



Office of the
Senate Ethics Officer
Bureau du
conseiller sénatorial
en éthique

Report of the Senate Ethics Officer Concerning Senator Beyak's Training on Racism in Relation to Indigenous Peoples

June 9, 2020



Senate Ethics
Officer
Conseiller sénatorial
en éthique

June 9, 2020

The Honourable Murray Sinclair, Chair
The Honourable Dennis Patterson, Deputy Chair
Standing Committee on Ethics and Conflict of Interest for Senators
c/o Ms. Marie-Eve Belzile, Committee Clerk
[REDACTED] Chambers Building
The Senate of Canada
Ottawa, ON K1A 0A4

Dear Senators:

***Re: First Report of the Standing Committee on Ethics and Conflict of Interest
for Senators, January 31, 2020***

I am writing this letter pursuant to Recommendation 2 of the First Report of the Standing Committee on Ethics and Conflict of Interest for Senators, dated January 31, 2020 (the Report).

As you know, paragraph (c) of Recommendation 2 of the Report requires that I provide a report to you no later than 10 calendar days after having received any submissions from Senator Beyak regarding the evaluation of her performance, which was prepared by the educational program provider.

In my report to you, which is attached herewith, I am required to provide you with the evaluation, any submissions from Senator Beyak, and any observations and recommendations as I consider appropriate. As you will note, all of these have been included in my report.

Sincerely,

Pierre Legault

Encls.



REPORT OF THE SENATE ETHICS OFFICER CONCERNING SENATOR BEYAK'S TRAINING ON RACISM IN RELATION TO INDIGENOUS PEOPLES

On Thursday, February 27, 2020, the Senate adopted the First report of the Standing Committee on Ethics and Conflict of Interest for Senators (the Committee), entitled Developments and actions in relation to the committee's Fifth report regarding Senator Lynn Beyak, tabled in the Senate on January 31, 2020 (First Report).

Recommendation 2 of the First Report

The First Report conferred a mandate on me to identify and approve, with the assistance of outside expertise as required, an educational program provider with demonstrated experience in race relations, particularly in Indigenous matters, to develop and deliver an educational program designed specifically for Senator Beyak and approved by me.¹

¹ Recommendation 2 of the First Report reads as follows:

(a) That the Senate Ethics Officer identify and approve – with the assistance of outside expertise as required – an educational program provider with demonstrated experience in race relations, particularly in Indigenous matters, to

(i) develop and deliver an educational program that is approved by the Senate Ethics Officer and designed specifically for Senator Beyak related to racism, with a focus on racism against Indigenous peoples in Canada and the particular responsibility of legislators in this regard, as well as how this relates to her past actions, and;

(ii) provide a written and objective evaluation of Senator Beyak's performance and attendance in the educational program to the Senate Ethics Officer within 10 calendar days of the program's completion, including an assessment of whether Senator Beyak:

(A) successfully completed the course;

(B) learned and was willing to learn; and

(C) understands every senator's responsibilities in relation to racism, how this aligns with her past conduct, the need to refrain from acting in a way that could reflect adversely on the position of senator or on the institution of the Senate in respect of racism, and the need to uphold the highest standards of dignity inherent to the position of senator;

(b) That the Senate Ethics Officer provide Senator Beyak the evaluation received from the educational program provider as promptly as circumstances permit and afford her 10 calendar days to submit any comments or reflections as she considers appropriate;

(c) That the Senate Ethics Officer provide a report to the Standing Committee on Ethics and Conflict of Interest for Senators that includes the evaluation of the educational program provider, any submission provided by Senator Beyak under paragraph (b), and any observations and recommendations as the Senate Ethics Officer considers appropriate no later than:

(i) 10 calendar days after receiving a submission from Senator Beyak under paragraph (b), if one is received; or

(ii) 15 calendar days after providing Senator Beyak with the report from the educational institution, if no submission is received from her under paragraph (b);

(d) That the Standing Committee on Ethics and Conflict of Interest for Senators:

(i) be authorized to establish, as promptly as circumstances permit, a time period in which Senator Beyak must complete the educational program identified and approved by the Senate Ethics Officer;



The Committee outlined five criteria that were necessary for the educational program:

- (1) It was to be designed specifically for Senator Beyak, as already mentioned earlier.
- (2) It was required to be related to racism with a focus on racism against Indigenous peoples in Canada.
- (3) It had to include a component related to the particular responsibility of legislators in this context. This requirement involved an understanding of certain aspects of constitutional law and an understanding of the Senate as a parliamentary institution.
- (4) Senator Beyak's past actions had to be understood in the context of her role as a legislator.
- (5) An objective evaluation of Senator Beyak's ability to learn the above matters had to be provided to the Senate Ethics Officer at the completion of the course.

Recommendation 2 also provided that I was required to provide a report to the Committee that included the evaluation from the educational program provider, any submissions from Senator Beyak and any observations and recommendations that I considered appropriate.

This is my report to the Committee pursuant to Recommendation 2.

The Senate Ethics Officer's Mandate

My mandate was to identify a competent educational program provider with demonstrated experience in the above-mentioned matters. This meant that the provider's background had to encompass a number of different areas and specialties, including racism, constitutional law, human rights and adult learning. The provider had to be a qualified educator who would be able to assess students objectively and independently.

Once I selected the educational program provider, he or she was required to design the program, have it approved by me, deliver it to Senator Beyak, and then provide an assessment of Senator Beyak's performance, as already mentioned above.

In Recommendation 2, the Committee was very specific about the mandate of the Senate Ethics Officer, the mandate of the educational program provider, the process, the timelines, the content of the course and the elements on which she was to be assessed in the performance evaluation. The Recommendation left the decisions concerning the development of the educational program to the educational program provider, though the Senate Ethics Officer was required to approve the program. The Recommendation did not stipulate a role for Senator Beyak in any of these areas.

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- (ii) be authorized to deposit a report with the Clerk, to inform the Senate of the time period, at any time the Senate stands adjourned and the report shall be deemed to have been tabled in the Senate; and
 - (iii) communicate the time period established under subparagraph (d)(i) to Senator Beyak as promptly as circumstances permit; and

(e) That the Senate Ethics Officer inform the Standing Committee on Ethics and Conflict of Interest for Senators of any difficulties encountered in the implementation of this recommendation and that the committee be authorized to report to the Senate with consequential recommendations as it considers appropriate.



Given the detailed nature of the Recommendation, I was not at liberty to modify or exceed my mandate; I was not provided with that kind of discretion. The Recommendation required a performance evaluation prepared by an educational program provider with demonstrated expertise and experience. The Recommendation specifically delineated what was required to be assessed but did not outline the method for assessing Senator Beyak. The latter was left to the discretion of the educational program provider and, again, Senator Beyak was not provided with a role in this matter.

Identification of the Educational Program Provider

Process

The choice for the educational program provider was critical to the design and delivery of a very complex program containing a number of elements. The institution that was ultimately chosen would be important to ensure an objective assessment and to inspire credibility in the assessment such that it would be unassailable.

Immediately after the Senate adopted the Committee's First Report on Thursday, February 27, 2020, I began to fulfil my mandate to implement Recommendation 2 by searching for an educational program provider with all of the above-mentioned expertise and qualifications.

First, I sought advice as to which institution might have all the criteria required from an organization with an expertise in racism. I then reached out to a reputable educational institution that offers training to adults, including training on reconciliation with Indigenous people, in order to seek its views on a possible educational program provider. It advised the following:

- i. A single person could not deliver on all five elements of the program; rather, only a specialized team of experts could do so.
- ii. Only universities have the depth of knowledge and experience to provide this specific type of program and are able to bring such a team of experts together.
- iii. This educational institution could not participate in this matter since it did not meet all the qualifications necessary to implement Recommendation 2.

At the end of March, this organization was able to provide me with a short list of universities which had the capability and the experts to develop and deliver the program and to also assess Senator Beyak. Prior to receiving the list -- receipt of which was delayed because of COVID-19 and the resulting disruption in the workplace -- I had contacted various universities which, while interested, could not devote the time to assist in this matter because of COVID-19. On March 19, 2020, I informed your Committee of this difficulty, pursuant to Recommendation 2(e).

However, I was fortunate that the University of Manitoba, which was my first choice among the options on the short list of institutions provided, was able to take on the challenging task. This university had all the essential features necessary to ensure the best possible environment and circumstances for Senator Beyak to learn. First, the Faculty of Law would be involved. Second, this university has a long-established Department of Indigenous Studies. Third, the experts that would be involved had demonstrated experience on all five elements required for the program.

As such, I contacted Dr. Black-Branch, Dean of Faculty of Law, on April 16, 2020 and he agreed on April 22, 2020 to put together a team and the program to be submitted for my approval.



As is evident from his impressive curriculum vitae, which is found in **Appendix A** to this report, Dr. Black-Branch is eminently qualified to undertake this task. He is the Dean of Law and a Professor of Law at the University of Manitoba. He is a lawyer in Manitoba and a Barrister and a Justice of the Peace in England where he has also previously sat as a Magistrate on a part-time basis. He has a doctorate in Law from the University of Oxford and also a Ph.D from the University of Toronto. He has taught school in Northern Manitoba and inner-city Toronto here he saw first-hand issues regarding race and community relations. In his work as Dean at the University of Manitoba, he has fostered Indigenous community outreach. He convened a special Dean's Committee on TRC Call to Action examining Indigenous scholarship and achievement to implement CTA#28 focusing on curriculum and the learning environment. He has written on Indigenous topics and has provided human rights training on discrimination and substantive equality to numerous individuals, groups and organizations, as well as professional development training.

Dr. Black-Branch assembled a team of experienced experts and enlisted their assistance while coordinating the delivery of the program with each of them. Their full and impressive resumes are found in **Appendix B** to this report. These experts are:

- Dr. Bruce Curran, Associate Dean (Academic), the Faculty of Law at the University of Manitoba; and
- Elder Norman Meade, Elder-in-Residence, University of Manitoba;
- Dr. Cary Miller, Head of Native Studies, Department of Native Studies at the University of Manitoba;
- Dr. Lorne Neudorf, Deputy Dean, Faculty of Law, University of Adelaide and Adjunct Professor, Faculty of Law at the University of Manitoba.
- Ms. Melissa Serbin, Senior Crown Attorney, Manitoba Prosecution Service and Sessional Lecturer, Faculty of Law, University of Manitoba;
- Ms. Wendy Whitecloud. Director of Academic Support (Indigenous) Program, and Retired Senior Instructor, Faculty of Law at the University of Manitoba.

As a team, they have the experience expressly sought by the Senate. The group is eminently qualified, each member with outstanding credentials and each able to contribute to the success of the program in a significant way.

Dr. Black-Branch provided me with the program for my approval on May 12, 2020. I thoroughly reviewed it and approved it that same day. The program was then provided to Senator Beyak's counsel, again, that same day.

The program, which is included in **Appendix C** to this report, was sophisticated and elaborate. It addressed all the requirements set out under Recommendation 2. It included a description each of the team members, the course curriculum, the various modules, the objective learning criteria, and the learning conditions.

The program was delivered *via* video due to the fact that COVID-19 did not allow for in-person training, though that would have been preferable.



Senator Beyak's Cooperation

Two weeks prior to the expected delivery dates of the program, on May 5, 2020, my Office contacted Senator Beyak's counsel in order to confirm Senator Beyak's availability for the week of May 18, 2020. She was represented in this matter by Mr. Donald Bayne. In an email on May 11, 2020, Mr. Bayne confirmed her availability for that week with the exception of May 18th. On May 12, 2020, my Office confirmed the dates for the program and sent the curriculum with all the necessary information to Mr. Bayne. On May 15, 2020, my Office sent Mr. Bayne a more detailed schedule with timeslots for the sessions of the program. A copy of the detailed schedule is attached in **Appendix D** to this report.

The team at the University of Manitoba delivered the program as planned on May 19 through to May 22, 2020, inclusive.

Issues that Arose Throughout Process

I encountered a number of issues throughout the process. These are outlined below:

COVID -19

Due to the unforeseen situation with COVID-19, it took some time to find a university to agree to develop a program, deliver it and provide an evaluation of Senator Beyak's performance. As noted earlier in this report, given all of the requirements stipulated by the Committee in its First Report, only a university would be well-equipped to deliver on all aspects of the Recommendation.

The months of March and early April were critical periods for universities as they adapted to COVID-19 and moved from classroom to online delivery and online assessment. In fact, Dr. Black-Branch confirmed that he and his Faculty would not have been at liberty to accept this mandate during that critical period and, in his opinion, no universities in Canada would have been able to do so.

I had approached Dr. Black-Branch on the last day of examinations. Given the appropriate timing, he was able to develop a very complex, tailored-made program and assemble a team of qualified experts in a very short period of time, especially given the quality of the team and the level of detail of the program.

Assessment Criteria

Senator Beyak's counsel, Mr. Bayne, repeatedly argued for the need for objective criteria against which Senator Beyak would be assessed. He argued that Senator Beyak should have knowledge of this criteria in advance of the beginning of the delivery of the program so that she would know what she was expected to accomplish in order to succeed in the program.

Recommendation 2 of the First Report specifically outlined what was required to be learned and accomplished but it did not impose performance assessment criteria in the Report. Rather, it left that to the discretion of the educational program provider.



The program created by Dr. Black-Branch clearly delineated the objectives of each module of the program and included a 3-hour assessment module. The most effective way in which to obtain an objective assessment was, in my view, to identify and rely on the objectives of the program and subsequently rely on a highly qualified and experienced educational program provider to carry out the assessment based on these clearly defined learning objectives.

Dr. Black-Branch and his team were indisputably qualified to assess Senator Beyak and it would not have been appropriate for the Senate Ethics Officer or anyone else who was not qualified to second guess the professional educational program providers.

Monitoring - Recording

The issue of whether the program should be monitored or recorded in real time (so that it could be monitored at a later date) was also raised repeatedly by Mr. Bayne. He was of the view that Recommendation 2 of the First Report did not preclude the notion of monitoring/recording of the program and he was insistent that the Senate Ethics Officer permit such monitoring/recording.

The issue of monitoring was also raised by two other Senators with me. They asked to be able to monitor the program in order to avoid the situation that had occurred with the previous educational program that Senator Beyak had taken in which there seemed to have been a dispute between Senator Beyak and the educational program provider as to what had transpired.

Mr. Bayne both spoke with and wrote to my Office on May 5, 2020 concerning this matter and again raised it in a telephone call on May 14, 2020. Mr. Bayne again raised the issue in another letter dated May 15, 2020. In this last letter to my counsel, he copied the Chair of your Committee and, as you are already aware, the Chair responded directly to him, as did my Office.

First, the Senate did not include the concept of monitoring/recording in Recommendation 2 of the First Report. Mr. Bayne was advised of this as were the two Senators who raised this same issue. The Chair's correspondence to Mr. Bayne confirmed that. It was clear from that correspondence that Recommendation 2 did not encompass a monitoring/recording feature and, as such, any attempt to include one would have meant that I would have exceeded the mandate that was ultimately conferred on me by the Senate, something which I was not willing to do.

Moreover, it seemed clear that the most effective way in which to avoid the situation that had occurred the last time Senator Beyak took educational training would be to ensure that the right educational program provider was identified and to rely on the experts' professionalism and their assessment of her as disinterested third parties. The most ineffective means of dealing with this problem would have been to substitute a non-professional opinion for a professional one. The former approach was taken, not the latter approach.

Finally, when I raised this issue with Dr. Black-Branch, he explained that the behavior of trainers and trainees are affected if their training is monitored/recorded. People become self-conscious, more guarded and less candid. Moreover, the trainers are more careful in answering questions. This affects the content of the training, the performance of the trainees and the benefits they receive from it. It also means the assessment may not be a true reflection of what trainees have learned, should have learned, and how they learned. In addition, team members agreed to deliver their part of program on the condition that there would be no monitoring/recording of the program. In fact, Dr. Black-Branch made it a condition of delivering the program.



Therefore, for the reasons outlined above, any monitoring/recording of the program was not permitted. It was entirely appropriate and within my mandate for me to approve the program submitted to me, which included this condition.

As such, Mr. Bayne was informed that there would be no monitoring/recording of the program. I also informed the two senators that had raised this matter with me that there would be no monitoring of the educational program. However, the Office informed Mr. Bayne that Dr. Black-Branch had indicated that Senator Beyak could certainly take handwritten notes for her personal use, which I understand that she did.

Assessment, Submission and Report to the Committee

Dr. Black-Branch provided the assessment report to me on May 31, 2020. This was within the 10 calendar days of the end of program as required by Recommendation 2. This assessment report is in **Appendix E** to this report.

Dr. Black-Branch's conclusion is as follows:

In conclusion, on a holistic level it would seem from the findings from the Educational Team involved in delivering this Educational Program that Senator Beyak has met the criteria set out in Recommendation 2 of the Senate Standing Committee on Ethics and Conflict of Interest for Senators of January 31, 2020 (at page 11). In particular, Senator Beyak has (a) successfully completed the course; (b) learned and was willing to learn; and (c) understands every senator's responsibilities in relation to racism, how this aligns with her past conduct, the need to refrain from acting in a way that could reflect adversely on the position of senator or on the institution of the Senate in respect of racism, and the need to uphold the highest standards of dignity inherent to the position of senator.

The Office provided the assessment report to Mr. Bayne on June 1, 2020.

Senator Beyak sent me her response *via* email on June 3, 2020 and I received it on June 4, 2020. In her email, Senator Beyak did not comment on the assessment report itself other than to commend the University of Manitoba and Dr. Black-Branch and his team for a "thoughtful, fair, comprehensive, and accurate report" concerning her training. A copy of Senator Beyak's response is attached in **Appendix F** to this report.

My report is being provided to your Committee within 10 calendar days of receiving Senator Beyak's comments, as required under Recommendation 2.

Observations and Recommendations on Assessment Report

I am of the opinion that the performance assessment provided by Dr. Black-Branch is thorough, comprehensive and indisputable. It demonstrates the depth and the high quality of the tailored-made educational program that Dr. Black-Branch created and from which Senator Beyak was able to benefit. It meets all the requirements of Recommendation 2 and therefore should provide the Committee with the information necessary for it to finalize its work in this matter.



Gratitude

I would like to conclude this report by expressing my sincere gratitude to the University of Manitoba, its Faculty of Law and its Department of Native Studies. I am especially grateful to Dr. Black-Branch for the outstanding work that he did in putting together a comprehensive, thorough and highly competent educational program for Senator Beyak, in accordance with the First Report of the Committee.

Not only did he put this excellent program and an outstanding team together, but he did so in record time in order to meet the needs of the Committee in reporting back to the Senate.

I would also like to thank his exceptional team for their role in delivering the program and their role in preparing a thoughtful and detailed performance evaluation -- again in record time -- that is objective, professional and independent. Their cooperation, assistance and commitment throughout the entire process was most appreciated.

Pierre Legault
Senate Ethics Officer

June 9, 2020



Appendices

Appendix A – Curriculum Vitae of Dr. Jonathan Black-Branch²

Appendix B – Curricula Vitae of Team Experts

Dr. Bruce Curran
Dr. Cary Miller
Dr. Lorne Neudorf
Melissa Serbin
Wendy Whitecloud

Appendix C – Educational Program

Appendix D – Schedule of Educational Program

Appendix E – Assessment Report of Dr. Black-Branch

Appendix F – Submission of Senator Beyak

² The educational program providers submitted their individual curriculum vitae in English only.

APPENDIX A

Academic curriculum vitae of:

PROFESSOR JONATHAN L. BLACK-BRANCH, JP, FRSA

Bencher of the Law Society of Manitoba

Justice of the Peace, England & Wales

Fellow of the Royal Society of Arts

PERSONAL DETAILS

Citizenship: Canadian

Address:

PERSONAL RECOGNITION & ACHIEVEMENTS

Queen Elizabeth II Silver Jubilee Medal Recipient

“For worthy and devoted services to the community of Canada.”

Grand Priors Award- Saint John's Ambulance

The President's Award of Excellence - Manitoba Bar Association (2017)

“For extraordinary contribution to the Association and its goals, honouring colleagues who demonstrate excellence and commitment to the law, the legal profession and the community at large.”

ACADEMIC WORK EXPERIENCE

1998-present	Barrister, England & Wales, UK.
2016-present	Barrister & Solicitor, Province of Manitoba.
2016-present	Dean of Law and Professor, Faculty of Law, University of Manitoba.
2005-2016	Professor, Chair of International Law. Teaching Fellow, University of London.
2011-2015	Head of the School of Law; Director of Research & Enterprise and Director of BMRI, University of Bedfordshire.
2009-2011	Dean & Head of School and Professor, AVT Business School, Copenhagen Denmark.
2005-2008	Fellow and Senior Tutor of Law, Greyfriars Hall; Director of Law, St Benet's Hall, University of Oxford and Professor of International Law, University of Buckingham.
2003- 2007	Exams moderator for the Oxford University Foreign Service Programme, Queen Elizabeth House, University of Oxford
1996- 2005	Lecturer, Senior Lecturer, Principal Lecturer of Law, Oxford Brookes University
1995- 1999	Wolfson College, University of Oxford, Junior Research Fellow

RECENT BOARD OF DIRECTORSHIPS

2019- present	Legal Help Centre –Winnipeg, Manitoba
2018- present	LDRC – Legal Data Resources (Manitoba) Corporation Treasury - Finance - Committee

2017- present	Member of the Canadian Federation of Law Societies -Law Degree Approvals Committee
2016- present	Benchers of the Law Society of Manitoba (Active Member of Committees: Disciplinary; Equity; and, Access to Justice)
2016- present	Law Foundation of Manitoba

VISITING PROFESSORSHIPS

2019-Present	Visiting Fellow, Clare Hall, Cambridge University
2018- present	Visiting Professor, Law Faculty, University of Adelaide
2014- present	Visiting Professor of Comparative Law and International Trade Dar Al-Hekma University, Jeddah, Saudi Arabia
2005- present	Thomas M Cooley Law School Adjunct Professor of Law, Toronto Program and Co-Director of Oxford Program & Adjunct Professor (2014-2016)
1998- 2016	College of Law, Syracuse University, New York, Annual Lecture.
2010- 2015	Professor of Anglo-American Business Law, ZHAW (Zürcher Hochschule für Angewandte Wissenschaften, Switzerland.
1999- 2016	College of Law, University of Oklahoma, Distinguished Visiting Professor in Law (ranks in the Top Tier of American Law Schools).
2008-11	VHU-Kellogg (Otto Beisheim School) Vallender, Germany, Visiting Professor of International Business Law VHU-Kellogg: Ex-MBA.
2007-12	EBS - European Business School, Wiesbaden, Germany, Visiting Professor of Business Law (2007-12). In 2009 I received the “Excellence in Teaching Award” (post-graduate level) the students’ choice for the best overall Professor.

ACADEMIC & PROFESSIONAL EDUCATION

University Education

Brown University - IE Madrid	Executive MBA	(Expected May 2020)
Yale University	Global Executive Leadership Program (YGELP)	2019
Harvard University	Program for Leadership Development (PLD)	2018
The University of Oxford	Doctor of Philosophy	D.Phil. (Law) 1999
Oxford Brookes University	Bachelor of Laws (Hons)	LLB(Hons) 1996
The University of Toronto	Doctor of Philosophy	Ph.D. 1993
The University of Toronto	Master of Education	M.Ed. 1990
Harvard University	Post-Graduate Courses	1989
Mount Allison University	Bachelor of Education	B.Ed. 1985
Université Laval	French Studies	1984
St Thomas University	Bachelor of Arts	B.A. 1983

Professional Education & Training

Bar Vocational Course at Inns of Court School of Law, London.
Barrister-at-Law, Lincoln’s Inn, London.
Barrister and Solicitor, Manitoba Law Society

Further Education

Harvard University	Certificate of Management Excellence	2018
The University of Oxford	Post-Graduate Diploma in Learning and Teaching	

	in Higher Education (PGDipLATHE)	2002
Oxford Brookes University	Certificate of Teaching in Higher Education	1999

Higher Education Academy Fellowship 2002

PROFESSIONAL MEMBERSHIPS AND SOCIETIES

Commonwealth Magistrates' and Judges' Association, Life Member
Magistrates' Association, England & Wales, Member
Oxford Magistrates' Quorum Club, Member
Institute of Directors, London, UK - Life Member
Royal Society of Arts and Science, UK - Life Fellow
Member of Lincoln's Inn, UK - Barrister
Member of Inner Temple, UK - Barrister

MONOGRAPH IN PROGRESS

The Treaty Prohibiting Nuclear Weapons: Legal Challenges for Military Doctrines and Deterrence Policies. Cambridge University Press (In Press 2020)

RESEARCH CONFERENCES NUCLEAR NON-PROLIFERATION IN INTERNATIONAL LAW
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| 2019 | Fifth Research conference on 'Harnessing the Winds of Change in a Shifting Nuclear World' (Winnipeg, 29-30 September 2019) at the Canadian Museum for Human Rights in conjunction with the Committee on Nuclear Weapons, Non-Proliferation and Contemporary International Law of the International Law Association (ILA) and ISLAND. |
| 2018 | Fourth Research conference on 'Re-Considering Nuclear Non-proliferation & Disarmament: Regional and Institutional Approaches Regarding Controls, Defence and Diplomacy' (Winnipeg, 20-21 September 2018) at the Canadian Museum for Human Rights in conjunction with the Committee on Nuclear Weapons, Non-Proliferation and Contemporary International Law of the International Law Association (ILA) and ISLAND. |
| 2017 | Third Research conference on 'Human Dimensions and Perspectives in a Nuclear World: Legal Issues of Non-Proliferation, Disarmament and the Right to Nuclear Energy' (Winnipeg, 11-12 October 2017) at the Canadian Museum for Human Rights in conjunction with the Committee on Nuclear Weapons, Non-Proliferation and Contemporary International Law of the International Law Association (ILA) and ISLAND. |
| 2015 | Second Research conference on 'Legal Aspects of the Use of Nuclear Energy for Peaceful Purposes' (Cologne, 12-13 November 2015), conducted in cooperation with Professor Kerstin Odendahl, Executive Director of the Walther Schuecking Institute of International Law at the University of Kiel in conjunction with the ILA Committee and the Nuclear Round Table Strategic Forum on Non-Proliferation and Disarmament in International Law (RFND) and ISLAND. |

- 2014 Research conference on 'Verification of Nuclear Non-Proliferation Obligations' (Cologne, 13-14 November 2014), conducted in cooperation with Professor Claus Kress, Director of the Institute of Peace and Security Law at the University of Cologne in conjunction with the ILA and RFND and ISLAND.

<p style="text-align: center;">NUCLEAR NON-PROLIFERATION IN INTERNATIONAL LAW BOOK SERIES (peer-reviewed)</p>

- (In Progress) Jonathan Black-Branch and Dieter Fleck (Eds), Nuclear Non-Proliferation and International Law, Vol VI: Nuclear Disarmament and Security at Risk – Legal Challenges in a Shifting Nuclear World (Springer/TM Asser Press).
- (2020) Jonathan Black-Branch and Dieter Fleck (Eds), Nuclear Non-Proliferation and International Law, Vol V: Legal Challenges for Nuclear Security and Deterrence (Springer/TM Asser Press).
- (2019) Jonathan Black-Branch and Dieter Fleck (Eds), Nuclear Non-Proliferation in International Law, Vol IV: Human Rights and Human Perspectives on the Use of Nuclear Energy for Peaceful Purposes (Springer/TM Asser Press).
- (2016) Jonathan Black-Branch and Dieter Fleck (Eds), Nuclear Non-Proliferation in International Law, Vol III: Legal Aspects of the Use of Nuclear Energy for Peaceful Purposes (Springer/TM Asser Press).
- (2015) Jonathan Black-Branch and Dieter Fleck (Eds), Nuclear Non-Proliferation in International Law, Vol II: Verification and Compliance (Springer/TM Asser Press).
- (2014) Jonathan Black-Branch and Dieter Fleck (Eds), Nuclear Non-Proliferation in International Law, Vol I with Preface by Mohamed El Baradei (Springer/TM Asser Press).

