in the data from the engagement process.

The data gathered has been synthesized into several sound recommendations to improve the federal Post-Secondary Student Support Program (PSSSP). These recommendations, based on the candid and sincere responses from our target groups, fall into four distinct themes. IFN's recommendations will be forwarded to the national level by the Chiefs of Ontario in their comprehensive PSE Report on behalf of the First Nations across Ontario. We anticipate these recommendations will help guide and inform the future community, regional and federal PSE guidelines and policies that better support our students.

RECOMMENDATIONS

1. Federal Government Oversight and Limitations- A complete revision of the federal guidelines and program administration by ISC is needed.

We recommend:

- That authentic collaboration between ISC and First Nations begins immediately to inform and implement the overarching changes needed to the PSE/PSSSP in order to ensure students are fully supported so they can be successful.
- That the guidelines for the program, historically developed and implemented without input from First Nations, be co-developed regionally so they reflect the actual needs of students.
- That the inadequate and outdated level of PSE/PSSSP funding includes salary for at least one full-time PSE Counselor in each community.
- That adequate program administration funds must immediately be instituted to support our students. The current 15% administration allocation for First Nations is not enough to cover the costs of a viable community-level program.

2. Program Administration-Community Level

Community-level programs and staff are the lifelines for First Nations students.

We recommend:

- That community PSE policies must be student-driven and community-led without arbitrary limitations imposed by ISC.
- That funding for students must increase significantly to accommodate the increasing costs of attending post-secondary institutions and the annual increase in the cost of living.
- That community-based, fully funded staff must have funding for professional development to be prepared to assist students to transition in and out of post-secondary programs while being mindful of the unique cultural needs of our students both on and off reserve.

3. Program Growth and Capacity

Chronic insufficient student support on a federal, institutional, and community level exemplifies the resilience of First Nations students.

We recommend:

- That the PSE Program ensures that students are supported holistically to meet their academic, cultural, emotional, and social needs.
- That financial assistance, currently at a level that does not typically cover the student's comprehensive academic program, be increased to reflect the growing costs of attending a post-secondary institution.
- That the PSE Program enables the development of a mentor program to promote student well-being and a sense of belonging throughout their post-secondary career.

4. Program Growth and Capacity

PSE/PSSSP must evolve with the primary goal of increasing the capacity of First Nations students within our First Nations communities or within other communities.

We recommend:

- That the PSE/PSSSP focuses on supporting transitions: secondary to post-secondary, post-secondary to work/careers.
- That the PSE/PSSSP incorporates a school-to-work component that would make academic programs more relevant and when appropriate, more reflective of building community capacity in First Nations.
- That ISC begins to actively recruit more corporate support for post-secondary students so First Nations students to have more access to paid internships.
- That federal oversight becomes minimal but federal lobbying for financial enhancement to the program continues.

CONCLUSION

Any First Nations person who has attended a post-secondary program knows that getting a certificate, diploma or degree is challenging for a multitude of reasons. This report confirms that most students share some common concerns. Their voices led to the broad recommendations previously presented in this report.

Highlight 1- Connection to community

- Students need to be able to go home whenever needed without financial limitations.

Highlight 2- Sense of Belonging

- Students need to feel they are a part of the post-secondary community so post-secondary institutions must hire staff from First Nations.

Highlight 3- Adequate Financial Aid

- Students, especially those who are older and/or have families, need to have access to enough funding so their focus is on learning, not survival.

The prophecies say that the time will come when the grandchildren will speak to the whole world.

~Sakokwenionkwas Tom Porter, Mohawk~

This report has given our young people a chance to speak.

MISSISSAUGAS OF THE CREDIT FIRST NATION

The Mississaugas of the Credit First Nation (“MCFN”) is a thriving and vibrant community bursting with people reaching for their roots as well as the future as they prepare to teach the next seven generations their history and culture. This community has survived many hundred years of change; we fought through near extinction, battled in many wars, suffered a complete loss of culture, undertook a new way of life, and faced the trials and tribulations that have come with facing our Canadian government and those now occupying our traditional territory. Despite every inch of transformation MCFN have endured, we continued to adapt and grow into the resilient First Nation community that stands today.

MCFN strives to ensure the advancement of our members. Our commitment to lifelong learning is steadfast and, we hope, captured in our creation of the Department of Lifelong Learning in the spring of 2021. We want to ensure our community has the opportunity to learn, grow and prosper from cradle to grave. Opportunities are limited for our members without continuing education. MCFN wants to ensure our community members are responsive and competitive. Education is a human right. We strive to ensure our community can research, study and work in education systems that accept who they are.

Our overall objective is to identify barriers to education for our members. This study solicits information from those attending post-secondary education and those who do not. Based on this study, we gained invaluable insight. For example, we gained valuable insight into some of the barriers for those seeking to continue their education. We continue to seek partnerships with post-secondary institutions and beyond to develop accredited courses and programs which respond directly to the aspirations and needs of our community members as they venture into and seize a world of economic opportunities. This Post-Secondary Engagement Report (“Report”) identifies barriers to education and attempts to also identify solutions for our community.

With the shift in the political and legal climate and the passing of the *United Nations Declaration on the Rights of Indigenous Peoples Act*, Indigenous leaders and the federal government will provide a shared road map for Indigenous peoples, industry, communities, and government to work together. We must find ways to persuade the federal and provincial governments to be more inclusive of Indigenous ways of knowing, learning, and growing. Now is the time to act. Our Report captures learning tools that work and do not work for our membership. It also helps MCFN to ensure our community is prepared to meet the challenges ahead now and in the future for the next seven generations.

Our membership needs to take leadership and responsibility for educating our children and youth – as well as enabling our adults in the journey of continuous learning. Education is a foundation and gateway for lifelong well-being at all levels – the individual, family, and membership. We are committed to the clarity and sharpness of our vision, and strategies for a stronger MCFN and Indigenous presence in our education system, and among the broader society around us. We consider the opportunities for increased education and awareness from both the perspectives of the learning and skill development needs of the MCFN individual and pushing out the MCFN's traditional culture, knowledge, and values to a wider, general audience. Education is paramount for self-actualization and success in our relentlessly fast-changing, globalized and interconnected economy. As our world approaches the tipping points for climate change, environmental degradation, social injustice, and a widening disparity between the fortunate and less fortunate, leaders and people everywhere could benefit from the teachings of our ancestors, spirits and traditions.

GRAND COUNCIL TREATY #3

The Education Unit of Grand Council Treaty #3 agreed to participate in a review of the Post-Secondary Student Support Program (PSSSP). This review is a result of the “Policy Proposal—First Nations-led, local, regional and/or Treaty-based Post-Secondary Education Models”, co-developed by the Assembly of First Nations, National Indian Education Council and Indigenous Services Canada (December 2021).

The Treaty #3 Education Unit conducted engagement with 26 First Nation communities participating within the territory, who currently provide various types of support to post-secondary education students. The research obtained, analysis and recommendations are summarized in Grand Council Treaty #3's report.

Recommendations and identified needs have been developed based on the feedback obtained from the research participants through various methods. The recommendations are reviewed in more specific detail in the Discussion and Analysis section of the full report.

1. More information and engagement on the Post-Secondary Student Support Program;
2. Increased financial allowances to meet basic living costs and access to support services;
3. Access to mental health services, including culturally-relevant supports;
4. Role models and mentors to support students before, during, and after graduation;
5. Elders/spiritual guidance during post-secondary education—more holistic support and learning about Anishinaabe language, culture, history;
6. Outreach and advertising of Indigenous student services and the supports available at postsecondary institutions;
7. Preparing for post-secondary education by providing student transitional support funding;
8. Academic specific supports during post-secondary education;
9. Career counseling—transitions to the job market after graduation;
10. Training and increased financial support for First Nation post-secondary education staff and administration;
11. Increased First Nation support and recognition for post-secondary education students—staff, leadership and Grand Council Treaty #3.

Under the guidance of the Grand Council Treaty #3 Education Director, a project research team of First Nation community educators was established for this project. The research team employed various methods to obtain the research data through direct community engagement. Data was collected through the use of online surveys, focus groups, community and education staff meetings. The joint policy proposal, leadership mandates and supporting documents were reviewed as part of this research project.

Based on the research data and information obtained, the recommendations were analyzed and grouped into themes. They are not rated or prioritized, however many of the recommendations pertain to an increase in funding including direct funding to students, building capacity at the community level and the development of transition programs to better prepare students attending post-secondary education.

The recommendations presented identify the PSSSP improvements needed and some of the gaps in the program based on students' experiences.

The Post-Secondary Student Support Program (PSSSP) is an important part of supporting First Nations' educational goals. The PSSSP has contributed to self-determination in the education of First Nations communities, however improvements are still needed. The Treaty right to education is to be respected in agreeing to participate in this review. The participant feedback shared below indicates this commitment must be maintained throughout the review process and beyond.

