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Aboriginal Postsecondary Education in Canada and the Standing Committee on Aboriginal Affairs and Northern Development: A Critical Policy Analysis

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Graduate Program in Education

A thesis submitted in partial fulfillment of the requirements for the degree in Master of Education

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ABORIGINAL POSTSECONDARY EDUCATION IN CANADA AND THE STANDING
COMMITTEE ON ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT: A
CRITICAL POLICY ANALYSIS

by

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The School of Graduate and Postdoctoral Studies
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Abstract

This critical policy analysis of the texts of the Standing Committee on Aboriginal Affairs and Northern Development's inquiry into the state of Aboriginal postsecondary education in Canada in 2006 examines the positions taken by witnesses with respect to the context of the policy discussion and the definition of the policy problem. The analysis also examines the policy positions taken by the Committee on Aboriginal Affairs and Northern Development in its summative report, *No Higher Priority*, and in the Harper government's response to the Committee's report. The results of the analysis indicate that the minority Harper government applied its own definition of the policy problem to all stages of the policy cycle, and thus establishing itself as the legitimate authority responsible for reviewing the policy, and effectively silencing the voice of the witnesses and the Committee itself in the policy discussion.

Keywords

Postsecondary education, Aboriginal, Standing Committee on Aboriginal Affairs and Northern Development, Critical policy analysis, Policy cycle, Harper government, Parliamentary committees

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Chapter One

Overview of the Study

The focus of my research is the role of the Standing Committee on Aboriginal Affairs and Northern Development (the Committee) in the development of Aboriginal postsecondary education (PSE) policy in Canada. On May 15, 2006, the Committee members initiated a study of Aboriginal education (Canada, 2006s) and on September 19, 2006 (Canada, 2006t) the inquiry was further focused on PSE. The specific time frame of my research will be the meetings of the Committee from May 1, 2006 (Canada, 2006a) to October 31, 2006 (Canada, 2006r), during the first session of the thirty-ninth Parliament. Using critical policy analysis methodology, the research examines the policy positions presented in the texts related to the policy context and the policy positions related to the policy problem, including the legislative foundation for the policy, the parties covered by the policy, the purpose of the policy, the means of funding the policy, and the definition of the policy problem and the means of policy evaluation.

The following chapter will outline my research questions, the rationale for my research focus, the contribution of my research, and the role of my position and my values in the research. The chapter will then outline the relevant background related to demographic indicators for Aboriginal peoples and PSE education attainment in Canada, federal First Nations (FN) postsecondary education policy, the role of the Department of Indian Affairs and Northern Development (the Department) in Aboriginal PSE, and the role of standing committees in the Canadian parliamentary system.

Research Questions

My research was guided by the following research questions:

1. During the 2006 meetings of the Standing Committee on Aboriginal Affairs and Northern Development, what policy positions were taken, and by which individuals and groups, with respect to the definition of the policy problem of Aboriginal PSE in Canada? What policy positions were taken by the Committee in its summative report, *No Higher Priority*, and in the Harper government's response to the Committee's report?

2. How were the specific positions and supporting evidence presented during the meetings framed and utilized by the Committee in its summative report, *No higher priority: Aboriginal post-secondary education in Canada*? Whose positions were heard, and why?

Rationale

The meetings of the Committee were part of the policy formulation and evaluation stages of the policy cycle as outlined by Howlett et al. (2009; see also Schofield & Fershau, 2007). Policy evaluation can serve the purpose of “policy learning” and educating policymakers and others not directly involved in the policy issues under scrutiny (p. 179). I plan to publish my research in academic publications. My contribution to the literature will also contribute to the process of policy learning and to the discussion of the complex process that accompanies policy formulation through the parliamentary committee system. The influence of parliamentary committees in Canada is a contested issue. There is a need for further research to clarify the influence of parliamentary committees on government policy in Canada (Duffy & Thompson, 2003; Schofield & Fershau, 2007).

As far as I have been able to ascertain, there is little literature that analyzes the proceedings of the Committee and no literature that focuses specifically on the meetings of the Committee that examined Aboriginal PSE and the influence of those meetings on subsequent policy. There is a need for more research about the role of parliamentary committees in the development of policy in Canada, which has the potential to increase the effectiveness of the committees and to make committees more accountable to Canadian citizens (Duffy & Thompson, 2003; Schofield & Fershau, 2007).

There is ongoing interest in the Committee's inquiry into Aboriginal PSE. There is also the suggestion that the Harper government is still responsible for acting on the recommendations of the Committee's report. When it was released, *No Higher Priority* (2007b) was portrayed in some Aboriginal media and by Aboriginal community leaders as a positive step forward (Barnsley, 2007; Chiefs of Ontario, 2007; Evans, 2007; NationTalk, 2007), but the lack of action on the report's recommendations continues to be a concern. There continues to be references to

the report by policy actors and advocates for Aboriginal PSE who have persisted in following up on the report's recommendations and requesting policy reform from the Harper government (Canadian Federation of Students, 2012; First Nations Education Council, 2009, 2013; National Aboriginal Caucus, 2011).

Contribution of the Study

By analyzing the evidence presented to the Committee by a range of witnesses and the discussion and questions of Committee members, as well as the Committee's final report, my research will unpack the range of policy positions pertinent to PSE and Aboriginal peoples in Canada. As noted above, documenting conflicting views of Aboriginal PSE policies within the meetings of the Committee is important because there is not a single academic study that has focused on this particular area of Aboriginal policy during this period in 2006. My research will also contribute to a greater understanding of the influence of the activities of the Committee on federal Aboriginal PSE policies. Thus, my study will also contribute to an understanding of how governments respond to the testimony of witnesses and, ultimately, construct policy.

My research will also contribute to filling a gap in the literature, providing insight into an ongoing policy problem and the operation of the Committee during a significant period in Canadian federal politics. My research will also contribute to the voices that are calling for more action on the recommendations outlined in the Committee's report.

I intend to disseminate my findings widely to Aboriginal and social justice organizations so the findings can serve as a resource for witnesses who testify before the Committee in the future. I am also completing a course on digital writing that will assist me in disseminating my findings online. The findings will also inform other efforts to resolve issues related to the funding of Aboriginal PSE. Thus, I intend to seek publication of the results of my research in one or more academic journals read by policy researchers and practitioners.

Positioning Myself in the Study

My interest in the treatment of Aboriginal peoples in Canada has evolved since I was an elementary student. I consider myself fortunate to have had teachers who taught the curriculum within a social justice framework and who not only included the contributions of the Aboriginal

peoples throughout Canadian history, but also challenged me to critically examine the dominant discourses. For one project in elementary school, my class re-enacted the trial of Louis Riel, the historical Métis leader, and I played the role of Riel. I struggled to memorize his court testimony because I was also trying to reconcile different historical portrayals of his life. The experience of playing Riel during our enactment was deeply moving for me and it initiated my interest in social justice issues related to Aboriginal peoples in Canada.

My interest in my current project evolved from research that I conducted for an Independent Reading and Research course on FN PSE policy. The *Evidence* (Canada, 2005b) from the Committee on February 8, 2005, centred on the proposed taxation of individuals receiving FN PSE funding from the federal government. I found the parallel discussions between witnesses and the Committee members compelling because they were using the same terms, including “social policy” and “treaty rights”, and yet it was evident that one of the major obstacles to a compromise was their divergent understanding of the meaning of the fundamental terms that defined their positions. I was also intrigued by the fact that a policy “mistake” on the part of the government prompted the discussion on that day (p. 6). I learned from reading that Committee meeting transcript that policy review can be prompted by predictable and unpredictable events. I decided to investigate further how the Committee members defined Aboriginal PSE policy leading up to and within the report, *No Higher Priority* (Canada, 2007b).

I recognize that there is more than one interpretation possible when analyzing policies and texts in general (Ozga, 2000; Taylor, 1997; Taylor, 2004; Taylor, Rizvi, Lingard & Henry, 1997). I need to be reflexive about my position as a non-Aboriginal researcher (Ozga, 2000; Rizvi & Lingard, 2010), while recognizing that there is a place for critical allies who support Aboriginal research (Kovach, 2009; Taylor, 2004). I also intend to carefully weigh the testimony of all the participants in the meetings of the Committee in my analysis. My intention is based on the epistemological position that in research, and policy formulation in particular, all voices should be recognized as legitimate, including Aboriginal voices (Ball, 1994; Kirby, Greaves, & Reid, 2006; Kovach, 2009; Smith, 2012; Taylor et al., 1997; Woodside-Jiron, 2011; Young & Levin, 2000). As a critical ally, I hope that my research might contribute to legitimizing voices that have been overlooked in the Aboriginal PSE policy debate.

I recognize that my values play a role in my analysis. As Howlett and Lindquist (2007) observe, the values of the researcher and the intended audience can have a significant impact on conclusions of a policy analysis and that policy analysis “has the effect of furthering, supporting, challenging, or testing certain values (p. 92). Ozga (2000) also highlights the role that values play in a critical policy analysis and in the definition of the purpose of the research by the researcher.

I acknowledge that my values based on my personal and academic background have influenced my analysis of the texts that are the basis for my research, particularly my background in social justice. However, I also had my values tested as I examined the voices that contributed to the Aboriginal PSE policy discussion and analyzed the evidence presented during the meetings of the Committee.