Chapters in Volumes

<p style="text-align: center;">ROUND TABLE STRATEGIC FORUM ON DISARMAMENT & NUCLEAR NON-PROLIFERATION IN INTERNATIONAL LAW: ROUND TABLE REPORTS</p>

- (2019) Report on the Tenth Round Table: Legal Challenges for Nuclear Deterrence & Nuclear Security (London, England).
- (2018) Report on the Ninth Round Table: Pathways to Disarmament (Sydney).
- (2017) Report on the Eight Round Table: Treaty on the Prohibition of Nuclear Weapons (Winnipeg).
- (2016) Report on the Seventh Round Table: Legal and Diplomatic Issues Regarding Disarmament and Nuclear Non-Proliferation in the Middle East (Jeddah, Saudi Arabia).
- (2015) Report on the Sixth Round Table: Middle East Nuclear Weapons Free Zone (Jeddah, Saudi Arabia).
- (2015) Report on the Fifth Round Table: Disarmament and Nuclear Non-Proliferation (Cologne).
- (2014) Report on the Fourth Round Table: Legal Challenges in Ensuring Nuclear Non-Proliferation (Cologne).

- (2013) Report on the Third Round Table: Nuclear Weapons, Nuclear Energy and Non-Proliferation under International Law: Current Challenges and Evolving Norms (London).
- (2012) Report on the Second Round Table on Nuclear Weapons, Nuclear Energy and Non-Proliferation under International Law (London).
- (2010) Report on the First Round Table: The Scope and Meaning of the Right to Civilian Nuclear Energy Capability in Article IV of the Nuclear Non-Proliferation Treaty (Brighton UK).

INTERNATIONAL LAW ASSOCIATION: NUCLEAR WEAPONS, NON-PROLIFERATION & CONTEMPORARY INTERNATIONAL LAW REPORTS

- (2020) Fifth Report: Legal Aspects of the Use of Nuclear Energy for Peaceful Purpose. Published in the 78th Biennial Report of the International Law Association.
- (2018) Fourth Report: Legal Aspects of the Use of Nuclear Energy for Peaceful Purpose. Published in the 78th Biennial Report of the International Law Association.
- (2016) Third Report: Legal Issues of Verification of Nuclear Non-Proliferation Commitments. Published in the 77th Biennial Report of the International Law Association.
- (2014) Legal Aspects of Nuclear Disarmament. Published in the 76th Biennial Report of the International Law Association.
- (2012) Practice Regarding Nuclear Energy, Non-Proliferation and Regulation of Nuclear Weapons. Published in the 75th Biennial Report of the International Law Association.
- (2011) Committee Strategy Report on Nuclear Weapons, Non-Proliferation and Contemporary International Law.
- (2010) Final Committee Mandate on Nuclear Weapons, Non-Proliferation and Contemporary International Law.
- (2008) Revised Committee Mandate on Nuclear Weapons, Non-Proliferation and Contemporary International Law.
- (2006) Draft Committee Mandate on Nuclear Weapons, Non-Proliferation and Contemporary International Law.
- (2004/5) Proposal and Rationale for a Committee on Nuclear Weapons, Non-Proliferation and Contemporary International Law.

INTERNATIONAL COMMERCIAL ARBITRATION

- (2013) Editor (with Peter Münch and Nicole Conrad). International Commercial Arbitration: Standard Clauses and Forms - Commentary. 913 pages (Helbing & Lichtenhahn, Basel, Switzerland).
- (2013) International and Comparative Arbitration. Chapter in International Commercial Arbitration: Standard Clauses and Forms - Commentary. Eds. Jonathan Black-Branch, Peter Münch and Nicole Conrad (Helbing & Lichtenhahn, Basel, Switzerland).
- (2013) Arbitration in England & Wales. Chapter in International Commercial Arbitration: Standard Clauses and Forms - Commentary. Eds. Jonathan

Black-Branch, Peter Münch and Nicole Conrad (Helbing & Lichtenhahn, Basel, Switzerland).

The handbook covers the arbitration rules for the following institutions and countries: UNCITRAL, ICC, WIPO, Austria (VIAC), China (CIETAC), Dubai (DIAC), England & Wales (LCIA), Germany (DIS), Hong Kong (HKIAC), India (ICA), Malaysia (KLRC), Singapore (SIAC), Sweden (SCC), and Switzerland (Swiss Rules). This comprehensive handbook provides the full range of clauses, forms and documents needed by practitioners in the course of arbitral proceedings as well as commentaries based on legal principles and insider know-how with regard to arbitration in specific countries. Furthermore, it includes expert commentary on the principles at work, and offers insider know-how on arbitration processes in specific countries, including the Asian countries (which are rapidly becoming important in the field of international arbitration). This is a handbook which will assist the practitioner - whether lawyer, counsel or arbitrator - to traverse the minefield of arbitral proceedings.

BANKING LAW EDITOR

The Euro: Law and Banking. Practitioners Loose-Leaf Binding. Lloyd's of London Publishing (LLP), London, 800 plus pages.
First Up-date to the Series (adding 100 pages of text analyzing the evolution of banking services and investment services within the European Community.
Second Up-date to the Series (up-dating European Community Legislation, Commission Decisions and Directives).
Third Up-date to the Series (up-dating Community Laws, Commission Decisions and Directives).

RECENT REFEREED & RELEVANT PUBLICATIONS

- (In Progress) The Treaty on the Prohibition of Nuclear Weapons: Universality & Emerging Disarmament in International Law, in Black-Branch and Fleck (Eds), Nuclear Non-Proliferation and International Law: Nuclear Disarmament and Security at Risk – Legal Challenges in a Shifting Nuclear World, Vol. VI Springer/ TM Asser Press.
- (In Progress) Black-Branch J. and Fleck, D. Nuclear Non-Proliferation, Disarmament and Security: Evolving Legal Challenges, in Black-Branch and Fleck (Eds), Nuclear Non-Proliferation and International Law: Nuclear Disarmament and Security at Risk – Legal Challenges in a Shifting Nuclear World, Vol. VI, Springer/ TM Asser Press.
- (2019) International Obligations Concerning Disarmament and the Cessation of the Nuclear Arms Race: Justiciability over Justice in the Marshall Islands Cases at the International Court of Justice *Journal of Conflict and Security Law*, Volume 24, Issue 3, Winter 2019, Pages 449 -472.
- (2020) Precarious Peace: Nuclear Deterrence and Defence Doctrines of Nuclear-Weapon States in the Post-Cold War Era, in Black-Branch and Fleck (Eds), Nuclear Non-Proliferation and International Law: Legal Challenges for Nuclear Security and Deterrence, Vol V, Springer/ TM Asser Press.
- (2020) Black-Branch J. and Fleck, D. Legal Challenges for Nuclear Security and Deterrence, in Black-Branch and Fleck (Eds), Nuclear Non-

- Proliferation and International Law: Legal Challenges for Nuclear Security and Deterrence, Vol V, Springer/ TM Asser Press.
- (2019) Statutory Interpretation Regarding the Powers, Authorities and Privileges Vested in the Law Society: A Sphere of Sovereignty as “Self-governing in Virtually Every Aspect”. *Statute Law Review*, Volume 40, Issue 2, June 2019, Pages 97–112, Oxford University Press.
- (2019) Black-Branch J The Inalienable Right to Nuclear Energy, Uranium Mining and the Right to Self-Determination of Indigenous Peoples in Canada, in Black-Branch and Fleck (Eds), *Nuclear Non-Proliferation and International Law: Human Rights and Human Perspectives on the Use of Nuclear Energy for Peaceful Purposes*, Vol IV, Springer/ TM Asser Press.
- (2019) Black-Branch J and Fleck D The Significance of the Human Impact for Nuclear Safety and Nuclear Disarmament, in Black-Branch and Fleck (Eds), *Nuclear Non-Proliferation and International Law: Human Rights and Human Perspectives on the Use of Nuclear Energy for Peaceful Purposes*, Vol IV, Springer/TM Asser Press.
- (2018) Legal Obligations Regarding “Premises” for Operational, Administrative and Accommodations Purposes under Paragraphs 16-19 of the UN Model SOFA (Status of Forces Agreements) and Article IX(3) of the NATO SOFA (Status of Forces Agreements). *The Handbook of the Law of Visiting Forces*, (2nd edition) (Oxford University Press, 2018), Dieter Fleck (Ed.).
- (2018) Legal Obligations Regarding “Travel and Transport” for Free Movement, Mobility and Open Access under Paragraphs 12-14 of the UN Model SOFA (Status of Forces Agreements) and Article IX(6) of the NATO SOFA (Status of Forces Agreements). *The Handbook of the Law of Visiting Forces*, (2nd edition) (Oxford University Press, 2018), Dieter Fleck (Ed.).
- (2018) Judicial Powers of Statutory Interpretation under the Human Rights Act 1998 in Britain: The Evolution of Democracy and Rights or a Step Too Far?. In *Legislating Statutory Interpretation: Comparative Perspectives from the Common Law World*. Eds. Neudrof, Lorne, Rankin, Micah and Hunt, Chris Hunt, Carswell (Thomson Reuters). [Refereed chapter]
- (2017) Nuclear Terrorism by States and Non-State Actors: Global Responses to Threats to Military and Human Security in International Law. *Journal of Conflict & Security Law* (2017) Volume 22, Issue 2, Summer 2017, Pages 201–248. Oxford University Press.
- (2017) Modern Legal Education: Towards Practice-Ready Attitudes, Attributes and Professionalism. *Manitoba Law Journal* 2016 Vol. 39 Special Issue, A Review of the Current Legal Landscape.
- (2016) The Precarious Nature of Human Rights. *Canadian Journal of Human Rights*, (2016) 5:1 Can J Hum Rts vii.
- (2016) Due Diligence as a Legal Imperative to Ensure Security and Safety of Peaceful Uses of Nuclear Energy as well as Non-Proliferation and Disarmament Obligations, in Black-Branch and Fleck (Eds), *Nuclear Non-Proliferation and International Law*, Vol III, Springer/Asser Press.
- (2016) Black-Branch J and Fleck D Legal Aspects of the Use of Nuclear Energy for Peaceful Purposes: A Comprehensive Synopsis of Outstanding Issues,

- in Black-Branch and Fleck (Eds), Nuclear Non-Proliferation and International Law, Vol II, Springer/Asser Press.
- (2015) The Effectiveness of UN Sanctions in the Case of North Korea Nuclear Disarmament and Non-Proliferation in International Law, Caracciolo I and Pedrazzi M (Eds) Nuclear Disarmament and Non Proliferation: Strengthening Treaty Obligations, IAEA Safeguards and Measures Countering Nuclear Terrorism, Eleven International Publishing.
- (2015) Countermeasures to Ensure Compliance with Nuclear Non-Proliferation Obligations, in Black-Branch and Fleck (Eds), Nuclear Non-Proliferation and International Law, Vol II, Springer/Asser Press.
- (2015) Black-Branch J and Fleck D Verification of and Compliance with International Nuclear Obligations: A Comprehensive Synopsis of Outstanding Issues, in Black-Branch and Fleck (Eds), Nuclear Non-Proliferation and International Law, Vol II, Springer/Asser Press.
- (2014) Black-Branch J and Fleck D Nuclear Weapons, Non-Proliferation and Disarmament: A Comprehensive Audit of Relevant Legal Issues and International Concerns, in Black-Branch and Fleck (Eds), Nuclear Non-Proliferation and International Law, Vol I, Springer/Asser Press.
- [Note that 2009-14: Nuclear Non-Proliferation work in other section of this cv]
- (2009) The legal status of Cluster Munitions under international humanitarian law: indiscriminate weapons of war. *Journal of International Law of Peace and Armed Conflict (Humanitäres Völkerrecht – Informationsschriften) Volume 22, 4/2009*, at page 186.
- (2003). Powers of Detention of Suspected International Terrorists Under the United Kingdom Anti-Terrorism, Crime and Security Act 2001: Dismantling the Cornerstones of a Civil Society. *European Law Review (Human Rights Survey)*, Volume 27, Number 1, pp. 1-31.
- (2002). Parliamentary Supremacy or Political Expediency? The Constitutional Position of the Human Rights Act under British Law. *Statute Law Review*, Volume 23, Number 1, pp. 59-81 Oxford University Press.
- (2001). Being over Nothingness: The Right to Life under the Human Rights Act. *European Law Review (Human Rights Survey)*, Volume 26, Number 1, pp. 22-41.
- (2001). The Use of Children in War: The International Protocol on the Involvement of Children in Armed Conflicts. *Mediterranean Journal of Human Rights*, Volume 4, pp. 185-206.
- (2001). The Derogation of Rights under the UK Human Rights Act: Diminishing International Standards?. *Statute Law Review. Volume 22, Number 1, pp. 71-81* Oxford University Press.
- (1999). Duty of Care versus Care as a Duty in Higher Educational Institutions. Eight refereed articles in a special issue of the *Journal of Collective Negotiations in the Public Sector Volume 27(3)* pp. 167-303. (Co-written with Dr. Wendy K. Lamont.) The articles are:
1. Public Sector Asphyxiation.
 2. Duty of Care and Teacher Wellness.
 3. Legal, Professional or Ethical Obligations to Promote Teacher Wellness.
 4. The Equity Equation: Equality of Opportunity.
 5. A Level Playing Field or Unequal Footing.
 6. Essential Elements for Teacher Wellness.

7. Support Services Linked to Private Institutions over Public and Female Directors over Male.
 8. The Future Direction of Public over Private Services.
- (1998). Entrenching Human Rights Legislation under Constitutional Law: The Canadian Charter of Rights and Freedoms. *European Human Rights Law Review. Number 3, pp. 312-331.*
- (1998). Closing the Door on Closed-Shop Agreements: Labour Law, Trade Unionism and the Right to Freedom of Assembly and Freedom of Association under the European Convention on Human Rights. *Journal of Collective Negotiations in the Public Sector, Volume 27(4), pp. 307-330.*
- (1998). Professional, Quasi-Professional or Loose Cannons: The Status of Mediators. *Family Law. January, Vol. 28.*
- (1998). Judging Education: Legal and Judicial Implications of the Canadian Charter of Rights and Freedoms. *Oxford Comparative Series in Education, Special Edition on Change in the Pacific Rim: Meeting the Challenges, pp. 59-78.*
- (1997). Entrenching Contractual Clauses for Safety in the Workplace into the Collective Agreement: The New Frontier in Employment Law. (co-authored with Dr. W. K. Lamont). *Journal of Collective Negotiations in the Public Sector, Vol. 26 No. 2.*
- (1997). Dignity, Discrimination and Legal Implications: The Politics of AIDS in Private and Public Sector Work Settings, A Comparative Analysis. *Journal of Individual Employment Rights, Volume 6 No. 1, pp. 1-14.*
- (1997). A New Era in Educational Planning in Canada: The Canadian Charter of Rights and Freedoms as Constitutional Law. *Educational Planning. Volume 11, Number 1, pp. 5-20.*
- (1996). Observing and Enforcing Human Rights under the Council of Europe: The Creation of a Permanent European Court of Human Rights. *Buffalo Journal of International Law. July Issue, pp. 1-32.*
- (1996). The Nature, the Context and the Consequences of Work: A Conceptual Framework for Studying Job Satisfaction Amongst Teachers. *Journal of Collective Negotiations in the Public Sector. Vol. 25 No. 3, pp. 233-245.*
- (1996). The Consequences of Teaching and Job Satisfaction: Federation/ Union, Remunerations and Career Development, the Most Important Factors. *Journal of Collective Negotiations in the Public Sector. Vol. 25 No. 3, pp. 247-269.*
- (1994). Weighing the Balance Between Constitutional Legal Rights and Administrative Duties. *The Canadian Administrator, Vol. 33, No. 8, May.*
- (1994). Fallen on Deaf Ears: A Legal Analysis of the Closure of the R.J.D. Williams Provincial School for the Deaf. *ACEHI Journal, Vol. 20, Issue 1/2.*
- (1994). Liberté et Égalité: Le Rôle de la Charte Canadienne des Droits et Libertés à Agumenter les Provisions pour les Élèves en Programmes Spécialisés. *B.C. Journal of Special Education Vol. 18 No. 2.*
- (1994). O'Canada, Our Home on Native Land: Aboriginal Self Government May Be the Key to Educational Reform Not the Charter of Rights and Freedoms. *The Canadian Journal of Native Studies Vol. 13, No. 2.*

EDITORIAL BOARDS OF REFERRED JOURNALS AND REVIEWS
--

Yearbook of Arms Control and International Disarmament Law, Editor-in-Chief with Dieter Fleck.

British Yearbook of International Law, Oxford University Press Board Reviewer.

Oxford University Press, Book Proposal Reviewer, International Law and International Humanitarian Law.

Cambridge University Press, Book Proposal Reviewer, International Law and International Humanitarian Law.

Reviewer for Various Publishers, *ad hoc* Book Proposal Reviewer, International Law.

Denning Law Journal, University of Buckingham Press, Buckingham

Journal of Emerging Trends in Economics and Management Sciences (JETEMS) Editorial Board Member.

Journal of Collective Negotiations in the Public Sector, Baywood Publishing, New York, Editorial Board Member.

Professional Studies Journal, The University of Regina, Editorial Board Member.

Canadian Journal of Education, (Canadian Learned Society for Studies in Education). *ad hoc* referee for education and the law submissions.

CONFERENCE ORGANIZATION (SELECT)

(November 2018) Co-Organizer of the Isaac Pitblado Lectures (for the Manitoba Law Society) with The Honourable Madam Justice Lore Mirvaldt. Reimagining Justice: Trust, Truths and Transformation(s). (2nd November 2018).

(September 2018) Co-Organizer (along with the Manitoba Law Society and the Manitoba Bar Association). Indigenous Law Program “Tebwetibajimowin - To Tell the Truth” (September 27, 2018).

(September 2009) Organized a five-day conference for the 40th Anniversary of the Commonwealth Magistrates' and Judges' Association (CMJA) entitled: Community Justice & Judicial Independence: Local Issues, Commonwealth Standards (attended by judges and magistrates from 63 countries).

APPENDIX B

BRUCE J. CURRAN, Ph.D.

Curriculum Vitae (May 2020)

[REDACTED]
Faculty of Law
University of Manitoba
[REDACTED]
[REDACTED]

Work: [REDACTED]
Home: [REDACTED]
Cell: [REDACTED]
E-mail: [REDACTED]

EDUCATION

- 2015 PhD, Centre for Industrial Relations and Human Resources
University of Toronto
Thesis Title: Three Essays on Legal Issues Impacting the Employment Relationship In Canada
- One paper used the statistical technique of event history analysis to study the causes of delay in grievance arbitration in Ontario over the past two decades. The second paper used another statistical method, a tobit model, to study the impact of *Honda v. Keays* on bad faith damages. The third paper developed a conceptualization of Freedom of Association from first principles, and used this conceptualization to critique Supreme Court of Canada jurisprudence.
- 2009 Master of Laws (Alternative Dispute Resolution)
York University
- 2003 Master of Industrial Relations
University of Toronto
- 1998 Bachelor of Laws
University of Western Ontario
- 1995 Honours Bachelor of Applied Science (Family and Social Relations)
University of Guelph

WORK EXPERIENCE

- 2018-present University of Manitoba, Winnipeg, Manitoba
Associate Dean Academic, J.D. Program: Faculty of Law
Responsible for administering the Juris Doctor program, including supervising curriculum, overseeing exchanges, setting timetable, managing Faculty members and sessional instructors, advising approximately 320 students, handling instances of academic misconduct, and organizing and hosting various special events.
Working with Dean to develop policies responsive to the COVID-19 outbreak.

Supervising “Student Services” for JD students, including admissions, financial aid, and career services.

- 2016-present University of Manitoba, Winnipeg, Manitoba
Assistant Professor: Faculty of Law
 Research, teaching and service responsibilities.
- 2014-2016 University of Ontario Institute of Technology, Oshawa, Ontario
Lecturer: Legal Studies Program, Faculty of Social Science and Humanities.
 Teaching eight courses per year with additional service responsibilities.
- 2010 University of Toronto, Toronto, Ont.
Labour Relations Officer: Advised Human Resource Professionals regarding labour relations matters, including grievances, layoffs, reorganizations, and occupational health & safety. Represented clients in mediations. Negotiated collective agreements.
- 2009-2010 Canadian Tire Dealers’ Association, Mississauga, Ont.
Vice President, Legal: Provided legal services to Canadian Tire “Dealers” (franchisees) across Canada on a wide range of labour and employment law issues, including terminations, employment standards, human rights, pay equity, and occupational health and safety.
- 2003-2009 Towers Perrin (now Willis Towers Watson), Toronto, Ont.
Lawyer: Group benefits practice. Advised employers on labour and employment issues, with an emphasis on pensions and benefits. Provided legal and consulting advice to clients during settlement and/or arbitration of labour grievances and during negotiation of collective agreements.
- 2002 St. Joseph Corporation, Concord, Ont.
Human Resources Counsel: Drafted corporate-wide policies and procedures manual pertaining to broad variety of human resource topics, including dispute resolution, compensation, and occupational health and safety. Advised on employment law issues.
- 2000-2001 Lerner & Associates (now Lerner), London, Ont.
Associate Lawyer: Practised civil litigation, with an emphasis on employment law. Advised clients. Advocated for clients in trials, motions, appeals, and other hearings. Negotiated favourable settlements. Represented clients in mediations.

TEACHING EXPERIENCE

Assistant Professor

Course Co-ordinator for “Desautels Oxford Program: International, European & Comparative Business Law & Society” (LAW 3980), Faculty of Law, University of Manitoba (Summer 2019)

“The Law of Contracts” (LAW 1100/1102), Faculty of Law, University of Manitoba (Full year course: Fall 2016-Winter 2017; Fall 2017-Winter 2018; Fall 2018-Winter 2019; Fall 2019-Winter 2020)

“The Law of Trusts” (LAW 2490), Faculty of Law, University of Manitoba (Winter 2017; Fall 2017)

Course Co-ordinator for “Legal Negotiation” (LAW 2680), Faculty of Law, University of Manitoba (Fall 2016; Fall 2017; Fall 2018; Fall 2019)

Coach of two University of Manitoba teams, Canadian Negotiation Competition, Saskatoon, SK (Winter 2018)
(Teams placed second and sixth nationally)

Judge, Law Games Moot, Law Games, hosted by University of Manitoba (January 2018)

Judge, Moot for “Legal Methods” Course, Faculty of Law, University of Manitoba (March 2018)

Witness, Final Trial for “Advocacy” Course, Faculty of Law, University of Manitoba (March 2018)

Lecturer

“Employment & Mediation” (LGLS 3610), Faculty of Social Science & Humanities, University of Ontario Institute of Technology (Winter 2015; Winter 2016)

“Canadian Human Rights Law” (LGLS 2420), Faculty of Social Science & Humanities, University of Ontario Institute of Technology (Winter 2015, Two Sections; Winter 2016, Two Sections)

“Introduction to the Canadian Legal System” (SSCI 1010), Faculty of Social Science & Humanities, University of Ontario Institute of Technology (Fall 2014; Winter 2015; Fall 2015; Winter 2016)

“Private Law” (LGLS 2110), Legal Studies Program, University of Ontario Institute of Technology (Fall 2014; Fall 2015; Spring 2016)

“Rights and Freedoms in the Canadian Justice System” (SSCI 2050), Faculty of Social Science & Humanities, University of Ontario Institute of Technology (Fall 2015)

“Labour and Employment Law” (LGLS 3410), Legal Studies Program, University of Ontario Institute of Technology (Fall 2014; Fall 2015)

Sessional Lecturer

“Labour & Employment Law and Policy Colloquium” (LAW5550), Osgoode Hall Law School, York University (Winter 2016)

“Employment Law” (IRE430), Employment Relations Program, Centre for Industrial Relations and Human Resources, University of Toronto (Full year course, Fall 2014 to Winter 2015)

“Collective Bargaining Law” (LAW2515), Osgoode Hall Law School, York University (Winter 2014)

“Industrial Relations & Human Resources” (ECO244), Department of Economics, University of Toronto Mississauga (Winters 2011 and 2012)

Teaching Assistant

“Negotiation” course (WDW372), Woodsworth College (Winter 2013)

“Employment Law” course (WDW430), Woodsworth College (Full year course, Fall 2011 and Winter 2012)

“Employment Health” course (WDW378), Woodsworth College (Winter 2011)

“Legal Environment of Business 1” course (MGTC31), Department of Management, University of Toronto Scarborough (Fall 2010; Summers 2011 and 2012)

PROFESSIONAL & COMMUNITY SERVICE

Chair, Academic Affairs Committee, (Faculty of Law, University of Manitoba) 2018-present
Chairing regular meetings of the Academic Affairs Committee, which approves courses and develops and administers certain academic policies on behalf of the Faculty. Advising Faculty Members and Sessional Instructors about the course proposal process. Managing the Committee’s processes, including drafting and circulating minutes. Drafting various reports and proposals for consideration by the committee.

Member, Selection Committee, Montague Isaacs, Q.C. Prize (Law Society of Manitoba) 2019
The award is made to a student being called to the Manitoba Bar on the basis of performance in all aspects of the Manitoba Bar Admission Program, earlier academic record, likelihood of future professional and personal accomplishments, and other interests and achievements both within and outside the study and application of law.

Member, Associate Deans’ Unit, University of Manitoba 2018-present
Attending monthly meetings of Associate Deans Academic for the University of Manitoba, and provided input on important decisions considered by the University.

Member, Organizing Committee, Isaac Pitblado Lectures (Law Society of Manitoba, Manitoba Bar Association, and Faculty of Law of University of Manitoba) 2018
Met weekly; Planned lecture series; Invited speakers

Faculty Representative, Selection Committee, Manitoba Law Students Association 2018-present
Worked with elected executive to review applications and then conduct interviews as basis for selecting law students for various committees at the Faculty of Law, University of Manitoba

Faculty Coordinator, Hockey Arbitration Competition of Canada (Faculty of Law, University of Manitoba) 2017-present

Helped to prepare problem for internal competition; Judged internal competition; Coordinated coaching of teams; Worked with University of Manitoba teams to obtain required funding

Member, Dean's Focus Group on Professional Practice and Employability (Faculty of Law, University of Manitoba) 2017-present

Member, Student Affairs Committee (Faculty of Law, University of Manitoba) 2017-present

Reviewer, Relations Industrielles/Industrial Relations 2017-present

Organizer, Robson Hall Negotiation Competition (Faculty of Law, University of Manitoba) 2016-present

Lead organizer of annual Robson Hall Negotiation Competition. Drafting role plays for each running of this competition. Inviting and training practising lawyers to be the judges. Overseeing all logistical arrangements, including scoring.

Member, Bursary Committee (Faculty of Law, University of Manitoba) 2016-present

Reviewing preliminary determinations for all bursary applications. Reaching consensus with fellow committee members regarding contentious issues. Reviewing bursary appeals. Revised rubric for standard allocations. Awarding scholarships under Schwartz/Reisman Scholars Program.

Member, Distinguished Visitors Committee (Faculty of Law, University of Manitoba) 2016-present

Attending regular meetings. Providing input on speakers to invite. Organizing visits of distinguished guest speakers and acting as key point of contact for these speakers. Hosting social events with speakers. Developing policy and procedures for this committee. Overseeing posting of recordings on University of Manitoba library website.

Organizer, Inaugural Canadian Negotiation Competition (Faculty of Law, University of Manitoba) 2016-2017

Twelve teams from nine Canadian Law Schools participated. Developed the format, rules, judging protocol, and role plays for the competition. Invited and trained practising lawyers to be the judges of these competitions. Oversaw all logistical arrangements of this competition, including the scoring.

Joint Working Group on Teaching Faculty Workload for the UOIT Faculty of Social Science & Humanities 2015-2016

Attended regular meetings. Provided input in drafting of report.

Accreditation of UOIT Alternative Dispute Resolution Courses by ADR Institute 2015-2016

Based on student interest, advocated within UOIT to seek accreditation. Assisted in supplying ADR Institute with necessary documentation to successfully obtain this accreditation.

Legal Studies Program Committee 2015-2016

Attended monthly meetings. Provided input on initiatives of Legal Studies Program.

Faculty Council (Faculty of Social Science and Humanities, University of Ontario Institute of Technology) 2014-2016

Provided input on initiatives of Faculty of Social Science and Humanities.

Legal Studies Program Review Committee (Faculty of Social Science and Humanities, University of Ontario Institute of Technology) 2014-2016

Assisted in drafting report for External Review of Legal Studies Program. Made presentations to external reviewers, and met several times with them. Assisted in organization and logistics of External Review. Provided input in drafting of responses to report of external reviewers.

Student Retention Committee (Faculty of Social Science and Humanities, University of Ontario Institute of Technology) 2014-2016

Provided input on and executed key initiatives designed to retain students and enhance student engagement.

Research Proposal Review Committee (University of Ontario Institute of Technology) 2014-2016

Evaluated research proposals from faculty members of Faculty of Social Science and Humanities.