“Our ancestors recognized the importance of education in signing Treaty #3. There were no limits placed on this agreement, yet ISC has not honoured their commitment to a quality education for all First Nations students.”

“Our communities should come together to demand what was agreed upon in our Treaty. Education is a right and must be respected and upheld. Funding should be increased because they are holding our money in trust and we need it for our students.”

The voices of the members of Treaty#3 in this community engagement project need to be honoured. The participants in this research are ‘spirits’ who are to be respected. Individuals have shared their personal experiences, knowledge, and time with the expectation that improvements and changes to the current Post-Secondary Student Support Program will occur.

It is hoped that leadership will create an action plan to implement the recommendations and that this work will be guided by Anishinaabe protocols and ceremony.

ASSOCIATION OF IROQUOIS AND ALLIED INDIANS

Indigenous Services Canada (ISC) funded a three-year engagement process across Canada with the intention of supporting regional reviews of the Post-Secondary Student Support Program (PSSSP) and the Post-Secondary Partnership Program (PSPP). For this review, a region was defined as any territory in which First Nations assume control of education in their communities. Post-secondary models, to be negotiated upon completion of this review, may be local, regional, and/or Treaty-based. While authority and autonomy over defining models will reside with member Nations, the Association of Iroquois and Allied Indians (AIAI) undertook this engagement work on behalf of its seven member Nations – Batchewana First Nation of Ojibways, Hiawatha First Nation, Mohawks of the Bay of Quinte, Wahta Mohawks, Oneida Nation of the Thames, Eelūnaapeewii Lahkeewiit, and Caldwell First Nation. AIAI recommends that models include student financial supports; community-based wrap around supports; support for community-based programs; and supports related to program, administration, and Nation capacity.

AIAI’s engagement focused on the Post-Secondary Student Support Program (PSSSP) as this program is most relevant among member Nations. Several engagement activities took place throughout the engagement period including in-depth interviews, student surveys, and several additional engagement sessions and events. These activities focused on understanding the PSSSP, as well as the similar yet unique post-secondary experiences of member Nation students, Education Directors/Coordinators/Managers and Post-Secondary Counsellors, Chiefs, Youth Council members, and other organizations involved in shaping the post-secondary experiences of member Nation students.

Several overarching themes stood out across these engagement activities. These themes and additional subthemes include:

- **First Nation strength**, discussed in terms of student strength and Nation level commitment and capabilities;
- **Navigating through a colonial system**, illustrated in the colonial nature of the PSSSP, the lack of meaningful change in this policy overtime, and the local interpretation/adoption of these foreign guidelines;
- **Administrative barriers and restrictions** experienced by member Nations' post-secondary departments, illustrated in the lack of separation between administrative and student funding, the understaffing and under resourcing of departments, the narrow definition of post-secondary support, the lack of secure and stable postsecondary funding, and the lack of program sustainability;
- **The translation to student experiences**, illustrated in the varied and often challenging learning pathways of member Nation students, their feelings of being unprepared and of lacking support to attend PSE, their experience of navigating multiple worlds, the simultaneous necessity of funding and financial barriers to learning experienced by students, and the desire to continue learning; and
- **Barriers at the Nation level**, including the siloed approach to learning and education within member Nations, limited infrastructure and information-based capacities in terms of internet access and communication strategies, and the limited opportunities for reciprocity.

Together these themes tell a story of the inadequacies of the current program and the necessity of reinventing a new post-secondary support system, while emphasizing member Nation strength and abilities.

Stemming from these themes, six areas of recommendation are provided as building blocks for a new system that is created *by*, and works *for*, AIAI member Nations. These areas and subsequent recommendations include:

- **Operationalizing Nation-based principles and expertise**, in terms of recognizing post-secondary as an Inherent and Treaty right, First Nations authority and control, Nation specific policy development, focus on life-long learning, culturally and community relevant learning, utilizing broad definitions of 'success', and embodying a holistic approach to support and student success;
- **Policy development and implementation**, including that a post-secondary model should be formula-based, have an interim baseline plus approach, be needs-based to reflect the post-secondary needs of member Nations, be comprehensive and specific to address both collective and Nation specific needs, and utilize a flexible and rolling funding model;
- **Investment into administration**, to include the establishment of necessary authorities to separate administration from student funding, an equitable baseline plus staffing model, funding for data and communications, employee access to professional development/training opportunities, networking and relationship

building opportunities, ongoing and reliable service mapping, and administration as core funding;

- **Wrap-around support development**, with recommendations related to developing informational and knowledge-based supports, culturally centered supports, mentorship and opportunities for reciprocity, mental health and well-being supports, early intervention strategies, support for mature learners, and supports for off-reserve students;
- **Nation level Education system capacity development**, including recommendations related to un-siloing the education framework within member Nations, the need for flexible funding agreements, investment into infrastructure, investment into internet connectivity, investment into data capacity, building up communications and collaboration processes within member Nations, and investment into human capacity; and lastly,
- **Institutional responsibility to act**, with recommendations related to provincial responsibility to hire First Nations navigators/support workers/teachers, fund curriculum development and mandatory and ongoing training and professional development, fund post-secondary institutional action, and collaboration, investment into institutional Indigenous offices, Ontario Student Assistance Program responsibility and partnership building, and leveraging Indigenous Institutes.

These areas and subsequent recommendations provide a foundational framework on the post-secondary support system development, implementation, and maintenance work that will be ongoing. While partners will play a critical role in the operationalization of these recommendations, funding must be established to support First Nations as lead developers in this ongoing work; to understand, refine, and operationalize these recommendations at the community level. Advocating for the interests of AIAI member Nations, AIAI will continue to work with member Nations and other First Nations and First Nations organizations in Ontario on this important work.

Engaging throughout a pandemic has been challenging. Delay in funding from ISC in the first year (2019-2020) then the COVID pandemic taking precedent in the second year (2020-2021), meant that AIAI was nearly two years behind in the three-year engagement process before engagement activities began to take shape. AIAI member Nations were focused on the safety and well-being of their citizens, as the COVID pandemic exacerbated pre-existing community vulnerabilities stemming from the historical underfunding of member Nations' education systems, housing, water, connectivity, health care systems, and language and cultural systems. Ultimately, what was intended as a three-year engagement process soon became a one-year, online engagement.

Certainly, there are benefits to conducting engagement online. Some individuals prefer surveys due to their anonymity and accessibility, and online discussions can be both

time and cost effective. However, online methods can lack connection and reciprocity in terms of building trust and relationships between those involved. Further, some individuals lack the capacity, interest, or comfort for online engagement related to factors like age, technology, and internet accessibility. While online spaces have provided a hopeful alternative, the value of in-person connection and relationship building, and therefore the significance of its absence during this engagement process, cannot be overlooked.

NISHNAWBE ASKI NATION

The following is a summary of recommendations from the Nishnawbe Aski Nation (NAN) engagement:

1. Program Investments

- 1.1. The education and career/life planning curriculum should be adapted to ensure cultural and contextual appropriateness and implemented in First Nations in the NAN territory.
- 1.2. Develop and deliver NAN territory-specific preparation and decision support programming for all parents, caregivers, and families of First Nation learners from the NAN territory.
- 1.3. Deploy a team of learner attendance and engagement specialists at the territorial level who can work with the First Nations in the NAN territory to develop and implement community-specific strategies to improve learner attendance and engagement through K-12.
- 1.4. Develop and implement a teacher incentive program at the territorial level that introduces a housing and classroom setup incentive for learners who choose to study education and return to teach in First Nations in the NAN territory following their studies.
- 1.5. Work with existing institutions delivering teacher education programs to increase dedicated spaces (or programs) for NAN learners and to develop more flexible learning pathways that allow learners to spend more time in the communities assisting in classrooms throughout their education.
- 1.6. Develop and implement a for-credit peer mentorship program at the territorial level that connects learners with more senior learners from First Nations in the NAN territory to discuss their experiences, insights, and aspirations.
- 1.7. Develop and implement a for-credit mentorship program at the territorial level that connects learners to First Nation role models from various career paths and provides opportunities for ongoing engagement.
- 1.8. Partner with the Ontario Native Education Counselling Association to enhance access to NAN-specific regional or territorial training programming for all guidance counsellors serving NAN youth (on and off reserve). This programming could also include anti-racism, stereotypes, and bias training.