Background and Context of the Study

Aboriginal Peoples in Canada

Measuring the demographics of Aboriginal peoples in Canada is a complex combination of terms, legislation, classification, and terminology. The *Constitution Act*, 1982, s. 35 (1-2) identifies the Aboriginal peoples of Canada as “the Indian, Inuit and Métis peoples of Canada” and their rights are “recognized and affirmed.” The *Indian Act* (1985, c. 4, s. 4.1), in part, clarifies that “an Indian in any of the following provisions shall be deemed to include a reference to any person whose name is entered in a Band List and who is entitled to have it entered therein” and Sections 114 to 122 outline the responsibility of the Department of Aboriginal Affairs and Northern Development (the Department) for the elementary and secondary education of the “Indians” identified in the Act. The term Indian is a legal concept that requires

proven descent from an Indian who has not renounced their Indianness;
admittance to a general registry in Ottawa; affiliation with one of over 600 bands;
entitlement to residence on band reserve lands...Standing as a treaty status Indian
is derived from Aboriginal ancestors who signed a treaty with the Crown. (Maaka
& Fleras, 2005, p. 161)

The term First Nations (FN) is an official term used by the federal government and the British Crown, and designates Indigenous people in Canada, not including the Inuit or Métis. Although not a universally accepted term, it is a “legally structured identity in terms of blood status and

documentable ancestry” and is also used as a self-designation (Roberts, 2010, p. 288; see also Stonechild, 2006). The main term used within the following analysis will be Aboriginal. However, the term First Nations may be used depending on the context.¹

For statistical purposes, the federal government typically counts the Aboriginal population using four categories: “North American Indians registered under the *Indian Act*, North American Indians not registered under the *Indian Act* (the non-status population), Métis people and Inuit” (Maaka & Fleras, 2005, p. 161; see also Royal Commission on Aboriginal Peoples [RCAP], 1996a). Statistics Canada uses four concepts to measure “the notion of aboriginality”: Aboriginal ancestry, Aboriginal identity, status Indian or registration, and First Nation band membership (Canada, 2006c, p. 4).

According to Statistics Canada, the Aboriginal population of Canada was estimated to be 1.3 million people in 2006. The population is projected to reach between 1.7 million and 2.2 million in 2031. The Aboriginal population would then comprise between 4.0 % and 5.3 % of the Canadian population. The significance of the population growth within the Aboriginal population is that the median age of the population was 26.6 in 2006, compared to the median age of the non-Aboriginal population, which was 39.4 in 2006 (Malenfant & Morency, 2011). Mendelson (2006) explains that it is important for policymakers to consider the weight of the economic and social influence that the concentration of the Aboriginal community has in Manitoba and Saskatchewan, where it makes up the largest share of the total population, although Ontario has the highest absolute number of the Aboriginal identity population. The comparatively young Aboriginal population is significant because there will be an increase in the population eligible for PSE. However, the ability of Aboriginal youth to have equitable access to PSE is in doubt based on the current levels of funding and support available to them, levels which have not kept pace with the increased population growth (Office of the Auditor General, 2004, 2011).

At the time of the Committee meetings, the rate of high school completion for Aboriginal people living on-reserve, based on the 2006 Census, ranged from a high of 59 % in the Yukon to a low

¹ The terms Aboriginal, Indigenous, First Nations, Métis, and Inuit will be capitalized, except when terms appear in lower case in direct quotes.

of 28 % in Manitoba. The range for Aboriginal people living off-reserve was 85 % in New Brunswick to 45 % in the Northwest Territories. The rate of high school completion for non-Aboriginals was a high of 91 % in British Columbia to a low of 84 % in Newfoundland (Richards, 2008).

In PSE attainment, the rate of completion of a trades certificate and a college or CEGEP diploma by Aboriginal adults aged 25–64 was on par with non-Aboriginal adults based on 2006 census data. The proportion of Aboriginal adults aged 25–64 who had completed an apprenticeship or trades certificate was 12 %, compared to 14 % for non-Aboriginal adults. The proportion of Aboriginal adults who had completed a college or CEGEP diploma was 20 %, compared to 19 % for non-Aboriginal adults. The proportion of Aboriginal adults who had completed a university certificate, diploma, or degree was 8 %, compared to 23 % for non-Aboriginal adults (Assembly of First Nations [AFN], 2013).

One of the influences on the level of participation of Aboriginal students in PSE is the legacy of residential schools in Canada, a point that was raised during the testimony of Nathan Matthew, Senior Advisor and Negotiator, Education, BC First Nations Leadership Council. Matthew observed:

So the experience I have had is I think similar to the experiences of many other first nations people. I'm in my mid-fifties, and neither of my parents had any post-secondary education; they went to a residential school, they both went and completed that. In that institution you completed at grade 8 with absolutely no expectation of going on to take advantage of the benefits of a post-secondary education, to get into the professions and into business and that sort of thing. That was not the purpose of those institutions. The other negative aspect of the institutions is well-documented as well, the negative impact in terms of culture and language and that sort of thing.

Neither of my parents went to post-secondary education, and they had no expectation of going to any post-secondary education experience, and neither was there any support, either from their homes or from government.

I think to some extent we're still living the hangover from that experience. The expectations are still low, most of the kids don't expect to go on to post-secondary education, and there's a lack of significant support along the way, from the communities, the parents, and in the government's role in financial support, through policy and allocations of resources for post-secondary education. (Canada, 2006m, p. 2)

His statement summarizes the impact of residential schooling, a policy of the federal government that removed children from their homes and forced them to attend schools run by churches and by the federal government. The last residential school in Canada did not close until 1996.²

Federal First Nations and Inuit Postsecondary Education Policy

Federal First Nations and Inuit PSE policy in Canada is not defined by legislation (Aboriginal Institutes' Consortium, 2005; Carr-Stewart, 2009; Paquette & Fallon, 2010; Pratt, 1989). While the *Indian Act* outlines the responsibilities of the Minister of Aboriginal Affairs and Northern Development over FN education (*Indian Act*, 1985, s. 114-122), there are no clauses that address PSE, and successive federal governments have chosen not to formalize their responsibilities in the form of an education act (Carr-Stewart, 2009), although the Harper government was considering the creation of an education act in 2006 (Canada, 2006f), an idea that the Conservative government is currently revisiting. The lack of legislation allows the federal FN and Inuit PSE policy to be implemented as a social program, which the federal government refers to as a social policy. Due to the definition of the program as a social program, the funding remains discretionary, which is renewed on an annual basis by the federal Treasury Board (Canada, 2006g; Canada, 2007b). This approach has the consequence of leaving PSE funding more unpredictable than the funding for elementary and secondary education (Paquette & Fallon, 2010). Of course, programs that are based in legislation can end or be changed through legislative amendment, but the lack of a legislative foundation for FN PSE policies means that the discretionary social programs can be terminated through an executive decision (Pratt, 1989).

Because of this lack of a legislative foundation, one might expect that the policies regarding the rights of FN and Inuit students to support for PSE would be open for debate and reinterpretation, particularly when there is a change in the federal ruling party (AIC, 2005; AFN, 2010; Binda & Calliou, 2001; Hampton, 2000; National Indian Brotherhood, 1972/1984; National Indian Brotherhood & Assembly of First Nations, 1988; Paquette & Fallon, 2010; Stonechild, 2006). In fact, both Conservative and Liberal federal governments, including the Martin government, have consistently adopted the position that funding and support of FN and Inuit PSE is a matter of

² For more information on the policy and the legacy of residential schools see Dorrell, 2009; Episknew, 2009; Henderson & Wakeham, 2009; RCAP, 1996b; Regan, 2007; Schissel & Wotherspoon, 2003; Stonechild, 2006.

social policy (Canada, 2005b), while FN stakeholders insist that the federal government is obligated to fund and maintain FN PSE based on historical treaty rights (Assembly of First Nations, 2010; Canada, 1989; Hampton, 2000; Henderson, 1995; Office of the Auditor General, 2004; National Aboriginal Caucus, 2011; National Indian Brotherhood & Assembly of First Nations, 1988; Stonechild, 2006). Despite an “open federalism” approach that respects provincial policy jurisdiction over education, the Harper government still allows for “strong federal involvement in education” (Doern, 2007, p. 6) when it comes to Aboriginal education.

The Standing Committee on Aboriginal Affairs and Northern Development, a parliamentary committee of the House of Commons, serves as a forum for the discussion of these policy positions and their implications.³ The Committee is also responsible for reviewing the policy and the operation of the Department. The following section outlines the role of the Department and the operation of parliamentary standing committees.

The Purpose and the Responsibilities of the Department of Indian Affairs and Northern Development

The purpose and responsibilities of the Department at the time of the Committee meetings outlined in the following analysis are summarized by Paul LeBlanc, Senior Assistant Deputy Minister, Socioeconomic Policy and Regional Operations Sector, DIAND:

The overall responsibility of the department, pursuant to our legislation, is the support of first nations and Inuit people in developing healthy, sustainable communities and in achieving their economic and social aspirations. In the broad area of northern affairs, the department is responsible as a lead in fulfilling the federal government’s constitutional, political, and legal responsibilities in the territories. The legal framework for the department’s activities, of course, is provided by the Indian Act, the Indian Oil and Gas Act, the First Nations Land Management Act, various territorial acts, claims and self-government legislation,

³ The first House of Commons Standing Committee on Indian Affairs and Northern Development was established in 1968 (Canada, 2013) during a reform of the parliamentary committee system by the Trudeau government (Franks, 1971; Hockin, 1970; Rush, 1979). During the 35th Parliament (1993–1997) the Committee’s name changed to the Standing Committee on Aboriginal Affairs and Northern Development (Canada, 2013). The formal name of the department that the Committee was responsible for reviewing during the 38th Parliament was the Department of Indian Affairs and Northern Development (DIAND) as outlined in *Department of Indian Affairs and Northern Development Act*, 1985, R.S.C., 1985, c. I-6. Other titles for the Department have included the Department of Indian Affairs, Indian and Northern Affairs Canada, and the Department of Aboriginal Affairs. The current name in use for the Department is the Department of Aboriginal Affairs and Northern Development (AANDC, 2011).

and of course, section 35 of the Constitution Act 1982 and section 91.24 of the Constitution Act of 1867.

The minister is also responsible as the interlocutor for Métis and non-status Indians. The office of the interlocutor is an office of advocacy and facilitation. The minister plays this role for this constituency and its organizations *auprès* federal ministers on a wide variety of issues, and the office also serves as a policy and programming centre of expertise for cabinet on Métis and non-status Indian issues. (Canada, 2006d, p. 1)

The Department's PSE National Program

The Department's PSE policy in place during the review of the program by the Committee was the *Post-secondary Education National Program Guidelines*. PSE, for the purposes of this policy, was defined as:

A program of studies offered by a post-secondary institution that includes at least one academic year (as defined by the institution), and for which completion of secondary school studies, or its equivalent as recognized by the post-secondary institution, is required. (Indian and Northern Affairs, 2003, p. 5).