Teaching Assistant Committee (Faculty of Social Science and Humanities, University of Ontario Institute of Technology) 2014-2016

Led initiative to evaluate performance of Teaching Assistants. Involved in allocating Teaching Assistants assignments to Faculty. Assisted in the revision of the “TA Handbook”.

Perry Work Report Advisory Committee (Centre for Industrial Relations and Human Resources, University of Toronto) 2014

Executive Member: Provided strategic guidance to Centre for Industrial Relations and Human Resources on the direction of its weekly publication on important issues in employment relations, called the “Perry Work Report”. Co-drafted a report with a series of recommendations.

Canadian Industrial Relations Association (CIRA) 2012-2015

Executive Member: Provided input on potential initiatives of CIRA. Served on Membership Committee. Organized PhD Consortium for 50th and 51st Annual Conferences.

United Way Committee, Towers Perrin 2003-2006

Executive Member: Lead organizer for several successful charity fundraising events.

Association of Students in Industrial Relations, University of Toronto 2002-2003

President: Chaired meetings. Co-ordinated committees. Raised student concerns with University administration and negotiated satisfactory resolutions.

Community Legal Services, London, Ont. 1996-98

Supervisor: Trained law students to do legal clinic work. Supervised students handling files. Reviewed and corrected law students' opinion letters, demand letters, and pleadings.

Caseworker: Carried heavy caseload. Assisted many clients with Criminal, Landlord/Tenant, Family, and Small Claims matters. Represented clients in numerous court appearances, including many criminal trials.

AWARDS & HONOURS

2020	Selected by Ms. Sara Reznik, one of my former students, for recognition at the Annual Students' Teacher Recognition Reception , University of Manitoba. The Students' Teacher Recognition Reception is an opportunity to celebrate teaching excellence. Recognizing that academic growth and development occurs over many years, each faculty nominates an outstanding graduating student, who then selects two teachers who have made important contributions to their education – one from Kindergarten to Grade 12 years and one from their years at the University of Manitoba.
2017, 2018	"Barney Sneiderman Award for Teaching Excellence" , Faculty of Law, University of Manitoba for 2016-2017 (Nominated) and 2017-2018 (Nominated). The nomination process is student-initiated and involves several letters of recommendation.
2017	"University of Manitoba/UMFA Merit Award for Teaching Excellence" , Humanities and Social Sciences section. The nomination process is colleague-initiated and involves several letters of recommendation.
2015	"Award of Teaching Excellence" , Faculty of Social Science and Humanities, UOIT for 2014-2015 (Won). This award is student-nominated and acknowledges the core faculty member who inspires students and enriches the quality of learning at UOIT.
2015, 2016	"Outstanding" designation (teaching and service) for performance at University Ontario Institute of Technology
2014	Allen Ponak Award , for best student paper, 51 st Annual Conference of Canadian Industrial Relations Association (CIRA)
2013	Allen Ponak Award (Honourable Mention), for best student paper 50 th Annual Conference of CIRA
2001, 2010, 2012, 2013	University of Toronto Fellowship (x4)
2002, 2011	Ontario Graduate Scholarship (x2)
2005	Towers Perrin award for client service
1998	Dean Rand Award , University of Western Ontario Law School, for meritorious academic standing and outstanding contributions in the service of law students G. J. Grant Prize in Community Legal Services , University of Western Ontario Law School
1996	Provigo Employee Scholarship
1995	Harold G. Fox Entrance Scholarship , University of Western Ontario Law School Peter Wright Graduate Award , Canadian Scholarship Trust Foundation
1993 - 1994	Dean's Scholarship , University of Guelph (x2) E.H. Stewart Scholarship , University of Guelph Dorothy Britton Memorial Scholarship , University of Guelph H.H. Harshman Foundation Scholarship , University of Guelph
1991	Canada Scholarship , Government of Canada

SCHOLARSHIP

Peer Reviewed Journals

Bruce Curran, “Hugh A. Robson – A Labour Jurist Ahead of his Time” (Accepted and Forthcoming) MLJ.

Bruce Curran, “*Honda v. Keays*—Employer Shield or Employee Sword? An Empirical Analysis” (2018) 21:1 CLEJ 51.

Bruce Curran, “Event History Analysis of Grievance Arbitration in Ontario: Labour Justice Delayed?” (2017) 72:4 Relations Industrielles/Industrial Relations 621.

Bruce Curran & Sara Slinn, “Just Notice Reform: Enhanced Statutory Termination Provisions for the 99%” (2017) 20:1 CLEJ 229.

Bruce Curran, “*Alberta (Information and Privacy Commissioner) v. United Food and Commercial Workers, Local 401*: Case Comment” (2014) 52:1 Alta L Rev 185.

Bruce Curran & Scott Walsworth, “Can You Pay Employees to Innovate? Evidence from the Canadian Private Sector” (2014) 24:3 Human Resource Management Journal 290.

Casebooks

Sara Slinn & Bruce Curran, “The Right to Join a Union” in Kevin Banks, ed, *Labour and Employment Law: Cases, Materials, and Commentary*, 9th ed (Toronto: Irwin Law, 2018).

Chapters in Books

Bruce Curran, “Compensation for Responders to a Nuclear Accident: Where Should the Law Go?” in Jonathan Black-Branch and Dieter Fleck, eds, *Nuclear Non-Proliferation in International Law*, Volume IV (Hague: T.M.C. Asser Press, 2019).

Government Reports

Bruce Curran, *Benefits Appeals Committees: An Evaluation of the Processes and Procedures of the Ontario Government* (2011) [unpublished, confidential report archived with Ontario Government]. This report analyzed the systems in place for three committees that heard appeals related to the denial of group benefits.

Bruce Curran, *Evaluation Of ‘Ministry Early Intervention Program’ Pilot* (2008) [unpublished, confidential report archived with the Ontario Public Service Employees Union and the Ministry of Natural Resources]. This report assessed the impact of changes to the grievance procedure within the MNR.

Conference Papers

Bruce Curran, “Compensation for Responders to a Nuclear Accident: Where Should The Law Go?” (Paper delivered at the Canadian Industrial Relations Association (CIRA) 55th Annual Meeting, Université du Québec à Montréal, QC, May 4, 2018). Refereed by the Program Committee.

Bruce Curran, “The Use of Technology to Find Solutions to Delay in Grievance Arbitration” (Paper delivered at the Canadian Law and Society Association Mid-Winter Meeting, Technologies of Justice conference, University of Ontario Institute of Technology, Oshawa, ON, January 27, 2018). Non-refereed. Invited talk.

Bruce Curran, “Liability to Responders to a Nuclear Accident: Where Should The Law Go?” (Paper delivered at the “Human Dimensions and Perspectives in a Nuclear World: Legal Issues of Non-Proliferation, Disarmament and the Right to Nuclear Energy” conference, hosted by University of Manitoba, Faculty of Law and the Committee on Nuclear Weapons, Non-Proliferation and Contemporary International Law of the International Law Association (ILA), in conjunction with the Round Table Strategic Forum on Nuclear Non-Proliferation in International Law, Winnipeg, MB, October 12, 2017). Non-refereed.

Bruce Curran, “Follow the Leader: A Critique of Canadian Jurisprudence on Freedom of Association for Workers” (Paper delivered at the Canadian Industrial Relations Association (CIRA) 53rd Annual Meeting, University of Saskatchewan, SK, June 2, 2016). Refereed by the Program Committee.

Bruce Curran & Sara Slinn, “Can we fly a middle course? Enhanced Statutory Termination Provisions for the 99%” (Paper delivered at the “Re-Imagining Forms & Approaches to Workplace Representation” Roundtable hosted by the Comparative Research in Law and Political Economy Forum, Osgoode Hall Law School, September 24, 2015). Non-refereed.

Bruce Curran, “Event History Analysis of Grievance Arbitration: Labour Justice Delayed?” (Paper delivered at the Canadian Industrial Relations Association (CIRA) 51st Annual Meeting, Brock University, ON, May 25, 2014). Refereed by the Program Committee.

Bruce Curran, “*Honda v. Keays*—Employer Shield or Employee Sword? An Empirical Analysis” (Paper delivered at the Canadian Industrial Relations Association (CIRA) 50th Annual Meeting, Ryerson University, ON, May 31, 2013). Refereed by the Program Committee.

Jeffrey Sack, Bruce Curran, & Jacob Barrett, “Independence in ‘Essential Services’ Interest Arbitration: The Canadian Experience in an International Context” (Paper delivered by Jeffrey Sack at the International Association of Labour Law Journals Annual Meeting, Université de Bordeaux, France, June 5, 2013). Non-refereed.

Professional Journals

Bruce Curran, “Union Attitudes Toward Grievance Procedures: Empirical Support For The Donais Fairness Theory” (2011) 2 Workplace Fairness Institute Journal 23.

Blog Posts

Bruce Curran, “Environmental Law: What’s Criminal Law Got To Do With It?” (23 October 2016), *Robson Crim Legal Blog*, online: <www.robsoncrim.com/single-post/2016/10/23/Environmental-Law-What’s-Criminal-Law-Got-To-Do-With-It>.

Media Citations

Jillian Austin, “Group wants neutral site for WIS investigation interviews” (10 March 2018), *Brandon Sun*, online: <<https://www.brandonsun.com/local/group-wants-neutral-site-for-wis-investigation-interviews-476444293.html>>.

Kristin Annable, “Terminated Winnipeg health authority workers must pay back part of severance, give monthly employment reports: Law prof calls the agreement unusual” (18 July 2017), *CBC News* (web publication), online: <<http://www.cbc.ca/news/canada/manitoba/wrha-severance-agreement-1.4211316>>.

Interview of Bruce Curran by Kristin Annable on Winnipeg Regional Health Authority settlement offers to dismissed managers (18 July 2017) on CBC Winnipeg News, CBWT, Winnipeg, CBC Digital Archives.

Kristin Annable, “WRHA seeks to recoup \$1.2M in overpayments” (12 January 2017), *Winnipeg Free Press*, online: <<http://www.winnipegfreepress.com>>.

Interview of Bruce Curran by Sean Kavanagh on Manitoba government considering legislating revisions to terms of public sector collective agreements (11 February 2017) on morning news, CBC Radio One, Winnipeg, CBC Radio Archives.

Jessica Lewis, “How Do You Get Your Employees To Be Innovative?” (18 December 2014), *Arts & Science News* (web publication), online: <<http://news.artsci.utoronto.ca/all-news/get-employees-to-be-innovative/>>.

Rachel Emma Silverman, “How to Pay Employees for Great Ideas” (4 December 2014), *Wall Street Journal, At Work* (blog), online: <<https://blogs.wsj.com/atwork/2014/12/04/paying-bonuses-for-innovation/>>.

Professional Development Courses, Workshops, and Seminars

Workshop on Law Student Engagement, Centre for the Advancement of Teaching and Learning, University of Manitoba, February 2018

Orientation Session for New Faculty, University of Manitoba, July 2016.

Teaching Workshop for Junior Faculty, University of Ontario Institute of Technology, July 2015.

International Developments in Labour & Human Resource Policy, International Labour Organization & University of Toronto, June and July, 2013

Oral Presentation Skills, University of Toronto, Winter 2013

THE 500: Teaching in Higher Education, University of Toronto, Fall 2012

Becoming a Better Editor of Your Own Work, University of Toronto, Winter 2012

Writing Social Science and Humanities Research Council (SSHRC) Proposals, University of Toronto, Fall 2011

Thesis Writing in the Social Sciences, University of Toronto, Summer 2011

Research Ethics, University of Toronto, Winter 2011

Conference Organization

Chaired “Legal Perspectives on Justice and Access: Liminal Justice—Youth, Mental Health, and Roadside” panel, “Accessing Justice: interdisciplinary perspectives on access, justice, law & order” conference, University of Winnipeg, Winnipeg, MB, May 11, 2018.

Organized “Technology and Work: Justice Boom or Fissuring Bane?” plenary panel, Canadian Law and Society Association Mid-Winter Meeting, Technologies of Justice conference, University of Ontario Institute of Technology, Oshawa, ON, January 27, 2018.

Chaired “Legal Education” panel, Canadian Law and Society Association Mid-Winter Meeting, Technologies of Justice conference, University of Ontario Institute of Technology, Oshawa, ON, January 27, 2018.

PROFESSIONAL MEMBERSHIPS & ACADEMIC ASSOCIATIONS

ADR Institute

Canadian Bar Association

Ontario Bar Association

Canadian Industrial Relations Association

Law Society of Upper Canada, Called to the Bar in February 2000

LANGUAGES

English (native language)

French (intermediate)

Cary Miller, Head of Native Studies Associate
Professor, Department of Native Studies
University of Manitoba

Cell: [REDACTED]

Email: [REDACTED]

EDUCATION

Ph.D University of North Carolina, 2004

Dissertation: "Ojibwe Leadership in the Early Nineteenth Century"

M.A. in Religious Studies, University of North Carolina, 1995

Thesis: "Rethinking Tradition: The Anishinaabeg Perception of Time and the Jingle Dress Dance as a Traditional Practice"

Completed Ojibwe Language Summer Immersion Program, Sault College, Sault Ste. Marie, Ontario, Canada in August 1994 and August 1995

Completed two years of the Nishinaabemwin Language Instructors Institute, Bay Mills Tribal Community College, Brimley, Michigan, June-July 1994 and June-July 1995

B.A. in Classics, minor in Religious Studies, University of Iowa, 1993

PROFESSIONAL EMPLOYMENT HISTORY

Associate Professor and Head of Native Studies, 2017 – present, University of Manitoba

Director of American Indian Studies, 2013-2017, University of Wisconsin-Milwaukee

American Indian Studies Coordinator, 2011-2013, University of Wisconsin-Milwaukee

Associate Professor, Department of History, 2010 – 2017, University of Wisconsin-Milwaukee

Assistant Professor, Department of History, 2002-2010, University of Wisconsin-Milwaukee

Assistant Professor of Native American Studies and Director of Activity II of Title III, Lake Superior State University 1997-99

Instructor, Native American Studies, Lake Superior State University, 1996-7

Sessional Instructor, BRIDGE Fine Arts Program, Algoma University College, 1996, 1998-99

Sessional Instructor, School of Native Education and Training, Sault College, 1995-96

SCHOLARSHIP

Books

Ogimag: Anishinaabeg leadership 1760-1845. Norman: University of Nebraska Press, 2010.

Articles

No Time Like the Present: Living American Indian Languages, Landscapes, and Histories. Coauthored with Margaret Noodin and Bernard Perley. A chapter for the volume *Words and Relations*. Adrianna Link, Abigail Shelton, Patrick Spero eds. (University of Nebraska Press: Lincoln. Forthcoming)

“Every Dream Is a Prophecy: Rethinking Revitalization – Dreams, Prophets, and Routinized Cultural Evolution” in Jill Doerfler, Niigaanwewidam James Sinclair and Heidi Kiiwetinepinesiik Stark eds. *Centering Anishinaabeg Studies: Understanding the World through Stories*. (East Lansing: Michigan State University Press, 2013).

“Gifts” In *Encyclopedia of United States Indian Policy and Law*, vol1. ed. Paul Finkelman and Tim Alan Garrison, CQ Press. 2008.

"Gifts as Treaties: The Political Use of Received Gifts in Anishinaabe Communities 1820-1832," *American Indian Quarterly*. 2002 26(2): 221-245.

Book Reviews

Review of Jennifer S.H. Brown ed. *Ojibwe Stories from the Upper Berens River: A. Irving Hollowell and Adam Bigmouth in Conversation*. (Lincoln: University of Nebraska Press and the American Philosophical Society, 2018) In *Manitoba History*, Spring 2019 89: 41-42.

Review of John Reda *Furs to Farms: the Transformation of the Mississippi Valley, 1762-1825* (DeKalb: Northern Illinois University Press, 2016) In *Journal of American History* March 2018 104 (4):1008.

Review of John P. Bowes *Land Too Good For Indians: Northern Indian Removal*. (Norman: University of Oklahoma Press, 2016) In *The Chronicles of Oklahoma*, Fall 2017 95 (3): 357-358.

Review of Michael A. McDonnell, *Masters of Empire: Great Lakes History and the Making of America*. In *Michigan Historical Review*. Fall 2016 42 (2): 118-119.

Review of Bethel Saler *The Settler's Empire: Colonialism and State Formation in America's Old Northwest*. In *Journal of American Ethnic History*. Fall 2016 36 (1): 91-92.

Review of Joan Jenson and Michelle Wick Patterson eds. *Travels with Frances Densmore: Her Life, Work and Legacy in Native American Studies*, in *Minnesota History*. Summer 2016 65 (2): 68.

Review of Murphey, Lucy Eldersveld. *Great Lakes Creoles: A French-Indian Community on the Northern Borderlands, Prairie du Chien. 1750-1860*. in *Ethnohistory*. April 2016 63 (2): 419-420.

Review of Redix, Erik. *The Murder of Joe White: Ojibwe Leadership and Colonialism in Wisconsin* in *Western Historical Quarterly*. Winter 2015 46 (4): 515.

Review of Bellfy, Phil. *Three Fires Unity: The Anishinaabeg of the Lake Huron Borderlands*. (Lincoln: University of Nebraska Press, 2011) in *American Historical Review*. April 2012, 516.

Review of Danziger, Edmund J. *Great Lakes Indian Accommodation and Resistance During the Early Reservation Years, 1850-1900*. (Ann Arbor: University of Michigan Press, 2009) in *Western Historical Quarterly*, 2011, 42 (1): 85-85.

Review of McNally, Michael D., *Honoring Elders: Aging, Authority and Ojibwe Religion* (Columbia University Press) in *American Indian Quarterly*, 2011 35 (3): 468-470.

Review of Gray, Susan Elaine, *"I Will Fear No Evil": Ojibwa-Missionary Encounters Along the Berens River, 1875-1940*. (Michigan State University Press, 2006) in *Michigan Historical Review*. Fall 2007 33(2): 173-4.

Review of Peacock, Thomas and Marlene Wisuri, Ojibwe Waasa Inabidaa: *We Look in All Directions*. (Afton, MN: Afton Historical Society Press, 2002), in *American Indian Culture and Research Journal*. 2002 26(4): 161-163.

Conference Presentations

"Developing Native and Indigenous Studies Initiatives at Colleges, Universities, Libraries, and Research Institutes: A Roundtable" with Christina Snyder, Penn State, Malinda Maynor Lowery, Univeristy of North Carolina-Chapel Hill, Alyssa Mt. Pleasant, University of Buffalo, Patty Loew, Northwestern University, and Laurie Arnold, Gonzaga University, American Society for Ethnohistory, Penn State, September 27, 2019

"That We Might One Day Be as One Body" Metis Nation-building in Canada and the US in the Nineteenth Century" NAISA Conference, Hamilton, New Zealand June 26-29, 2019

"Indigenous History Round Table" History Graduate Student Conference, May 2, 2019

"A Comparison of Canadian and US Indian Policy 1900 to the present," Fireside Chat, Miigizi Aagamik, January 29, 2019.

“Race and Whiteness: A Moderated Roundtable Discussion,” Institute for the Humanities, Nov. 2018

“Indigenous Language Program” scholars panel for Reconciliation Forum, March, 2018

“A Comparison of Canadian and US Indian Policy,” Fireside Chat, Miigizi Aagamik, March 2018.

“A Comparison of Canadian and US Indian Policy to 1900,” Fireside Chat, Miigizi Aagamik, October 2018.

“The Future of Native Studies at the University of Manitoba,” UM Native Studies Colloquium Series, September, 2017

“The Gathering Continues: Contemporary Indigenous Plant Use in the Western Great Lakes” Presented at American Society for Ethnohistory, Nov. 2016.

“Researching Indigeneity” presented at IGHERT Workshop, UW-Milwaukee, May 8, 2016.

“Experiencing Native North America: An American Indian Studies Community Project,” with Bernard Perley, and Margaret Noodin presented at Landbody: Indigeneity’s Radical Commitments, A Center for 21st Century Studies Conference at UW-Milwaukee, May 6, 2016.

“Experiencing Native North America: Indigenous Pedagogy as Sovereign Practice” with Bernard Perley and Sommer Drake presented at the Educator’s Network for Social Justice Conference, Indian Community School, Franklin, WI, April 30, 2016.

“Experiencing Native North America: Indigenous Pedagogy as Sovereign Practice” with Bernard Perley presented at the Wisconsin Indian Education Conference, April 2, 2016.

“Murder at Leech Lake: the Confluence of Kinship, Legal Statutes and Perceptions of Race in Wisconsin Territory” presented at the American Society for Ethnohistory Conference, Nov. 6, 2015.

“Experiencing Native North America: The Intersection of History, Languages, Landscape and Spirituality” with Bernard Perley presented at the Wisconsin Indian Education Association Conference, Milwaukee, WI, March, 2015.

“Experiencing Native North America: The Intersection of History, Languages, Landscape and Spirituality” with Bernard Perley and Margaret Noodin at the Educator’s Network for Social Justice Conference, Indian Community School, Franklin, WI, April 25, 2015

“Translating Culture: ABCFM textbooks in Anishinaabeg communities, 1830-1845” presented at NAISA, Austin, TX, May 30, 2014.

“Origin of Early Literacy in Anishinaabemowin” with Margaret Noodin, presented at Anishinaabemowin Teg Conference, Sault Ste. Marie, MI, March 27, 2014.

“American Indian Activism,” Gilder Lehrman Institute of American History, Marquette University, February 13, 2013.

“Community and Indigenous Leadership,” Sequoyah American Indian Alumni Keynote Address, University of North Carolina-Chapel Hill, March 22, 2012.

“19th Century Travel Narratives in Indian Country,” Milwaukee Public Library’s Evening Spotlight Series, Richard E. and Lucile Krug Rare Books Room, November 14, 2011.

“American Indians in Milwaukee,” Doors Open Milwaukee, September 2011.

“Invitation sticks in Anishinaabeg Politics and Ceremony,” presented at Native American and Indigenous Studies Association Conference, Pasadena, California, May 2011.

“Ojibwe Leadership 1763-1845” hosted by University of Wisconsin-Whitewater, Thursday March 10, 2011.

“Anishinaabe Women and Political Authority: The Significance of Kinship and Local Organization” presented at American Society for Ethnohistory, Ottawa, Canada, October 2010.

“Use of Birchbark by Wisconsin Indians,” hosted by the Title 7 Indian Education Program, Appleton Area School District, Friday April 14, 2010.

“Lunch n Learn – Wisconsin Tribes,” hosted by the West Bend Mutual Insurance Company, West Bend, WI, November 19, 2009.

“Giving Thanks: To Be Native In America,” hosted by the UWM Sociocultural Programming and UWM American Indian Student Association, Multicultural Student Lounge, November 17, 2009.

Film Discussion for “Gaamiinigooyang: That Which is Given to Us” hosted by the UWM Multicultural Student Association as part of Love United Week, UWM Fireside Lounge, April 2, 2009.

“Lunch Keynote: Ojibwe Leadership in Historical Context” Niigaaniziwin – Building the Foundation Conference, Tuesday, March 10, 2009, Northern Great Lakes Visitor Center, Ashland, Wisconsin.

“The Truth About Thanksgiving: The early colonization experience and the interactions between American Indians and Africans” Co-hosted by the American Indian Student Association and the Africology Club. Nov. 18, 2008 6pm Greene Hall, UWM.

“The Case For American Indian Studies: A Panel Discussion” (Panel consisted of Don Green and myself) Marquette University October 14, 2008 7-9 pm

Conducted Breakout Session 1B, “Freedom and Sovereignty: The American Indian Experience” at the WASAH Summer Institute “Defining American Freedom” July 22, 2008 1:30 – 4:30pm at the UW-Marathon County campus.

“Teaching and Learning the Lac Courte Oreilles Indian Culture: A New Curriculum” (with Jennifer Bunker of Lac Courte Oreilles Ojibwe Community College) at the Educator’s Network for Social Justice Anti-racist Anti-bias Teaching Conference, Saturday May 3, 2008, Indian Community School, Franklin, WI

“The Future of American Indian Studies” (Panel consisted of myself, Leah Arndt, Donald Green, David Beaulieu) Friday April 18, 2008 10am – 2pm Green Hall UWM

“Ojibwe Leadership in the Early Nineteenth Century” presented at Lac Courte Oreilles Tribal Community College, (broadcast to additional learning sites at Bad River and Lac du Flambeau Reservations) February 27 & 28 2008

“Everyday Prophets: Rethinking Revitalization” presented at The American Society for Ethnohistory Conference, November 2007

“Charismatic Chiefs: Reassessing Leadership in Great Lakes Ojibwe Communities” presented at Harvard University, March 8, 2007

“Ojibwe History and Leadership” presented at University of California – Riverside, January 2007

“Ojibwe Land Use and Contending Claims to Chiefly Authority” presented at The American Society for Ethnohistory Conference, November, 2006

“Ojibwe Leadership in the Early Nineteenth Century” presented at 2006 Conference of Ford Fellows, October, 2006

“Wisconsin Indian History” presented for the Milwaukee County Historical Society, March, 2006

“Adoption and American Indians” presented at Marquette University, April, 2005

“American Indians and Milwaukee” with Donna Beckstrom of MATC presented at A Symposium on Milwaukee History, October 7-8, 2004 at the University of Wisconsin-Milwaukee

“Native American History and Culture” presented to a Master’s level diversity in education course at Cardinal Stritch University November 11, 2004

“Providers for the Trade: The Role of Ojibwe Women in the Fur Trade” presented at the International Federation for Research in Women’s History Conference August 2003 in Belfast, Ireland

“Women’s Roles in Native Communities in Wisconsin and other Woodland Areas” presented at UW-Waukesha as a part of the speaker series sponsored by the American Indian Cultural Association, April 24, 2003

“Cross-cultural Confusion at Fond du Lac” presented on campus on April 8, 2003 as a part of UW-Milwaukee American Indian Awareness Days

“Gifts as Treaties: The Use of Received Gifts to Make Political Statements in Ojibwe Communities 1831-1832,” American Society for Ethnohistory Conference, Oct. 2001

“Cultural and Historical Factors Effecting Sentencing of Native Americans” with Paige Gordier, Academy of Criminal Justice Science Annual Meeting, Mar. 1999

“Proposed degree in Native and Museum Studies - Community Feedback,” Anishinaabemowin Teg Annual Ojibwe Language Conference, April 1997

“Four Seasons Anishinaabe Art Journey,” Native American Studies Conference, Thunder Bay, Ontario, Oct. 1997

“Rethinking Tradition: The Anishinaabeg Perception of Time and the Jingle Dress Dance as a Traditional Practice,” Native American Studies Conference, Sault Ste. Marie, MI, Apr. 1996

Other Conference Contributions

Attended Language Planning Retreat at the University of Winnipeg to look at ways to share resources across Manitoba to maximize language training resources Dec. 11-12

Attended Honouring our Languages Conference, and shared information about our Language programming Winnipeg Oct 23-25

Attended 5th Reconciliation Conference, and drove walking stick and paddles back to NCTR. Sault Ste Marie, October 8-10, 2019

Conference Organizer, Saving Indigenous Languages Society, Winnipeg MB, June 26-30 2019

Conference Organizer, American Society for Ethnohistory, Winnipeg, MB, Oct. 11-14 2017

Assisted Hope Longwell-Grice (UWM School of Education) with grant writing and delivery of the one day conference “Listening to and Learning from the Elders: Preparing Teachers to Represent Act 31 in Wisconsin Schools” April 5, 2008 9am – 3pm Union South, UW-Madison

Introduced Ned Blackhawk’s talk “Violence Over the Land: Lessons From the Early American West” for the annual Carter G. Woodson lecture at UWM on April 7, 2008

History Panel Moderator at the 2008 National Academies Ford Foundation Conference,
National Academy of Sciences, Washington, D.C. September, 2008

Panel Moderator New Directions in American Indian Research Conference 2005

Secured funding to send UWM graduate student Jessica Hale (anthropology) to attend New
Directions in American Indian Research Conference 2004

Panel Moderator, NWSA Conference 2004

CAMPUS TRAINING

“Campus Decolonization – Conversation with Cary Miller” Faculty of Social Work Feb. 28,
2020

“Facilitated Discussion: White Fragility, Where Do We Go From Here?” LOD, Feb 26, 2020

“EDI 2.0” Faculty of Arts Recruitment Staff, Feb 21, 2020

“What Does Reconciliation Have to Do with Me?” Faculty of Arts Recruitment Staff, Feb 3,
2020

“Definition of Terms” for International Students, Jan 15, 2020

“Native Studies Drop-Ins” Alternate Thursdays Jan 16 – April 2020

“What Does Reconciliation Have to Do with Me?” for Recruitment Staff Jan 13, 2020

“Native Studies Book Club: Discussion of Ogimaag” Dec. 11, 2019

“Native Studies Drop-Ins” Alternate Tuesdays September 24 – Dec 10, 2019

“White Fragility” panel for CATL, December 13, 2019

“EDI 2.0” with Valarie Williams for LOD November 28, 2019

“Teach-In for Reconciliation Part 2”, Coordinator, Indigenous Engagement, Nov. 15, 2019

“Indigenous Training” LOD program for UM Leaders Learning alumni, Nov. 5, 2019

“White Fragility in the Classroom,” for Arts Faculty Oct. 17, 2019

Indigenous Leadership Panel, Asper School, Lombard Ave. October 4, 2019

“Looking Beyond Cultural Competency” Indigenous Scholar Speaker Series, Wednesday Oct 2, 2019

“Indigenous Diplomacy, Treaties, and the Indian Act” for LOD Learning Lab September 30, 2019

“What Doesn’t Reconciliation Have to do with Me?,” Senior Executive Retreat, September 12, 2019

“What Doesn’t Reconciliation Have to do with Me?,” Law Student Orientation, September 4, 2019

“What Does Reconciliation Have to do with Me?” Orientation presentation for international students August 27, 2019

“Dealing With Race in the Classroom” presentation for Arts Faculty Heads Retreat, August 20, 2019

“What Does Reconciliation Have to do with Me? Training for VP Administration and Executive Directors, July 24, 2019

“Faculty of Arts Summer Institute for Indigenizing Curriculum” Wednesdays April 19-June 26 2019

“Teach-In For Reconciliation” with Peter Kulchyski, Niigaan Sinclair, Fred Shore, Christopher Trott, June 21, 2019

“Equity, Diversity, and Inclusion 2.0” With Valarie Williams, June 20, 2019

“Indigenous.Women” for Library Indigenous Training June 19, 2019

“What Does Reconciliation Have to do With Me?” presentation for HR Department June 10, 2019

“Legal Foundations of Colonialism in the Americas” ISSIP Development Training, May 23, 2019

“What Does Reconciliation Have to do With Me?” presentation for Faculty of Engineering Retreat, May 1, 2019

“Indigenous Cultural Competency Training” for Library Indigenous Training, February 27, 2019

“What Does Reconciliation Have to do With Me?” presentation for executive assistants, November 2018.