- 1.9. Develop and implement a tutoring program at the territorial level in partnership with a private provider that provides access to all learners in the territory to supplemental support and resources on an individualized, as-needed basis.
- 1.10. Partner with an existing post-secondary institution to ensure access is provided to First Nation learners from the NAN territory to a variety of core skills workshops, including but not limited to: study habits, literacy, academic writing, numeracy, exam preparation, reading and note-taking, time management, presentation and speaking, critical reading, stress management, living on your own, healthy eating, mastering multiple choice questions, mastering short answer questions, and effective group work.
- 1.11. A supportive and sustainable counselling relationship should be established before the learner leaves the community. This could be done virtually or in person in the chosen study community.
- 1.12. Develop and make available a NAN First Nation-informed version of the Ontario guidance and career education curriculum that can be delivered for credit in the NAN territory. The following four (4) courses could be adapted to better respond to the needs of NAN communities: Designing Your Future – grade 11; Leadership & Peer Support – grade 11; Learning Strategies – grade 12; and navigating the PSE environment – grade 12.
- 1.13. Develop and make available a NAN-wide series of dual credit courses in partnership with existing post-secondary institutions.
- 1.14. Implement NAN-wide post-secondary education agreements outlining the academic program, student safety, student support and student experience expectations of First Nation learners from the NAN territory.
- 1.15. Implement a NAN post-secondary access and information team composed of post-secondary graduates who can support community-level post-secondary coordinators and coordinate presentations and discussions with post-secondary institution representatives.
- 1.16. Scholarship support should be available to high-achieving learners in First Nations in the NAN territory to fill out and submit achievement-based awards applications, and any awards received should go directly to the learner without any corresponding decrease to their post-secondary funding support.
- 1.17. Develop and implement a NAN-wide mature learner re-engagement program focusing on flexible learning options and removing barriers to post-secondary education for mature learners.

2. Learner Investments

- 2.1. Any First Nation community member in the NAN territory meeting the eligibility criteria (or on track to meet the eligibility criteria) of a post-secondary program of study, and who intends to study in the program of study should they be accepted, will be funded for the full amount of the application fees paid for their application to the program(s) of study.

- 2.2. Any First Nation community member in the NAN territory having appropriate life or work experience should be supported in navigating the process and funded for the total amount of any Prior Learning, Assessment & Recognition costs incurred during their post-secondary application.
- 2.3. Any First Nation community member from the NAN territory having been provided with one or more offers of acceptance to a post-secondary program of study will be funded for the total amount of the travel, accommodation and meal costs (for themselves and one accompanying support person) associated with visiting up to 2 institutions (to which they have been offered acceptance) located in Ontario as part of the selection process.
- 2.4. First Nation learners from the NAN territory can access high-quality contextually and culturally appropriate supplemental skill development programming to support their transition to post-secondary studies.
- 2.5. A NAN First Nation community member (travelling without dependents) who has registered to study full-time, in person, at a post-secondary institution in Ontario will be funded for the full amount of the travel, accommodation and meal costs for themselves and one accompanying support person associated with moving.
- 2.6. A NAN First Nation community member (travelling with dependents) who has registered to study full-time, in person, at a post-secondary institution in Ontario will be funded for the full amount of the travel, accommodation and meal costs for themselves and one accompanying support person associated with moving. Additionally, an additional visit between the date of acceptance of an offer and the commencement of studies will be funded to assist in finding appropriate living and daycare arrangements.
- 2.7. First Nation learners in the NAN territory should be encouraged and supported in participating in post-secondary early arrival orientation programming.
- 2.8. First Nation learners from the NAN territory are fully supported for their tuition costs.
- 2.9. First Nation learners from the NAN territory are fully supported for their supplemental compulsory fee costs.
- 2.10. First Nation learners from the NAN territory are fully supported for the cost of their books and required program/course supplies.
- 2.11. First Nation learners from the NAN territory are fully supported for the cost of their technology and equipment requirements.
- 2.12. A NAN First Nation community member (moving without dependents) who has registered to study full-time, in person, at a post-secondary institution in Ontario will be funded for their living costs based on the single-bedroom residence and full meal plan rate of the chosen institution of the student.
- 2.13. A NAN First Nation community member (moving with dependents) who has registered to study full-time, in person at a post-secondary institution in Ontario will be funded for their living costs based on the average rental cost and

utilities for a two-bedroom apartment in the city of study, supplemented by a per-person food allowance.

- 2.14. A NAN First Nation community member registered to study full-time, in person at a post-secondary institution in Ontario, will be funded for a full public transit pass for themselves (and their dependents if applicable) in the city of study.
- 2.15. A NAN First Nation community member who has registered to study full-time, in person, at a post-secondary institution in Ontario will be funded for the full amount of the return travel for themselves and any dependents residing with them to their home community for one visit per year of study.
- 2.16. A NAN First Nation community member (moving with dependents) registered to study full-time in person at a post-secondary institution in Ontario will be funded in full for their daycare costs based on the average full-time daycare rates in the city of study.
- 2.17. A NAN First Nation community member who has registered to study via distance or online education will be funded in full for their childcare costs.
- 2.18. A NAN First Nation community member who has completed all of the academic program requirements enabling them to graduate, will be funded in full to attend their graduation ceremony with their dependents and one additional support person.

3. First Nations Institutes

- 3.1. Funding adjustments should be made to the core funding model to account for the need for multiple learning sites in addition to the smaller campus, program, and class sizes that will invariably exist within Indigenous Post-Secondary Institutes in the NAN territory.
- 3.2. Funding adjustments should be made to the core funding model to account for language revitalization, program delivery and cultural programming in multiple Indigenous languages, and respecting the multitude of cultures of NAN First Nations.
- 3.3. Funding adjustments should be made to the core funding model to account for the incremental costs of delivering professional programs, particularly those for which there is a need for graduates in NAN First Nation communities.
- 3.4. A ½ (public funding) vs ½ (student funding) funding model should be the starting point for a funding model discussion in relation to Indigenous Post-Secondary Institutes.
- 3.5. Appropriate start-up funding needs to be made available to Indigenous Post-Secondary Institutes in order to ensure they can provide high-quality programming and student experiences from the start.

NORTH SHORE TRIBAL COUNCIL

Mamaweswen, The North Shore Tribal Council (NSTC) conducted three post-secondary engagement sessions with Education Directors and Post-Secondary Counsellors from its 7 member First Nations on November 15 & 16, 2021, December 13 & 14, 2021 and January 24 & 25, 2022. This Executive Summary summarizes the findings of the three engagement sessions.. The Executive Summary is submitted to the Chiefs of Ontario for inclusion in the COO Ontario Post-Secondary Engagement Final Report.

NSTC BACKGROUND

NSTC provides programs and services to its 7 member First Nations along the north shore of Lake Huron:

- Batchewana First Nation,
- Garden River First Nation,
- Thessalon First Nation,
- Mississauga First Nation,
- Serpent River First Nation,
- Sagamok Anishnawbek, and
- Atikameksheng Anishnawbek.

The mandate of NSTC is to assist and facilitate the activities of the member communities in a manner that promotes the cultural, educational, spiritual, political, economic, environmental, and social well-being of the member First Nations. NSTC member First Nations are signatories to the 1850 Robinson-Huron Treaty.

POST-SECONDARY EDUCATION IS A TREATY RIGHT!

It is the position of NSTC that education is a treaty right under the 1850 Robinson-Huron Treaty.

- All First Nations members have a treaty right to education.
- First Nations definition of Education Life-long Learning is different from Indigenous Services Canada's (ISC) definition. First Nations define Education as life-long learning—from birth to death.
- ISC has the Treaty responsibility to fund all First Nations members wishing to attend Post-Secondary Education at the actual costs associated to attend, regardless of ISC First Nation funding allocation.
- All students are to be adequately funded to attend post-secondary—no waitlists, and no priority lists because everyone is funded. Treaty rights are implemented.
- Funding levels must address and meet gaps in education levels and include infrastructure needs and costs.
- ISC must provide post-secondary funding for all First Nations members that currently, and with any future legislative changes, have status or are legally eligible for status.

FIRST NATION CONTROL OF FIRST NATION EDUCATION

Each First Nation has the Treaty right and authority to determine their own needs; to negotiate their own funding levels; develop their own post-secondary program policies and procedures; develop their own program guidelines; and administer the post-secondary program according to their own First Nation's set criteria

- ISC has the Treaty responsibility to adequately fund the First Nations post-secondary program as determined by each First Nation and to fund all First Nations members wishing to attend post-secondary at actual costs.
 - Each First Nation is to receive ISC direct funding to support their post-secondary program at the First Nation level. This funding is separate from any regional needs and any regional approach.
 - Funding to support the First Nation administration of the post-secondary program must be over and above the funding to support student costs to attend post-secondary institutes.
 - Funding must be guaranteed, consistent and predictable.
 - Multi-year funding agreements must address inflation, salaries, staff changes and need escalators that account for inflation and other unexpected, out of our control issues that arise.
 - First Nations need to know budgets early to plan.
 - Separate funding envelop is needed for First Nations post-secondary systems development.