The objectives of the program were: (1) "to improve the employability of First Nations people and Inuit by providing eligible students with access to education and skill development opportunities"; (2) "greater participation of First Nation and Inuit students in post-secondary studies"; (3) "higher First Nation and Inuit graduation rates from post-secondary programs"; (4) "higher employment rates for First Nation people and Inuit"; (5) "PSE outcomes comparable to other Canadians with similar educational backgrounds" (Indian and Northern Affairs, 2003, p. 3).

Funding from the Department was allocated directly to band councils or to First Nation organizations designated by the councils. The Department could also participate in a funding agreement with a public or private organization to administer the funding (Indian and Northern Affairs, 2003). Eligible students had to be

Registered Indians or Inuit who have been resident in Canada for 12 consecutive months prior to the date of application for funding, and have been accepted by an eligible post-secondary institution into either a degree or certificate program, or a UCEP [University and College Entrance Preparation] program, and maintain continued satisfactory academic standing within that institution” (Indian and Northern Affairs, 2003).

The funding for the PSE programs totaled \$305 million of the \$1.5 billion of the Department’s budget according to the information provided by the Department to the Committee in 2006 (Canada, 2006p; Indian and Northern Affairs, 2003). The components of the funding were:

1. **Post-Secondary Student Support Program (PSSSP):** A majority of the funding was allocated to the PSSSP, to pay for tuition, materials, and living allowances for status First Nations and Inuit students.
2. **Indian Studies Support Program (ISSP):** The ISSP provided funding to programs and services that served First Nations and Inuit students at postsecondary institutions.
3. **University/College Entrance Preparation Program (UCEP):** The UCEP program provided funding for a one year preparatory course for students before they attended college or university. The program particularly served students who have not completed high school.

Reviewing the Department’s PSE policies fell under the mandate of the Committee, a House of Commons standing committee. The following section outlines the role of parliamentary standing committees, the membership of the House of Commons standing committees, the witnesses who testify before the House of Commons standing committees, and the mandate of the Committee.

Canadian Parliamentary Standing Committees

Guidelines for Canadian parliamentary standing committees are provided within the Standing Orders (Canada, 2005a) and handbooks describe the procedures and protocols to be observed by Members of Parliament (MPs) (Canada, 2008a; O’Brien & Bosc, 2009). The purpose of standing committees has been variously defined as the

proving grounds for ambitious MPs; a place for members to lay aside the partisanship and work across party lines; meddlesome obstacles through which legislation must be piloted; a high-profile public forum for non-elected individuals and groups; and glorified playpens to keep backbenchers busy and out of mischief. (Malloy, 1996, p. 316)

Schofield and Fershau (2007) define standing committees as “relatively permanent structures” because they are reappointed with the start of each parliament (p. 355). The literature that outlines the mechanics of the operation of the House of Commons focuses mainly on the function of committees in reviewing government spending proposals and legislation (Dawson & Dawson, 1989; Dyck, 2012; Jackson & Jackson, 2006).

The membership of House of Commons standing committees

The membership of standing committees is proportional to the party representation in the House of Commons (McMenemy, 2006). The members are ultimately appointed by another parliamentary committee, the Striking Committee, also called the Committee on Procedure and House Affairs, based on a list of candidates nominated by the party caucuses (Canada, 2008a) to prevent “the government from assigning the least experienced and least able opposition members to the important standing committees” (Guy, 2010, p. 176; see also Jackson & Jackson, 2006; White, 1990). Members of Parliament lobby for particular assignments that will allow them to “be where the action is” and exert the most influence on key areas of government decision making (Guy, 1990, p. 216). Assignments are also used as a means of maintaining party discipline (Docherty, 2005; McMenemy, 2006) and removal from a committee can result if a Member of Parliament (MP) votes against the position of his or her caucus (Docherty, 2005; Malloy, 1996; White, 1990). Ultimately, the assignments are party-based and reflect the ratio of party representation with the House of Commons, and the level of influence in the committees shifts depending on whether there is a minority or majority government (Guy, 2010; Sutherland, 1991; White, 1990).

The chairs of the standing committees are formally elected by the members of the committees (Canada, 2005a; Canada, 2008a, 2011), but the appointments are strongly influenced by the party leaders (Guy, 2010; McMenemy, 2006). The transparency of the election of committee chairs became an issue in 2002, and a vote in the House of Commons resulted in a change in procedure and the subsequent requirement that committee chairs be elected by secret vote (Docherty,

2005). The chairs are MPs drawn from the ruling party, except for the Standing Committees on Public Accounts, on Access to Information, Privacy and Ethics, and on Government Operations and Estimates, which are chaired by an MP from the Official Opposition (Canada, 2008a).

The Witnesses Who Testify Before Standing Committees

The power to summon and compel witnesses to testify is outlined in section 108(1)(a) of the Standing Orders (Canada, 2011). McMenemy (2006) describes the pool of potential witnesses as being limited to “representatives of organized or well-financed groups that can afford travel to the capital, or employ or retain permanent lobbyists” in Ottawa. They are generally public officials, representatives from the private sector, or academics (p. 372: see also Canada, 2008a). Davidson (1995) argues that the power of standing committees to require public servants and Ministers to testify is the most notable strength of the committees and should be more readily acknowledged.

Witnesses are given instructions and rules to adhere to before they appear before the Committee (Canada, 2008b). Malloy (1996) observes that the testimony of witnesses may indicate how they perceive the role of standing committees. He states that inexperienced witnesses may view the standing committee as a policy-making body, whereas more experienced lobbyists may view the committee as a public forum or a source of information. Regan (2007) observes that the giving of testimony by witnesses and the receiving of testimony by committee members creates a “powerful pedagogical moment” and has the potential to “move and unsettle” the members of the committee (p. 57). In discussing the power of witnesses’ testimony, McInnes (2005) suggests that testifying before a parliamentary committee can ultimately influence government policies, particularly if the witnesses integrate a lobbying strategy into their testimony. Alternatively, Strahl (2005) suggests that witnesses need to consider that MPs are always campaigning for the next election and that a lobbying approach should consider whether supporting a particular policy creates beneficial or detrimental publicity.

Duffy and Thompson (2003) state that witnesses value their opportunity to testify before a parliamentary committee, even though the length of their testimony is tightly controlled. They observe that “ordinary people often feel empowered by the experience of ‘having their say’ in the presence of parliamentarians-and the media” (p. 20). Unfortunately, the influence of

witnesses on the committee's recommendations is also unpredictable and some witnesses may question if the effort of testifying was worthwhile. As well, the committee can rarely accommodate all of the voices that pertain to a particular policy problem (Duffy & Thompson, 2003).

The Mandate of the Standing Committee on Aboriginal Affairs and Northern Development

The Committee's mandate is established in the *Standing Orders of the House of Commons*.

According to Section 108(2) the Committee is:

[E]mpowered to review and report on:

- (a) the statute law relating to the department assigned to them;
- (b) the program and policy objectives of the department and its effectiveness in the implementation of same;
- (c) the immediate, medium and long-term expenditure plans and the effectiveness of implementation of same by the department;
- (d) an analysis of the relative success of the department, as measured by the results obtained as compared with its stated objectives; and
- (e) other matters, relating to the mandate, management, organization or operation of the department, as the committee deems fit. (Canada, 2005a, p. 81)

The Committee has examined a range of topics since it was established, including child and family services, housing, health, and land claims (Canada, 2013). In 1989, the Committee examined the FN PSE student funding program (Canada, 1989; Paquette & Fallon, 2010; Ward, 1992). In 2006, the Committee returned to Aboriginal PSE, and it is this inquiry my thesis will explore.

Outline of the Critical Policy Analysis

The meetings of the Standing Committee on Aboriginal Affairs and Northern Development in 2006, leading up to the summative report, *No Higher Priority: Aboriginal post-secondary education in Canada* (2007b), provided a forum for the discussion of a broad range of policy positions on Aboriginal PSE. The transcripts of the Committee meetings, the report, and the response from the government demonstrate the conflicting definitions of the policy problem and

the silencing of policy positions. The context of the policy discussion had the potential to prompt policy reform, but consistent with its position on the Kelowna Accord and the United Nations Declaration on the Rights of Indigenous Peoples, the minority Harper government established its own timetable for policy evaluation and implementation. An important policy window was narrowed by the Harper government with its emphasis on kindergarten to Grade 12 (K–12) education and its control over all stages of the policy cycle related to Aboriginal PSE.

Although the Committee meetings, the Committee's report, and the Harper government's response addressed all three elements of the Department's PSE Program, the focus of my analysis will largely be on the PSSSP program, the program that funds individual students. The following chapters will review the literature related to my analysis and outline the methodology and methods used to frame my analysis, the context of the policy discussion, and the definition of the policy problem. Chapter 2 will examine the influence of parliamentary committees on policy, research on the Standing Committee on Aboriginal Affairs and Northern Development, and the literature on Aboriginal PSE in Canada. Chapter 3 will outline the definition of policy, the methodology of critical policy analysis, the methods employed in the following critical policy analysis, and the limitations of the research. Chapter 4 will examine the role of context on policy, including an explanation of policy windows, the minority position of the Harper government, and the position of the Harper government on the Kelowna Accord and the United Nations Declaration on the Rights of Indigenous peoples (the Declaration). Chapter 5 will outline the policy positions on the legislative foundation for the federal Aboriginal PSE policy, the definition of the parties covered by the policy, the purpose of the policy, the means of funding the policy, and the definition of the policy problem and the forum for policy evaluation.

Chapter Two

Literature Review

Chapter Overview

The research on the role of parliamentary committees in the policy cycle is limited and there is a need for more research on their role in formulating and evaluating Aboriginal PSE policy. The following chapter will examine the existing literature about the role of parliamentary committees in Canada, criticism of the House of Commons standing committees, the Standing Committee on Aboriginal Affairs and Northern Development, and the literature on Aboriginal PSE in Canada.