“What Does Reconciliation Have to do With Me?” orientation presentation for international students, August 2018

“Indigenizing the Curriculum” CATL scholars panel for administrators, May 2018

CAMPUS CONSULTING

Meeting with Kinesiology regarding Land-based education December 5, 2019

Meeting with Marcia Anderson at RADY regarding Indigenous Content initiatives Dec. 3, 2019

Various consultations for Engineering Indigenous Teaching Café held on November 27, 2019

Consultation with Nursing regarding pre-recs for nursing November 26, 2018

Consultation with Anthropology regarding reconciliation IIF Nov. 18, 2019

Consultation with Economics re: Urban Additions to Reserce, Nov. 5, 2019

Consultation with Nursing Nov. 1, 2019

Indigenous perspectives on negotiation consultation, Asper, August 28, 2019

Meeting with Dan Henhawk, Kinesiology regarding cross-departmental opportunities August 13, 2019

LOD Workshop planning, August 12, 2019

Met with Daniel Jordan, UMSU, July 22, 2019 regarding interest in institute for UMSU directors

Met with Randy Herrmann, Engineering, March 18, 2019

Met with Lorena Fontaine, UW Indigenous Lead regarding Indigenous language programming

With Christine Cyr and Carl Stone, Met with Physical Plant personnel regarding smudging policy March 4, 2019

Consult with Johnathan Beddoes, Engineering regarding training, February 19, 2019

With Ruth Shead, met with UM Security regarding profiling of an Indigenous faculty member Feb. 15, 2019

Roisin Casar and Tina Chen, disciplinary matter, January-February 2019

OTHER TRAINING

“Fragility and Privilege” for Manitoba Department of Agriculture and Lands Management

RADIO AND TV INTERVIEWS

“Ogimaag: Anishinaabeg Leadership” KAXE, Monday, August 8, 2011.

“Wisconsin’s American Indian Heritage, Part I & II,” *I Remember*, Program numbers 1519 and 1521, Milwaukee Public Television, first aired April 13 and May 11, 2009.

Appeared on the 30 minute radio show Indian Uprising hosted by Rhianna Yazzie on radio station KFAI, Minneapolis Community Radio on Sunday January 19, 2009.

AWARDS AND HONORS

UWM SURF (Support for Undergraduate Research Fellows) Award with Nathon Breu for research project “The Gathering Continues: Indigenous Plant Use in the Western Great Lakes,” (Anishinaabe community focus) summer 2016

UWM SURF (Support for Undergraduate Research Fellows) Award with James Flores for research project “The Gathering Continues: Indigenous Plant Use in the Western Great Lakes,” (Oneida community focus) summer 2016

Awarded The Royster Society of Fellows Honorary Sequoyah Fellowship from the UNC Graduate School on March 22, 2012 “This award recognizes Dr. Cary Miller’s outstanding academic research and acknowledges with deep appreciation her instrumental work in creating First Nations Graduate Circle. Both sources of accomplishment are of enduring value to University students and our society”

NEH Summer Seminar Awardee June 14-July 9, 2010

National Academy of Sciences Ford Postdoctoral Fellowship, 2006-2007 academic year

Featured in UNC Native American Graduate Students Calendar 2006

Learning Disabilities Services Access Award, University of North Carolina, 2002

Boka Hodzija Award for Academic Excellence and Distinguished Service by a Graduate or Professional Student, 2000-2001 academic year

Mowry Award, University of North Carolina Department of History, 2001

Democracy in America Fellowship, University of North Carolina, 1999-2000

Outstanding Native Faculty, Native American Student Organization, Lake Superior State University, 1997

Outstanding Collegiate Academic Achievement Award, Carolina Indian Circle, University of North Carolina, 1995

CIC Summer Research Opportunities Program Grant, University of Iowa, 1990

Minority Achievement Scholarship, University of Iowa, 1988-1992

Undergraduate Student Assistantship, University of Iowa, 1988-1991

TEACHING EXPERIENCE

University of Manitoba 2017-present

NATV 2000 (Special Topics) Indigenous politics in the US

NATV 2510 Indigenous Experience in the US to 1860

NATV 4300/7220 (Special Topics) Indigenous politics in the US

NATV 7220 (Special Topics) How to Teach an Indigenous Studies Course

University of Wisconsin-Milwaukee, 2002-present

HIST 101 Western Civilization: Ancient World to 1500

HIST/AIS 262 North American Indian History to 1887

HIST/AIS 263 North American Indian History Since 1887

HIST 294 Seminar in History: Research Techniques

HIST/AIS 473 History of Wisconsin Indians

HIST/AIS 474 Topics in Native American History: Native American Women's History

HIST/AIS 475 American Indian History, Law and Government

HIST 699 Undergraduate Independent Study

HIST 713 Historical Research Methods (Graduate Level)

HIST 900 Seminar in American History: Issues in American Indian History

HIST 989 Masters Level Independent Work

AIS 203 American Indians of the Western Great Lakes

AIS 105 Great Lakes Ethnobotany

University of North Carolina Teaching Assistantship, 2000-02, 1994-95

Women in American History

Native America: the East

U.S. History to 1865

Introduction to World Religions

Old Testament Survey

Religion in America

Lake Superior State University, Assistant Professor of Native American Studies and Director of Activity II of Title III, 1997-99; Instructor, 1996-97.

Humanities I

Native Cultures of North America
Native Art and Culture
Native American Literature
Native History of North America
Contemporary Native American Issues
Seminar in Native American Studies

Algoma University College, Sessional Instructor, 1996, 1998-99

Courses Taught:

Introduction to North American Native Art
Ojibwe Art and Culture

Sault College, Sessional Instructor 1995-96

Courses Taught:

Native College Entrance
Treatment Process

COMMITTEES AND NETWORKING

Community

Manitoba Museum Advisory Committee 2018-present

University of Manitoba

President's Task Force on Equity, Diversity and Inclusion 2019-present

Environmental Scan subcommittee

Community Consultation subcommittee (chair)

Asper Indigenous Art Advisory Committee 2019-present

Faculty of Arts Diversity and Inclusion Committee 2019 - present

Senate Executive Committee 2019 - present

Senate Planning and Priorities Committee 2018-present

Faculty Senate 2018-present

Land Based Knowledge Initiative Committee 2018-present

Faculty of Arts Council Executive Committee 2018-present

Faculty of Arts Standing Committee, Indigenous Requirement, Chair, 2018-present

UM Native Studies Department Graduate Committee, 2018-present

UM hiring committee, Department of Native Studies, Open Field, (chair) 2019 - present

Faculty of Arts Tenure and Promotion Committee, 2018-2019

Gaa wii ji'I diyaang Committee 2018-present; Co-chair June 2018-present

UM President Search Committee 2018-Oct. 2019

Indigenous Governance Committee January – September 2019

UM hiring committee, Department of Native Studies, Indigenous Language position, 2018 – 2019, chair
 UM hiring committee, Departments of Native Studies and History, Metis history, 2018-2019
 UM hiring committee, Departments of Native Studies and History, spousal hire 2019, chair
 UM hiring committee, Departments of Native Studies and History, spousal hire 2018-2019, chair
 UM hiring committee, Departments of Native Studies and Women's and Gender Studies, 2018-2019
 UM hiring committee, CTL Indigenous Education Search, 2018
 UM hiring committee Chair, Indigenous language specialist, Department of Native Studies 2018
 UM hiring committee, Department of History Chair, 2018
 UM hiring committee, Department of City Planning, 2017-18
 Ad Hoc Committee, Indigenous Requirement, Faculty of Arts 2017-2018

University of Wisconsin-Milwaukee

UWM L&S Dean Search Committee, Vice Chairman, 2017
 UWM Fromkin Award Committee 2016-2017
 UWM Paper Selection Committee, Landbody: Indigeneity's Radical Commitments, A Center for 21st Century Studies Conference Feb, 2016
 UWM American Indian Advisory Committee to the Provost, 2014-present
 UWM History Department Graduate Studies Committee 2014-present
 UWM Faculty of Colour Committee, 2014-2015
 NCAIS (Newberry Consortium for American Indian Studies) Advisory Committee 2008-present
 UWM American Indian Studies Committee 2004-present
 UWM Clear Sky Institute for Act 31 Compliance Committee 2005 - 2011
 UWM History Department Library Committee 2008-9
 UWM History Department Undergraduate Committee 2007-8
 UWM History Department Library Committee, 2004-5
 UWM History Department Undergraduate Committee, 2003-4
 UW-System American Indian Studies Consortium, 2002-3
 UWM History Department Awards Committee, 2002-3

Lake Superior State University

Native Studies BRIDGE committee linking Lake Superior State University, Sault College, and Algoma University College
 NCA Criterion 3 committee to review the mission and goals of Lake Superior State University
 1999 MICUP development team linking Lake Superior State University to Bay Mills Tribal Community College
 1998 MICUP development team
 Fine Arts Studies Advisory Committee
 Four Seasons Art Journey Advisory Committee
 Lake Superior State University Native Programs Committee
 Symposium Committee for the 1994 University of North Carolina Graduate Student Symposium, "Teaching Religious Studies at a Secular Institution," Oct, 1994

GRANTS

Summer Institute Faculty Training Grant, IIF, University of Manitoba PENDING

Indigenous First Language Speaker Elders in Residence IIF Grant, University of Manitoba, 2018-9

IRE Grant, UW-System Institute on Race and Ethnicity, 2009-2010

Community-University Partnership Grant, Cultures and Communities, University of Wisconsin-Milwaukee, 2009-2010

4-S Minority Retention Grant, State of Michigan Department of Equity, 1996-97 and 1997-98

MICUP (Michigan College-University Partnership) Grant, State of Michigan Department of Equity, 1998-1999

Ontario Ministry of Education and Training Aboriginal Education and Training Strategy Proposals, Fall 1995 Funded programs included the following:

- Ojibwe Language Multi-Partnership
- Assistant Counselor / Activities Coordinator
- Native Counselor - North Shore Campus
- Minwaangozidaa Program
- Native Outreach Support Services Officer
- The Stepping Stone Approach Project
- Aboriginal Resource Technician Program
- Native Community Worker Program
- Mino Maajitaadaa Native College Entrance Program

OTHER PROFESSIONAL EXPERIENCE

Professional Organizations

Secretary, American Society for Ethnohistory 2017-2018

Conference Organizing

American Indian Sovereignty and Natural Resource Management Conference, April 7-8, 2014

This conference included academic papers as well as presentations from Wisconsin Indian communities. Key Note speaker: Patty Loew and her film "Protect Our Future".

7th International Native American Studies Conference: Celebrating Artistic Expressions of First Peoples, Lake Superior State University, Sept 23-25, 1999

This conference included academic papers as well as workshops in traditional arts offered by local practitioners. Key-note speakers and performers: Gary Farmer, Chris Eyer, Shelly Niro, Alanis Obomsawin, and Bill Miller.

6th International Native American Studies Conference: Celebrating Native North American Languages, Lake Superior State University, April 2-4, 1998

This conference was offered with the annual Anishinaabemowin

Teg Ojibwe Language Conference to bring together academic presenters and Ojibwe language instructors. Key-Note Speakers: Jim Northrup and Mark Denning. Additional Key-notes were supported by Anishinaabemowin Teg.

Program Development

Contributed along with other UWM American Indian Studies faculty to the development and implementation of a CIM major in American Indian Studies. 2013, revised 2015.

Four Seasons Anishinaabeg Art Journey at Sault College: A program combining studio and academic courses focused on traditional and contemporary Ojibwe arts delivered by academic staff as well as community artists and elders with a College facilitator. 1996

Consultant

Historical Consultant and Expert Witness for Couchiching First Nation in the case Couchiching FN et al v. AG Canada et al, 2014 ONSC 1076 regarding Anishinaabeg treaty claims to property being used by the town of Fort Frances, ON, May 2012-March 2013.

Consultant for the for the Turning Points Exhibit at the Outagamie County Historical Society Museum in Appleton, Wisconsin 2004.

Compiled an External Review of the GED program for the Sault Ste. Marie Tribe of Chippewa Indians, Sault Ste. Marie, MI, June 1994.

LORNE NEUDORF

| Ph: [REDACTED]

EDUCATION & QUALIFICATIONS

- | | |
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| 2015 | DOCTOR OF PHILOSOPHY
University of Cambridge, Faculty of Law |
| 2009 | BARRISTER AT LAW
Law Society of Ontario |
| 2009 | MASTER OF LAWS
McGill University, Institute of Comparative Law |
| 2007 | JURIS DOCTOR
University of Victoria, Faculty of Law |

ACADEMIC APPOINTMENTS

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| 2017-present | UNIVERSITY OF ADELAIDE, ADELAIDE LAW SCHOOL
Deputy Dean & Associate Professor |
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Responsible for key aspects of Adelaide Law School as part of the Law School's executive team. Collaborate with other senior academic and administrative leaders. Work with the Dean to develop the Law School's strategy and overall direction, serve as Acting Dean during the Dean's absence, chair board and committee meetings, plan and allocate academic workload, host events visitors and alumni, recruit academic and professional staff, plan the Law School budget with the School Manager, initiate and develop links with leading international law schools, review and develop Law School policy, maintain Law Society accreditation, represent the Law School at internal and external meetings and events, and resolve student appeals. As Associate Professor, coordinate and teach public law and comparative law courses in the undergraduate and post-graduate programmes. Member of the China Strategy Group and Deputy Director of the Public Law and Policy Research Unit (from July 2020). Supervise higher degree by research projects.

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| 2017-present | UNIVERSITY OF MANITOBA, ROBSON HALL (FACULTY OF LAW)
Adjunct Professor |
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| 2013-17 | THOMPSON RIVERS UNIVERSITY, FACULTY OF LAW
Associate Professor (tenured and promoted 2017)
Assistant Professor (2013-17)
Founding Faculty |
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Taught Administrative Law, Comparative Law, Legislation Administration and Policy and Trusts. Supervised research projects and student law journal editors. Awarded five teaching excellence prizes by the law students for teaching in both the first year and upper year curriculum. Sat on numerous Faculty and University committees including recruitment committees for academic staff and the Dean of Law and chaired the Appeals Committee.

- 2011-13 **UNIVERSITY OF CAMBRIDGE, FACULTY OF LAW**
Supervisor, Administrative Law
 Supervised Administrative Law at Churchill (2011-13), Emmanuel (2012-13), Hughes Hall (2011-12), Lucy Cavendish (2011-12), Peterhouse (2011-13), and Wolfson (2011-12).
- 2011-12 **UNIVERSITY OF CAMBRIDGE, PEMBROKE AND KING'S COLLEGES**
Lecturer, Introduction to English Common Law
 Developed course materials, lectured classes, and led seminars in an undergraduate course part of the Pembroke-King's Summer Programme.

SCHOLARSHIP

Books & Edited Volumes

- In progress **DELEGATED LAWMAKING IN COMPARATIVE PERSPECTIVE: TOWARD A BETTER LAWMAKING PROCESS**
- In progress **DEMOCRATIC DECAY: CHALLENGES FOR CONSTITUTIONALISM AND THE RULE OF LAW**
7 Canadian Journal of Comparative and Contemporary Law
 Contributions from world-leading comparative constitutional law scholars including Rosalind Dixon, Tom Ginsburg, Ran Hirschl, David Landau, Sandy Levinson, Mark Tushnet and Mila Versteeg (among others).
- 2018-present **THE RULE OF LAW IN CONTEXT**
Hart (Bloomsbury)
 General Editor of global book series examining the rule of law in different jurisdictions around the world (with G. Appleby); eight titles currently under development with expected publication in 2020-21.
- 2020 **THE CONSTITUTIONAL MODELS OF INDIA AND AUSTRALIA**
Bloomsbury
 Contributions from scholars and jurists comparing different aspects of the Indian and Australian Constitutions (with V. Arora, P. Babie & A. Tomer).
- 2020 **THE FUTURE OF CHARITY LAW**
6 Canadian Journal of Comparative and Contemporary Law
 Contributors from leading scholars in the field (with C. Hunt and R. Diab).
- 2019 **REFLECTIONS ON ANIMAL LAW**
5 Canadian Journal of Comparative and Contemporary Law
 Contributions from 9 leading scholars in the field (with C. Hunt and R. Diab).
- 2018 **DATA PROTECTION AND PRIVACY**
4 Canadian Journal of Comparative and Contemporary Law
 Contributions from 8 leading scholars in the field (with C. Hunt and R. Diab), foreword by Justice Rosalie Silberman Abella of the Supreme Court of Canada.
- 2018 **LEGISLATING STATUTORY INTERPRETATION: PERSPECTIVES FROM THE COMMON LAW WORLD**
Carswell (Thomson Reuters)
 Contributions from 16 international scholars reflecting on parliamentary attempts to regulate judicial interpretive discretion (with C. Hunt and M. Rankin), foreword by Justice Thomas Cromwell formerly of the Supreme Court of Canada.

- 2017 **THE ANNOTATED GUIDE TO THE BC INTERPRETATION ACT**
Carswell (Thomson Reuters)
Commentary on the *Interpretation Act* (BC) (with C. Hunt and M. Rankin), foreword by Justice Elizabeth Arnold-Bailey formerly of the Supreme Court of British Columbia.
- 2017 **PROBLEMS OF INTERPRETATION IN INTERNATIONAL LAW**
3 *Canadian Journal of Comparative and Contemporary Law*
Contributions from 10 leading scholars in the field (with C. Hunt and R. Diab), foreword by Justice Louis LeBel formerly of the Supreme Court of Canada.
- 2017 **THE DYNAMICS OF JUDICIAL INDEPENDENCE: A COMPARATIVE STUDY OF COURTS IN MALAYSIA AND PAKISTAN**
Springer
Monograph examining the independence of the judiciaries of Malaysia and Pakistan as part of developing a new theory of judicial independence. Endorsements from David Feldman (Cambridge), Tom Ginsburg (Chicago) and Ran Hirschl (Toronto).
- 2016 **EQUITY IN THE 21ST CENTURY: PROBLEMS AND PERSPECTIVES**
2 *Canadian Journal of Comparative and Contemporary Law*
Contributions from 29 leading scholars in the field across two volumes (with C. Hunt and R. Diab), foreword by Justice Russell Brown of the Supreme Court of Canada.
- 2015 **HEALTH LAW AND HUMAN RIGHTS**
1 *Canadian Journal of Comparative and Contemporary Law*
Contributions from 19 leading scholars in the field (with C. Hunt and R. Diab), foreword by Lorne Sossin former Dean of Osgoode Hall Law School.
- 2012 **THE UK SUPREME COURT YEARBOOK, VOL 2**
Appellate Press (originally published as a volume of the *Cambridge Journal of International and Comparative Law*)
Contributions from 29 scholars and judges including Lord Phillips former President of the Supreme Court of the United Kingdom, Justice Marie Deschamps formerly of the Supreme Court of Canada, and Justice Kenneth Hayne formerly of the High Court of Australia.

Articles, Chapters & Comments

- 2020 **THE LEGAL REGULATION OF A PANDEMIC: LEGISLATIVE DELEGATIONS IN TIMES OF CRISIS**
Forthcoming
- 2020 **BUILDING NATIONAL IDENTITY THROUGH THE CONSTITUTION: THE CANADIAN CHARTER EXPERIENCE**
***Constitutions and National Identity* (ANU Press)**
Examination of the relationship between Canada's *Charter of Rights and Freedoms* and Canadian national identity, and distilling comparative lessons to be learned from the Canadian experience.
- 2020 **SEPARATING POWERS THROUGH THE CONSTITUTION: A COMPARISON OF INDIA AND AUSTRALIA: PART I ORIGINS AND THE INDIAN JURISPRUDENCE**
***Comparative Reflections on the Constitutional Models of India and Australia* (Bloomsbury)**
Examination of the history of the separation of powers, its application in the United States and its transplant to India and Australia which have over time developed their own unique conceptions of the separation of powers.

- 2020 **SEPARATING POWERS THROUGH THE CONSTITUTION: A COMPARISON OF INDIA AND AUSTRALIA: PART II THE AUSTRALIAN JURISPRUDENCE AND COMPARISONS WITH INDIA**
Comparative Reflections on the Constitutional Models of India and Australia (Bloomsbury)
Examination of the history of the separation of powers, its application in the United States and its transplant to India and Australia which have over time developed their own unique conceptions of the separation of powers.
- 2019 **STRENGTHENING THE PARLIAMENTARY SCRUTINY OF DELEGATED LEGISLATION: LESSONS FROM AUSTRALIA**
42(4) Canadian Parliamentary Review 25
Examination of recent reforms to the Australian federal parliamentary scrutiny process.
- 2018 **REASSESSING THE CONSTITUTIONAL FOUNDATION OF DELEGATED LEGISLATION IN CANADA**
41 Dalhousie Law Journal 519
Critical examination of the constitutional authority for delegated legislation with a proposal for reform to strengthen lawmaking accountability.
- 2018 **LEGISLATING STATUTORY INTERPRETATION: THE PARLIAMENTARY REGULATION OF JUDICIAL DISCRETION**
Legislating Statutory Interpretation: Perspectives from the Common Law World (Carswell)
Examining the concept of the legislative regulation of judicial interpretive discretion (with C. Hunt & M. Rankin).
- 2018 **CANADA'S FIRST ACT: THE HISTORY AND ROLE OF THE INTERPRETATION ACT**
Legislating Statutory Interpretation: Perspectives from the Common Law World (Carswell)
Historical overview of the *Interpretation Act* and its impact along with suggestions for future reforms to make it more effective.
- 2017 **TAKING COMPARATIVE LAW SERIOUSLY: RETHINKING THE SUPREME COURT OF CANADA'S MODERN APPROACH TO STATUTORY INTERPRETATION**
39 Statute Law Review 184
Numerical examination and analysis of the Supreme Court of Canada's use of foreign law in statutory interpretation cases with a proposal for a new approach to bolster the legitimacy of its use and maximise its value.
- 2017 **THE SUPREME COURT AND PARLIAMENT: EVOLVING ROLES AND RELATIONSHIPS**
78 Supreme Court Law Review 3
Examination of the Supreme Court of Canada's conception of parliamentary sovereignty, privileges and the unwritten conventions and practices of Parliament.
- 2016 **INADEQUATE REASONS: THE NEED FOR TRIBUNAL PARTICIPATION IN JUDICIAL REVIEW LITIGATION**
54 Alberta Law Review 219
Examination of the participation and role of administrative tribunals as litigation parties in judicial review.

- 2016 **RULE BY REGULATION: REVITALIZING PARLIAMENT'S SUPERVISORY ROLE IN THE MAKING OF SUBORDINATE LEGISLATION**
(Spring) *Canadian Parliamentary Review* 29
Examination of Parliament's supervisory role of delegated legislation along with a comparative analysis of committee scrutiny in the United Kingdom.
- 2016 **JUDICIAL REVIEW REFORM: AVOIDING EFFECTIVE REVIEW THROUGH PROCEDURAL MEANS?**
16 *Oxford University Commonwealth Law Journal* 65
Comparative examination of the litigation procedure for judicial review in Australia, Canada and the United Kingdom to shed light on the relationship between procedural restrictions on access to judicial review and the rule of law (with J. McIntyre).
- 2016 **THE EXPERT WITNESS' DUTY OF IMPARTIALITY IN CANADA: A COMMENT ON *WHITE BURGESS LANGILLE INMAN v ABBOTT AND HALIBURTON CO***
20 *The International Journal of Evidence and Proof* 72
Commentary on the impartiality of expert witnesses in Canadian law (with C. Hunt).
- 2015 **JUDICIAL INDEPENDENCE: THE JUDGE AS A THIRD PARTY TO THE DISPUTE**
***Oxford University Comparative Law Forum* 2**
Conceptual and theoretical examination of the independence of the judiciary.
- 2014 **DECLARATORY LEGISLATION: LEGISLATURES IN THE JUDICIAL DOMAIN?**
47 *UBC Law Review* 313
Examination of the concept of declaratory legislation in light of recent jurisprudence along with a proposed reform to its judicial treatment to make it more coherent.
- 2014 **FORCE MAJEURE CLAUSES IN COMPARATIVE PERSPECTIVE: THE CANADIAN COMMON LAW APPROACH IN LIGHT OF RECENT DEVELOPMENTS IN THE COURTS OF SINGAPORE AND THE UNITED KINGDOM**
65 *University of New Brunswick Law Journal* 312
Comparative examination of how Canadian courts approach *force majeure* clauses in light of new cases in Singapore and the United Kingdom (with G. Hunnisett).
- 2013 **INTERVENTION AT THE UK SUPREME COURT**
2 *Cambridge Journal of International and Comparative Law* 16
Numerical and comparative analysis of intervention by third parties in cases before the Supreme Court of the United Kingdom and implications for the judicial role.
- 2012 **HOME INVASION BY REGULATION: TRUCKERS AND REASONABLE EXPECTATIONS OF PRIVACY UNDER SECTION 8 OF THE *CHARTER***
45 *UBC Law Review* 551
Examination of the reasonable expectation of privacy doctrine under the *Charter of Rights and Freedoms* and the requirement for prior judicial authorization for searches along with a proposal to strengthen privacy protections.
- 2012 **PROMOTING INDEPENDENT JUSTICE IN A CHANGING WORLD**
12 *Human Rights Law Review* 107
Critical analysis of the work of the UN Special Rapporteur on the Independence of Judges and Lawyers.
- 2012 **THE SUPREME COURT AND THE NEW JUDICIAL INDEPENDENCE**
1 *Cambridge Journal of International and Comparative Law* 25
Critical analysis of the new Supreme Court of the United Kingdom and the effects of its institutional design on judicial independence.

- 2010 **CANADIAN PLAN ADMINISTRATORS AND LEGAL LIABILITY**
15 *Pensions: An International Journal* 179
Examination of the legal risks in the administration of Canadian pension plans and the investment of pension assets (with JP Laporte).
- 2010 **SHIFTING SANCTIONS AND PERSONAL RESPONSIBILITY**
73 *Saskatchewan Law Review* 131
Examination of the philosophical underpinnings of the doctrine of *ex turpi* in relation to a case denying private law damages during a period of incarceration.
- 2007 **INDEPENDENCE AND THE PUBLIC PROCESS: EVOLUTION OR EROSION?**
70 *Saskatchewan Law Review* 53
Examination of the constitutional doctrine of judicial independence and its compatibility with public hearings for nominations to the Supreme Court of Canada.
- 2007 **THE USE OF EVIDENCE OF TAINTED WITNESSES: INTERNATIONAL AND CANADIAN STANDARDS IN A STUDY ON PROCEDURAL LAW ISSUES IN UNTOC AND UNCAC**
United Nations Publications, 188
Examination of how Canadian law treats the evidence of a 'tainted witness' (with G. Ferguson).