NATION BUILDING

Cultural activities and targeted initiatives that support the revitalization and preservation of language, traditional customs and practices, and cultural identity are necessary and just as important as obtaining post-secondary credentials rooted in Western philosophies. Culturally relevant programs and services that support Nation Building must be available at all post-secondary institutes and must be readily available to all First Nations students.

- ISC has a Treaty obligation to support the revitalization of First Nation languages and culture.
- ISC funding is needed to provide culturally relevant supports for students to access traditional teachings and traditional programs and culturally relevant services that support the revitalization of language, culture, identity, and any other activities that support nation building.
- First Nations students should be able to access these programs without charge and/or without jeopardizing their post-secondary funding allotment. For example, if a student took a program to learn their language and received a diploma, they should also be allowed to return to school and complete another diploma or higher without penalty.

- ISC funding to support this must be separate from First Nations post-secondary funding.
- Funding must be provided to cover costs for the inclusion of linguistic and cultural practices in programming.

POST-SECONDARY EDUCATION SYSTEMS DEVELOPMENT

- A separate funding envelope is needed for post-secondary education systems development—this envelope will not impact the First Nations post-secondary funding levels.
- First Nations are to determine their own system and their own aggregate if applicable.
- One model in Ontario will not work—one size in Ontario does not fit all.
- The system development supports required will support First Nations initiatives and regional initiatives to deliver regional programs and services.
- Each region will develop their own model, create their own work plan, and determine their own financial needs.
- This should include, but not be limited to, the following supports:
 - Supports for Professional Development and capacity building;
 - Development and Maintenance of a Regional Database—house information and provide listing of qualifications of community members;
 - A Job Bank—Data used to fill hiring needs and succession planning;
 - IT supports
 - First Nations own and control data

FIRST NATION POST-SECONDARY ADMINISTRATION FUNDING NEEDS

This list is not to be considered exhaustive—each First Nation will determine their own needs, human resources and which positions they wish to have at the First Nation level:

- Database—database, database software and any fees associated, professional development & training, data entry clerk;
- Finance Department—finance manager, finance clerk, finance hardware & software;
- Other Human Resources—Post-Secondary Administrator, Career and Academic Counsellor, Mental Health and Addictions Counsellor, Data Entry Clerk, Finance Clerk;
- Professional Development for all staff;
- Benefits, pension plan and professional fees for all staff.

FIRST NATION POST-SECONDARY STUDENT SUPPORTS

As previously mentioned, access to Post-Secondary Education is a Treaty right and ISC has a Treaty responsibility and obligation to fund all students wishing to access post-secondary education and to cover all post-secondary expenses at actual costs.

Expenses to cover, but not limited to:

- Books, tuition, and equipment required for courses (i.e., Tools, uniforms, software, cameras, etc.)
- Exam Fees & professional fees to graduate
- Living allowance to cover rent, food, and utilities
- Transportation
- Counselling—both academic and mental health clinical services
- Psychoeducational assessments and costs associated to administer and/or take tests
- Computer, printer, internet costs, hardware, software, and other costs associated with IT supports
- Post-Secondary Preparatory Courses and/or Workshops
- Daycare
- Study Skills & Tutoring Services
- Essay Writing
- Navigating the Library
- Research Skills and documenting
- First Nations Grants and Bursaries

INDIGENOUS POST-SECONDARY INSTITUTES

Funding for Indigenous Post-Secondary Institutes needs to be a separate funding envelope that doesn't impact First Nation post-secondary student funding.

SIX NATIONS OF THE GRAND RIVER

Federal support for Indigenous post-secondary education is not just a smart investment; it is an affirmation of Indigenous rights, a commitment to reconciliation as a lived (not merely performed or professed) practice, and an acknowledgement of governmental responsibilities in both of these highly relational realms. It is in this spirit that the recent, three-year federal First Nations Post-Secondary Education Engagement (PSE) Strategy was initiated, and it is in this spirit that the current report responds by presenting potential foundations of a PSE Model for Six Nations of the Grand River. Based on extensive primary and secondary research, our findings drive a set of clear findings for not just a regional model per se, but an approach to nation-to-nation relationship-building that supports Indigenous educational sovereignty.

There is a local understanding of all PSE pathways being equally valid, with the main consideration being the gifts and aspirations of the individual and how these are empowered through a given educational pathway. Accordingly, this report asserts a stipulative definition of PSE as inclusive of all of university, college, and skilled trades pathways, and as embracing all credentials listed on the Ontario Qualifications Framework (OQF) pursued after the terminus of a learner's secondary school journey.

Indigenous inherent rights, including the right to Indigenous education, may be recognized by, but do not derive from, the authority of the Crown; instead, they are intrinsic to Indigenous nationhood, predate the state, and have never been surrendered. The principal Indigenous inherent right is that of self-government, from which other inherent rights are seen to flow. The Indigenous right to Indigenous education is an integral and undeniable part of this 'basket' of unique rights held by Indigenous peoples in what is now Canada. It is articulated, directly or indirectly, by treaties, international law, and Canadian legislation, and reinforced by the findings and recommendations of national commissions – yet the current post-secondary climate is one in which the funding, governance, and administration of Indigenous education is jarringly out of alignment with these authoritative instruments. The Indigenous Services Canada engagement initiative is evidence that the government realizes this, and further, that it intends to act.

Six Nations post-secondary education history was initially a story of exclusion, disenfranchisement, and assimilation. In the early 1990s, the community began to develop relationships with mainstream post-secondary institutions in the region, with a focus on straightforward access for Indigenous students. The scope of learning remained Western in the early years, with limited Native Studies courses that eventually evolved into Native Studies programs and degrees. For local learners, the inclusion of Indigenous ontologies and epistemologies across the full range of post-secondary disciplines remained (and indeed, remains) a challenge as mainstream institutions, for the most part, offer(ed) learning environments that are not culturally grounded and do not operate from or through Indigenous ways of knowing and being.

In 1992, Six Nations of the Grand River assumed, to the maximum extent possible, policy governance over post-secondary educational funding, with learner self-determination as the basis of policies of the newly founded Grand River Post Secondary Education Office. Despite such critical inroads, the community has continually been caught between the considerable forces that divide PSE within and between various authorities, funders, and agents. The sheer number of federal and provincial ministries, philanthropic organizations, accrediting bodies, Crown corporations, and mainstream post-secondaries involved cannot help but create disunity and disorganization, if not multiple serious cleavages, right across the community's educational landscape.

This context is not just unfortunate but unnecessary, and further, actively works against the repatriation of legitimate jurisdiction and the pursuit of educational sovereignty at Six Nations of the Grand River. The community's stance has always been that the piecemeal devolution of administrative functions and patchwork funding model is in contravention of its proper, nation-to-nation relationship with the Canadian state, as lived historically and recorded in treaty. Nevertheless, Six Nations of the Grand River continues to successfully navigate the challenges thrown up by the broader evolution, as well as the more sudden shifts and backtracks, of Indigenous post-secondary education development and delivery.

In a proactive strategy, educational institutions at Six Nations of the Grand River

participated in provincial sectoral advocacy to create a unique groundwork, with unprecedented outcomes for Indigenous education. This finds expression in the Ontario's Indigenous Institutes Act, in which a legislative, regulatory, funding, and development-delivery framework is articulated, based in nation-to-nation relationships. The Canadian government is currently the missing member of this productive relationship – but a space has been prepared for a federal partner.

Overall, this report asserts that the recent three-year federal engagement process should be seen as the start, rather than the conclusion, of dialogue between Indigenous communities and not just the Crown, but all levels of government. Accordingly, we underscore the word “toward” in the title of this report – phrasing that establishes the current project as an initiatory exercise, a hopeful beginning. Six Nations of the Grand River has the characteristics of a PSE region, including a significant land base and population, and four anchor organizations delivering and funding university, college, and skilled trades educational pathways; evidencing established track records of learner success; and making key contributions to community and regional well being.

The cumulative findings of this report also reveal a broad, strong assertion that ‘process matters.’ This plea for greater engagement with Indigenous methodologies should carry through to the actual development of a standalone post-secondary education model for Six Nations of the Grand River (vis-à-vis the federal engagement framework). When such a lens is brought to bear, the path revealed is one of co-development, in which all stakeholders would be meaningfully engaged. That co-development would steer toward an endpoint educational ecosystem in which a number of specific rights or principles are deeply. Key components of such a ‘Phase 2’ include formulating the co-development process for the region; determining the roles and responsibilities of the collaborative components of the model; researching and identifying specific funding gaps; and establishing and entering into creation of an appropriate expenditure-need methodology with the Government of Canada.