The Influence of Parliamentary Committees on Policy

Davidson (1995) suggests that the right of parliamentary committees to initiate inquiries “is at the heart of the parliamentary committee process” (p. 12). Some assessments of the activities of standing committees propose that the committees are effective forums for non-partisan policy study (Docherty, 2005; Dyck, 2012; Jackson & Jackson, 2006; McMenemy, 2006). There is also the argument that when parliamentary committees serve as public forums for policy discussion, they have the potential to enhance the legitimacy of policy decision making by including the input of “elites and non-elites” and integrating “expert, popular, and stand-centered models of authoritative policy making” (Skogstad, 2003, pp. 968-969; see also Docherty, 2005; Schofield & Fershau, 2007). Docherty (2005) suggests that parliamentary committees are more effective in influencing policy because the meetings deal with concrete policy issues and produce more meaningful discussion than in the parliamentary chamber. Additionally, Marleau (2000) argues that the role of parliamentary committees is growing because they can demand a response to the committee’s summative report from the government of the day. Duffy and Thompson (2003) conclude that committees that are allowed to innovate and have evidence that their recommendations will directly ensure the government accountability and influence policy will be more effective.

Howlett et al. (2009) argue that “the most important policy functions are performed not on the floor of the legislature but in the committees established along functional or sectoral lines to review proposed legislation” (p. 63; see also Schofield & Fershau, 2007). They also argue that

committee members can build expertise if they are able to serve on committees for a long enough period of time. Schofield and Fershau (2007) see the role of Canadian parliamentary committees as

a unique venue for organized groups and the “disaffected” public to voice their views directly to elected officials, with their input influencing policy changes. Indeed, like public inquiries, such committees are open, encourage public and group participation, and provide informed recommendations to government.
(p. 370)

However, Malloy (1996) argues that committees need to be more realistic about their ability to overcome majority party dominance and that simply presenting their recommendations to the government is not enough to influence policies. Committees are also viewed as tools used by the executive to solve short-term policy problems, instead of increasing the level of participation of MPs and the public in the policy development process (Docherty, 2005; Howlett & Linqvist, 2007). Docherty (2005) counters Marleau’s optimism regarding the effectiveness of requiring a response from the government by pointing out that unless the executive has specifically requested an investigation of a policy issue, there will be minimal implementation of the committee report, even if the report indicates a consensus among committee members. Phillips (2007) argues that consultation by parliamentary committees comes too late in the policy process to allow for any major change or any influence on policy by voluntary organizations. And Linqvist (2007) argues that any influence that a committee can exert is ultimately outweighed by the influence of the department’s in-house policy unit or the finance department.

Criticism of House of Commons Standing Committees

House of Commons standing committees have been criticized because of the partisanship in their activities and their lack of influence on government policies.⁴ Governments have been criticized

⁴ The practices and proceedings of legislative committees in other countries have been analyzed in the existing literature. Studies that critically examine the practices of committees have come to conclusions similar to those that evaluate the Canadian committee system. In an evaluation of the committee system in Argentina, Danesi, and Rheault (2011) emphasize the need for further study and debate regarding the activities of legislatures, other than the United States Congress, and conclude that within the Argentine Chamber of Deputies’ committee system, the ruling party determined the key processes. They note that the committee assignments and activities were a powerful tool in maintaining party cohesion. In a similar study conducted on the activities of the standing committees in the Swedish Riksdag, Arter (2008) concluded that public committee meetings serve as a cover for the policy review that is happening in private and that the biased selection of witnesses influenced the independence of the standing committees. In a study of the role of women in the parliamentary standing

for a lack of policy response to the recommendations contained in standing committee reports, and despite the requirement that the governments respond to reports, the quality and the dissemination of reports vary widely (Jackson & Jackson, 2006; Malloy, 1996; Pratt, 1988; Rush, 1979; Sutherland, 1991; Thomas, 1978). Standing committees have also been criticized for serving the needs of the ruling government to make “tactical gains” and to shift responsibility away from the government for unpopular policy decisions (Malloy, 1996; Sutherland, 1991). Overall, researchers have concluded that the partisan nature of House of Commons committees undermines the ability of its members to fulfill their mandates and to contribute to policy formulation independent of the Government (Franks, 1971; Jackson & Jackson, 2006; Malloy, 1996; Massicotte, 2006; Rush, 1979; Thomas, 1978).

In a case study of the Standing Committee on Finance and its 1989 inquiry into the Goods and Services Tax (GST), Malloy (1996) concludes:

Even a high-profile, wide-open committee inquiry may be ultimately doomed to disappointment, not necessarily because of the attitude of the government, media or others, *but because of the insatiable expectations of the members themselves* (emphasis in the original). (p. 316)

According to Malloy, the GST inquiry, which was in response to a policy proposal from the Mulroney government, was a failure because of the partisan nature of the meetings. The inability of the members to move past their party concerns with the proposed tax prevented the members of the committee from making unified recommendations on the proposed policy.

In a case study of the Standing Committee on External Affairs and International Trade (SCEAIT), Pratt’s (1988) position is that the Mulroney government resisted endorsing the committee’s report on development assistance despite the Government’s claim that it accepted 98 of the 115 recommendations in the report. Pratt concludes that senior policymakers within the Progressive Conservative party were not going to divert from pre-determined development policy and that the Mulroney government chose to prioritize the interests of business lobbyists

committees of Finland, Holli (2012) investigated the impact of the proportion of female MPs on witness selection. She concluded an increase in the number of female members may increase the number of female experts selected, but the finding was inconclusive. Holli concludes that increasing the number of women serving on a parliamentary committee does not guarantee that gendered interests will be addressed.

over the interests of non-government organizations. In another critique of the same committee, Sutherland (1991) examines the inquiry of the Standing Committee on External Affairs and International Trade into the immigration to Canada of Mohammed Al-Mashat, Iraq's ambassador to the United States. A notable criticism is Sutherland's assertion that the SCEAIT inquiry was conducted like a trial, but without the allowance for the two individuals blamed to provide a defence, and that the committee was used as a public forum to punish public officials. He suggests that committee members from the ruling party prematurely concluded the inquiry and prevented witnesses and documents from being examined by members from the opposition parties. Sutherland concludes that the Mulroney government used the committee meetings to deflect blame away from the Conservative cabinet ministers and onto senior civil servants.

Research on Standing Committee on Aboriginal Affairs and Northern Development

As far as I have been able to determine, there is minimal literature on the operation of the Standing Committee on Aboriginal Affairs and Northern Development, particularly in the area of Aboriginal education. Two studies about the operation of the House of Commons standing committees reference an instance in 1970 where the Committee members acted against the position of the Trudeau government on Arctic sovereignty. Hockin (1970) mentions that the Committee authored a report that opposed the position of the government and Franks (1971) comments that the Committee vice-chairperson, a member of the Opposition, took advantage of the absence of the chairperson and moved that the House concur with the report against the wishes of the government.

There are studies that include an evaluation of the inquiry role of the Committee. Williamson (1997) discusses the role of the Committee in investigating the events related to the Oka Crisis that occurred in 1990. Williamson highlights the inability of the Committee to compel the Mulroney government to act on its recommendations. The final report created by the Committee is also criticized for issuing "slaps on the wrist for several key parties" (p. 102) while prioritizing the government's policy of supporting the rule of law and ignoring the concerns of the Aboriginal communities that were consulted.

Regan (2007) investigates the Committee's 2005 review of the Alternative Dispute Resolution (ADR) program related to the residential school system reconciliation process and suggests that the testimony of the representatives of the Martin government and the survivors was completely at odds and the government was telling only partial truths to “itself, to First Nations and to the Canadian public” through the testimony of its Ministers (p. 58). Regan concludes that the inquiry by the Committee into the ADR program demonstrated “how conflicting visions of reconciliation play out in a complex politically charged environment that pits managing legal risk and implementing policy through bureaucratic practices against the relational and ethical importance of truth telling and testimony” (p. 60). She observes that, although the report of the Committee prompted some action from the Martin government, the real reconciliation would take place outside of the bureaucratic mechanisms of the House of Commons and it would not end with the report of the Committee.

Federal FN Postsecondary Funding Program

In the area of education policy, Ward (1992) discusses the assessment of the federal FN postsecondary funding program in 1989 that led, in part, to the creation of the Committee’s first report on FN PSE funding. Based on the response of the Mulroney government that a fixed budget would provide enough funding for FN PSE students regardless of their financial circumstances, Ward concludes that the recommendations of the Committee had no effect on the government’s position.

Literature on Aboriginal PSE in Canada

Stonechild (2006) claims to provide the “first major exploration of First Nations post-secondary policy” (p. vii). His analysis is based on personal experience with the FN PSE system and a wide range of government documents, including the hearings of the Standing Committee on Aboriginal Affairs and the Special Senate Committee on Post-secondary Education. His conclusions centre around “jurisdictional, legislative, policy-making, and funding responsibilities for Indian higher education, and what paths the various parties involved may pursue to resolve challenging issues” (p. viii). Stonechild provides extensive background on the general history of FN education policy and FN PSE policy in Canada. He particularly focuses on the history of FN-controlled PSE institutions and the related issues of accreditation and underfunding by the

provincial and federal levels of government. He concludes that FN students should have “unlimited access to any training for which they qualify” (p. 137).

Paquette and Fallon (2010) also provide an extensive analysis of the history of FN education policy in Canada, with a particular emphasis on funding. They argue for “an ethical, transparent *functional integration* of First Nations education on a Canada-wide basis” (emphasis in the original) (p. xiii). Paquette and Fallon’s analysis includes a focus on the funding of FN PSE and the two sources of federal funding: student funding and program funding. They recommend that all FN students accepted at an accredited PSE institution should be funded by the federal government, but as FN participation and completion rates meet those of mainstream Canadians, FN students should be required to contribute to their own education costs.