Parliamentary Evidence & Submissions

- Forthcoming **PARLIAMENT OF SOUTH AUSTRALIA**
COVID-19 Response Committee, Inquiry
- Forthcoming **PARLIAMENT OF AUSTRALIA**
Senate Select Committee on COVID-19, Inquiry
- Forthcoming **PARLIAMENT OF AUSTRALIA**
Senate Standing Committee for the Scrutiny of Delegated Legislation, Inquiry
- 2020 **PARLIAMENT OF NEW SOUTH WALES**
Regulation Committee, Inquiry
- 2020 **PARLIAMENT OF SOUTH AUSTRALIA**
Select Committee on Effectiveness of the System of Committees of the South Australian Parliament, Inquiry
- 2019 **PARLIAMENT OF AUSTRALIA**
Senate Standing Committee on Regulations and Ordinances, Inquiry
- 2019 **NEW ZEALAND PARLIAMENT**
Regulations Review Committee
- 2017 **PARLIAMENT OF CANADA**
Standing Joint Committee for the Scrutiny of Regulations

Book Reviews

- 2017 **REGULATING JUDGES: BEYOND INDEPENDENCE AND ACCOUNTABILITY BY RICHARD DEVLIN AND ADAM DODEK, EDS. (Edward Elgar, 2016)**
76 *Cambridge Law Journal* 452

- 2016 **THE POLITICS OF JUDICIAL INDEPENDENCE IN THE UK'S CHANGING CONSTITUTION** BY GRAHAM GEE, ROBERT HAZELL, KATE MALLESON AND PATRICK O'BRIEN (Cambridge University Press, 2015)
79 Modern Law Review 1144
- 2015 **COMPARATIVE MATTERS: THE RENAISSANCE OF COMPARATIVE CONSTITUTIONAL LAW** BY RAN HIRSCHL (Oxford University Press, 2014)
74 Cambridge Law Journal 621
- 2014 **THE CONSTITUTION OF CHINA** BY QIANFAN ZHANG, **THE CONSTITUTION OF INDONESIA** BY SIMON BUTT AND TIM LINDSEY, **THE CONSTITUTION OF MALAYSIA** BY ANDREW HARDING (Hart, 2012)
73 Cambridge Law Journal 443
- 2014 **AUTHORITARIAN RULE OF LAW: LEGISLATION, DISCOURSE AND LEGITIMACY IN SINGAPORE** BY JOTHIE RAJAH (Cambridge University Press, 2012)
73 Cambridge Law Journal 206
- 2013 **POLITICIZED JUSTICE IN EMERGING DEMOCRACIES: A STUDY OF COURTS IN RUSSIA AND UKRAINE** BY MARIA POPOVA (Cambridge University Press, 2012)
72 Cambridge Law Journal 461
- 2013 **THE CULTURE OF JUDICIAL INDEPENDENCE: CONCEPTUAL FOUNDATIONS AND PRACTICAL CHALLENGES** BY SHIMON SHETREET AND CHRISTOPHER FORSYTH, EDS. (Nijhoff, 2011)
76 Modern Law Review 181
- 2012 **CHINESE JUSTICE: CIVIL DISPUTE RESOLUTION IN CONTEMPORARY CHINA** BY MARGARET Y.K. WOO AND MARY E. GALLAGHER, EDS. (Cambridge University Press, 2011)
71 Cambridge Law Journal 454
- 2011 **THE DISENCHANTMENT OF SECULAR DISCOURSE** BY STEPHEN D. SMITH (Harvard University Press, 2010)
48 Osgoode Hall Law Journal 681
- 2011 **JUDICIAL INDEPENDENCE IN CHINA: LESSONS FOR GLOBAL RULE OF LAW PROMOTION** BY RANDALL PEERENBOOM, ED. (Cambridge University Press, 2010)
70 Cambridge Law Journal 267

Newspaper Op-Eds

- 2016 **REGULATIONS GONE WILD**
Financial Post (28 January 2016)
- 2015 **REJECT THIS BID FOR LAW SCHOOL**
The Winnipeg Free Press (20 February 2015)
- 2014 **IN DEFENCE OF FIXED ELECTION DATES**
National Post (8 October 2014)
- 2013 **CRITICISM OF RUSSIA OVER GAY RIGHTS: NO REAL THREAT TO HARPER**
The Globe and Mail (13 August 2013)

- 2012 **BANISHMENT IS PART OF THE JUDICIAL TOOLKIT**
The Globe and Mail (25 July 2012)
- 2012 **ABORIGINAL REPRESENTATION AT THE SUPREME COURT**
Toronto Star (June 2012)
- 2011 **ENGLISH COURTS PROVIDE SWIFT JUSTICE**
Toronto Star (6 November 2011)
- 2010 **A CABINET MANUAL COULD PROTECT US AGAINST ABUSES OF POWER**
The Globe and Mail (6 December 2010)

Other

- 2019 **THE CONSTITUTIONAL POSITION OF DELEGATED LEGISLATION AFTER CHERRY/MILLER (No 2)**
UK Constitutional Law Association Blog
- 2018 **SCRUTINISING LEGISLATIVE REFORM ORDERS: THE CASE OF THE HORSERACE BETTING LEVY**
UK Constitutional Law Association Blog
- 2011 **THE UNITED NATIONS AND JUDICIAL INDEPENDENCE IN THE DEVELOPING WORLD: CHALLENGES AND OPPORTUNITIES**
Cambridge University United Nations Association
- 2010 **AVOIDING LIABILITY FOR PENSION PLAN INVESTMENTS**
8th Annual Pension and Benefits Hot Spots: Updates on Key Legal Issues
Ontario Bar Association
- 2010 **EMPLOYEES BLOCK ATTEMPT BY EMPLOYER TO HIKE PENSION CONTRIBUTIONS**
Ultimate HR Manual, Western Edition (CCH)
- 2009-10 **PENSION & BENEFITS LAW BLOG**
Osler, Hoskin & Harcourt LLP
- 2005 **BACK TO THE BASICS: THE ROLE OF TIME, TRAINING AND INFRASTRUCTURE**
The World Summit in Reflection (Harvard Law School, Berkman Center for Internet and Society)

RESEARCH PRESENTATIONS

- 2020 **AMITY UNIVERSITY, FACULTY OF LAW**
The Legal Regulation of a Pandemic: Legislative Delegations in Times of Crisis
- 2019 **UNIVERSITY OF ADELAIDE, ADELAIDE LAW SCHOOL**
Guest lecture on delegated legislation
- 2019 **THE AUSTRALIAN NATIONAL UNIVERSITY, COLLEGE OF LAW**
Strengthening Transparency and Accountability: Lessons from the Parliamentary Scrutiny of Delegated Legislation in Canada and the UK
- 2019 **UNIVERSITY OF MANITOBA, ROBSON HALL (FACULTY OF LAW)**
Guest lecture on delegated legislation

- 2019 **UNIVERSITY OF MANITOBA, ROBSON HALL (FACULTY OF LAW)**
Legislating with Integrity? Comparative Reflections on the Parliamentary Scrutiny of Delegated Legislation
- 2019 **VICTORIA UNIVERSITY OF WELLINGTON, FACULTY OF LAW**
Legislating with Integrity? Delegated Lawmaking in Australia, Canada and the United Kingdom
- 2019 **UNIVERSITY OF ADELAIDE, ADELAIDE LAW SCHOOL**
Constitution and National Identity Workshop
Building National Identity Through the Constitution: The Canadian *Charter* Experience
- 2018 **GILBERT + TOBIN CENTRE OF PUBLIC LAW, UNSW LAW SCHOOL**
Uncloaking the Judiciary: The Judicial Role, Style and Image
- 2018 **UNIVERSITY OF HONG KONG, FACULTY OF LAW**
The International Society of Public Law Conference
Lawmaking in 21st Century Canada: Executive Power and the Search for Accountability
- 2018 **UNIVERSITY OF OXFORD, FACULTY OF LAW**
Regulations Discussion Group
Lessons from the Parliamentary Scrutiny of Regulations in Comparative Perspective: Canada and the UK
- 2017 **SANT'ANNA SCHOOL OF ADVANCED STUDIES**
The Constitution of Canada: History, Evolution, Influence and Reform
Executive Erosion of Parliamentary Sovereignty: Comparative Perspectives on Lawmaking in Canada and the United Kingdom
- 2016 **HUMBOLDT UNIVERSITY, FACULTY OF LAW**
The International Society of Public Law Conference
Chaired Comparing Law(s) and Institutions panel
Presented Taking Comparative Law Seriously: Rethinking the Supreme Court of Canada's Modern Approach to Statutory Interpretation
- 2016 **THOMPSON RIVERS UNIVERSITY, FACULTY OF LAW**
Graduate Studies and Pathways to the Legal Academy
- 2015 **NATIONAL UNIVERSITY OF SINGAPORE, FACULTY OF LAW**
Centre for Asian Legal Studies Conference
Judicial Independence and the Evolution of Courts
- 2015 **NEW YORK UNIVERSITY, SCHOOL OF LAW**
The International Society of Public Law Conference
Chaired New Perspectives on Judicial Independence
Presented Courts in Comparative Perspective: The Dynamics of Judicial Independence
- 2015 **THOMPSON RIVERS UNIVERSITY, FACULTY OF LAW**
Reflections on Judicial Independence.
- 2015 **THOMPSON RIVERS UNIVERSITY, FACULTY OF LAW**
Judicial Independence and Beyond

- 2015 **STANFORD UNIVERSITY, FACULTY OF LAW**
Conference for Junior Researchers
The Evolution of Judicial Institutions: A Comparative Study of Courts in England, Malaysia, and Pakistan
- 2014 **YALE UNIVERSITY, FACULTY OF LAW**
Doctoral Scholarship Conference
Judicial Institutions and Responsibility: A Comparison of Courts in England, Malaysia, and Pakistan
- 2014 **UNIVERSITY OF CAMBRIDGE, FACULTY OF LAW**
Public Law Conference
Judicial Review: Avoiding Substantive Review through Procedural Reform? (with J. McIntyre).
- 2013 **UNIVERSITY OF CAMBRIDGE, FACULTY OF LAW**
Moderated 'The State as a Legal Tradition' (HP Glenn).
- 2013 **UNIVERSITY OF CAMBRIDGE, FACULTY OF LAW**
Centre for Public Law
Judicial Independence in Pakistan
- 2013 **UNIVERSITY OF CAMBRIDGE, FACULTY OF LAW**
Comparative Law Discussion Group
Comparing the Legal Principle of Judicial Independence: a Pragmatic and Context-Sensitive Approach
- 2012 **UNIVERSITY OF BRITISH COLUMBIA, FACULTY OF LAW**
Graduate Student Conference
The UN Special Rapporteur on Judicial Independence: Implications for the Developing World
- 2011 **UNIVERSITY OF CAMBRIDGE, CLARE HALL**
Research Day
The Legal Principle of Judicial Independence in an Age of Judicial Power
- 2011 **UNIVERSITY OF CAMBRIDGE, CLARE HALL LAW SOCIETY**
Judicial Independence in China: A New Approach to the Role of Courts in Economic Development?
- 2011 **UNIVERSITY OF CAMBRIDGE, FACULTY OF LAW**
PhD Seminar
The World Bank and Independent Courts: Challenges and Opportunities

RESEARCH VISITS

- 2020 **NEW YORK UNIVERSITY, SCHOOL OF LAW**
Visiting Scholar
- 2019 **THE AUSTRALIAN NATIONAL UNIVERSITY, COLLEGE OF LAW**
Visiting Scholar
- 2019 **UNIVERSITY OF MANITOBA, ROBSON HALL (FACULTY OF LAW)**
Visiting Scholar
- 2019 **VICTORIA UNIVERSITY OF WELLINGTON, FACULTY OF LAW**
Visiting Scholar

2018	BINGHAM CENTRE FOR THE RULE OF LAW BRITISH INSTITUTE OF INTERNATIONAL AND COMPARATIVE LAW Visiting Fellow
2018	UNIVERSITY OF CAMBRIDGE, CLARE HALL Visiting Researcher
2017	UNIVERSITY OF OTTAWA, FACULTY OF LAW (COMMON LAW SECTION) Visiting Scholar
2015	UNIVERSITY OF CAMBRIDGE, CLARE HALL Visiting Researcher
2012	MAX PLANCK INSTITUTE FOR COMPARATIVE PUBLIC LAW AND INTERNATIONAL LAW Visiting Researcher

OTHER PROFESSIONAL WORK

2013-present	CANADIAN JOURNAL OF COMPARATIVE AND CONTEMPORARY LAW Co-Founder and Editor in Chief
2012-present	EXPERT REVIEWER Academic book publishers including Hart and journals including <i>Alberta Law Review</i> , <i>Alternative Law Journal</i> , <i>American Journal of Comparative Law</i> , <i>Cambridge Journal of International Law</i> , <i>Federal Law Review</i> , <i>Melbourne University Law Review</i> , <i>New Brunswick Law Journal</i> , <i>Ottawa Law Review</i> , <i>Queen's Law Journal</i> , <i>UBC Law Review</i> , and the <i>University of New South Wales Law Journal</i>
2020	EXPERT CONSULTANT Advised a foreign government on matters relating to the judiciary.
2018	AMITY UNIVERSITY, AMITY LAW SCHOOL Co-Convener, Comparing and Contrasting the Constitutional Models of India and Australia
2011-12	CAMBRIDGE JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW Managing Editor, <i>UK Supreme Court Yearbook</i>
2011-12	UNIVERSITY OF CAMBRIDGE, FACULTY OF LAW Co-Convener, Agents of Change: The Individual as a Participant in the Legal Process
2011-12	SOUTH AFRICAN DEVELOPMENT COMMUNITY TRIBUNAL Consultant
2008-10 2006	OSLER, HOSKIN & HARCOURT LLP (Toronto) Associate Lawyer; Student-at-Law

CITATIONS AND IMPACT

More than 100 citations in published books, journal articles and book chapters. Cited by the Ontario Superior Court of Justice, the United Nations Special Rapporteur on the Independence of Judges and Lawyers and former Supreme Court of Canada Justice Thomas Cromwell. Research introduced in evidence before a parliamentary committee of the House of Lords, discussed by the Canadian Parliament's Standing Joint Committee for the Scrutiny of Regulations and cited by the Australian Parliament's Senate Standing Committee on Regulations and Ordinances inquiry into delegated legislation.

MEDIA

Interviews with CBC's *The National*, CBC Radio, *Canadian Lawyer*, *Maclean's Magazine*, the *Ottawa Citizen*, the *Georgia Straight*, Radio NL (Kamloops), *The Lawyers Weekly*, *The National Post*, the *Prince George Citizen*, and the *Winnipeg Free Press*.

FUNDING & AWARDS

- | | |
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| 2017-19 | INSIGHT DEVELOPMENT GRANT
Awarded by the Social Sciences and Humanities Research Council of Canada for a comparative study of delegated legislation in Australia, Canada, New Zealand and the United Kingdom: value \$68,000. |
| 2019 | UNIVERSITY OF ADELAIDE, GRANT SUPPORT FUNDING
Awarded by the Faculty of Professions to support an ARC research grant application: value \$1,500. |
| 2019 | UNIVERSITY OF ADELAIDE, PROFESSIONAL DEVELOPMENT GRANT
Awarded by the Faculty of Professions to support a visit to the University of Victoria, Faculty of Law to discuss teaching indigenous law: value \$2,500. |
| 2019 | ADELAIDE LAW SCHOOL, ARC SUPPORT GRANT
Awarded by the Adelaide Law School to support an ARC research grant application: value \$5,000. |
| 2018 | RESEARCH UNIT ON MILITARY LAW & ETHICS
Awarded by the University of Adelaide's Research Unit on Military Law & Ethics to bring guest speaker Dean Jonathan Black-Branch (Manitoba) to Adelaide for a talk and meeting with students: value \$1,000. |
| 2018 | PROFESSIONS AIM FOR THE STARS (INDIGENOUS)
Awarded by the University of Adelaide, Faculty of Professions to bring guest speaker Prof John Borrows (Victoria) to Adelaide for a public talk and meeting with research students: value \$1,000. |
| 2018 | PROFESSIONS RESEARCH ASSISTANCE PROGRAM
Awarded by the University of Adelaide, Faculty of Professions for a preliminary study of comparative research methodologies: value \$4,500. |
| 2014-17 | THOMPSON RIVERS UNIVERSITY
Awarded by the Associate Vice-President of Research and Graduate Studies to support ongoing legal research projects: value \$18,000. |

- 2017 **TRU SOCIETY OF LAW STUDENTS, TEACHING EXCELLENCE PRIZE**
Annual prize as selected by students for teaching excellence in the first year curriculum.
- 2017 **TRU SOCIETY OF LAW STUDENTS, TEACHING EXCELLENCE PRIZE**
Annual prize as selected by students for teaching excellence in the upper year curriculum.
- 2016 **TRU SOCIETY OF LAW STUDENTS, TEACHING EXCELLENCE AWARD**
Annual prize as selected by students for teaching excellence in the first year curriculum.
- 2016 **TRU SOCIETY OF LAW STUDENTS, TEACHING EXCELLENCE AWARD**
Annual prize as selected by students for teaching excellence in the upper year curriculum.
- 2016 **THE FOUNDATION FOR LEGAL RESEARCH (CANADA)**
Awarded to support "The Annotated Guide to the BC Interpretation Act" research project (with C. Hunt and M. Rankin): **value \$10,000.**
- 2016 **THOMPSON RIVERS UNIVERSITY, INTERNAL RESEARCH AWARD**
Awarded to support "Parliament's Supervisory Role in Lawmaking by Regulation" legal research project: **value: \$5,000.**
- 2016 **THOMPSON RIVERS UNIVERSITY, SSHRC ACCELERATOR FUND GRANT**
Award to support a SSHRC application for "Parliamentary Supervision of Executive Lawmaking: Comparative Perspectives from Canada, the United Kingdom, Australia and New Zealand": **value: \$2,500.**
- 2016 **THOMPSON RIVERS UNIVERISTY, STUDENT APPRENTICESHIP AWARD**
Awarded to support "Supervising Executive Lawmaking: A Comparative Study of Canada and the United Kingdom" legal research project: **value \$3,000.**
- 2015 **TRU SOCIETY OF LAW STUDENTS, TEACHING EXCELLENCE PRIZE**
Annual prize as selected by students for teaching excellence in the upper year curriculum.
- 2015 **THOMPSON RIVERS UNIVERSITY, OFFICE OF RESEARCH & GRADUATE STUDIES**
Awarded to support the publication of the inaugural issue of the *Canadian Journal of Comparative and Contemporary Law* on "Health Law and Human Rights": **value \$5,000.**
- 2015 **THOMPSON RIVERS UNIVERSITY, INTERNAL RESEARCH AWARD**
Awarded to support "Comparing Courts: A Study of Judicial Independence in Context" legal research project: **value \$5,000.**
- 2015 **THOMPSON RIVERS UNIVERISTY, STUDENT APPRENTICESHIP AWARD**
Awarded to support "Rethinking the 'Modern Approach' to Statutory Interpretation" legal research project: **value \$3,000.**
- 2013 **THOMPSON RIVERS UNIVERSITY RESEARCH AWARD**
Awarded by the Dean of the Faculty of Law: **value \$12,000.**
- 2012 **MODERN LAW REVIEW SCHOLARSHIP**
2011 Awarded by the Modern Law Review for doctoral research in law upon recommendation by the Faculty of Law, University of Cambridge: **value \$16,500.**

2012 2011	PROFESSOR MIKIKO ISHII BURSARY Awarded by Clare Hall at the University of Cambridge to a student of outstanding academic merit in the arts or humanities: value \$8,250.
2012 2011	SIR JAMES LOUGHEED AWARD OF DISTINCTION Awarded by the Alberta Government to a doctoral researcher for academic excellence: value \$40,000.
2011 2010 2007	GRADUATE FELLOWSHIP Awarded by the Law Foundation of British Columbia for graduate research in law: value \$44,500.
2007	JOSEPH-ARMAND BOMBARDIER CANADA GRADUATE SCHOLARSHIP Awarded by the Social Sciences and Humanities Research Council of Canada for graduate studies in the social sciences and humanities: value \$17,500.
2007	GRADUATE SCHOLARSHIP Awarded by the Law Society of British Columbia for graduate legal studies: value \$12,000.
2007	RECRUITMENT EXCELLENCE FELLOWSHIP Awarded by McGill University, Faculty of Law: value \$5,000.
2007	FASKEN MARTINEAU DUMOULIN LLP PRIZE Awarded for academic excellence in Real Property at the University of Victoria.
2006	DONOVAN AND MARYLA WATERS AWARD Awarded for academic excellence in Trusts at the University of Victoria.
2006	PROFESSOR JIM ELLIS MEMORIAL PRIZE Awarded for academic excellence in Advanced Taxation at the University of Victoria.
2005	ACHESON & COMPANY PRIZE Awarded for academic excellence in Torts at the University of Victoria.
2005	ANNIE CADBY MEMORIAL SCHOLARSHIP Awarded for the highest standing in Constitutional Law at the University of Victoria.
2005	BORDEN LADNER GERVAIS LLP FIRST YEAR MEDAL Awarded to the student of the first year law class at the University of Victoria who has exhibited the highest qualities of community service, student leadership, and academic excellence over the course of the year.
2005	CANADA LAW BOOK COMPANY PRIZE Awarded for the highest standing in Legal Research and Writing at the University of Victoria.
2005	THE PRESIDENT'S SCHOLARSHIP Awarded by the University of Victoria to the top three percent of full-time students.
2004	CANADA BAR ASSOCIATION STUDENT AWARD Awarded for public service, contributions to the legal community, and the promotion of justice and law reform.

STUDENT SUPERVISION

Supervised more than 150 student editors as Editor in Chief of the *Canadian Journal of Comparative and Contemporary Law* (with C. Hunt and R. Diab). Supervised numerous research assistants, teaching assistants and higher degree by research students.

AFFILIATIONS

THE AMERICAN SOCIETY OF COMPARATIVE LAW (Elected Associate Member)

AUSTRALASIAN LAW ACADEMICS ASSOCIATION (Member)

BRITISH INSTITUTE OF INTERNATIONAL AND COMPARATIVE LAW (Member)

CLARE HALL, UNIVERSITY OF CAMBRIDGE (Life Member)

COMMONWEALTH ASSOCIATION OF LEGISLATIVE COUNSEL (Associate Member)

LAW SOCIETY OF ONTARIO (Barrister & Solicitor)

THE CANADIAN ASSOCIATION OF COMPARATIVE AND CONTEMPORARY LAW (Founding Director)

THE INTERNATIONAL SOCIETY OF PUBLIC LAW (Member)

THE SOCIETY OF LEGAL SCHOLARS (Member)

MELISSA SERBIN B. Comm. (Honours), J.D.

Cell: [REDACTED]
Work: [REDACTED]

Highly driven and accountable litigator, skilled in developing case strategies, preparing persuasive briefs, and delivering successful workshops and presentations. Exceptional analytical, problem solving, negotiation, and decision making skills. Outstanding leadership, communication and interpersonal skills for effective teamwork.

PROFESSIONAL EXPERIENCE

Crown Attorney Manitoba Prosecution Service (Winnipeg, Manitoba) July 2009 to Present

- Community Prosecutor (2020 to present)
 - Firearms Working Group (2018 to present)
 - Training and Development Mentor (2016 to present)
 - Educational Presenter (2011 to present)
 - Education Committee (2016 to 2019)
 - Law Day Volunteer (2010 to 2015)
- Over ten years prosecuting criminal and statute offences from beginning to conclusion in the Provincial Court of Manitoba, the Manitoba Court of Queen's Bench and the Manitoba Court of Appeal. Extensive knowledge of the *Criminal Code of Canada*, the *Youth Criminal Justice Act*, Manitoba Provincial Statutes and Regulations and the *Charter of Rights and Freedoms*. Excellent comprehension of legal ethics, criminal law, evidence and criminal procedure. Administered prosecution cases for the General Prosecutions Trial Unit, the Winnipeg Auto Theft Suppression Strategy (WATSS), the Gang Response and Suppression Plan (GRASP), the Youth Prosecutions Unit, and the Intensive Case Assessment Process Unit (ICAP). Participated in circuit work in the regions of Manitoba, as well as project work with Manitoba Public Insurance, the Winnipeg Police Service, and the Royal Canadian Mounted Police.
- Offered assistance to law enforcement agencies and justice system participants by designing, coordinating and delivering presentations and educational workshops. Successfully assisted in the organization of multiple Manitoba Prosecution Service Crown Conferences.

Practicing Professional University of Manitoba, Robson Hall Faculty of Law January 2012 to Present

- **Intensive Criminal Law:** This course develops the skills required to effectively practice criminal law. Students are introduced to the procedural aspects of criminal law from the initial charge through to sentencing. The course also is concerned with the ways in which the values and principles governing criminal law are reflected in these procedures, as well as with the development of negotiation and advocacy skills transferable to all areas of general litigation. (2012 to present)
- **Indigenous People and the Criminal Justice System:** The seminar assists students and lawyers in learning about Indigenous cultures and understanding the interplay between Indigenous legal orders and the Canadian legal system. The class engages in a critical analysis of the relationship between Indigenous accused and the Courts through multiple stages of the justice system. (2020 to present)

Articling Student. Brodsky & Company Barristers (Winnipeg, Manitoba) May 2008 to June 2009
Criminal Law Student May 2006 to Sept 2007

- Conducted trials, bail hearings, sentencing hearings, and remands in the Provincial Courts of Manitoba and Ontario. Assisted in preparing for trials in the Manitoba Court of Queen's Bench. Interviewed and thoroughly prepared clients and witnesses for court. Reviewed and wrote motions, factums, and constitutional challenges. Recognized for work performance, dedication and relationship building abilities.