ECONOMIC RETURNS TO POST-SECONDARY EDUCATION IN ONTARIO

Authored by Dr. Christine Neill & Dr. Melanie O’Gorman

First Nations individuals in Ontario have lower post-secondary attainment than non-Indigenous Ontarians:

- Bachelor’s degree attainment is dramatically lower for both First Nations men and women – a gap of 11.9 percentage points for men and 12.7 percentage points for women.
- Master’s and Medical/Dental/PhD attainment is similarly low, though the gap is smaller in absolute terms – about 3 percentage points lower for Master’s degrees, and 1 percentage point lower for Medical/Dental/PhDs, mostly reflecting lower BA attainment reducing the pool of people eligible for entry into advanced degrees.

- Trades and apprenticeship attainment is higher for First Nations people in Ontario than non-Indigenous Ontarians, but for women in particular there are very low returns to these programs.
- College attainment rates of First Nations men slightly lag those of non-Indigenous men in Ontario, with a larger gap for programs of more than 2 years. First Nations women have slightly higher rates of college attainment overall than non-Indigenous women in Ontario, mostly due to higher rates of completion of short programs. Shorter college programs also tend to be associated with lower income gains.

Closing the post-secondary educational attainment gap with non-Indigenous people in Ontario would have a number of benefits – to First Nations individuals and communities as well as to Ontario and Canada more generally.

Much of the focus in this report is on gains to private income, which are the most easily quantifiable. Specifically, we estimate what the earnings gains would have been if First Nations individuals aged 25-64 and living in Ontario in 2016 had had the same post-secondary attainment rates as their non-Indigenous Canadian-born counterparts. We find that:

- Closing the post-secondary education gap would increase the private earned income of First Nations people in Ontario by at least \$700 million in 2016.
 - This is a lower-bound estimate – we have been conservative in many of our assumptions for this calculation.
- More than half of the total income gains come from closing the gap in Bachelor's degrees.
 - This is because the biggest gaps in terms of the number of people are at the Bachelor's level, and because of the relatively high returns to university education compared with high school or with college. Only 5% of First Nations men and 9% of First Nations women aged 25-64 hold a Bachelor's degree in 2016, compared with 17% and 22% for non-Indigenous people in Ontario.
- The next largest contributor is the Master's level, at more than \$150 million.
 - Because MA programs are shorter, existing funding from universities for Master's students is better, and the pool of potential Master's students is already connected to universities, raising Master's completion may cost less than increasing undergraduate attainment.
 - That said, First Nations people's enrolments in Master's degrees, conditional on completing a BA, are similar to those of non-Indigenous people – growth in Master's degree completion rates likely depends on increasing Bachelor's completions.
- Closing the college attainment gap does less, both because there are smaller gaps at the college level in the off-reserve First Nations population, and because the income gains are lower.

- But First Nations men's incomes increase moderately with college programs of over 1 year in length – and a smaller proportion have completed those longer programs than among the non-Indigenous population – and from completed apprenticeships.
- For the on-reserve population, however, increasing college attainment is an important part of the overall gains.
- Closing the post-secondary completion gap for those on reserve would increase earnings by \$180 million for Ontario First Nations individuals. This large amount stems from the low rate of post-secondary completion of a Bachelor's degrees as well as college qualifications on reserve.

Not all the earnings gains would stay in the hands of those with higher education:

- Roughly a third of the earnings gains (\$226 million) would end up reducing government budget deficits at the combined federal and provincial levels, either in the form of higher taxes or lower spending on transfers.
 - This does not include any effects on social welfare spending that is not direct to individuals, such as subsidized housing, health spending, or criminal justice expenditures.

There are a number of other possible benefits of higher education, some of which benefit mostly those who would have received more education, and some of which benefit society more broadly. All are difficult to quantify but are no less “economic” benefits for that. These include:

- Health and longevity benefits
 - Both on- and off-reserve, higher post-secondary education is associated with improved self-perceived health among First Nations people in Ontario.
- Intergenerational effects
 - Higher parental education is associated with higher education of children.
 - Age at first child is also later for First Nations men and women with a university degree, and this is associated with improved outcomes for children.
- More community activity
 - Rates of volunteering are higher for First Nations people with a university degree though there are somewhat ambiguous relationships for feelings of community belonging and Indigenous language knowledge.
- Lower rates of criminal activity and incarceration
 - Though a lack of data means we cannot confirm this relationship in the case of Ontario generally, or First Nations people in Ontario specifically.

Even more difficult to account for are effects on long-run growth affected by innovation or learning externalities. These types of dynamic effects accumulate over longer time periods and are beyond the scope of this study.

Added together, these non-earnings economic benefits are likely between one to two times as large as the estimated individual earnings gains. That would put the total economic benefits of closing the post-secondary education gap in Ontario in 2016 at \$1.4 to \$2.1 billion – a very substantial figure relative to current spending on post-secondary financial assistance to First Nations students.

CHILDREN IN CARE

The over-representation of First Nations children in the child welfare system is well-documented.¹⁵⁴ First Nations children are currently overrepresented in the child welfare system in Canada, with three times the number of children placed in care than at the height of the residential school era.¹⁵⁵ In Ontario, First Nations children represent 4% of the population aged 0 to 15, while representing 30% of children in the child welfare system.¹⁵⁶ This is an increase from the 2010 disclosure where First Nations children represent 3% of the population aged 0 to 18, while representing 21% of children in the child welfare system.¹⁵⁷

Over the last ten years, census figures demonstrated a 40% increase in Ontario of First Nations youth in care while more than fifty percent of youth in foster care are First Nations.¹⁵⁸ In 2011, 3.6% of First Nations children aged 0-14 years old were in foster care, compared with 0.3% of non-Indigenous children.¹⁵⁹ On-reserve First Nations children are eight times more likely to be in formalized care than most children.¹⁶⁰ Across the country, First Nations children are chronically overrepresented in the child welfare system resulting in disparate outcomes on measures of health, education, and well-being.

Due to the over-representation of First Nations children in care, the PSE Committee decided children in care should be included in the review of the Post-Secondary Student Support Program. COO reached out to Niagara Chapter Native Women, Inc. as the organization administers programs for children in care during high school and into college/university. COO took the lead on the project. The plan was to host several focus groups with former children in care. Unfortunately, we did not have the anticipated participation, however, we managed to host two focus groups with 6 former children in care.

¹⁵⁴ Cindy Blackstock, "First Nations child and family services: Restoring peace and harmony in First Nations communities," *In Child welfare: Connecting research policy and practice* (2003)

¹⁵⁵ Ibid

¹⁵⁶ Ryan Forbes, "Ontario moves to better protect First Nations youth in child welfare system" *Dryden Now*, March 2022, online <https://www.drydennow.com/articles/ontario-moves-to-better-protect-first-nations-youth-in-child-welfare-system>.

¹⁵⁷ Ontario Ministry of Children and Youth Services, 2010

¹⁵⁸ Forbes, 2022

¹⁵⁹ Statistics Canada, 2011

¹⁶⁰ Statistics Canada, 2011

The focus groups asked about the barriers faced while attending post-secondary and the barriers faced when thinking about applying. Most of the respondents, 5 of the 6, did attend post-secondary, although many did not graduate. The common theme among the participants was the lack of knowledge about available funding through their communities, as many of the participants were no longer living in their home communities. It should be noted that the child welfare agency did not have knowledge about the available funding for children in care (scholarships/bursaries) let alone community funding. The average amount of time in care for the participants was 8 years.

While in post-secondary, the participants mentioned the challenges in the academic environment attributing this to the lack of reliability while in care. There was some discussion on the accessibility of the forms to apply for funding and to maintain funding.

Another common theme was the participant's lack of connection to their culture. One of the participants felt apprehension about attending Indigenous Student Services as they felt like an outsider, not being raised within their home community. The students spoke of the isolation they felt not knowing anyone at school and not having a support system to use when these feelings arose.

The only participant who did not attend post-secondary noted they always wanted to attend but did not feel they could due to self-esteem and finances. They had little connection to their home community, as they had spent over 10 years in care and in a different province. They did not have a cultural connection and therefore did not have the knowledge of available programs to assist with post-secondary. The respondents spoke of current challenges within their life and reconnecting with their communities.

The findings from the focus groups reinforced the broader literature about First Nations children in care. Many spoke of current challenges in their life. Research has established that children in care as adults face a higher risk of negative social determinants (i.e., health outcomes, justice-involved).¹⁶¹ Structural and social factors such as poverty, inadequate housing, substance use, and other traces of colonization continue to devastate families and communities.

Much work is currently being done at the community level to stop the removal of children from their home communities. The benefit to stopping the removal will not only impact the child's future but the community as well.