The literature also contains an emphasis on measuring the PSE attainment levels of Aboriginal students. Wilk, White, and Guimond (2009) examine the trends in Métis PSE attainment and conclude that there is a “substantial gap between Métis identity persons and the rest of the Canadian population” (p. 66). They indicate education policy should capitalize on the upward trend in Métis students accessing trades and apprenticeship training. They also conclude that Métis students have better achievement levels than other Aboriginal identity groups, particularly on-reserve FN and Inuit, and suggest that a higher level of integration in the wider Canadian society could be responsible for this difference.

Clement (2009) analyses the university attainment of the Registered Indian population using a cohort approach. The statistical analysis examines the trends relative to the general Canadian population, according to gender, on-reserve and off-reserve residence, and age. Clement concludes that although there are increasing numbers of young Registered Indian students pursuing a university education, their progress has not closed the gap between their attainment and the attainment of other younger Canadian students.

In regards to the connection between PSE policy and labor policy, Walters, White, and Maxim (2004) examine the labor market outcomes of Aboriginal students and conclude that “Aboriginal post-secondary graduates generally experience poorer employment prospects” (p. 284) relative to the rest of the non-Aboriginal population, particularly visible minorities. They suggest that the employment prospects of Aboriginal graduates is related to the level of schooling they complete.

Walters et al. suggest that despite the fact that Aboriginal university graduates report the highest earnings, they also report the lowest levels of full-time employment and the highest levels of unemployment when compared to other non-Aboriginal university graduates.

In addition to the academic literature, advocates have published reports that call for the reform of the federal Aboriginal PSE policy. For example, the First Nations Education Council (2009) and the AFN (2010, 2013) argue for the reform of the Department's PSE program and for an increase in the amount of funding allocated to PSE by the Department to eliminate the backlog of students who are denied funding. The First Nations Education Steering Committee (2005) argues that Department's PSE funding needs to be reformed to better serve the needs of Aboriginal students who require transition programs to upgrade their academic qualifications and students who participate in trades programs longer than one year. The Aboriginal Institutes' Consortium (2005) and AFN (2010) argue that Aboriginal PSE institutions should receive equitable funding and the same accreditation as mainstream PSE institutions, who receive funding to administer programs and services that serve Aboriginal students under the ISSP program.

Based on the academic literature and the reports published by advocates, there is a strong theme that emphasizes the need for the reform of federal PSE funding programs. As well, there is agreement that students who qualify for PSE, should receive funding to support their PSE.

Chapter Three

Methodology and Methods

This chapter will outline the methodological framework and the methods that I used in my analysis of the Committee meeting transcripts, the Committee's summative report, *No Higher Priority* (2007b), and the Harper government's response (Canada, 2007a).

Methodology

Defining policy and policy analysis is not a straightforward exercise (Ball, 1994; Dunn, 2012; Jenkins, 1978; Ozga, 2000; Rizvi & Lingard, 2010; Taylor et al., 1997). As Dunn (2012) observes, policy analysis is “methodologically eclectic” and practitioners can draw from a wide range of methods as long as their results are reliable (p. 3). The following section outlines the definition of policy, the critical policy analysis methodology, and the frameworks of Taylor (1997, 2004, 2008; Singh & Taylor, 2007; Taylor et al., 1997), Ozga (2000), and Schofield and Fershau (2007) that I draw on for my critical policy analysis.

What is Policy?

To inform my research, I draw on understandings of policy as a text and a process, including the processes before and after a text is produced. Policy creation includes contestation but, in the end, decisions are made to recognize and prioritize some voices and values, and the groups that will benefit (Taylor et al., 1997). The definition of policy offered by Jenkins (1978) and referenced by Howlett et al. (2009) is:

A set of interrelated decisions taken by a political actor or group of actors concerning the selection of goals and the means of achieving them within a specified situation where these decisions should, in principle, be within the power of these actors to achieve. (p. 15)

Jenkins' definition is particularly appropriate for the focus of my research because of the reference to the role of context, policy windows, and the choice of a policy problem in policy development, matters that will be discussed in more detail in Chapter 4.

Public policy, which is the focus of my research, is policy “that is made on behalf of the state by its instrumentalities to steer the conduct of individuals...and organizations...” (Taylor et al., 1997, p. 1–2). Ball (1994) also emphasizes that policy is both a text and a process that includes “action, words and deeds; it is what is enacted as well as what was intended” (p. 10). The aforementioned working understandings of policy are salient and apply to the formal procedures of the Committee, the roles of witnesses who make presentations, the Committee’s influence over witnesses who are called to testify, and the Committee’s power to report on the results of its meetings as it sees fit.

Critical Policy Analysis

Policy analysis “is a process of multidisciplinary inquiry aiming at the creation, critical assessment, and communication of policy-relevant information. As a problem-solving discipline, it draws on social science methods, theories, and substantive findings to solve practical problems” (Dunn, 2012, p. 2). There is a distinction between analysis *of* and analysis *for* policy (Rizvi & Lingard, 2010; Ozga, 2000). Policy analysis *of* policy takes a critical approach; it is described as an academic exercise that aims to understand the context of a policy, its assumptions, and the possible effects of the policy. Policy analysis *for* policy is research for the purpose of policy development and the research problem is defined by the stakeholders who are framing the policy. I will be using an analysis *of* policy approach.

I use a methodology based on critical policy analysis. Critical policy analysis is conducted from “within a moral and ethical stance” (Prunty, 1985, p. 135) and seeks to identify what ideal is being perpetuated through the values of a policy (Taylor, et al., 1997). Due to the interdisciplinary nature of critical policy analysis and the varied models that exist (Pal, 2010; Prunty, 1985), I will base my methodology on a combination of three approaches to policy analysis.

First, my research will draw from the qualitative, interdisciplinary approach to critical policy analysis developed by Sandra Taylor (1997, 2004, 2008; Singh & Taylor, 2007; Taylor et al., 1997). Her approach is rooted in the critical discourse analysis framework of Norman Fairclough (1995, 2001, 2006, 2007a, 2007b, 2012). According to Taylor’s framework, “in critical policy analysis there must be a concern with reform and change, recognising of course that these are

value-laden terms” (Taylor et al., 1997, p. 37). A critical policy analysis should account for meaning and interpretation, in addition to paying attention to validity, reliability, and subjectivity.

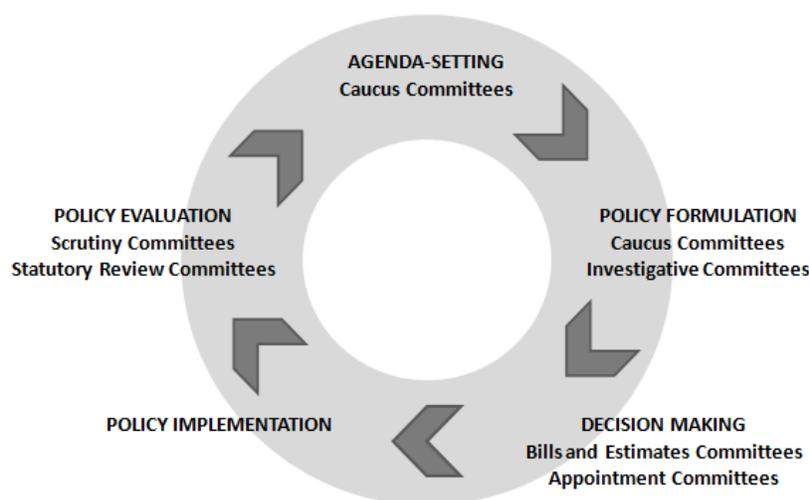
One of Taylor’s areas of research is government education policy; therefore, her approach lends itself particularly well to my analysis of Aboriginal PSE policy. Her emphasis is on the need to consider why a particular policy is under consideration in a particular context and on connecting the analysis of a policy to subsequent action (Taylor et al., 1997). She argues, for example, that in the absence of explicit education policy, the education of marginalized populations is left to chance (Taylor, 2008). She also focuses on the use of discourse theory to explore the historical context of policies and the construction of policy “problems” (Taylor et al., 1997). Taylor’s approach is appropriate for the Committee’s study of Aboriginal PSE, given that the Committee draws from the testimony and the submissions of a range of individuals and organizations, and does so in the absence of legislation on Aboriginal PSE.

Second, I draw from the critical policy analysis approach of Ozga (2000) who argues that education policy is a field can serve as a valuable resource for policy makers and provides room for researchers to be policymakers. Ozga suggests that education policy needs to be examined in terms of what story is being told in the policy text. She highlights the importance of themes in the policy discussion related to success, the reasons for education, and the resources allocated to supporting the policy. She also highlights the trend she calls the "economizing" of education policy, namely the focus on funding, instead of a balanced approach that recognizes the complex mixture of social, political, and economic processes that make up policy.

Third, I will draw from the framework of Schofield and Fershau (2007) who argue that the parliamentary committees play a pivotal role in the policy cycle in Canada. They base their analysis on the model of the policy cycle outline by Howlett et al. (2003; see also Howlett et al., 2009). The policy cycle outlines “how an issue moves from the idea stage to implementation as policy or law by institutional actors” (Schofield, & Fershau, 2007, p. 356). The stages of the policy outlined by Howlett et al. (2003, 2009) and Schofield and Fershau (2007) are:

1. **Agenda-setting:** The stage where a policy issue comes to the attention of the government. House of Commons standing committees do not typically have a role in this stage because the focus of their meetings is typically dictated to them by the ruling government party.
2. **Policy formulation:** The stage where consultation takes place, policy issues are investigated, and public policy is developed. House of Commons standing committees are active in this stage by holding public consultation on relevant policy issues and providing an assessment of the policy problem and possible solutions.
3. **Decision making:** The stage where the government adopts a specific course of action or inaction. Standing committees can be active in this stage if they are reviewing proposed legislation.
4. **Policy implementation:** The stage where the public service carries out policy decisions and delivers programs and services. Standing committees do not have a role in this stage of the policy cycle.
5. **Policy evaluation:** The stage where policy problems and solutions are reviewed by government and non-government stakeholders. Standing committees play a role in this stage by fielding input from stakeholders, reviewing the input they receive, and preparing a report to the House of Commons.