PROFESSIONAL ENGAGEMENT

➤ **Manitoba Prosecution Service Educational Calendar Workshops:**

- Created and delivered multiple full day seminars and workshops on judicial interim release, forensic fingerprint evidence, and Indigenous people and the criminal justice system, including Indigenous identity, the Truth and Reconciliation Commission and the principles articulated in *R. v. Gladue* and *R. v. Ipeelee*, to Crown Attorneys ranging in experience from one to thirty years of practice. (2017 to present)

➤ **Manitoba Prosecution Service Crown Conferences:**

- Designed and delivered lectures to educate Crown Attorneys across Manitoba on various topics including the legal principles in *R. v. Gladue*, *R. v. Ipeelee*, Winnipeg Police Service Air 1 helicopter evidence, and the integrated Winnipeg Auto Theft Suppression Strategy. (2011 to 2018)
- Developed a presentation with the Winnipeg Police Service Centreline program, the Social Planning Council of Winnipeg, and Make Poverty History Manitoba that discussed community-based policing, restorative justice, poverty, income supports and housing programs in Winnipeg. (2017)

➤ **University of Manitoba, Faculty of Law:**

- Guest lecturer for first year law Legal Methods course. Developed a two-part lecture on Indigenous legal content including Indigenous identity, lawyer-client relationships in Indigenous communities, the impact of colonization, and the legal principles in *R. v. Gladue*, *R. v. Ipeelee* and subsequent Manitoba caselaw. (2020)

➤ **Canadian Centre for Professional Legal Education (CPLED):**

- Criminal law section Learning Group Facilitator for the Law Society of Manitoba. (2016 to 2019)

➤ **Public Prosecution Service of Canada:**

- Created and delivered presentations to Federal Crown Counsel on Criminal Code firearms offences, motor vehicle offences and escalating sentence penalties. (2018)

➤ **Law Enforcement Workshops:**

- Developed and delivered workshops to the Winnipeg Police Service Forensic Identification Unit (officer and civilian members) on trial preparation and expert evidence. (2016 to present)
- Developed and delivered workshops to the Winnipeg Police Service Direct Voice Entry Unit, the Winnipeg Police Service Training Academy Recruit program, the Winnipeg Police Service Station Duty program, and the Winnipeg Police Service General Patrol officers on the role of the Crown, trial preparation, statement taking (youth and adult), identification evidence, search and seizure laws, and disclosure. (2011 to present)
- Developed and delivered a multiday workshop for Winnipeg Police Service Crowd Management Unit on public order and civil disobedience, civil injunctions as they relate to riots, police powers at common law, and police enforcement of injunctions. (2019)
- Created and delivered a workshop for the Firearms Investigative Analysis Section on trial preparation and the presentation of police expert testimony. (2017 to 2018)
- Created moot court workshops for various units in the Winnipeg Police Service. Led a team of Crown Attorneys and defence lawyers in the delivery of these workshops. (2011 to 2018)
- Designed and delivered workshops for the integrated Winnipeg Police Service Stolen Auto Unit, including Probation Services, on the admissibility of youth and adult statements, police officer identification evidence, note taking, uncooperative witnesses, trial preparation, and a variety of Criminal Code Offences. Also detailed the role of the Crown in an integrated unit. (2010 to 2016)
- Designed and delivered a lecture for the Royal Canadian Mounted Police D-Division officers on the role of the Crown and trial preparation. (2011 to 2012)

EDUCATION AND PROFESSIONAL DEVELOPMENT

Juris Doctor	Faculty of Law, University of Toronto Toronto, Ontario	2005 to 2008
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- Associate Editor, Indigenous Law Journal (2005 to 2007)
- Student Affairs Representative, University of Toronto Student Law Society (2006 to 2007)
- Competitive Mooting Team, Callaghan Moot Court Competition (criminal moot) (2006 to 2007)
- Orientation Leader, Student Law Society Orientation Committee (2006 to 2007)
- Panel Chair and Moderator, Canadian International Law Students' Conference (2005 to 2006)
- International Human Rights Program Working Group: Access to Drugs Initiative (2005 to 2006)
- Associate Editor, Journal of International Law and International Relations (2005 to 2006)

Comparative Law Student	School of Law, University of Edinburgh Edinburgh, Scotland, United Kingdom	2007 to 2008
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- Completed the International Comparative Criminal Law Program
- Telders International Law Moot Court Competition: International Air Space and Aviation Law, achieved the Pels Rijcken & Droogleever Fortuyn Award for Best Oral Argumentation (The Hague, Netherlands)
- Edinburgh University Mooting Society: LexisNexis Butterworth's Moot Competition

Bachelor of Commerce Honours (with distinction)	I.H. Asper School of Business, University of Manitoba Winnipeg, Manitoba	2001 to 2005
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- I.H. Asper School of Business Program Gold Medal (2005)
- Double Major in Management of Organizations and Marketing
- Beta Gamma Sigma Honours Society for Scholastic Achievement (Top 5% of Class)
- Arthur Pigott Award (promoting excellence in higher education) (2005)
- Dean's Honour List (2002 to 2005)
- Senate Planning & Priorities Committee, University of Manitoba Student Union Senate (2004 to 2005)
- Associate Director, 2005 Manitoba International Marketing Competition (2004 to 2005)
- Vice President, University of Manitoba Marketing Association (2004 to 2005)
- I.H. Asper School of Business Athletic and Recreation Council (2004 to 2005)
- Ambassador, 2004 Manitoba International Marketing Competition (2003 to 2004)
- Director of Programming, University of Manitoba Marketing Association: (2003 to 2004)
- Manitoba Competitor, World University Debating Championships (2001 to 2002)

Continuing Legal Education

- In-House Education Seminars – Manitoba Prosecution Service, Winnipeg, Manitoba (2009 to present)
- Crown Conferences – Manitoba Prosecution Service, Winnipeg, Manitoba (2009 to present)
- Law Society Workshops and Seminars – Law Society of Manitoba, Winnipeg, Manitoba (2009 to present)
- Forensic Identification Workshops – Winnipeg Police Service, Winnipeg, Manitoba (2016 to present)
- Firearms Training – RCMP & Winnipeg Police Service, Winnipeg, Manitoba (2013, 2015, 2017, 2019, 2020)
- Latent Fingerprint Expert Testimony Workshop – FBI Fingerprint Section, Winnipeg, Manitoba (2016)
- National Criminal Law Program - Federation of Law Societies of Canada, Halifax, Nova Scotia (2014)
- Crown Defence Conferences - Manitoba Crown Defence Committee, Winnipeg, Manitoba (2009 to 2013)
- Gang Expert Training - Winnipeg Police Service, Winnipeg, Manitoba (2013)
- Manitoba Public Insurance Stolen Auto Training – Winnipeg Police Service, Winnipeg, Manitoba (2011, 2012)

PERSONAL STRENGTHS

- Strong interpersonal skills with a demonstrated ability for effective communication.
- Excellent ability to multi-task, to follow through on complex assignments, and to meet high work standards.
- Demonstrated competence in practical thinking, analyzing, prioritizing, problem solving, and decision making.
- Highly developed skills to conceptualize, research, organize, and write detailed briefs, reports, and papers.
- Effective presentation, lecturing, counselling, mentoring, and coaching abilities.
- Managed difficult situations with sensitivity and tact, as well as adhered to personal confidentiality and privacy policies.
- Positive, committed, and adaptable team leader who promotes a collaborative and respectful workplace environment.
- Proven ability to liaise and build relationships with justice system participants and government agencies, as well as with people from diverse cultures and life experiences.
- Perceptive intuition with the ability to council, mediate, negotiate, and resolve conflict.
- Computer experience with Microsoft Word, Excel, Outlook, PowerPoint, and PRISM.

COMMUNITY INVOLVEMENT

- Volunteer, Winnipeg Harvest (2020 to present)
- Recipient, Marian Award (for excellence in advancing the rule of law through advocacy, teaching and commitment to legal education), St. Mary's Academy (2018)
- Co-Organizer, Winnipeg VegFest (2017 to 2019)
- Volunteer Artist and Member, Mentoring Artists for Women's Art Gallery (MAWA) (2017 to 2019)
- Artist, Winnipeg VegFest, University of Winnipeg (2017, 2018)
- Artist, Nuit Blanche Winnipeg (2016 to 2019)
- Board Member, Canadian Friends of Hebrew University, Winnipeg Chapter (2012 to 2016)
- Committee Member, P2G (Partnership2gether), Jewish Federation of Winnipeg (2012 to 2015)
- Committee Member, Canada Israel Hockey School, Jewish Federation (2012)
- Lecturer (High School law classes), Sisler, Oak Park, West Kildonan Collegiate (2011 to 2018)
- Board Member, Women's Legal Education and Action Fund (LEAF) (2011 to 2012)
- Lecturer, Community Legal Education Association (2010 to 2013)
- Volunteer Lawyer/Recruitment Committee, Legal Help Centre (assisted in the early development of the Centre offering access to legal and social services for disadvantaged members of the community) (2010 to 2012)
- Legal Workshop Facilitator (domestic violence), Fort Garry Women's Resource Centre (2009 to 2011)
- Volunteer, Winnipeg Art Gallery (2003 to 2005, 2010)
- Public Speaking and Debating Judge, Manitoba Speech and Debate Association (2000 to 2015)
- Tennis Instructor: River East School Division, Tennis Manitoba (1999 to 2011, 2014, 2015)

PROFESSIONAL ASSOCIATION

Manitoba Association of Crown Attorneys

CURRICULUM VITAE
WENDY J. WHITECLOUD

PERSONAL INFORMATION:

Home Address:



Telephone:



EDUCATION:

Bachelor of Arts: History
University of Calgary
Calgary, Alberta
1977

Bachelor of Law
Queen's University
Kingston, Ontario
1984

EMPLOYMENT HISTORY:

September 1991 to Present

*Faculty of Law
University Manitoba
Winnipeg, Manitoba
R3T 2N2*

Director - Academic Support Program

Primary responsibility for the management of a program of support for Aboriginal and Special or Individual Consideration students.

A program priority is the provision of various forms of academic support to students.

The Program provides other forms of social support for the students, including employment and articling references.

An integral component of the Program is recruitment of Aboriginal students into the study of law.

Maintain a co-ordination role with regard to admissions and bursary and other forms of funding for students attending the Faculty.

I was also responsible for teaching two upper year seminar courses: Aboriginal Peoples and the law, Aboriginal People and Land Claim and for coaching the National Aboriginal Moot program.

In addition, I have taught first year courses during the last ten years or so- constitutional law, property law and Legal methods/legal writing. (September 2010-2019).

January 2000 – June 2001

Aboriginal Justice Implementation Commission Manitoba Co-Commissioner

The appointment as a Commissioner was on a part time basis. The mandate for the Commission was to review and provide updated recommendations regarding the Aboriginal Justice Inquiry Report tabled in 1991.

As Commissioners, we reviewed and updated the recommendations tabled in the original report. One of the initial recommendations was for the transfer of authority for child and family services to First Nations controlled Child and Family Services Agencies.

A final report was issued by the Commission in June 2001
Various initiatives by the provincial government continue to evolve due in part to the Commission's final report.

March 1991 - September 1991

*Indigenous Law Program
Faculty of Law
University of British Columbia
Vancouver, British Columbia*

Director

As Director, I was responsible for a program of support to the Aboriginal law students in the law school. Support included financial and other social support mechanisms.

April 1988 - October 1990

*Tyendinaga Mohawk Council
Mohawks of the Bay of Quinte
R.R. #1, Deseronto, Ontario*

Chief Executive Officer

As the Chief Executive Officer, I reported to and was responsible for the management and co-ordination of the activities of the Tyendinaga Mohawk Council.

I had direct responsibility for the supervision and management of the activities of 32 staff members.

Responsible for program development with direction provided by Council. Program development included initial consultations with funding agencies, analysis of community needs and documentation to substantiate the Program request. Retained responsibility for the implementation of the Programs and revising criteria as required. As examples, the Council initiated and began its own Child and Family Services; there was a construction training project whereby the Council constructed a major sub-division thereby increasing its housing stock by 60 units; a major addition to the local school was negotiated and built; a library was built and providing service to the community. The Council probably had one of the best housing programs in the country and awarded on average fifty units for construction; part of the CEO's function was to supervise the provision of funds to the homeowners and to constantly monitor the various phases of construction; the Council maintained responsibility for roads and maintenance and were often engaged in construction of new roads and bridges;

Financial management was a critical aspect of my role as Chief Executive Officer and was well versed in reading financial statements and was also responsible for oversight during the annual audit process

October 1987 - March 1988

*Secretary of State
Toronto, Ontario*

Ontario Regional Office Co-Ordinator: Native Programs

As co-ordinator, I was responsible to the Regional Director for the management and administration of Native programs decentralized to the region.

May 1986 - September 1987

*Secretary of State
Hamilton, Ontario.*

Social Development Officer

Maintained the lead role for the management and administration of the Multiculturalism program.

May 1984 - May 1986

*Aboriginal Women's Program
Ottawa, Ontario.*

Co-Ordinator

As co-ordinator of the program, I was responsible to the Chief of Program Support and the Director of the Native Citizen's Directorate for the management and administration of the program.

September 1981 - 1984

Attended law school and was assigned special projects during each summer.

February 1978 - 1981

*Aboriginal Women's Program
Native Social and Cultural Development Program
Ottawa, Ontario.*

- Maintained program responsibilities for both programs.

COMMUNITY INVOLVEMENT:

Chairperson- 2007 to the present: Southern Authority for Southern First Nations Child and Family Agencies of Manitoba. I have been a board member since 2003. The Authority is the oversight organization for the child and family agencies in Southern Manitoba.

Manitoba Legal Aid Society Board Member: 2001- board member, Vice Chairperson since 2005 and Chair for the Program and Policy Committee .

Winnipeg Inner City Mission- Presbyterian Church- board member 2003-2010

First Nations Statistical Institute; appointed December, 2010 – Board Member for the national statistical institute which has the mandate for the provision of relevant statistics for First Nations communities and institutions. Appointment term: 2 years.

My community involvement includes the critical task of overseeing the financial health of the various organizations. The Authority oversees funding in the millions of dollars for the agencies inclusive of operational issues.

APPENDIX C

The Rights, Roles and Responsibilities of a Senator:
Building Cultural Competence and Social Literacy for Reflection and Renewal
Regarding Race Relations with Indigenous Peoples

An Educational Program
for The Hon. Senator Lynn Beyak

by Dr. Jonathan L. Black-Branch

An Educational Program for Hon. Senator Lynn Beyak

Note

This document is confidential until the program is delivered to Senator Beyak and it is made public by the Senate Standing Committee on Ethics and Conflict of Interest for Senators.

Background

This Educational Program, entitled: *The Rights, Roles and Responsibilities of a Senator: Building Cultural Competence and Social Literacy for Reflection and Renewal Regarding Race Relations with Indigenous Peoples*, has been developed and designed specifically for the Honourable Senator Lynn Beyak (Non-Affiliated Senator of Ontario) as requested by the Senate Ethics Officer, Me Pierre Legault.

Deliverables

To develop and deliver an Educational Program specifically for Senator Beyak related to her role and responsibilities as a Senator, with a focus on racism against Indigenous peoples in Canada and the particular responsibility of legislators in this regard, as well as how this relates to her past actions.

To provide a written and objective evaluation of Senator Beyak's performance and attendance in the educational program to the Senate Ethics Officer within 10 calendar days of the program's completion.

To provide an assessment of whether Senator Beyak has

- (a) successfully completed the course;
- (b) learned and was willing to learn; and
- (c) understands every senator's responsibilities in relation to racism, how this aligns with her past conduct, the need to refrain from acting in a way that could reflect adversely on the position of senator or on the institution of the Senate in respect of racism, and the need to uphold the highest standards of dignity inherent to the position of senator.

Educational Program, Methodology and Delivery

The Educational Program consists of a series of interactive seminar-workshop modules. The program will be delivered over 3 full days, consisting of 1, 2 or 3-hour blocks, under various sessions per day; it will be followed by an interactive, participatory review and final assessment session on the fourth day (3 hours in total). The program is offered to Senator Beyak on an individual basis. It is designed to provide a focused learning experience allowing for the flow of information with her full engagement and open participation. This is to be achieved individually with no other participants or observers present as the main objective is to establish an educational setting conducive to learning which is not impeded by others so as to create a responsive teaching-learning environment which encourages an open exchange and the exploration of the information, concepts and ideas presented and discussed. The program is not to be recorded, documented or reproduced in any form or format, including electronically or otherwise in order to foster open learning that is not impeded or contrived.

Educational Team

The Educational Program will be delivered through a series of interactive seminar-workshop modules delivered by Dr. Black-Branch and associates, as follows:

Dr. Jonathan Black-Branch, Dean of Law, Professor, Faculty of Law, University of Manitoba.

Elder Norman Meade, Elder in Residence, University of Manitoba.

Wendy Whitecloud, Director of the Academic Support (Indigenous) Program, and Retired Senior Instructor, Faculty of Law, University of Manitoba.

Dr. Cary Miller, Head of Native Studies, Department of Native Studies, University of Manitoba

Melissa Serbin, Senior Crown Attorney, Manitoba Prosecutions Service and Sessional Lecturer, Faculty of Law, University of Manitoba.

Dr. Bruce Curran, Associate Dean (Academic), Faculty of Law, University of Manitoba.

Dr. Lorne Neudorf, Deputy Dean, Faculty of Law, University of Adelaide and Adjunct Professor, Faculty of Law, University of Manitoba.

Instructors' Biographies and Background Information

Dr. Jonathan Black-Branch

Dr. Jonathan Black-Branch is Dean of Law, Faculty of Law, University of Manitoba; and a Bencher of the Law Society of Manitoba sitting on the Equity Committee and the Access to Justice Committee. He is a lawyer in Manitoba and a Barrister in England and Wales where he is also a Justice of the Peace and has previously sat as a Magistrate on a part-time basis. He has a doctorate in Law from the University of Oxford and also has a Ph.D. from the University of Toronto completing a thesis on the influence of the Canadian Charter of Rights and Freedoms on the Administration of Education in Canada. Dr. Black-Branch previously taught school in Northern Manitoba and inner-city Toronto where he saw first-hand issues regarding race and community relations. In his work as Dean at the University of Manitoba, he has fostered Indigenous community outreach. He convenes a special Dean's Committee on TRC Call to Action examining Indigenous scholarship and achievement to implement CTA #28 focusing on curriculum and the learning environment. He initiated the introduction of Gladue training for law students as well as a special program in Manitoba to train lawyers and judges how Indigenous history and culture affect the criminal justice system. As well, this year he hosted the Kawaskimhon National Aboriginal Moot. He has written on Indigenous topics and has provided human rights training on discrimination and substantive equality to numerous individuals, groups and organizations as well as professional development training. He has organized or co-organized various conferences, including most recently: "Reimagining Justice: Trust, Truths and Transformation(s)" (2018); and an Indigenous Law Program "Tebwetibajimowin - To Tell the Truth" (2018).

Elder Norman Meade

Elder Meade is an Elder-in-Residence and a Pastor who provides cultural and spiritual guidance to students and staff of the University of Manitoba, based in Migizii Agamik – Bald Eagle Lodge at the Fort Garry Campus. Elder Meade was born in Bissett, Manitoba, but grew up in the Metis settlement of Manigotagan. In the early 1960's, Norman was hired at the gold mine in Bissett where he worked as a labourer and eventually became a full-fledged miner. Elder Meade worked for the Wanipigow Producer's Co-op in Manigotagan for five years, first as one of the pulp wood

cutters and then later as the manager. In the mid 1970's, Elder Meade was hired by the Manitoba provincial government where he would spend a total of 26 years working in various positions including: employment consultant, local development officer, co-op development officer, and consumer services officer. He also spent four years with the Northern Association of Community Councils as a field worker and later as the Executive Director. He also worked for the Manitoba Metis Federation for two years as a Metis Services Officer. In his later years, he continues to be active in the community serving as an Elder and a Pastor. He serves on various boards in the city of Winnipeg. He is also an avid curler and is the founder of the Aboriginal Curling League of Winnipeg.

Dr. Cary Miller

Head of Native Studies, Associate Professor, Department of Native Studies, University of Manitoba. Dr. Miller is Anishinaabe and descends from St. Croix and Leech Lake communities. She has conducted workshops on a range of Indigenous Cultural Competency Training and Indigenous race relations issues and topics including: Equity, Diversity, and Inclusion, Indigenous Women, Legal Foundations of Colonialism in the Americas, Fragility and Privilege, as well as White Fragility. From 2013 she was the Director of American Indian Studies at the University of Wisconsin-Milwaukee and since 2010 has been Associate Professor in the Department of History at the University of Wisconsin-Milwaukee (starting there in 2002). Her book *Ogimag: Anishinaabeg leadership 1760-1845* was published with the University of Nebraska Press in 2010 and she previously has published in books such as *Centering Anishinaabeg Studies: Understanding the World through Stories* and the *Encyclopedia of United States Indian Policy and Law*. Her research is in Anishinaabe leadership in the early 19th century, Anishinaabe women's history, Treaties and sovereignty, Wisconsin Indian History, and Cultures of the Great Lakes Region.

Dr. Lorne Neudorf

Professor Neudorf (JD (Vic), LLM (McGill), PhD (Cambridge)), is an Adjunct Professor of Law at Robson Hall, Faculty of Law at the University of Manitoba. His current research focuses on questions relating to the lawmaking process, and is funded by the Social Sciences and Humanities Research Council. He has published more than 40 books, edited collections, journal articles and reviews on a variety of topics including administrative law, constitutional law and the institutions of government. He has presented his work at leading law schools including those at Cambridge, Oxford, Yale, Stanford, the National University of Singapore, Hong Kong University, New York University and Humboldt University. He has made submissions to a number of parliamentary inquiries and has advised both governments and international tribunals. In 2017, Lorne was appointed as Deputy Dean of Adelaide Law School in Australia.

Melissa Serbin

Melissa Serbin is a Crown Attorney with the Manitoba Prosecution Service. She focuses on criminal law and has represented the Crown at all levels of court in Manitoba. She has a Bachelor of Commerce Honours degree from the University of Manitoba, I.H. Asper School of Business and a Juris Doctor from the University of Toronto, Faculty of Law. She also completed a comparative criminal law program at the University of Edinburgh, School of Law. Throughout her career as a Prosecutor, Melissa has lectured extensively and has created a multitude of workshops and seminars for the Manitoba Prosecution Service, the Winnipeg Police Service, the

Royal Canadian Mounted Police, the Public Prosecution Service of Canada, Manitoba Corrections, and other justice system participants. Melissa is a sessional instructor for the University of Manitoba, Faculty of Law's Intensive Criminal Law course and has developed a seminar for lawyers and students focusing on Indigenous people and the criminal justice system.

Dr. Bruce Curran

Professor Bruce Curran is the Associate Dean Academic at the Faculty of Law, University of Manitoba, where he has been instrumental in facilitating a number of indigenous initiatives, including orientation events for law students in indigenous legal traditions and aboriginal treaty law, and assisting with the development and approval of two new courses involving indigenous legal issues. In addition to his teaching there, he has also taught at Osgoode Hall Law School, the University of Toronto, and at the Legal Studies program at the University of Ontario Institute of Technology. He has won numerous awards for his teaching, and has taught a wide range of courses, including those dealing with trust & fiduciary relationships, contracts, labour & employment law, and negotiation. Professor Curran's research focuses on labour & employment law and dispute resolution, and emphasizes the use of empirical methods to better understand issues in these areas. He has published a number of articles in prominent peer-reviewed law and human resource journals, including one on damages for employer bad faith. In 2015, he completed his doctorate at the University of Toronto's Centre for Industrial Relations and Human Resources. Before commencing his doctorate, he practised employment law for 10 years, and earned a Master of Laws from Osgoode Hall Law School, and a Master of Industrial Relations and Human Resources (MIRHR) from the University of Toronto.

Wendy Whitecloud

Indigenous Liaison Officer, Faculty of Law University of Manitoba, Retired Senior Instructor and Director of the Indigenous Academic Support Program.

Originally from Sioux Valley, a Dakota community in southern Manitoba, her work focuses on issues related to Aboriginal Law and its effect on First Nations, Metis and Inuit peoples and their lives in Canada. She serves with a number of Aboriginal and non-Aboriginal community service organizations that address issues related to justice, women, and children. Having studied Law at Queen's University, she taught Aboriginal Law for over two decades and has served as a commissioner for the Aboriginal Justice Implementation Commission which issued its report in June 2001 (a follow up to the Aboriginal Justice Inquiry Report of 1991). Professor Whitecloud serves on a number of Aboriginal and non-Aboriginal community service organizations which seek to address issues related to justice, women and children and is a past board member with the Elizabeth Fry Society and Acting Chair for the Winnipeg First Nations Local Area Management Board, devoted to providing employment training for First Nations people. Professor Whitecloud teaches on the Indigenous Law Centre's Summer Program in Property and Customary Law at the University of Saskatchewan.

Educational Program Objectives

The purpose of this Educational Program is to deliver knowledge, develop skills and advance understandings and reflective practice relating to the rights, roles and responsibilities of a senator and to build cultural competence and social literacy regarding race relations with Indigenous peoples in Canada. Emphasis is given to the unique responsibilities of serving as a Senator and the need to uphold the dignity, honour and integrity of the office and of Parliament. It focuses on

the foundations of Colonialism, exploring the history and experience of Indigenous peoples and the historical legacies including residential schools, exploring various historical, cultural, legal, social and political perspectives pertaining to race relations with Indigenous peoples.¹

A particular focus is to build cultural literacy by developing awareness of race relations in Canada and its relationship with Indigenous peoples and communities, understanding social and political relations with Indigenous Peoples and interactions. It is to build Indigenous cultural competency regarding the foundations of Canada and the lingering legacy today.

Key Concepts, Aims, Objectives and Learning Outcomes:

Building Knowledge, Understanding and Skills for Reflective Practice

The purpose of this Educational Program is to build on Senator Beyak's existing knowledge and to develop further information and key concepts relating to her role as a Senator, particularly as it relates to race relations with Indigenous peoples. Aside from knowledge acquisition, an emphasis will be on skills development with the view to stimulating reflective practice. In particular, the interactive sessions will incrementally build on imparting knowledge while enhancing skills development for reflective practice, relating to key understandings, attitudes, behaviours and thinking patterns with the view to attitudinal reflection and practice-development. While some of the various aims and objectives are knowledge-orientated, others are skill-based and some are attitudinal in focus. Some cover content and information; others are more skills-focused to develop frameworks to build understanding; others promote and foster personal reflection and personal growth.

Educational Program Overview*

Welcome, Introduction and Program Overview Dr. Jonathan Black-Branch
Legal, Constitutional and Institutional Developments: In Search of Reconciliation Melissa Serbin with Dr. Jonathan Black-Branch
Historical Context of Crown Indigenous Relations in Canada Dr. Cary Miller with Dr. Jonathan Black-Branch
Racism, Indigenous Social Literacy and Indigenous Race Relations in Canada Dr. Cary Miller with Dr. Jonathan Black-Branch
Legal, Political and Constitutional Considerations: The Indian Act, the Constitution, Residential Schools and Indigenous Peoples Wendy Whitecloud with Dr. Jonathan Black-Branch
Dignity, Honour and Integrity: The Responsibilities of Serving as a Senator Dr. Lorne Neudrof with Dr. Jonathan Black-Branch

¹ Note: references to ethics codes and guidelines, legislation and jurisprudence will be included where appropriate and useful.

Duty of Government and Legislators Towards Indigenous Peoples Dr. Bruce Curran with Dr. Jonathan Black-Branch
Personal Experiences of an Elder: Growing up as a Métis-Indian in Manigotagan and overcoming Racism Elder Norman Meade with Dr. Jonathan Black-Branch
Personal Experiences of an Elder: Truth, Reconciliation, Hurt and Healing Elder Norman Meade with Dr. Jonathan Black-Branch
Hurt and Harm in Relation to the Senator's Personal Conduct Dr. Jonathan Black-Branch

* Please note that these are the main areas of focus but may not be exhaustive. Some points may be explored in more depth or detail than others, delivered in a different sequence, or presented in outline only as per this overview. Some topics may be explored in various sessions. The program is subject to changes and modifications as deemed relevant, necessary or appropriate.

In particular, the Educational Program seeks to accomplish the following objectives under the following categories:

Legal, Constitutional and Institutional Developments: In Search of Reconciliation

- Examine the discriminatory objectives of the Indian Act, 1876 and its lingering legacies.
- Develop understandings of racism toward Indigenous peoples in Canada and the history of Crown-Indigenous Relations.
- Explore the importance of the role of the Truth and Reconciliation Commission and its Final Report and its significance for Indigenous peoples and Canada.
- Analyze the Calls to Action of the Truth and Reconciliation Commission of Canada and their value for Indigenous peoples and Canadian society moving forward.
- Assess the concept of cultural oppression imposed by the Residential School System.
- Examine the need for the Commission on Missing and Murdered Indigenous Girls and Women MMIGW.
- Examine legal barriers for Indigenous peoples.
- To examine the relevance of the case of *Ipeelee* where the Supreme Court reminded trial judges: "To the extent that current sentencing practices do not further these objectives, those practices must change so as to meet the needs of Aboriginal offenders and their communities." (para. 66-67).
- To explore the significance of the case of *Gladue* within criminal justice which is about finding a different approach to sentencing Indigenous offenders whereby it is not just about an offender's "Indigeness" amounting to a mitigating factor on the length of sentence.
- Discuss the legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law such as the Indian Act 1876, and Aboriginal-Crown relations.

- Understand and appreciate the conclusions and recommendations in the Final Report of the Truth and Reconciliation Commission of Canada (2015) with 94 calls to action to for reconciliation with Indigenous peoples.

Historical Context of Crown Indigenous Relations in Canada

- Examine the political and legal foundations of Colonialism.
- Explore the intersection of race and Colonialism.
- Discuss how racism is a deeply embedded historical system of institutional power.
- Discuss the history of Indigenous peoples.
- Build understanding of Indigenous culture, and social, relations with Indigenous peoples.
- Explore historic political relations with Indigenous peoples.
- Examine Canada's Residential Schools.
- Explore some of the legacies of Canada's Residential Schools and its impact on Indigenous peoples and communities.

Racism, Indigenous Social Literacy and Indigenous Race Relations in Canada

- Discuss the broader need for inter-cultural competency and anti-racism.
- Explore the concept of Settler-Colonial Privilege.
- Examine the intersection of race, Colonialism and institutional power.
- Develop Indigenous awareness and race relations with Indigenous peoples and their communities.
- Develop Indigenous cultural competency relating to Indigenous race relations issues, including equity, diversity and inclusion.
- Assess the need for a deeper understanding and more meaningful inclusion of the Indigenous Peoples of Canada, across all sectors and regions.
- Develop cultural competency and awareness, exploring the history and legacy of history such as from residential schools.