DATA GOVERNANCE

Collection of information helps us understand, solve, or help the issues facing communities and people. Data can be used to inform on policy, evaluate interventions

¹⁶¹ Roberta Woodgate, Melanie Zurba, Paula Tennent, Carla Cochrane, Mike Payne, Javier Mignone, "A qualitative study on the intersectional social determinants for Indigenous people who become infected with HIV in their youth", *International Journal for Equity in Health*, 16, (2017): 132.

and determine demographics. Historically tension has existed between the collection, use and consent of data with First Nations and research.¹⁶² The tension stems from the continued harm caused by the practices of settler researchers and institutions.¹⁶³ Habitually, the data collected on First Nations people provides no benefit to the community and measures are collected with a deficit/colonial lens. The ongoing colonialism structures the data collection in a “heavily bureaucratic process reliant upon knowledge created about (rather than with and for) Indigenous peoples for the purposes of land, economic, and social control”.¹⁶⁴ Currently, there are large data inequities within First Nations communities.

The TRC Calls to Action highlight the need for a more robust means of collecting data, the establishment of measurable goals, and evaluation of programs to ensure they are meeting their intended outcomes.¹⁶⁵ The Calls to Action states research and data collection to uphold high ethical standards, particularly given the historical and ongoing misuse of information about First Nations cultures and communities.¹⁶⁶

When the engagement process started, one of the major challenges, was obtaining an accurate total of First Nations learners in post-secondary. As the process continued there were several obstacles in obtaining accurate data and measures that were not from a deficit-lens. At one point to complete part of the engagement, COO had to pay to obtain access to First Nations census data. The process is flawed and prohibitive for many. First Nations should have access to their own data.

“First Nations data sovereignty is an element of their inherent, Treaty, and constitutional rights to self-determination and self-government”¹⁶⁷. What this means is the data (collection, storage, usage) is governed by First Nations laws. The First Nations Information Governance Centre conducted a critical examination of Canada’s Information Management regime. The report identified systemic barriers to data sovereignty.

- Unilateral decision-making by the Crown,
- Conflict of values and the imposition of an individualistic regime and forced dependence on the private law of contracts to fill a gap in public law.
- An over-collection of First Nations data and information.

¹⁶² Peltier, Doris, Carrie Martin, Renée Masching, Mike Standup, Claudette Cardinal, Valerie Nicholson, Mina Kazemi, et al. “A Journey of Doing Research ‘In a Good Way’: Partnership, Ceremony, and Reflections Contributing to the Care and Wellbeing of Indigenous Women Living with HIV in Canada.” *International indigenous policy journal* 11, no. 4 (2020): 1–19.

¹⁶³ Ibid

¹⁶⁴ Ibid, pp. 2

¹⁶⁵ Truth and Reconciliation Commission of Canada, *Truth and Reconciliation Commission of Canada: Calls to Action* (Winnipeg, Manitoba: Truth and Reconciliation Commission of Canada, 2015), 2.

¹⁶⁶ Ibid

¹⁶⁷ First Nations Information Governance Centre. *Explorations of the Impact of Canada’s Information Management Regime on First Nations Data Sovereignty*. (Akwasasne, Ontario, First Nations Information Governance Centre, 2022), 1

- Sale of access to First Nations data by the Crown to third parties.
- Flawed consent provisions allowing the Crown full authority of the data
- Using the data to reinforce negative stereotypes
- Roadblocks preventing access to First Nations to their own data and information.¹⁶⁸

The challenges identified through the critical examination need to become a priority to resolve to respect First Nations data sovereignty. The barrier impedes First Nations exercise of good governance to improve health and well-being in the community and to retain languages and culture.¹⁶⁹

INDIGENOUS STUDENT SERVICES REPORT

The professionalization of student services has expanded over the last sixty years as the student personnel services were established on campuses. The aims of the services encompass training, education, advocacy, and liaising with campus and external stakeholders to become welcoming environments.

The federal government, under the pretext of social responsibility rather than any of their legal responsibilities, has provided additional funding to support academic initiatives for First Nations learners since the 1970's. The Post-Secondary Student Support Program (PSSSP) is a federal social program that allocates funding for First Nations students to attend post-secondary. Throughout the Ontario region, Provincial Territorial Organizations, Independent First Nations and unaffiliated First Nations completed engagement with communities about post-secondary education, more specifically the PSSSP.

In reviewing the federal program, it is hard not to identify the additional facets of the post-secondary experience, which include provincial and institutional roles. The Post-Secondary Engagement Committee decided to host a survey to collect data from Indigenous Student Services (ISS) from institutions across the region. Colleges Ontario and the Council of Ontario Universities assisted in distributing the survey to their member organizations.

The survey had a total of 30 respondents from across colleges and universities in the region. Most of the respondents are from institutions in the Greater Toronto Area (33%) and Southwest Ontario (30%).

Through the survey, it was reported that the Indigenous Student Services are situated within many different departments of the institution, and their roles expand far beyond direct student services.

¹⁶⁸ Ibid, pp.1-2

¹⁶⁹ Ibid.

To gain awareness of the resources available for students available at ISS, institutional communications and social media are the primary means of communication. The range of students supported at ISS is between 600-3,000 an academic year. 70% of the respondents feel they appear satisfied with ISS services, 67% affirm that students struggle with adapting to their social environment, and 33% disagree that ISS is well-resourced.

ISS staff identified several challenges for First Nation learners. These challenges include geographic and academic transitions, financial, mental health, safety (physical and mental), knowledge of local resources, and cultural barriers. As it relates to federal funding, three primary challenges presented are community processes (community timelines do not align with institution timelines and variation in federal funding), institutional processes (staff do not know about federal funding processes) and lack of communication and finances. When the respondents were asked about challenges, overwhelmingly the response focused on administration at the community-level and institution-level. The top-rated successful programs include a transitional program, academic support, and Elders/cultural supports.

From their front line experience, the staff from Indigenous Student Services provided several recommendations. The recommendations ranged from institutional to community. For the institutional recommendations, the primary recommendation was aligning deadlines between community funding and tuition payment. It was also noted that training is needed for staff in administration offices to learn about band funding, and there should be a mechanism in place which prevents the freezing of their account if the band funding is late.

A further institutional recommendation is to ensure departments are fully staffed. Many of the respondents discussed staffing challenges due to limited funding. This is especially important, since the departments are being tasked with more and more responsibility within the institution. Also, related to staffing is the need to have more representation of First Nations within the faculty and administration.

Many of the respondents discussed the need for transitional programs for First Nations learners. The programs should encompass tours, academic supports, mentoring, residence, and cultural support. As part of the transitional program, many respondents voiced their desire to build stronger relationships with First Nations communities. This can be done through increased staffing and resources. Indigenous Student Services are looking to contribute to a holistic response to the needs of First Nations learners.

In terms of community recommendations, ISS respondents suggested more collaboration between institutions. Specifically, institutions should collaborate on funding to ensure that no holds are placed on the learners' accounts, which creates undue stress. To better serve First Nation learners, communities also need to be staffed efficiently to build the much-needed collaboration between the institutions and communities. The development of a standardized release of information form to support

Indigenous Student Services on what to share with funders while still maintaining a trusting relationship with the student is also needed.

Indigenous Student Services provide vital resources to support First Nation learners at mainstream institutions. Staff are being tasked with additional roles through the institution away from direct student support. ISS offers a tremendous amount of support for students without being fully resourced.

POST-SECONDARY ENGAGEMENT COMMITTEE MEETINGS

The Post-Secondary Engagement Committee met with a number of PSE related groups and entities during the engagement process, including the Ontario Student Assistance Program, the Niagara Chapter—Native Women Inc., Ontario Native Education Counselling Association, Indigenous Student Services from several post-secondary institutions. The following provides an overview of their presentations and contributions.

NIAGARA CHAPTER – NATIVE WOMEN INC.

Representatives for NCNW attended a committee meeting on May 5, 2021, to discuss post-secondary education for children in care. NWNC noted several gaps for children in care, including their preparedness for post-secondary education, lack of awareness of available services, and a lack of mentorship.

NWNC noted that many youth in care may not have developed or been taught life skills that are necessary to being independent. Youth in care may also require additional supports for mental health and trauma. Often, mental health supports necessary to support these students have long waits for both initial and reoccurring appointments. Additionally, children in care often lack access to Indigenous specific counselling and other health resources.

For First Nations youth exiting care, there are significant barriers to accessing post-secondary education.

There is a lack of data on the number of First Nations youth exiting care who are accessing post-secondary education. Youth in care are often disconnected from their communities, and in some cases, may not know who their community is, or may not have documentation to prove their First Nations status. As a result, youth exiting care may not have access to the Post-Secondary Student Support Program.