Figure 1 The Role of Canadian Parliamentary Committees in the Policy Cycle



Policy cycle model adapted from Schofield and Fershau (2007), used with permission.

Schofield and Fershau (2007) argue that committees may only be able to participate in one stage of the policy based on the short tenure of parliamentary committees, but it is possible for there to be flexibility and investigation of a policy that connects more than one stage. They also argue that the success of a committee's work is defined by whether or not their recommendations are carried over into another stage of the policy cycle.

Schofield and Fershau's framework meshes well with a critical policy analysis of the work of the Committee because they base their analysis in a Canadian context and are particularly concerned with the effectiveness of Canadian parliamentary committees. Their framework also addresses the role of standing committees in the policy cycle, which is an ongoing debate as outlined in the literature review in Chapter 2. They also argue that the influence of a committee can be extended through its reports to other stages of the policy cycle and beyond the life of the Committee.

Critical Policy Analysis Methods

The next section will outline the methods employed in developing the following critical policy analysis of the meetings of the Committee. I will introduce the critical policy analysis method,

the texts used in the critical policy analysis, the coding process, and the limitations of the research.

The methods for critical policy analysis are diverse, multidisciplinary, and require more of a “toolbox” (Ball, 1994, 2005; Dunn, 2012) or “toolkit” (Howlett, & Lindquist, 2007; Howlett, Ramesh, & Perl, 2009) approach than a step-by-step method. There is more than one way to interpret a text (Taylor, 1997; Taylor et al., 1997) and the interpretive process needs to be accompanied by reflexivity, which includes the influence of the background of the researcher on the analysis (Ball, 1994; Howlett, & Lindquist, 2007; Kirby et al., 2006).

I coded the content of the texts outlined below and looked for the major themes, arguments, and assumptions (Levin & Young, 2000). Taylor’s (1997, Taylor et al., 1997) framework suggests that policy analysis is based on the contexts, texts, and consequences of a policy. Context “refers to the antecedents and pressures leading to the gestation of a particular policy” (Taylor et al., 1997, p. 45). Texts are examined based on the content that indicates the assumptions that underlie the policy and require an examination of the “how” and “what” questions of the policy approach (p. 49). Taylor also focuses on the settlement aspect of texts, meaning what competing interests were summarized in a particular policy. An analysis of consequences acknowledges the levels of the policy process and the short- and long-term relationships.

The Texts Used in the Critical Policy Analysis

The meetings⁵ of the Committee are recorded in four ways: audio, video, *Minutes*, and *Evidence*. The audio provides a recording of the meetings of the Committee that are not held *in camera* or off the record. The video provides an audio and visual recording of the meetings of the Committee that are not held *in camera* or off the record. The written *Minutes* provide a more technical account of the public meetings based on administrative details including the attendees, witnesses, and the motions passed by the Committee. The *Evidence* is an edited transcript of the meetings. The final reports are authored by analysts from the Library of Parliament who are

⁵ The official activities of MPs are called the “proceedings of Parliament” (Maingot, 1997) and include their participation in the House of Commons committees. Private individuals can also participate in the proceedings when they testify before a committee. The term for the participation of MPs in the House of Commons committee system is not consistent in government documents or the literature. I have chosen to use the term “meetings” to refer to the activities of the Committee based on the terminology used in guide given to MPs (Canada, 2008a).

assigned to the Committee (Canada, 2008a), and after reports are adopted by the Committee, they are submitted to the House of Commons. The ruling government is then required to issue a response within 120 days (Canada, 2008a). All four types of records are available without cost on the website of the Committee.

My focus will be on the *Minutes* and *Evidence* that contributed to the report *No Higher Priority: Aboriginal post-secondary education in Canada* (Canada, 2007b), the report itself, and the government's response to the report (Canada, 2007a). The data will be drawn from the first session of the thirty-ninth Parliament, from May 1, 2006 to October 31, 2006.

The Coding Process

As I developed my codes and analyzed the texts, I used the key questions for policy analysis suggested by Rizvi and Lingard (2010) for reference.⁶ I also accounted for Taylor's (1997) requirement that a critical education policy analysis has "an underlying commitment to social justice and an analysis which is as rigorous as possible" (p. 34).

First, I examined the texts of the meeting transcripts, the report, and the government response and made notations of major themes of the discussion in the margins. I also made note of the focus of the individual meetings and the major decisions on the direction of the policy discussion.

Second, I formulated general codes based on my research questions, the context of the policy discussion, and the major themes discussed in the text. The initial codes were focused on context, the purpose of PSE, access to PSE, the role of witnesses in the policy discussion, proposed outcomes of the policy discussion, and definitions of the policy problem. I used my initial codes to categorize the content of the meeting transcripts. I also wrote memos in a research journal to record my reflections and ideas on the evidence that I was reviewing in the meeting transcripts (Cohen, Manion, & Morrison, 2011).

⁶ Rizvi and Lingard (2010) suggest the following questions should be addressed in a policy analysis: Who were the "players" (groups, interests, individuals) involved in establishing the policy agenda and the policy? How has the policy constructed its context and/or history? Who has advocated and promoted the policy? How have competing interests been negotiated in relation to the policy agenda and in relation to the production of the specific policy text?

Third, I used the initial codes that I applied to the meeting transcripts to analyze the text of the report and the government response. I continued to write memos based on the connections between the meeting transcripts, the Committee report, and the Harper government's response. I also analyzed the text of the government response based on the agreement or disagreement with the recommendations and the proposals of the Committee report. In addition, I made notes about references to events or reports mentioned in the texts that required further research.

Fourth, I looked for patterns in the codes and grouped the codes based on the major themes that related to the policy positions and the focus of my research questions. I also eliminated some codes that did not apply to the major themes that had developed. I categorized the revised codes into two categories focused on context and the definition of the policy problem. Within the context references, I focused on references to the Kelowna Accord, the minority Harper government, and the Draft United Nations Universal Declaration on the Rights of Indigenous Peoples. I also looked for references to Aboriginal PSE policy as an urgent policy problem and references to the Aboriginal youth population as the most rapidly increasing segment of the Canadian population. Within the codes for the definition of the policy problem, I focused on attempts of the Harper government to control the definition of the policy problem, the definition of the purpose of Aboriginal PSE, the parties that addressed by the policy, the definition of access to PSE funding, and the discussion of the funding of Aboriginal PSE as a social policy versus a treaty right.

Fifth, I used the revised codes to analyze PDF versions of the meeting transcripts, the Committee report, and the Harper government response. I continued to write memos in a research journal and in the margins of the texts.

Sixth, I grouped the references in the transcripts, the report and the government response according to the revised codes and generated conclusions based on my analysis of the major themes in the texts. I also generated conclusions about the reasons for the prioritization of policy positions in the meeting transcripts, in the Committee report, and in the Harper government's response.

Limitations of the Research

Some of the meetings of the Committee are held *in camera*, meaning that there is no public record of the content of those meetings, and therefore, the discussion is unavailable for analysis. In addition, the negotiations over the wording and recommendations of the final report and the discussions that took place outside of the Committee meetings are unavailable for analysis.

To compensate for this missing data and the possible distortion by staff in the transfer of the oral record to text, I acknowledge the gaps and other issues in the data that exist in my analysis and I cross-reference the texts to clarify any inconsistencies in the transcripts.

Of the meetings listed on the Committee website from May 1, 2006 to October 31, 2006, only seven meetings in September and October provide an audio recording. None of the meetings during that time period have a video recording available, so I am not able to use that source to cross-reference with the texts.⁷

The members of the Committee reviewed briefs, reports, and attended events related to Aboriginal PSE. It is beyond the scope of my research to examine all of the evidence considered in the development of the summative report. I acknowledge that the conclusions, recommendations, and proposals of the Committee may have been influenced by these other sources of evidence.

My research addresses a narrow band of time and the generalizability of my analysis is limited by context. However, this study of the meetings of the Committee is intended to contribute to a greater understanding of the role of standing committees as a forum to debate political positions, influence understandings, and shape public policy.⁸

⁷ It is the decision of the Committee to allow the video recording of its meetings (Canada, 2008). It is not clear why there are limited audio and no video recordings for this period of time. The video recordings of later meetings of the Committee during this session are available on the Committee website.

⁸ The evaluation of the influence of parliamentary committees is still an evolving field of study and the measurements to determine the success or ineffectiveness of a committee are still being debated (Duffy & Thompson, 2003).

Chapter Four

Context and its effect on policy

The Stages of the Committee's Inquiry and the Harper Government's Response

Acknowledging the context of the policy discussion surrounding the Committee's study of Aboriginal PSE is a pivotal element of the following critical policy analysis. An analysis of the context surrounding the Committee's study of Aboriginal PSE is a key element of the critical policy analysis that follows. However, before turning to a consideration of the external context of the policy review, I provide an outline of the stages of the inquiry and the government's response. The Committee's inquiry was multi-staged and involved several overlapping processes. The following summary is a simplified account of the events outlined in the texts that I consulted.

1. The Committee began meeting May 1, 2006. The Committee debated possible topics to investigate during the parliamentary session. Witnesses from the Department briefed the Committee members on the policy issues currently under review by the Department and the witnesses were questioned by the members of the Committee.
2. The Subcommittee on Agenda and Procedure, a subcommittee of the Committee, reviewed the lists of topics submitted by the Committee members on May 15, 2006. The Minister of Indian Affairs and Northern Development, Jim Prentice, was consulted and he advised the Committee to focus on Aboriginal education.
3. The Committee members agreed to focus on Aboriginal education on May 15, 2006, but continued to hear the presentations of witnesses from Aboriginal organizations, the Office of the Auditor General of Canada, the Department, and Prentice on a wide range of policy issues in addition to education, including housing, self-government, child welfare, food security, and health.
4. On September 19, 2006, the Committee focused its inquiry on the topic of Aboriginal PSE. The Committee continued to hear the testimony of witnesses and to question witnesses. The overall focus of presentations was Aboriginal PSE, but the discussion was

also diverted to other policy problems. The Committee also reviewed reports and briefs about Aboriginal PSE. The Committee's study of Aboriginal PSE ended on October 31, 2006.