Legal, Political and Constitutional Considerations: The **Indian Act, the **Constitution**, Residential Schools and Indigenous Peoples**

- Examine the discriminatory objectives of the Indian Act, 1876 and its lingering legacies.
- Assess the concept of cultural oppression imposed by the Residential School System.
- Examine the unique rights guaranteed under Section 35 of the Constitution Act, 1982 that recognizes and affirms the existing Aboriginal and treaty rights of Indigenous peoples.
- Explore how Section 35 rights are protected under "the doctrine of the duty to consult" and, where appropriate, to accommodate Indigenous groups, as developed by Canadian courts.
- Explore the concept of land and landownership.
- Critically analyze the role of law, legal powers and political institutions regarding Indigenous history and their relationship with the Crown and Canadians today.

Dignity, Honour and Integrity: The Responsibilities of Serving as a Senator

- Evaluate the essential constitutional role played by a Senator in conducting legislative review.
- Explore how Senators hold a duty to promote such core principles and values of our democratic system, especially given the Senate's traditional role in acting on behalf of groups under-represented in the House of Commons, whereby the Supreme Court of Canada has noted in *Reference re Senate Reform, 2014*: "Over time, the Senate also came to represent various groups that were under-represented in the House of Commons. It served as a forum for ethnic, gender, religious, linguistic, and Aboriginal groups that did not always have a meaningful opportunity to present their views through the popular democratic process." (at 16).
- Discuss that Senators hold a unique public office that requires them as parliamentarians to confront racism without reservation and to ensure the integrity of the institution.
- Examine how the Senate as a House of Parliament must defend the principle that all persons are equal in law and in dignity whereby the suitability of a senator to remain a member is linked to the recognition and respect of this principle.
- Discuss how the Ethics and Conflict of Interest Code for Senators constitutes an exercise of the Senate's parliamentary privilege to govern its internal affairs including to discipline its members, of which both privileges are inherent to the Senate as a legislative and deliberative body that have been explicitly conferred on the Senate pursuant to Section 18 of the *Constitution Act, 1867* and Section 4 of the *Parliament of Canada Act*.
- Develop and appreciation of the privilege of serving Canadians as a Senator to represent regional and minority views, with an emphasis on Indigenous peoples and their relationship to Canada as a nation.
- Explore the weight of responsibilities that flow from holding public office.
- Assess the role of trust from law-makers.
- Evaluate the unique role of an appointed Senator as compared to an elected legislator.
- Examine responsibilities that are inherent to the position of Senator, including:
 - Expectations of the highest standards of conduct as a role model to maintain public confidence and trust;
 - Communicating and engaging in public debates, while seeking to genuinely understand and respect the views of others;
 - Carrying out senatorial duties with diligence and in the public interest; and,
 - Promoting constitutional legal requirements, values and goals, including equality and freedom from unlawful discrimination.
- Consider senatorial responsibilities and to maintain the dignity, honour and integrity of Parliament, the Senate and the position of Senator, individually and collectively.
- Explore the concept of free speech balanced against responsible speech.

Duty of Government and Legislators Towards Indigenous Peoples

- Explore some of the duties that the Federal Government and its legislators have towards Indigenous peoples.

- Examine the extent to which the Federal Government has fiduciary duties in relation to Indigenous peoples.
- Review the case of *Guerin v. The Queen*, wherein the Supreme Court of Canada established the principle that the Crown is obliged to deal with land surrendered by Indigenous people in their best interests.
- Discuss the concept of the “honour of the Crown”
 - When the government contemplates conduct that might adversely affect Aboriginal or treaty rights, the honour of the Crown gives rise to a duty to consult and accommodate.
- Examine the 2018 SCC case of *Mikisew Cree First Nation v. Canada*, and its implications for legislators’ duties to consider the impact of bills on Indigenous peoples.
- Discuss that the Supreme Court in *Reference re Secession of Quebec, 1998*, has underscored that the protection of minority rights is one of the essential constitutional principles that inspire our whole structure of government, stating: “We emphasize that the protection of minority rights is itself an independent principle underlying our constitutional order. The principle is clearly reflected in the Charter’s provisions for the protection of minority rights.” (at 80).

Personal Experiences of an Elder: Growing up as a Métis-Indian in Manigotagan and overcoming Racism

- Explore the personal experiences of an Elder, growing up as a Métis-Indian in Manigotagan.
- Reflect on the impact of a racist community on the Elder.
- Discover the Elder’s journey to live with racism and his plight to overcome it.
- Explore select Indigenous teachings to build understanding.
- Draw on Indigenous teachings to inspire reflection towards renewal.

Personal Experiences of an Elder: Truth, Reconciliation, Hurt and Healing

- Explore the concepts of truth, reconciliation, hurt and healing.
- Examine the position of Indigenous peoples and their social and cultural concerns.
- Raise awareness, recognition and understanding of the reality of racism towards Indigenous peoples in Canada.
- Discuss Indigenous teachings towards healing and renewal.

Hurt and Harm in Relation to the Senator’s Personal Conduct

- Explore truth, reconciliation, hurt and healing.
- Explore the hurt and harm experienced by the Senator’s individual conduct.
- Reflect on the contextual comprehension of the Senator’s conduct and why it was unbecoming of a senator and the Senate.
- Reflect on the privilege of serving in Canada’s Upper House and the obligations of senators to defend the principles of the Constitution and to uphold the values of the Charter of Rights and Freedoms.

- Understand a senator's obligations under the Ethics and Conflict of Interest Code for Senators -in the course of such service and particularly under paragraph 47(2)(b) of the Code and especially how Senator Beyak has acted.
- Evaluate the rights, obligations, and responsibilities including limitations, as a senator and to foster an understanding of the institution in relation to its ethics regime.
- Discuss constitutional responsibilities, representing minority interests and how racism of any kind is incompatible with senators' roles and responsibilities.
- Discuss the privilege of serving in the Senate.
- Examine that there is no place for racism within the institutions of Parliament.
- Evaluate how actions, attitudes and inactions can cast doubt on the integrity of the Senate and how this is to the detriment to the Senate as an institution, to all senators, and to all Canadians.
- Reflect why Canadians need to have confidence in their democratic institutions and those who serve in them.

Delivery Schedule, Participation and Successful Completion

The Educational Program will be delivered during the week of May 18-22, 2020 with specific details of the complete schedule and delivery framework to be confirmed.

Full Attendance is compulsory. Senator Beyak must complete any pre-assigned readings as well as exercises. The Educational Program is to be conducted in the form of inter-active sessions and the Senator's full and active participation is required where her personal performance will be monitored and assessed throughout.

While it would be preferable to deliver the Educational Program to Senator Beyak in person, due to the COVID-19 pandemic, it will be delivered to the Senator by interactive video link, with both visual and audio participation features as mandatory. Again, the program is offered to Senate Beyak individually, with no other participants or observers present or for it to be recorded or streamed in any fashion. No part, segment or portion of the program is to be recorded, documented or reproduced in any form or format whatsoever, including electronically, digitally, written, by shorthand, notes or otherwise. Notwithstanding any final assessment or report, information or evidence that Senator Beyak acted contrary to these requirements will be deemed as her having acted contrary to her expected performance and attendance requirements in the educational program and her having successfully completed the course with a willingness to learn and to understand her responsibilities as a Senator.

Day 1	Day 2	Day 3	Day 4
May 19, 2020.	May 20, 2020.	May 21, 2020.	May 22, 2020.
Schedule to follow.	Schedule to follow.	Schedule to follow.	Schedule to follow.

Select References, Cases and Readings

Indian Act, 1876.

<http://nctr.ca/assets/reports/Historical%20Reports/1876%20Indian%20Act.pdf>

National Inquiry Into Missing And Murdered Indigenous Women And Girls: Executive Summary Of The Final Report

https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Executive_Summary.pdf

Truth and Reconciliation Commission of Canada: Calls to Action

http://nctr.ca/assets/reports/Calls_to_Action_English2.pdf

Mikisew Cree First Nation v. Canada (Governor General in Council)

<https://www.scc-csc.ca/case-dossier/cb/37441-eng.aspx>

Reference re Secession of Quebec, 1998 2 S.C.R. 217.

Reference re Senate Reform, 2014 SCC 32.

R. v. Gladue, [1999] 1 SCR 688.

R. v. Ipeelee, [2012] 1 SCR 433.

See Also:

Honouring the Truth, Reconciling for the Future Summary of the Final Report of the Truth and Reconciliation Commission of Canada 2015

http://nctr.ca/assets/reports/Final%20Reports/Executive_Summary_English_Web.pdf

Canada's Residential Schools: The History: See Volumes 1 to 6.

http://nctr.ca/assets/reports/Final%20Reports/Volume_1_History_Part_1_English_Web.pdf

The Role of the RCMP During the Indian Residential School System 2011

<http://nctr.ca/assets/reports/Modern%20Reports/RCMP-role-in-residential-school-system-Oct-4-2011.pdf>

What We Have Learned - Principles of Truth and Reconciliation 2015

http://nctr.ca/assets/reports/Final%20Reports/Principles_English_Web.pdf

The Survivors Speak - A Report of the Truth and Reconciliation Commission of Canada. 2015

http://nctr.ca/assets/reports/Final%20Reports/Survivors_Speak_English_Web.pdf

APPENDIX D

The Rights, Roles and Responsibilities of a Senator:

Building Cultural Competence and Social Literacy for Reflection and Renewal Regarding Race Relations with Indigenous Peoples

Educational Program Schedule*

Day 1	Day 2	Day 3	Day 4
Tuesday May 19, 2020.	Wednesday May 20, 2020.	Thursday May 21, 2020.	Friday May 22, 2020.
9:00 - 5:00	9:00 - 5:00	9:00 - 5:00	9:00 - 12:00
Session 1			
Introduction and Program Overview 9:00 -10:00 am Dr. Jonathan Black-Branch (1 hour)	Session 4 9:00 am -12:00 Dr. Cary Miller with Dr. Jonathan Black- Branch (3 hours)	Session 7 9:00 am -12:00 Dr. Lorne Neudorf with Dr. Jonathan Black-Branch (3 hours)	Session 10 9:00 am -12:00 (3 hours) Dr. Jonathan Black-Branch
Session 2 10:00 am -1:00 pm Dr. Cary Miller with Dr. Jonathan Black- Branch (3 hours)	Session 5 1:00 - 3:00 pm Wendy Whitecloud with Dr. Jonathan Black-Branch (2 hours)	Session 8 1:00 - 3:00 Dr. Bruce Curran with Dr. Jonathan Black-Branch (2 hours)	
Session 3 3:00 - 5:00 pm Melissa Serbin with Dr. Black-Branch (3 hours)	Session 6 3:00 - 5:00 pm Elder Norman Meade with Dr. Black-Branch (2 hours)	Session 9 3:00 - 5:00 pm Elder Norman Meade with Dr. Black-Branch (2 hours)	

* Please note that the schedule is subject to changes as deemed appropriate.

APPENDIX E

May 2020.

Me Pierre Legault
Senate Ethics Officer
Senate of Canada

**RE: Assessment Report - Educational Program for Senator Lynn Beyak -
 *The Rights, Roles and Responsibilities of a Senator: Building Cultural Competence
 and Social Literacy for Reflection and Renewal Regarding Race Relations with
 Indigenous Peoples***

Dear Me Pierre Legault,

I write to submit the Assessment Report regarding the Educational Program developed for and delivered to Senator Beyak, as requested and approved by your office in response to Recommendation 2 of the Senate Standing Committee on Ethics and Conflict of Interest for Senators of January 31, 2020.

I would be happy to provide any additional information regarding the Educational Program and its delivery to Senator Beyak.

Respectfully Submitted,



Dr. Jonathan L. Black-Branch

Assessment Report
- Educational Program for Senator Lynn Beyak -

The Rights, Roles and Responsibilities of a Senator: Building Cultural Competence and Social Literacy for Reflection and Renewal Regarding Race Relations with Indigenous Peoples

Background and Objective

This Report is in response to Recommendation 2 of the Senate Standing Committee on Ethics and Conflict of Interest for Senators of January 31, 2020 (at page 11). I was asked to develop and deliver an Educational Program, designed specifically for Senator Beyak related to racism, with a focus on racism against Indigenous peoples in Canada and the particular responsibility of legislators in this regard, as well as how this relates to her past actions, which was sent to and approved by the Senate Ethics Officer.

Following the delivery of the Program, I am to provide an independent written and objective evaluation of Senator Beyak's performance and attendance in the Educational Program to the Senate Ethics Officer within 10 calendar days of the program's completion.

This report is to include an assessment of whether Senator Beyak:

- (a) successfully completed the course;
- (b) learned and was willing to learn; and
- (c) understands every senator's responsibilities in relation to racism, how this aligns with her past conduct, the need to refrain from acting in a way that could reflect adversely on the position of senator or on the institution of the Senate in respect of racism, and the need to uphold the highest standards of dignity inherent to the position of senator.

Educational Program

The Educational Program developed is entitled: *The Rights, Roles and Responsibilities of a Senator: Building Cultural Competence and Social Literacy for Reflection and Renewal Regarding Race Relations with Indigenous Peoples*.

It has been designed specifically for the Honourable Senator Lynn Beyak (Non-Affiliated Senator of Ontario) as requested and approved by the Senate Ethics Officer, Me Pierre Legault.

Methodology and Delivery

The Educational Program consisted of a series of 10 sessions in total. The first session, served as an introductory session followed by 8 substantive sessions focusing on a combination of knowledge content as well as skills-building exercises. Two sessions were specifically dedicated to developing reflective practice regarding race relations with Indigenous peoples involving the participation of an Elder and applying the information explored throughout the sessions to Senator Beyak's role as a senator and her past actions. Sessions were interactive in nature

delivered as seminar-workshop modules, conducted over 3 full days (with 7 dedicated teaching contact hours per day). Each session was designed to be interactive and participatory in nature. The Educational Program concluded with a review and final assessment session on the fourth day examining key learning points, understandings and reflections from the information and content explored throughout the course of the Program (three hours in length).

The program was offered to Senator Beyak on an individual basis and was designed to provide a focused learning experience allowing for the flow of information with her full engagement and open participation with no other participants or observers present in order to establish an educational setting conducive to learning within a responsive teaching-learning environment that encouraged an open exchange and the exploration of the information, concepts and ideas presented and discussed. Due to the COVID-19 pandemic, the program was delivered through an on-line interactive video platform using both visual and audio participation features.

Educational Team

The Educational Program was delivered through a series of interactive seminar-workshop modules designed and delivered by Dr. Black-Branch and instructors, as follows:

Dr. Jonathan Black-Branch, Dean of Law, Professor, Faculty of Law, University of Manitoba.

Elder Norman Meade, Elder in Residence, University of Manitoba.

Ms. Wendy Whitecloud, Director of the Academic Support (Indigenous) Program, and Retired Senior Instructor, Faculty of Law, University of Manitoba.

Dr. Cary Miller, Head of Native Studies, Department of Native Studies, University of Manitoba.

Ms. Melissa Serbin, Senior Crown Attorney, Manitoba Prosecutions Service and Sessional Lecturer, Faculty of Law, University of Manitoba.

Dr. Bruce Curran, Associate Dean (Academic), Faculty of Law, University of Manitoba.

Dr. Lorne Neudorf, Deputy Dean, Faculty of Law, University of Adelaide and Adjunct Professor, Faculty of Law, University of Manitoba.

Educational Program Overview:

Building Knowledge, Understanding and Skills for Reflective Practice

The purpose of the Educational Program was to deliver knowledge, develop skills and advance understandings and reflective practice relating to the rights, roles and responsibilities of a senator and to build cultural competence and social literacy regarding race relations and their historical context with Indigenous peoples in Canada. Emphasis was given to the unique responsibilities of serving as a senator and the need to uphold the dignity, honour and integrity of the office and of Parliament. Sessions focused on the foundations of Colonialism, exploring the history and experience of Indigenous peoples and the historical legacies including Residential Schools, exploring various historical, cultural, legal, social and political perspectives pertaining to race relations with Indigenous peoples. References to ethics codes and guidelines, legislation and jurisprudence were included where appropriate and useful, as were reports, historical accounts and academic literature in relevant areas.

A particular focus was to build cultural literacy by developing awareness of race relations in Canada and its relationship with Indigenous peoples and communities for understanding social and political relations with Indigenous Peoples and interactions. It was to build Indigenous

cultural competency regarding the historical foundations of Canada and that legacy today. It sought to foster broader legal knowledge and deeper understandings of constitutional principles and obligations pertaining to Indigenous concerns within the broader Canadian legal, social and political context.

The main purpose of the Educational Program was to build knowledge content, create awareness and to develop understandings as well as to building skills for reflective practice for Senator Beyak. The key concepts, main aims, and specific objectives and learning outcomes are laid out below for each of the various sessions.

Overview and Assessment

Session 1: Welcome, Introduction and Program Overview

Dr. Jonathan Black-Branch (Day 1: 1 Hour)

The purpose of the first session was to provide an introduction to the Educational Program. It gave a general overview of the content and key learning objectives of the overall program as well as the expectations for attendance, participation and engagement, including the intended learning objectives and outcomes.

Senator Beyak was asked what she wanted to achieve from the Program. Together, we explored the Senator's learning needs and what would be most beneficial to her progress in relation to these matters. She was encouraged to suggest other related subjects or key learning objectives that might assist her, including additional information-sets or learning needs that were not addressed that would be helpful for her in relation to her past actions. The session provided an introduction to the materials discussing their importance and relevance to her role as a Senator and her actions.

Senator Beyak expressed her interest in the content and that she could see how it would be beneficial to her learning. She stated how impressed she was with the overall Educational Program as a package and that she was very much looking forward to the various sessions and the discussions. She said she thought the program was appropriate as it stood and that she could not think of anything that could be added to the program, but she was encouraged to do so as the program progressed. It was explained to Senator Beyak how the assessment would be conducted, and she had no questions or concerns with what was outlined.

Session 2: Legal, Constitutional and Institutional Developments: In Search of Reconciliation, Melissa Serbin with Dr. Jonathan Black-Branch (Day 1: 3 Hours)

This session, focused on various legal and constitutional principles and institutional responses and developments regarding reconciliation for past wrongs, intended to:

- Examine the discriminatory objectives of the *Indian Act, 1876* and its lingering legacies.
- Develop understandings of racism toward Indigenous peoples in Canada and the history of Crown-Indigenous Relations.

- Explore the importance of the role of the Truth and Reconciliation Commission and its Final Report and its significance for Indigenous peoples and Canada.
- Analyze the Calls to Action of the Truth and Reconciliation Commission of Canada and their value for Indigenous peoples and Canadian society moving forward.
- Assess the concept of cultural oppression imposed by the Residential School System.
- Examine the need for the Commission on Missing and Murdered Indigenous Girls and Women (MMIGW).
- Examine legal barriers for Indigenous peoples.
- Examine the relevance of the case of *Ipeelee* where the Supreme Court reminded trial judges: “To the extent that current sentencing practices do not further these objectives, those practices must change so as to meet the needs of Aboriginal offenders and their communities.” (paras. 66-67).
- Explore the significance of the case of *Gladue* within criminal justice which is about finding a different approach to sentencing Indigenous offenders whereby it is not just about an offender’s “Indigeness” amounting to a mitigating factor on the length of sentence.
- Discuss the legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law such as the *Indian Act 1876*, and Aboriginal-Crown relations.
- Understand and appreciate the conclusions and recommendations in the Final Report of the Truth and Reconciliation Commission of Canada (2015) with 94 calls to action for reconciliation with Indigenous peoples.

One of the principal aims of this session was to set the stage for deeper understandings of reconciliation and the need for revising legal, constitutional and institutional approaches to Indigenous matters. From the outset it was recognized that these are sensitive topics requiring reflection and taking an introspective approach.

From the beginning, Senator Beyak indicated a willingness to learn and she took many notes on the topics discussed. Throughout the session the Senator expressed an interest in the topics covered which included an in-depth exploration of racism and oppression, colonization, the *Gradual Civilization Act*, the *Indian Act* and the 1969 White Paper, Indigenous identity, the Truth and Reconciliation Commission, Residential Schools, the National Inquiry into Missing and Murdered Indigenous Women and Girls, the Supreme Court decisions in *Gladue* and *Ipeelee*, and moving forward with reconciliation while considering displacement, colonialism and racism.

Senator Beyak was particularly interested in Indigenous women’s rights and related the discussion to her own experience, drawing references to her younger foster sister, and the *Indian Act* (which she indicated she did not support). She spoke of her personal recollection of the White Paper and asked questions about it, indicating that she wanted to know more about it and whether it would have been beneficial for people such as her Indigenous foster sister.

The Senator appeared to have a basic knowledge of some areas of discussion on the topics covered in the seminar but also acknowledged that information presented was new to her, especially regarding the *Gradual Civilization Act* as well as some facts regarding Residential

Schools, the White Paper, and the Supreme Court decisions - both the legal principles and the underlying facts, where her participation consisted of asking questions to gain further information.

She expressed enthusiasm and gratitude for the topics covered. Her engagement with the material focused mainly on a level that would suggest that she understood historical inequities or that racism towards Indigenous people has produced a society in which Indigenous people have systemically had less access to resources, power, security and well-being.

The exploration of Residential Schools as a cultural genocide invoked a deeper discussion requiring a broader examination of terms and how they applied within various contexts. She explained that she needed to know how to respond to such questions and approach them when discussed amongst her broader constituents. Time was spent evaluating how to position the experience of specific individuals who attended Residential Schools against its overall intention. This was discussed within the context of the historical treatment of Indigenous peoples, including those within the criminal justice system and recent Supreme Court developments. She seemed understanding of and receptive to the need for change and why the Court was moving in this direction.

Overall, the Senator appeared grateful for the information provided and listened throughout the session, taking notes and trying to engage where she could with the information presented. It would seem that much of the information explored seemed new to her which indicates that if nothing else she will have benefited from expanding her knowledge base and receiving different perspectives that challenge racist views regarding Indigenous peoples.

Session 3: Historical Context of Crown Indigenous Relations in Canada, Dr. Cary Miller with Dr. Jonathan Black-Branch (Day 1: 3 Hours)

The purpose of this session was to examine the historical background within the Canadian and broader North American context exploring pervading political underpinnings regarding Colonization and Crown - Indigenous Relations in Canada with a particular focus to:

- Examine the political and legal foundations of Colonialism.
- Explore the intersection of race and Colonialism.
- Discuss how racism is a deeply embedded historical system of institutional power.
- Discuss the history of Indigenous peoples.
- Build understanding of Indigenous culture, and social, relations with Indigenous peoples.
- Explore historic political relations with Indigenous peoples.
- Examine Canada's Residential Schools.
- Explore some of the legacies of Canada's Residential Schools and its impact on Indigenous peoples and communities.

This session provided an overview of the intellectual history that gave rise to colonialism, and the history and context of Indigenous people across three centuries in Canada. Needless to say, this was done in very broad strokes omitting much contextual detail.

Dr. Miller provides her feedback on the session stating:

“I found Senator Beyak to be very willing to engage – she asked questions, and I frequently observed her taking notes - and we were successful in establishing a welcoming and safe environment within which she could ask questions about some of her past actions that have brought widespread criticism.

In particular, she probed why it was a problem to post letters from people who had not had abusive experiences in the residential schools on her website. I discussed Residential School denialism and how some people could interpret presenting only those letters as contributing to the denialism narrative as well as the reality that given how recently the Residential School system ended, we still have many colleagues and co-workers let alone elders whose lives were profoundly changed in negative ways by the experience and whose trauma is still deeply felt. Her response to this was “Oh – so it’s just too soon.” While there is a degree of truth in that, we also discussed my experience as a sixties scoop survivor, and she shared the experiences of her adopted sister who is also Indigenous.

On the first day, I very much had the impression that she has been of the opinion that the success stories of a few served as justification for the pain of the experience with regard to Residential Schools and 60’s scoop in particular. I hope that it is widely recognized that just because one has survived a painful ordeal and had a successful life afterward, does not justify the pain one endured or demonstrate that the pain was necessary for the success to be achieved.

Indeed, Historical Trauma scholarship suggests that refusal to recognize and or validate the trauma is a trigger likely to deepen the trauma, which I think is directly related to the issues with her website.

I hope we made an impact with her on this, but without the time between sessions to engage in thought and for reflection, it is difficult to say. I do think she may understand the perspective of those who objected to the posts a bit better.”

Session 4: Racism, Indigenous Social Literacy and Indigenous Race Relations in Canada, Dr. Cary Miller with Dr. Jonathan Black-Branch (Day 2: 3 Hours)

This session explored the concept of racism against Indigenous peoples seeking to build social understandings and knowledge (literacy) as it relates to Indigenous race relations in Canada from the past through to present day society, endeavouring to:

- Discuss the broader need for inter-cultural competency and anti-racism practice.
- Explore the concept of Settler-Colonial Privilege.
- Examine the intersection of race, Colonialism and institutional power.
- Examine the Settler-Colonial inventory, things that are taken for granted (privilege).

- Develop Indigenous cultural competency relating to Indigenous race relations issues, including equity, diversity and inclusion and the tools necessary to engage in respectful discussions of these topics.
- Assess the need for a deeper understanding and more meaningful inclusion of the Indigenous peoples of Canada, across all sectors and regions.
- Develop cultural competency and awareness, exploring the history and legacy of history such as from Residential Schools.

Dr Miller's second session focused on training in privilege, fragility, microaggressions, triggers, and anti-racism practice. She states:

"We made more progress with her on the point regarding Residential Schools experiences on the second day, but I fear that the underlying belief has not been wholly dispelled. On the second day we got into the brass tacks of systemic racism, the need to view intention separately from impact, and the way people who have been unaware of systemic racism can react with fragility when faced with the information.

Fragility reactions are characterized by deflections to avoid discussing or otherwise addressing the issue of concern. We talked about 5 different types of deflection, the common phrasing that characterizes them, and how to redirect the discussion – she seemed very interested in this discussion, particularly in relation to how this can help her to communicate with her constituents, which I take as a very positive sign that at the very least she wants to improve the tenor and content of her public communications.

We also discussed privilege and how it blinds you to the oppressions experienced by those who do not have access to the same privileges and engaged in a Settler-Colonial privilege inventory that also sparked some good discussions.

We also explored in great detail the ways in which colonialism as an ideology always relies on systemic racism to justify displacement, extraction, theft, and psychic or physical violence. Racism can exist without colonialism but colonialism is always accompanied with a prejudicial narrative, often encoded in law, to justify colonial acquisition.

In the end, I must conclude that she was taking public criticism of her actions seriously, and did attempt to glean from the trainings ways that she could improve her public communications.

She did reach out to me as an individual – we frequently chatted through portions of breaks – and relationship-building is a really important piece of anti-racism training.

Another question she asked me related to the *Indian Act*, and why people protested getting rid of it. While I had gone over some of the enormous problems with the *Indian Act* in the historical presentation the day before, I pointed out to her that eliminating the *Act* without concurrent legislation maintaining the few protections within the *Act* would remove the limited self-governance now in place, and leave people even more bereft. We

then discussed the value in approaching future legislation with a scalpel rather than a sledgehammer.

We also had a discussion about the obligation to take responsibility for not only one's actions, but the actions of anyone in your employ. Hopefully this will also have a lasting effect, but again, it is too soon to be able to tell.

We have definitely given her more tools to use to improve her public communications and I think she is interested in implementing them. How transformational we were in other areas I am unsure as to the long-term impact. That said, I think it is important to remark that my time with the Senator was during the first two days of her training, she was clearly engaged with the material, and as a result there may have been more demonstrable evidence of transformation through her interactions later in the week."

Session 5: Legal, Political and Constitutional Considerations: *The Indian Act*, the Constitution, Residential Schools and Indigenous Peoples, Ms. Wendy Whitecloud with Dr. Jonathan Black-Branch (Day 2: 2 Hours)

This session focused on various legal, political and constitutional considerations examining the *Indian Act* and the Canadian Constitution as well as exploring the effects of Residential Schools on Indigenous peoples and communities with the view to:

- Examine the discriminatory objectives of the *Indian Act, 1876* and its lingering legacies.
- Assess the concept of cultural oppression imposed by the Residential School System.
- Examine the unique rights guaranteed under Section 35 of the *Constitution Act, 1982* that recognizes and affirms the existing Aboriginal and treaty rights of Indigenous peoples.
- Explore how Section 35 rights are protected under "the doctrine of the duty to consult" and, where appropriate, to accommodate Indigenous groups, as developed by Canadian courts.
- Explore the concept of land and landownership.
- Critically analyze the role of law, legal powers and political institutions regarding Indigenous history and their relationship with the Crown and Canadians today.