NWNC has recommended that Child and Youth Services be required to provide access to files for youth in care so they can establish their Indigenous ancestry.

ONECA

In 2010, ONECA conducted a study of PSE Counselors across Ontario.

Significant disparities exist between the level of pay and requirements for counselors in the public school system compared with First Nations schools. In First Nations schools, counselors provide social, mental, and emotional counseling in addition to career counseling. First Nations counselors lack the support structures provided to guidance counselors in the public school system.

Counseling in First Nations is significantly underfunded. Often, one counselor supports students from kindergarten through to post-secondary, and funding for salaries is pulled from a variety of programs.

First Nations counselors also lack a clear job description because they are forced to fill a variety of roles, outside that of a typical guidance counselor in the public education system. As a result of the Covid-19 pandemic, counselors have noted that significantly more time is spent on mental health counseling. Counselors also noted that students are struggling to cope with online learning.

First Nations counselors need dedicated positions with funding dedicated solely to administration of education.

First Nations counselors are unable to access professional development due to lack of funding and resources to support this process. For many counselors, ONECA is their only access to professional development sessions.

In addition, First Nations counselors are often struggling with mental health as a result of their role and require their own mental health support systems.

INDIGENOUS STUDENT SERVICES AT POST-SECONDARY INSTITUTIONS

A number of representatives from Indigenous Student Services at post-secondary institutions attended Committee meetings to discuss their perspectives on First Nations post-secondary education. These representatives identified a number of ways in which Indigenous Students Services on mainstream post-secondary campuses support Indigenous students.

This includes:

- Providing direct support through face-to-face meetings with students;
- Facilitating an Elders on campus program so students have access to an Elder;
- Providing transition supports for incoming first year students;
- Creating relationships with First Nations communities and working with communities to ensure that First Nations students receive the services they need;
- Supporting students through a variety of roles including, Cultural Coordinators, Indigenous Student Success Navigators, Community Engagement Officers, Indigenous Transition Advisors, Indigenous Curriculum Specialists,

- Providing spaces on campus for parents to visit their children;
- Rethinking how institutional practices, such as security, are carried out;
- Providing educational materials, information, and training resources to non-Indigenous students, faculty and/or staff;
- Providing traditional food, such as soup and bannock to students
- Tutoring and counselling services;
- Offering work positions for Indigenous students to support other students;
- Creating Indigenous spaces on campus;
- Providing access to technology, connectivity, and printing;
- Providing free access to traditional medicines and Knowledge Keepers; and
- Offering residence bursaries and other financial assistance;

Representatives indicated the importance of contacting students early and getting their parents involved. While practices varied across institutions, representatives indicated that the Indigenous Student Services office generally reaches out to as many students as possible to inform them of available services. Often, however, ISS relies on Indigenous students to self-identify, which may leave out a number of students who opt not to share their Indigenous identity. Representatives identified this as a significant gap that lacks accurate data.

Resource levels varied across institutions, with some institutions having only a handful of staff, while others had more than 10. Representatives also indicated that staff at Indigenous Student Services often wear multiple hats and fill multiple roles. At times, this leaves gaps in certain services. For example, some ISS representatives indicated the need for a dedicated mental health counsellor for Indigenous students.

At some institutions, Indigenous Student Services works with a variety of other departments to incorporate Indigenous content into programs. Representatives indicated, however, there can be a lack of engagement between departments and Indigenous Student Services often must be the one reaching out to develop these relationships. Representatives also indicated that, in some cases, tutoring services are only available through other departments and students do not always feel comfortable accessing these services without support from ISS.

Representatives pointed to a variety of important initiatives that should be expanded. Staff at Indigenous Student Services have found that Indigenous students lack access to healthy foods and traditional foods and felt it would benefit students significantly to expand the current offerings of ISS. This conforms to organizational findings which indicate that many First Nations students access food banks while attending post-secondary.

Representatives also spoke about the need for programs to assist First Nations students coming from remote communities. Often, these students need assistance with a variety of daily tasks, such as doing laundry or taking public transit. ISS

representatives also indicated that creating a sense of community was also particularly important for these students.

The first semester of the first year of post-secondary was identified as a significant period for first year students and representatives suggested there was a need for expansive transition programs. Representatives also indicated that working closely with PSE Counsellors from First Nations communities helped ensure supports were targeted for specific students and recommended that these types of collaborations be expanded.

When asked what additional services institutions should provide for students, representatives indicated a need for:

- An association of Indigenous Student Services across Ontario to work on Indigenous issues and improve offerings.
- Dependent care (representatives spoke about the lack of affordable childcare and the disproportionate impact this has on Indigenous mothers)
- Additional financial aid
- Additional housing for Indigenous students (representatives spoke of the horrible housing conditions First Nations students live in to attend post-secondary)
- More funding for work positions for Indigenous students.
- Free tuition for Indigenous students
- Food programs that offer free food, including healthy foods and traditional foods

INDSPIRE

Indspire presented to the post-secondary committee. Indspire is a national charity investing in education and inspiring achievement for First Nations, Inuit and Métis people¹⁷⁰. The team discussed their programs, “Building Brighter Futures,” “Rivers to Success: Mentoring Indigenous Students,” and “Teach for Tomorrow,” plus their new initiative, “Research Knowledge Nest.” The Indspire team presented current data, including the number of funded and unfunded, the field of study of the recipients and an analysis of the current need versus the allocations. Finally, Indspire answered questions from the committee.

Indspire hosts several programs across the country. The most widespread program is “Building Brighter Futures: Scholarships, Bursaries and Awards.”¹⁷¹ The program funds students attending college or university. “*Rivers to Success: Mentoring Indigenous Students*” is a mentoring program with three different streams offering strong support systems for post-secondary students.¹⁷²

¹⁷⁰ “A Richer Life for Indigenous Youth Starts Here.” Indspire. Accessed December 1, 2022. <https://indspire.ca/>.

¹⁷¹ Ibid

¹⁷² Ibid

The first section of their presentation highlighted startling statistics on the number of First Nation learners and their financial needs. For Status First Nations, there has been a steady increase in applications for funding. The following graphs and tables report the need of First Nations Learners in Ontario. All the information was received from Inspire Research Division. From the tables and graphs, it is evident there is large financial need for First Nations Learners in this region.

Graph 1 10 Years of Funding Ontario First Nations Post-Secondary¹⁷³

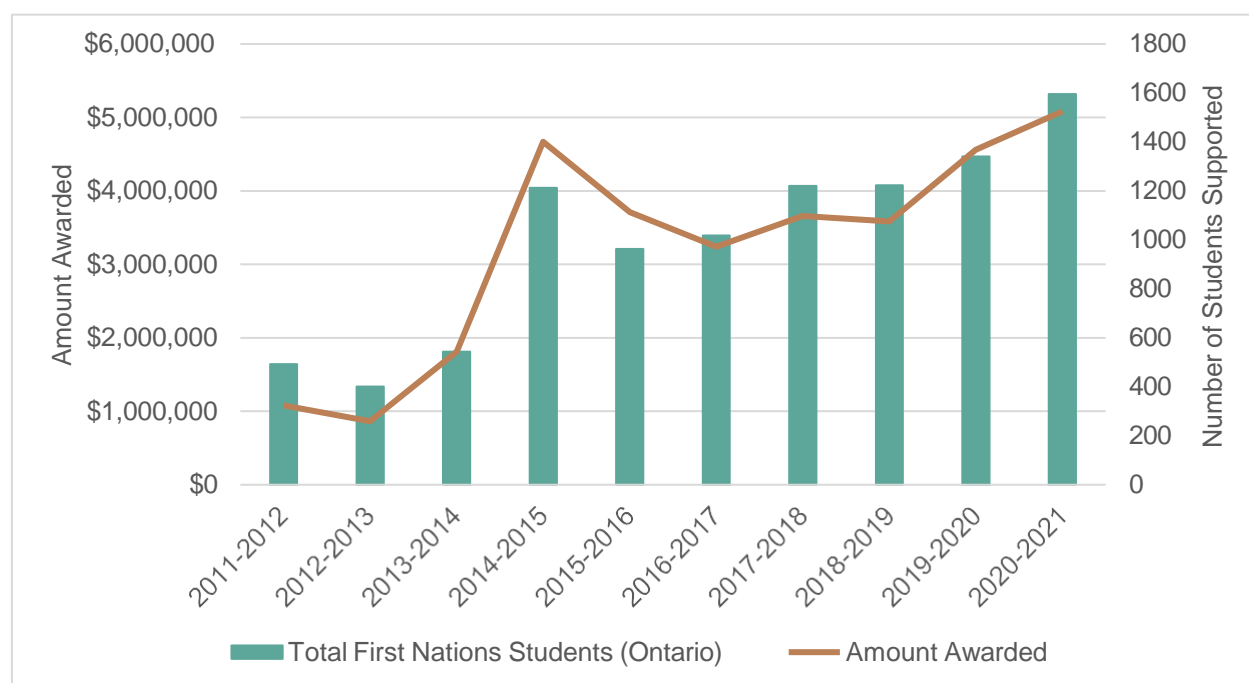


Table 1 2020-2021 Ontario Recipients: Top 10 Fields of Study

Top 10 Fields of Study	Number of Students	Total Financial Need	Total Amount Awarded	Percent of Financial Need Met
Health professions and related programs	240	\$2,879,550	\$729,560	25%
Public administration and social service professions	206	\$2,137,840	\$606,050	28%
Business, management, marketing and related support services	156	\$1,565,531	\$544,418	35%
Education	113	\$1,205,623	\$327,350	27%
Area, ethnic, cultural, gender, and group studies	96	\$1,051,799	\$355,116	34%
Social sciences	93	\$820,856	\$248,550	30%

¹⁷³ Inspire Presentation to the Post-Secondary Engagement Committee September 12, 2022.