5. On January 30, 2007, the Committee met *in camera* to review a draft of the summative report on PSE that had been prepared in consultation with analysts from the Library of Parliament. The Committee presented the final draft of its summative report, *No Higher Priority*, to the House of Commons on February 12, 2007 and requested a response from the Harper government in 120 days.
6. The Harper government submitted its response to the recommendations outlined in the Committee's summative report to the House of Commons on June 12, 2007.

The process described above outlines the stages of the policy cycle in a straightforward manner, but it does not account for the processes that are unaccounted for in the texts consulted for my analysis. As discussed in Chapter 3, there are discussions that contributed to the policy cycle that occurred during the Committee meetings held *in camera* and that took place outside of the Committee meetings that are unavailable, and therefore cannot be considered as part of my critical policy analysis. However acknowledging these silences, or the omission of data pertaining to a policy discussion, is part of the process of a critical policy analysis (Ozga, 2000, Taylor, 2008). There are elements of the broader political context that provide insights regarding the factors that influenced the processes of the policy cycle.

Howlett et al. (2009) use the image of a universe to describe the role of context in policy and policy analysis, stating that “the policy universe is filled with distinctive constellations of actors, ideas, and institutions that constitute the space where actual problems are engaged and responses get crafted” (p. 87). Smith (2009) also highlights the pivotal role of context in public policy:

Conflicts over racial, ethnic, national, linguistic or religious equality do not play out on the abstract ground of recognition or in a stand-alone arena of culture or even political culture, but rather on and through the concrete materiality of public policies — both action and inaction — which, in turn, are subjected to debate, conflict, contestation and political mobilization. These political struggles take place through existing political institutions and legal structures, which, in themselves, act as structuring factors in political life, privileging some and disadvantaging others. (p. 832)

The influence of the political context and the Aboriginal context are important elements of the analysis of the policy discussion that the Committee conducted in 2006, including the existing structuring factors discussed by Smith. Rizvi and Lingard (2010) argue that to understand written texts, which do not carry context like spoken language, it is important to evaluate the context. Howlett and Lindquist (2007) argue that policy analysis needs to account for elements of the governance context including the distribution of power, the distribution of expertise, the depth of expertise, the dynamics of dominant and other advocacy coalitions, the priorities of the government, and whether or not there is a moment of crisis. Howlett and Lindquist also argue that the scope of the policy analysis is limited by the policymaking context, which in turn affects the “appetite for change” and the prioritization of policy sectors, along with the support for research that challenges an existing regime (p. 95).

Policy Windows

Kingdon (2011) discusses the importance of policy windows in dictating the agenda setting of a ruling party. Although Kingdon’s research focuses on the United States federal government, his approach applies to the following analysis of the meetings of the Committee because of his focus on context. Kingdon explains that “opportunities for action on given initiatives, present themselves and stay open for only short periods. If the participants cannot or do not take advantage of these opportunities, they must bide their time until the next opportunity comes along” (p. 166). Cohn (2007) further states that policy windows “come about when society deems the current state of affairs in some area of policy as a problem, potential solutions become known, and the political will to act also simultaneously materializes” (p. 579). The measurement of the width of policy windows is not based on a set method, but is generally based on the range of options, the feasibility of policy change, and the amount of autonomy that decision makers have to deal with the policy problem (p. 590).

Policy initiatives can also be set aside if there is no prospect of a policy window opening or a particular issue rising to a priority position on the ruling party’s agenda (Kingdon, 2011).

Kingdon suggests that policy windows can open based on a variety of circumstances. Particular to the context of the Committee’s meetings about Aboriginal PSE is a change in administration at the federal government level from the Paul Martin Liberal government to the Conservative

Stephen Harper government. The Conservative election platform also promised action on the agreements made leading up to the Kelowna Accord, and the Aboriginal PSE stakeholders saw this policy window as an opportunity to hold the Harper government to account and to push for change in the existing departmental PSE policies (Conservative Party of Canada, 2006). The policy window was also made larger by the recommendation of Jim Prentice, the Minister of Indian and Northern Affairs, that the Committee focus on Aboriginal education (Canada, 2006d).

Minority Government

The 2006 time period and the subject matter of my research are significant because the Committee's evaluation of Aboriginal PSE policy occurred during the first session of the 39th Parliament when there was a minority government under the leadership of Prime Minister Stephen Harper. In summarizing the political context of a minority government, Strahl (2005) observes that when it comes to policy, "the way things are, the way you wish they were, and the way they ought to be are all in play in a minority Parliament" (p. 9). Schofield and Fershau (2007) note that when a minority government is in power, the opposition parties have a majority of the members on standing committees and hence the ability to have more influence over the timetable and the witness selection. Therefore, the role of the Harper minority needs to be accounted for in the analysis of the Committee meetings, the Committee report, and the Harper government's response.

The 124-seat count achieved by the Harper government when it came to power was the weakest minority in Canadian history (Gervais, 2012). Because the Committee was operating during a minority Parliament, the members of the ruling Conservative party serving on the Committee were outnumbered by members representing the opposition parties. This ratio meant that the Harper government faced a challenge when it tried to control the issues studied by the House of Commons committees (Gervais, 2012). According to Martin (2007), to overcome this deficit, a 200-page guidebook was developed for Conservative committee chairs which provided instruction about manipulating the committee process to advance the government agenda. The difficulty for the Conservatives was exacerbated because, as Pal (2010) has observed, the Harper government was expected to have a short-term mandate, making the development and implementation of its policy priorities in a timely manner a paramount concern. Therefore, in

keeping with the model proposed by Schofield and Fershau (2007) the focus was on the agenda setting, policy formulation, decision making, and policy implementation stages. Doern (2007) concludes that Prime Minister Harper was “determined to show political discipline not only in the face of a minority Parliament but also to demonstrate a contrast with the often shambolic central governing of the Martin Liberal entourage” (p. 6). An essential element of the critical policy analysis is an assessment of whether the Harper government was able to exercise control over the Aboriginal PSE policy discussion or whether the opposition parties were able to counterbalance the influence of the Harper government.

Kelowna Accord

The first session of the thirty-ninth Parliament was also a particularly significant period of time for Aboriginal issues because of the signing of the Kelowna Accord, formally called *First Ministers and national Aboriginal leaders: Strengthening relationships and closing the gap*, in November 2005, a few days before the end of the 38th Parliament. The Accord was the result of meetings between First Ministers and national Aboriginal leaders, chaired by Prime Minister Martin. The Accord represented “a political commitment by governments and Aboriginal organizations to close the gaps, over a ten-year period, in health, education, and housing, and to promote further economic opportunities for both on-and off-reserve Indians and the Inuit and Métis people” (Abele & Prince, 2007, p. 189).

The Martin government was defeated seventy-two hours after the Accord was signed and an election quickly followed. In its election platform, the Conservative party supported the Accord targets, but did not mention timelines or financial investments (Abele & Prince, 2007; Conservative Party of Canada, 2006).

Education targets in the Accord included the goal of increasing the Aboriginal PSE completion rates by 50 % (Patterson, 2006) and a commitment of \$500 million over five years to bring the funding of FN postsecondary institutions to equitable levels (Stonechild, 2006). Overall, the Accord included \$1.8 billion of education funding (Hill & Lynn, 2007) and a commitment to close the Aboriginal/non-Aboriginal high school completion gap in 10 years (Richards, 2008). Paul LeBlanc, Senior Assistant Deputy Minister, Socioeconomic Policy and Regional Operations, Department of Indian Affairs and Northern Development, referenced the Accord

during his presentation to the Committee, stating that “the area of education outcomes was of course one of the major priorities of consensus that came from the meeting of federal, provincial, and territorial leaders and national aboriginal leaders in Kelowna in the fall of last year” (Canada, 2006g, p. 2). According to Phil Fontaine, National Chief, Assembly of First Nations (AFN), the AFN had confirmed with several sources that the funding for the commitments outlined in the Accord was secured (Canada, 2006h).

Positions of the Harper Government and the Committee Members, and Witnesses on the Accord

The validity of the Accord was a subject of contention during the meetings of the Committee in 2006. When Jim Prentice was appointed Minister of Indian Affairs and Northern Development in 2006, he stated that:

I’ve been very clear about Kelowna. We support the targets and objectives. I think Kelowna was very important. The more I learn about some of the things behind the scenes the more I think it was an important meeting. It wasn’t, though, just a single meeting following which the government was to write a cheque. (Barnsley, 2006. p. 12)

However, during his testimony before the Committee, Prentice went so far as to question the very existence of the Accord:

The difficulty was, from my perspective, that towards the close of the first ministers meeting—frankly, in the closing 10 to 15 minutes—the Prime Minister of the day tabled a single-page document that was a compilation of numbers on one page that totaled \$5.1 billion. There was no accord. There was no agreement signed at that time that reflected all of the premiers, all of the territorial leaders, and all of the aboriginal leaders with respect to that document. Frankly, all there was was a press release that was issued by the then government at the close of the conference. (Canada, 2006f, p. 3)

He was repeatedly questioned about the Accord by the Committee members during the May 31 meeting and reiterated that there was no Accord. The position of the Harper government was consistent with Prentice’s testimony because no federal funding was secured for the initiatives and the Accord was eventually nullified by the Harper government (MacDonald, 2011; Patterson, 2006).