Leading on from previous sessions, this proved to be a very open and frank discussion spanning a detailed and substantive discussion of the Royal Proclamation of 1763 and Section 35 relating to Aboriginal and treaty rights of Indigenous peoples, including the cases of *Calder* and *Sparrow* as well as the doctrine of the duty to consult and specific legacies of the *Indian Act* and oppression imposed by the Residential School system. To that end Ms. Whitecloud states:

"My initial response to my time with Senator Beyak is that she seemed to be open and was willing to learn. I was somewhat prepared for her to be aloof and unwilling to accept a new or different perspective. She did not appear to do that with me. She commented and accepted the material I was able to provide to her."

“Although it may be said that it is very clear to her the critical role the program would play for her future, I thought that she was engaging with the materials and it was also interesting that she did respond at points where she was recalling material from other sessions and doing some analysis.

She has, at the minimum absorbed some materials. I am hopeful she has and is able to approach her task in her position in a more rounded manner.”

Senator Beyak later followed up in an e-mail requesting further information and links to some of the information discussed during the session including the link to a video relating to an Indigenous woman’s experience in Residential School and further readings on UNDRIP, United Nations Declaration on the Rights of Indigenous Peoples.

Session 6: Personal Experiences of an Elder: Growing up as a Métis-Indian in Manigotagan and overcoming Racism, Elder Norman Meade with Dr. Jonathan Black-Branch (Day 2: 2 Hours)

This session was convened with the participation of Elder Meade to explore his personal experiences of growing up as a Métis-Indian in Manigotagan and to discuss issues of racism he experienced and how he worked to overcome racism; in particular, to:

- Explore the personal experiences of an Elder, growing up as a Métis-Indian in Manigotagan.
- Reflect on the impact of a racist community on the Elder.
- Discover the Elder’s journey to live with racism and his difficult journey to overcome it.
- Explore Indigenous awareness and race relations with Indigenous peoples.
- Explore select Indigenous teachings to build understanding.
- Draw on Indigenous teachings to inspire reflection towards renewal.

During this session Elder Meade was open and frank in exploring his experiences as a youth and adult within the broader community. Senator Beyak expressed her sadness that the Elder had experienced such overt racism and that she would never condone such behaviour. The degree to which she actually understood the depth of the Elders experience is impossible to judge, but she spoke of the need for open communication and understanding and to share in “love”, regardless of background.

She highlighted her foster sister’s experience in dealing with overt racism as an Indigenous person and how that bothered her. Drawing on her personal experience seemed to indicate her listening to Elder Meade’s experiences and reflecting on how damaging such behaviours are to individuals affected and overall communities.

Session 7: Dignity, Honour and Integrity: The Responsibilities of Serving as a Senator, Dr. Lorne Neudorf with Dr. Jonathan Black-Branch (Day 3: 3 Hours)

The purpose of this session was to explore various responsibilities relating to the duties of serving as a senator, examining the dignity, honour and integrity of the position as well as public perception and confidence pertaining to a senator's responsibilities in the office as a Canadian law-maker in the Upper House. It focused on fundamental responsibilities that come with the office specifically looking to:

- Evaluate the essential constitutional role played by a senator in conducting legislative review.
- Explore how senators hold a duty to promote such core principles and values of our democratic system, especially given the Senate's traditional role in acting on behalf of groups under-represented in the House of Commons, whereby the Supreme Court of Canada has noted in *Reference re Senate Reform, 2014*: "Over time, the Senate also came to represent various groups that were under-represented in the House of Commons. It served as a forum for ethnic, gender, religious, linguistic, and Aboriginal groups that did not always have a meaningful opportunity to present their views through the popular democratic process." (at 16).
- Discuss that senators hold a unique public office that requires them as parliamentarians to confront racism without reservation and to ensure the integrity of the institution.
- Examine how the Senate as a House of Parliament must defend the principle that all persons are equal in law and in dignity whereby the suitability of a senator to remain a member is linked to the recognition and respect of this principle.
- Discuss how the Ethics and Conflict of Interest Code for Senators constitutes an exercise of the Senate's parliamentary privilege to govern its internal affairs including to discipline its members, of which both privileges are inherent to the Senate as a legislative and deliberative body that have been explicitly conferred on the Senate pursuant to Section 18 of the *Constitution Act, 1867* and Section 4 of the *Parliament of Canada Act*.
- Develop an appreciation of the privilege of serving Canadians as a Senator to represent regional and minority views, with an emphasis on Indigenous peoples and their relationship to Canada as a nation.
- Explore the weight of responsibilities that flow from holding public office.
- Assess the role of trust from law-makers.
- Evaluate the unique role of an appointed Senator as compared to an elected legislator.
- Examine responsibilities that are inherent to the position of senator, including:
 - Expectations of the highest standards of conduct as a role model to maintain public confidence and trust;
 - Communicating and engaging in public debates, while seeking to genuinely understand and respect the views of others;
 - Carrying out senatorial duties with diligence and in the public interest; and,
 - Promoting constitutional legal requirements, values and goals, including equality and freedom from unlawful discrimination.
- Consider senatorial responsibilities and to maintain the dignity, honour and integrity of Parliament, the Senate and the position of senator, individually and collectively.
- Explore the concept of free speech balanced against responsible speech.

Senator Beyak participated actively in this session asking questions and discussing points relating to her role as a senator. At various points she initiated discussion based on the information presented, linking it to main objectives of the Educational Program and at times to her past conduct. She commented on a number of occasions how she found the information useful and how it went beyond her initial background training when first appointed as a senator. It seemed clear that she was challenged to think in different ways, and it was evident that she genuinely engaged with these challenges: for example, she avidly engaged when we discussed the Senator's role in embodying and advancing constitutional values in her work instead of relying on courts to enforce constitutional rights. She appeared to learn a lot from this discussion and was especially interested in the metaphor of the constitution as a living tree.

In this session we discussed the *Charter* equality guarantee at length, reiterating its status as a fundamental constitutional value. We also discussed the Senate's tradition of giving a voice in the legislative process to historically under-represented groups. In relation to the session, Professor Neudorf states: "I believe that from her responses to the discussion questions, the Senator understands her obligations in relation to racial discrimination."

The session explored the Ethics and Conflict of Interest Code for Senators. She openly recognized her failings for her conduct and stated that she took full responsibility for her past actions and accepted that she had breached 7.1 and 7.2 of the Ethics and Conflict of Interest Code for Senators. She mentioned that she wanted to learn how to communicate better to become a more effective legislator in relation to the issues she cares about.

Professor Neudorf notes: "From our discussion, she understood her unique role as an appointed, and not elected, legislator. She accepted that a Senator's privileges are qualified by their obligations, including those relating to decorum and ethics."

During the session, the importance of public perceptions to public confidence, was reiterated, even when those perceptions may seem unfair or unjustified. We explored how negative perceptions about a Senator's conduct can harm public confidence in the Senate as an institution more broadly. Senator Beyak said that she understood and accepted this point and realized how her actions affect the perception of the Senate and Parliament as-a-whole.

We reviewed the relevant portions of the Ethics and Conflict of Interest Code for Senators, discussing on a comparative basis ethical obligations for other professionals such as judges and lawyers. Professor Neudorf asked the Senator whether it would be acceptable for a Senator to maintain "minimum standards", and she responded that it would "not" be acceptable as Senators are required to live up to the "highest standards" of dignity in relation to their office. He notes from the session: "In my view, the Senator understands her obligations and responsibilities."

Session 8: Duty of Government and Legislators Towards Indigenous Peoples, Dr. Bruce Curran with Dr. Jonathan Black-Branch (Day 3: 2 Hours)

The main purpose of this session was to explore the duty of Government and legislators towards Indigenous peoples seeking to:

- Explore some of the duties that the Federal Government and its legislators have towards Indigenous peoples.
- Examine the extent to which the Federal Government has fiduciary duties in relation to Indigenous peoples.
- Review the case of *Guerin v. The Queen*, wherein the Supreme Court of Canada established the principle that the Crown is obliged to deal with land surrendered by Indigenous people in their best interests.
- Discuss the concept of the “honour of the Crown”
 - When the government contemplates conduct that might adversely affect Aboriginal or treaty rights, the honour of the Crown gives rise to a duty to consult and accommodate.
- Examine the 2018 Supreme Court of Canada case of *Mikisew Cree First Nation v. Canada*, and its implications for legislators’ duties to consider the impact of bills on Indigenous peoples.
- Discuss that the Supreme Court in *Reference re Secession of Quebec, 1998*, has underscored that the protection of minority rights is one of the essential constitutional principles that inspire our whole structure of government, stating: “We emphasize that the protection of minority rights is itself an independent principle underlying our constitutional order. The principle is clearly reflected in the Charter’s provisions for the protection of minority rights.” (at 80).

Again, Senator Beyak actively engaged in this session openly discussing the concepts and at time linking them to previous sessions as well as to her own work in the Senate. She seemed to enjoy this session and asked many questions, initiating discussion and probing deeper on constitutional points. In relation to this session, overall Professor Curran notes:

“I had a very favourable impression of Senator Beyak's performance during the session today focusing on the *Duty of Government and Legislators Towards Indigenous Peoples*. Throughout the session, she demonstrated conduct befitting of a Senator, and did not say or do anything that I would characterize as inappropriate or racist against Indigenous peoples.

The Senator was earnestly engaged throughout the entire two-hour session, and asked intelligent questions. Her questions suggested to me that she now understands the rights of Indigenous people, and was interested in upholding them.

During the session, she gave no impression that she was philosophically opposed to the various duties that government and the legislature have to Indigenous people. Quite the contrary, she appeared to have a keen interest in understanding the role she could play as a Senator in respecting and upholding these rights.”

Overall, Senator Beyak seemed very comfortable in participating in the sessions 7 and 8 probing deeply into the law-making process, the role of the courts and the position of the Constitution in that regard. She also linked some of the points in this session to those in the session with Ms. Whitecloud. She seemed to benefit greatly from these sessions, openly acknowledging how much she enjoyed them and learned from them.

Session 9: Personal Experiences of an Elder: Truth, Reconciliation, Hurt and Healing, Elder Norman Meade with Dr. Jonathan Black-Branch (Day 3: 2 Hours)

To this point Senator Beyak had participated in eight sessions focused on developing knowledge and skills, including Elder Meade sharing his own experience of racism as an Indigenous person in Session 6. Based on this, the purpose of this session was to follow-up on his personal experiences, focusing on truth and reconciliation, as it relates to hurt and the need for healing while exploring Indigenous sacred teachings to build understanding; namely to:

- Explore the concepts of truth, reconciliation, hurt and healing.
- Examine the position of Indigenous peoples and their social and cultural concerns.
- Develop Indigenous awareness and race relations with Indigenous peoples and their communities.
- Raise awareness, recognition and understanding of the reality of racism towards Indigenous peoples in Canada.
- Discuss Indigenous teachings towards healing and renewal.

During this session Elder Meade delved further into issues of racism towards Indigenous people and the harm it causes both to individuals as well as to whole communities. He spoke of the importance of the apology in the House of Commons for Residential Schools and its significance for Indigenous peoples as well as for all Canadians.

He outlined and discussed the Seven Sacred teachings (Love, Respect, Courage, Honesty, Wisdom, Humility and Truth) and the need for reconciliation and healing. He highlighted the importance of being guided by such teachings. Senator Beyak responded to this discussion and seemed engaged with the various teachings, expressing her hope to move forward in a positive manner.

Elder Meade's observations/comments are as follows:

“What I had heard from the Senator is that she is wanting to make a change in how she sees Indigenous people.

However, having said that, I think the Senator, like many people in positions of authority and responsibility will have difficulty “shaking off” or “changing an attitude” that is embedded in a governing system of colonialism for as many years as Canada is old.

Systemic (colonial) influences spreads like an addiction, once you have it, it is hard to shake. To become healthy again, you have to have to admit you have a problem and then have the heart and will to change it.”

Session 10: Review and Assessment: Hurt and Harm in Relation to the Senator’s Personal Conduct, Dr. Jonathan Black-Branch (Day 4: 3 Hours)

The focus of this last session was to provide a final review and assessment of Senator Beyak’s overall learning experience. Specifically, it explored her personal conduct examining the hurt and harm caused in relation to Indigenous people, as well as to broader communities and to Canadians generally. It examined how her actions reflect negatively on the reputation of the Senate and all senators. Specifically, it was designed to:

- Explore truth, reconciliation, hurt and healing.
- Explore the hurt and harm experienced by the Senator’s individual conduct.
- Reflect on the contextual comprehension of the Senator’s conduct and why it was unbecoming of a senator and the Senate.
- Reflect on the privilege of serving in Canada’s Upper House and the obligations of senators to defend the principles of the Constitution and to uphold the values of the *Charter of Rights and Freedoms*.
- Understand a senator’s obligations under the Ethics and Conflict of Interest Code for Senators – in the course of such service and particularly under paragraph 47(2)(b) of the Code and especially how Senator Beyak has acted.
- Evaluate the rights, obligations, and responsibilities including limitations, as a senator and to foster an understanding of the institution in relation to its ethics regime.
- Discuss constitutional responsibilities, representing minority interests and how racism of any kind is incompatible with senators’ roles and responsibilities.
- Discuss the privilege of serving in the Senate.
- Examine that there is no place for racism within the institutions of Parliament.
- Evaluate how actions, attitudes and inactions can cast doubt on the integrity of the Senate and how this is to the detriment to the Senate as an institution, to all senators, and to all Canadians.
- Reflect why Canadians need to have confidence in their democratic institutions and those who serve in them.

This proved to be an open and frank session which seemed beneficial in terms of the Senator’s progress in the Program. The Assessment is discussed below, including more general points as well as drawing on specifics from individual sessions delivered throughout the Program. First, it is fitting to revisit the main purpose and objectives of the Educational Program.

Purpose and Objective of the Educational Program

The purpose of this work was to develop and deliver an Educational Program tailored to the specific needs of Senator Beyak, with the primary objective of providing an independent and objective educational opportunity for her to understand every senator's responsibilities in relation to racism; how this aligns with her past conduct; the need to refrain from acting in a way that could reflect adversely on the position of senator or on the institution of the Senate in respect to racism, and the need to uphold the highest standards of dignity inherent to the position of senator.

To that end, a general needs assessment was conducted to match the Senate Ethic Committee request (Recommendation 2 of January 31, 2020) with the learning and skills requirements relating to Senator Beyak's past conduct. The Educational Program was developed on that basis and approved by the Senate Ethics Officer.

Assessment Criteria

While it may seem impossible to ignore the Senator's past conduct and any previous misgivings leading to the development of this Program, Recommendation 2 of the Senate Standing Committee on Ethics and Conflict of Interest for Senators of January 31, 2020 called for an independent and objective assessment based on the approved Educational Program delivered and the Senator's participation therein.

The assessment of Senator Beyak is based on the key concepts, aims, objectives and learning outcomes presented in the various sessions with the view to building knowledge, understanding and skills for reflective practice. The assessment process focused on mapping the specific objectives and materials presented and explored throughout the various sessions to the knowledge and information she engaged with and acquired throughout, including her general reception to the information, ideas and the learning process as assessed by the team of instructors involved in the Program.

At the conclusion of Session 9, Senator Beyak was asked to prepare her "key learning take aways and reflections". She presented these during the final review and assessment during Session 10.

In providing an overall final assessment, as previously outlined, this report focuses exclusively on the criteria set out in Recommendation 2 of the Senate Standing Committee on Ethics and Conflict of Interest for Senators of January 31, 2020 (at page 11) of whether Senator Beyak:

- (a) successfully completed the course;
- (b) learned and was willing to learn; and
- (c) understands every senator's responsibilities in relation to racism, how this aligns with her past conduct, the need to refrain from acting in a way that could reflect adversely on the position of senator or on the institution of the Senate in respect of racism, and the need to uphold the highest standards of dignity inherent to the position of senator.

Each of these will be addressed in turn followed by a Summary and Conclusion.

A. Successfully completed the course.

Senator Beyak attended all 10 sessions of the Educational Program in their entirety as required. She was prepared to begin on time and remained present throughout each session, concluding a total of 24 hours of educational contact time altogether.

She was asked to review some materials in advance. At the end of her sessions she was asked to prepare and present her “key take-aways and reflections” during the final session.

To that end, the Senator has successfully participated in and completed all aspects of the Educational Program as required.

B. Learned and was willing to learn.

From the outset of the Program, Senator Beyak expressed her enthusiasm for the Educational Program and stated that she was looking forward to the various sessions. She expressed her willingness to attend and her desire to learn from the various instructors delivering the content highlighting that she was looking forward to the Educational Program and learning from what she described as an impressive group of people.

In the first session, we examined the program syllabus, during which time we explored her development needs and what would be most beneficial to her regarding information, subject areas and key learning objectives that would assist her most in her work and progress. She highlighted several areas across various sessions of the Educational Program that she was looking forward to, demonstrating that she had studied the Program syllabus in advance thinking about its content, and suggesting from the outset that she was open and willing to learn more about these areas within the context of her work, and in particular her past conduct.

Throughout the sessions, Senator Beyak demonstrated a good level of participation. She took notes during the discussions and at times she referred back to them in both asking questions as well as in making reference to various points highlighting her willingness to participate and to learn.

During sessions, she engaged in discussion, asked questions and offered comments, relating them to her personal experiences and to her work as a Senator. In many sessions she also initiated discussions based on the information presented to her and asked questions which showed that she was endeavouring to link the discussion and materials to her work and experience.

Again, Ms. Whitecloud noted that Senator Beyak “seemed to be open and was willing to learn. I was somewhat prepared for her to be aloof and unwilling to accept a new or different perspective. She did not appear to do that with me. She commented and accepted the material I was able to provide to her.”

In sessions where the information or materials were new to her, the Senator indicated so. Sometimes she would say that she was trying to learn more and she appeared to try to develop deeper understandings by asking questions as well as taking notes to which she would refer back to on occasion. To that end, Senator Beyak sent an e-mail requesting further information and links regarding some of the information discussed during several sessions including a video relating to an Indigenous woman's experience in Residential School as well as further readings, academic literature and also information on UNDRIP, United Nations Declaration on the Rights of Indigenous Peoples. This gesture in and of itself would suggest an interest in further developing her knowledge and thus her willingness to learn by pursuing further independent study.

In some circumstances Senator Beyak highlighted her need to know how to respond to questions from her constituents on these matters indicating an attempt to connect the Educational Program materials to her practice as a senator. Senator Beyak was particularly interested in Indigenous women's rights and related the discussion to her own experience, drawing references to her younger foster sister, and the *Indian Act* which again, she indicated that she did not support.

At times, it was evident that she was challenged to think in different ways where she openly engaged with new ideas. For example, we discussed the Senator's role in embodying and advancing constitutional values in her work, and she appeared to learn a lot from this discussion and was especially interested in the metaphor of the constitution as a living tree.

In the final assessment session, she drew upon and recounted many of the discussions, explaining various points and positions explored throughout the Program. She reiterating that she accepted responsibility for her past conduct and actions, expressing how she wanted to move forward.

Overall, it would seem that Senator Beyak has learned and was willing to learn throughout the course of the Educational Program.

C. Understands every senator's responsibilities in relation to racism, how this aligns with her past conduct, the need to refrain from acting in a way that could reflect adversely on the position of senator or on the institution of the Senate in respect of racism, and the need to uphold the highest standards of dignity inherent to the position of senator.

Taken together as an overall package, Senator Beyak seemed to work to develop and expand her understanding of her responsibilities as a senator in relation to racism. While it is impossible to say for certain that Senator Beyak has fully internalized the full breath and scope of all the information covered throughout the various sessions, on the face of it, it would seem that she worked with each instructor to comprehend the materials, engaging in discussion and taking notes, often probing follow-up questions in relation to the components of this criterion. While at times she may have struggled with new concepts or perspectives different from her own views, she presented herself as open to exploring different points of view and overall seemed receptive to learning and developing new understandings; sometimes asking how she would be able to communicate such information to her constituents. As the sessions progressed, she seemed far

more comfortable in exploring topics and seemed open to the content and information presented. A more in-depth assessment is presented below.

- ***Understands every senator's responsibilities in relation to racism.***

Discussion throughout the sessions focused on the concept of racism and the harm it causes to Indigenous peoples and communities as well as to Canada as-a-whole. Time was spent exploring the concept in depth and how it is systemically embedded and entrenched within social, political and legal institutions. She actively engaged in trying to understand issues of racism, equality and non-discrimination and how they relate to her duties as a senator.

Particular components of sessions focused on Senator Beyak's responsibility in relation to racism and her obligations to Parliament and Canadians generally. For example, within the context of the session on the *Responsibilities of Serving as a Senator*, Professor Neudorf states: "I believe that from her responses to the discussion questions, the Senator understands her obligations in relation to racial discrimination."

From her responses to questions in sessions as well as her final assessment, where she presented her key learning points and final reflections, it would seem that Senator Beyak understands her obligations in relation to racism as a senator.

- ***How this aligns with her past conduct.***

Past actions and conduct formed a substantive focus during many of the sessions, including during those on racism with Dr. Miller who states: "We also had a discussion about the obligation to take responsibility for not only one's actions, but the actions of anyone in your employ. Hopefully this will also have a lasting effect, but again, it is too soon to be able to tell."

Later, during the session on the *Responsibilities of Serving as a Senator* reflecting on her actions, Senator Beyak affirmed how her past conduct did not align with her obligations as a senator in relation to racism. She noted how it has caused hurt and harm for Indigenous peoples and communities. She expressed her sorrow as she sees how this is wrong.

In the session on the *Responsibilities of Serving as a Senator* as well as her final assessment the Senator stated that she took full responsibility for her past actions and accepted that she had breached sections 7.1 and 7.2 of the Ethics and Conflict of Interest Code for Senators.

It would seem that Senator Beyak sees a senator's responsibilities in relation to racism and how this aligns with her past conduct.

- ***The need to refrain from acting in a way that could reflect adversely on the position of senator or on the institution of the Senate in respect of racism.***

Various sessions including her final assessment explored the need to refrain from acting in a way that could reflect adversely on the position of senator as well as the Senate as an institution, in respect of racism. During the session on the *Responsibilities of Serving as a Senator*, in particular, the importance of public perceptions and public confidence was reiterated and how negative perceptions about a senator's conduct can harm public confidence in individual senators as well as to the Senate as an institution more broadly.

Senator Beyak affirmed that she understood this point and that she accepted it. She stated that she understands and accepts the need to refrain from acting in a manner that could reflect adversely on the position of her as an individual senator or potentially on the Senate more broadly.

In exploring the concept of public perception, she noted how important this was drawing analogies to negative perceptions relating to issues regarding senators' expenses and how damaging that had been.

In evaluating her obligations as a senator in term of racism, she spoke of how her actions reflect adversely on the position of senator as well as on the institution of the Senate as-a-whole in respect of racism.

From her responses to questions in the sessions as well as her final assessment, it would seem that Senator Beyak understands and accepts the need to refrain from acting in a way that could reflect adversely on the position of senator or on the institution of the Senate in respect of racism.

- ***The need to uphold the highest standards of dignity inherent to the position of senator.***

During various sessions we examined the importance of maintaining the highest standards of dignity as a senator, both in regard to the integrity of the office and again relating to perceptions to public confidence. We reviewed the relevant portions of the Ethics and Conflict of Interest Code for Senators, discussing comparative ethical obligations for other professionals.

We explored the difference between the minimal standards and the highest standards.

Professor Neudorf asked the Senator whether it would be acceptable for a Senator to maintain minimum standards, and she responded that it would not be acceptable as Senators are required to live up to the highest standards of dignity in relation to their office. He notes: "In my view, the Senator understands her obligations and responsibilities."

From the questions in the sessions, particularly the *Responsibilities of Serving as a Senator* as well as her final assessment it would seem that Senator Beyak understands and accepts the need to uphold the highest standards of dignity inherent to the position of senator.

Summary and Conclusion

In summary, Senator Beyak participated in 24 hours of education, consisting of 21 hours of direct interactive seminar sessions followed by a 3-hour review and assessment component. There was an assignment relating to her key take-away learnings and reflections that was discussed within the context of the Senator's overall learning and educational experience.

Again, the main purpose of this Educational Program was to deliver knowledge, develop skills and advance understandings and reflective practice designed specifically for Senator Beyak relating to the rights, roles and responsibilities of a senator. It sought to build cultural competence and social literacy regarding race relations with Indigenous peoples in Canada. It explored the unique responsibilities of serving as a senator and the need to uphold the dignity, honour and integrity of the office and of Parliament, including Senator Beyak's responsibility for her past conduct.

Sessions focused on the foundations of Colonialism, examining the history and experience of Indigenous peoples and the historical legacies including Residential Schools, exploring various historical, cultural, legal, social and political perspectives pertaining to race relations with Indigenous peoples. References to ethics codes and guidelines, legislation and jurisprudence were included, as were reports, historical accounts and academic literature. A particular focus was to build cultural literacy by developing awareness of race relations, seeking to advance broader legal knowledge and deeper understandings of constitutional principles and obligations to Indigenous peoples and communities within the Canadian context.

In conclusion, on a holistic level it would seem from the findings from the Educational Team involved in delivering this Educational Program that Senator Beyak has met the criteria set out in Recommendation 2 of the Senate Standing Committee on Ethics and Conflict of Interest for Senators of January 31, 2020 (at page 11). In particular, Senator Beyak has (a) successfully completed the course; (b) learned and was willing to learn; and (c) understands every senator's responsibilities in relation to racism, how this aligns with her past conduct, the need to refrain from acting in a way that could reflect adversely on the position of senator or on the institution of the Senate in respect of racism, and the need to uphold the highest standards of dignity inherent to the position of senator.

As a final note, it should be said that throughout this Program, in addition to knowledge content, an emphasis was on skills development with the view to stimulating reflection. While the nature and focus of the interactive sessions incrementally built on imparting knowledge, it also focused on enhancing skills development for reflective practice relating to key understandings, attitudes, behaviours and thinking patterns with the view to practice reflection and attitudinal-development. So, while some of the various aims and objectives were knowledge-specific and content-orientated, others focused on skills-development of which some were attitudinal in

scope. In other words, some covered content and information; others sought to develop frameworks to build understanding as well so as to promote professional reflection and to foster personal growth.

There is a difference between knowledge and beliefs. There is a marked difference between behaviours and attitudes. Attitudinal change on Indigenous issues, as with cultural and social change more generally, is often slow in progress, requiring deliberate interventions and taking successive and progressive steps that are unlikely to be ascertained within one stand-alone educational unit. That said, knowledge and information are key components for making more informed behavioural changes, as well as for reflecting on one's basic assumptions, personal beliefs and attitudes based on stereotypes. With this in mind, educational interventions of this nature can be effective in providing tools for behavioural change as well as for developing different perspectives towards attitudinal growth and change.

Here, Senator Beyak has accepted the opportunity to gain more knowledge, explore new ideas and to reflect on her conduct as a Senator and its impact on the Senate, Parliament and Canadian society as-a-whole. She leaves the program with further knowledge, ideas and understandings, equipped with new tools for approaching her professional work and her personal beliefs.

Respectfully Submitted,

Dr. Jonathan L. Black-Branch
May 2020.

APPENDIX F

From: Lynn Beyak [REDACTED]
Sent: Thursday, June 4, 2020 12:29 AM
To: Legault, Pierre [REDACTED]
Cc: Palumbo, Deborah [REDACTED]
Subject: Response to Program Evaluation of Senator Beyak

Pierre Legault, Senate Ethics Officer

Deborah Palumbo, Assistant Senate Ethics Officer

Dear Pierre and Deborah,

The purpose of this letter is to ask you to convey my gratitude to the Senate Ethics Committee for the opportunity to experience the meaningful and superior training I received May 19 - 22, 2020.

I would also like to thank you both for taking the time to follow the committee's recommendations so thoroughly, ensuring a professional and expert educational forum, delivered by Zoom conference. I appreciate your extra effort in ensuring I could take unlimited notes.

Finally I would like to commend the University of Manitoba, Dean of Law Dr. Jonathan Black-Branch and his knowledgeable and professional team for a thoughtful, fair, comprehensive, and accurate report concerning my training. It was an honour and a privilege to work with so many, who are specialists in their fields, impartial and distinguished.

The Dean and his associates' knowledge and expertise were incomparable, and invaluable.

Sincerely,

Hon. Lynn Beyak

Senate of Canada