Visual and performing arts	68	\$757,238	\$258,490	34%
Security and protective services	62	\$565,792	\$146,900	26%
Psychology	58	\$637,807	\$137,250	22%
Legal professions and studies	50	\$771,721	\$272,119	35%

Table 2 Financial Support from Communities (Ontario and Canada-wide)

First Nations Students Who Receive Band Funding (Canada)							
	Number of Students	Percent of Students	Financial Need	Ave. Financial Need	Amount Awarded	Ave. Amount Awarded	Percent of Financial Need Met
No	1120	26%	\$19,992,276	\$17,850	\$3,771,739	\$3,368	19%
Yes	3249	74%	\$32,420,791	\$9,979	\$9,721,525	\$ 2,992	30%
Total	4369	100%	\$52,413,067	\$ 11,997	\$13,493,264	\$3,088	26%

First Nations Students Who Receive Band Funding (Ontario)							
	Number of Students	Percent of Students	Financial Need	Ave. Financial Need	Amount Awarded	Ave. Amount Awarded	Percent of Financial Need Met
No	376	24%	\$6,287,196	\$16,721	\$1,277,314	\$3,397	20%
Yes	1219	76%	\$10,736,978	\$8,808	\$3,804,932	\$3,121	35%
Total	1595	100%	\$17,024,174	\$10,673	\$5,082,246	\$3,186	30%

The presentation also highlighted the areas with an elevated financial need. The first area is the need is greater when they are acquiring an advanced degree (MD, MBA etc.) The second area is the learners who have caregiving responsibility and lastly the learners who reside in remote communities as travel home during the school year is difficult due to the financial costs.

Indpsire also highlighted some findings from their research. Notably, many students piece together funding to be able to attend post-secondary from multiple sources, more than non-Indigenous learners. Applicants to Indpsire are less likely to have a Registered Education Savings Plan (RESP) than non-Indigenous students. There is a higher financial anxiety reported among Indigenous learners. Learners report they would like to see more Indigenous professors and professionals in their field, the mentorship program currently offered through Indpsire aims to ameliorate this. And lastly, with the pandemic, learners have found it difficult to access cultural supports through the institution and if the focus/availability of online learning continues there will be additional supports needed such as hardware (computers) and infrastructure (stable internet connection).

PART VIII: DISCUSSION

The most effective way to address the priorities of First Nations is by implementing solutions developed and led by First Nations themselves. This approach necessitates investing in community-level resources and capacity, which can be achieved by

increasing the number of individuals who attain post-secondary education. The numerous mandates that impact First Nations or are targeted towards them underscore the urgency of supporting capacity building through investments in higher education. Many First Nations community members and scholars advocate for culturally responsive schooling as a way to improve the educational and academic experiences and outcomes for First Nations learners.

The recommendations put forward in this report were developed through a bottom-up approach. The recommendations are from the First Nations communities across what is now known as Ontario. This report results from the labour, expertise and lived experience in our communities. The engagement process explored the diversity and commonalities of post-secondary education. The information came from various people involved in post-secondary education, from current and former learners, education counsellors, Chief and Councils, parents, and future post-secondary students. The engagement process captured post-secondary reflections on a wide array of experiences, including applying for funding, decision-making, institutional support & education access.

First Nations' education ideology encompasses values and knowledge outside the Westernized view of education. Participants mentioned the importance of culture, First Nation lifelong learning and worldviews during the engagement process. Many do not feel represented within the current post-secondary educational system. The data collected for this report emphasizes the lack of educators, curriculum and understanding of First Nation worldviews within the post-secondary educational system. Creating space within higher education to intentionally support First Nation self-determination, sovereignty, and nation building through the education and training of First Nation teachers remains a challenging endeavor, but a necessary one.

The current educational systems need to be more equitable in services and resources. Gaps in education funding were identified as early as 1921, and the *Royal Commission of Aboriginal Peoples* recommended a First Nations-controlled education system in 1996. Until education policies incorporate and are congruent with First Nations' epistemologies and related concepts of lifelong learning, the education system will not meet the needs of First Nation learners, and the gaps will persist. Even more troubling is that First Nation education data is challenging to obtain, making it almost impossible to make informed policy decisions. Having accurate and accessible data enables you to pose pertinent inquiries regarding the decisions made and can steer solutions by offering enhanced insights.

This report makes 41 recommendations. The recommendations range from enhancing relationships with the federal and provincial governments in addition to mainstream post-secondary institutions, funding (consistent and maintained) for early intervention

programs and strategies, building and maintaining a First Nation-controlled data system, separate administrative line of funding, consistent and capital funding for Indigenous Institutions to increase their ability to develop curriculum, program design, student supports. The recommendations are based on the research with communities conducted by the members of the Post-Secondary Engagement Committee. Each recommendation will build First Nation capacity and social capital because they came from the people themselves. Each recommendations is intended to implemented as a whole and in partnership with First Nations, not a piecemeal approach where the government chooses how to implement . As noted throughout the report, accessing and obtaining accurate data was a limitation. The inability for the PSE Committee to have an accurate picture of the number of students, educational pathways, graduation rates and further data points is disappointing and unbelievable in this day in age.

The positive impact will not only be experienced by First Nation individuals, in the *Economic Returns to Post-Secondary Education in Ontario* (summary of report in section 7) the researchers noted the difficulty in obtaining accurate data for analysis. In using multiple data sets from various sources, the researchers were able to estimate the private gains by closing the educational attainment gap. It was noted to be at least \$700 million overall, and \$180 million for the on-reserve population. The benefits not only impact First Nation individuals but First Nation communities, the province and Canada. The estimates do not include the effects of social welfare spending, subsidized housing, health spending and criminal justice expenditures. It was reported that for Ontario First Nations there is a lower bachelor's degree attainment than non-First Nations, this has a domino effect on the Master's and PhD graduation rates (similarly lower than non-First Nations in Ontario). The low rate of First Nations PhD graduates translates into less representation at post-secondary institutions in faculty roles, which was identified in the research as a concern for students attending post-secondary. First Nation men have higher rates of attainment in the trades, with women having the lowest return on the trades. Besides the financial impact, there are known additional benefits in closing the educational gap. Research has found a positive relationship between higher educational attainment and health and longevity, intergenerational effects (higher parental education attainment is associated with higher educational attainment of their children), increased community activity/involvement and lower rates of criminal activity and incarceration.

PART IX: CONCLUSION

Canada's implementation of international human rights obligations into domestic law and practice has been insufficient. This is especially evident concerning First Nations economic, social, and cultural rights, such as the right to healthcare, housing, education, and more. Consequently, human rights standards are not given sufficient

importance as a means to guide policy planning or to hold governments accountable. Specifically, through the utilization of more precise data, policymakers can craft targeted responses that address critical issues or root causes, while also accounting for varying impacts and individualized requirements. Setting priorities is the initial step in the policymaking process.

Extensive research on First Nation post-secondary persistence consistently reveals disproportionately low enrollment and graduation rates compared to other racial/ethnic groups. Factors such as alarmingly high push-out/dropout rates during K-12 education, experiences of racism on campuses, and a lack of recognition for First Nations worldviews and knowledge in curriculum and teaching methods contribute to the marginalization of First Nations students in mainstream universities. This report is the result of advocates' efforts to comprehend the complex individual and structural aspects of First Nations post-secondary experience in order to propose solutions that bring visibility to the issue.

In general, there is consensus that providing support for First Nation students is crucial for their success. To achieve this, it is important to effectively disseminate accurate information that addresses their specific needs. Furthermore, the support offered should take into consideration the entirety of the student's life experience, including the support received from sources external to the college/university.