Not everyone agreed with Prentice that the Accord was only a single paged document or a press release that required no commitment on the part of the federal government. The failure of the Harper government to honor its obligations was succinctly summarized by Richard Paton, Director, Socio-Economic Development, Inuit Tapiriit Kanatami of Canada during his presentation to the Committee:

The word that was pledged at the first ministers meeting on the federal side was not the word of a particular individual or political party; it was the word of the Prime Minister of Canada, the highest level servant of the Crown and the people and an important custodian of the honour of the Crown and, by extension, the honour of the people of Canada. We cannot run federalism, indeed we cannot run Canada, on the basis that high-level multi-governmental commitments to tackle fundamental societal ills that are the product of mature deliberation can be summarily discarded because one of the signatories doesn't find it expedient on partisan grounds. (Canada, 2006h, p. 10)

Paton clearly suggests that the Harper government was more concerned about its own political agenda than about honoring an agreement that Aboriginal peoples considered to be binding on the Prime Minister of Canada and the people of Canada, regardless of which political party was in power.

During his presentation Fontaine pointed out to Conservative MP Rod Bruinooge, Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, that representatives from the AFN shook hands with each first minister present at the meeting in November 2005 and that interaction constituted an agreement. Bruinooge responded that the terms "agreement" and "accord" were being confused in the aftermath of the Accord and that the confusion over terms was accompanied by confusion of the legal obligations of the Harper government. Fontaine responded that he was under the impression that Prentice supported the Accord based on a conversation that they had had and concluded:

Perhaps I may be permitted to have the final word on this. We're encouraged by your closing comments that there is in fact a willingness, a goodwill on the part of this committee to support the accord; that you agree with the plan; and that you see it in the same way as we do—that it's a reasonable plan and the best opportunity we have right now to fix something that's broken. We desperately need to deal with the terrible situation that continues to exist in far too many first nation communities. I accept the fact that it's not just about money, that there are

other considerations, but money is an important consideration and \$5 billion is not a bad start. (Canada, 2006h, p. 8).

Hill and Lynn (2007) agree with Paton and Fontaine that not following through on the Accord was “contrary to the fiduciary responsibility the federal government has to Aboriginal peoples” (p. 133). Hill and Lynn further state that the Harper government was delegated a moral responsibility by the Martin Liberals, the provinces, and the Aboriginal peoples of Canada, and that shelving the Accord denied a “legitimate expectation” (Hill & Lynn, 2007, p. 135). Hill and Lynn conclude that constitutional law should have motivated the Harper government to follow through on the commitments of the Accord because of the broad measure of support across a range of stakeholders that was demonstrated during its formulation.

The members of the Committee disagreed about the prioritization of the Accord as a topic of inquiry and as an issue that should be raised through a motion to the Harper government. At the outset of the first session of the 39th parliamentary session, Liberal and Bloc Québécois members suggested the Accord as the subject of inquiry for the Committee (Canada, 2006b). The Chair of the Committee and Conservative MP, Colin Mayes, later summarized the position of the Committee on the Accord, after hearing Fontaine’s presentation:

I think you should know that this committee did table a support of the Kelowna accord. I did that on behalf of the committee and it was put forward to the House, and the Minister is aware of that. I think the only reason some did not support the motion was not necessarily on the spirit of the accord but because of some of the mechanics with which we had challenges. The chair was feeling that issue a little bit—where the figures came from and whether it’s enough to address the issues of priorities set in the accord.

In this committee we did bring forward our priorities. It was interesting because the priorities set forward by this committee were identical to those that were set out in the accord. So I think I can freely say that we are working with you and with the objectives of the accord. (Canada, 2006h, p. 8)

Ultimately, when all the members were asked to make a list of the priorities for the focus of the Committee and the lists were compiled, the Accord was not a top priority (Canada, 2006d). In addition, when Prentice was consulted, he indicated that he wanted the Committee to focus on Aboriginal education (Canada, 2006b) and the Committee acted on the suggestion, settling on an examination of Aboriginal PSE.

Conservative MPs used the presentations of witnesses to question the existence of the Accord. For example, Paton was questioned by Conservative MP Harold Albrecht about whether representatives from Nunavut physically signed a copy of an agreement in November 2005, and Bruinooge also questioned Paton about whether the consultation process leading up to the Accord was actually eighteen months long (Canada, 2006h). Witnesses continued to use their presentations to highlight the progress made during the negotiation process leading up to the Kelowna Accord and to encourage its implementation (Canada, 2006h, 2006i, 2006j, 2006l, 2006m). Liberal and NDP MPs also continued to highlight the role of the Accord in resolving some of the policy issues raised by witnesses and asked witnesses about their position on Kelowna (Canada, 2006d, 2006, 2006f; 2006h, 2006k, 2006l).

The meetings of the Committee did discuss the priorities outlined in the Accord, but the discussion was not an adequate replacement for the commitments that Aboriginal stakeholders expected the Harper government to uphold and fund. To summarize, the debate of the significance of the Accord was an important element of the context of the meetings of the Committee because the momentum of the eighteen months of negotiation that led to the Accord was stalled by the Harper government and members of the Conservative party questioned its existence. Similarly, the momentum of the policy formulation and evaluation of Aboriginal PSE that culminated in the recommendations of the Committee's report was halted by the Harper government's reliance on its own review process, which will be discussed in greater detail in Chapter 5. The reaction of the Harper government to calls for action on the Accord was also consistent with its approach of limiting the voices that are able to participate in the stages of the policy cycle.

UN Universal Declaration on the Rights of Indigenous Peoples

Another important element of the context on the Aboriginal PSE policy discussion and another factor that contributed to the widening of the policy window was the debate over the position of the Harper government on the Draft United Nations Universal Declaration on the Rights of Indigenous Peoples (Draft Declaration). Opposition MPs sought the support of the Committee members for a motion supporting the Draft Declaration on June 7, 2006 because a vote was going to be held a few weeks later on June 29 during the next session of the United Nations

Human Rights Council. Marc Lemay, Bloc Québécois MP, presented the following motion to the Committee:

That the Committee recommends that the government vote in favor of the United Nations Draft Declaration on the Rights of Aboriginal Peoples at the next working session of the Human Rights Council. That the Committee adopts these recommendations in a report to the House and that the Chair table this report in the House. (Canada, 2006h)

Conservative MPs suggested that the Harper government needed more time to consider its position on the Draft Declaration, despite protests from other Committee members that the Draft Declaration had been under consideration by the Canadian government for over 10 years and the Harper government had the relevant documentation on the content of the Declaration since February 2006.

Fontaine took the opportunity to counsel the Committee about its position on the Draft Declaration. Fontaine highlighted the need for the Harper government to recognize the context of its policy decisions:

This government has said that it is concerned that rights are expressed in the declaration without context, yet right within the text there are explicit guarantees that this declaration is to be read within the domestic framework, protecting all human rights. In our view, there is nothing to fear from this declaration and much to gain. In many ways, here at home and in the world at large, we are at a crossroads. We can continue down a path of poverty and disparity or we can change tack on a new course towards progress and prosperity, a journey we believe we can make together towards a better future. (Canada, 2006h, p. 5)

Based on Fontaine's presentation, it is clear that the position of the Committee and the Harper government on the Draft Declaration were relevant to the policy evaluation of the Committee during this period in 2006, particularly because the Draft Declaration addressed rights related to education. At the end of the June 7 meeting, the Chair of the meeting confirmed that the Committee had endorsed the motion on the Draft Declaration, which would be submitted as a report to the House of Commons (Canada, 2006h).

The issue of supporting the United Nations Declaration on Indigenous Peoples (the Declaration) was raised again in October 2006 because the Harper government voted against the Draft

Declaration in June 2006. The Harper government justified its vote against the Draft Declaration in the following manner:

Unfortunately, portions of the current Declaration do not help in providing practical guidance to States, indigenous peoples and multilateral organizations as parts of the text are vague and ambiguous, leaving it open to different, and possibly competing, interpretations. (AANDC, 2010a, para. 4)

The motion that was put forward by Liberal MP, Anita Neville, regarding the support of the Harper government for the Declaration stated:

That the Standing Committee of Aboriginal Affairs and Northern Development adopt the resolution that the Conservative Government should immediately pledge their support for the United Nations Declaration on the Rights of Indigenous Peoples; that this be adopted as a report of this committee; that the chair present the report to the House. (Canada, 2006t, p. 1)

The NDP and Bloc Quebecois MPs supported the motion, but the Conservative MPs blocked the motion and demanded further discussion, which took place on October 31 (Canada, 2006, Oct 19). The Committee finally voted on a motion recommending that the Harper government “immediately pledge its support for the United Nations Declaration on the Rights of Indigenous Peoples” (Canada, 2006r, p. 12). The motion passed, but was opposed by the Conservative MPs in attendance.⁹

Although these elements of the context of the policy discussion discussed above are not directly related to Aboriginal PSE policy, an analysis of the context within which the policy discussion occurred is key in order to identify patterns in the behaviour of the Harper government.

Particularly, there is a pattern of the Harper government acknowledging the need for action on a policy issue related to federal Aboriginal policy, which is followed up with a deferral of concrete policy reform. The policy reform is delayed until there is sufficient review, in a forum of the

⁹ The Declaration was adopted by the United Nations General Assembly on September 13, 2007 (United Nations General Assembly, 2008). The Harper government voted against the Declaration and the AFN condemned the action stating that “Canada cannot get away from the Declaration simply by voting against it. First Nations can keep the pressure by referencing the Declaration whenever they take any action to assert their rights” (AFN, 2007, p. 2). See AANDC (2010c) for the Harper government’s rationale for their decision. The Harper government finally signed onto the Declaration in 2010 (AANDC, 2012a). Aboriginal groups in Canada continue to criticize the Harper government for its double standard of signing onto the Declaration, but not following it in its domestic policy (Union of BC Chiefs, 2013).

Harper government's choice, which may extend for an indefinite period of time, despite calls for action from the opposition parties and other policy stakeholders. There is also a pattern of questioning the legitimacy of forums for policy evaluation that recommend Aboriginal policy reform. In the case of the Accord, the Harper government minimized the significance and the binding nature of the Accord. With the Draft Declaration, the Harper government suggested that there was a need for further review and further revising of the international policy that the Harper government did not consider applicable to the Canadian context. The control that Harper government exerted over the definition of the policy problem and the policy solutions during the policy discussion about Aboriginal PSE is also an essential element of the context because of its minority government position, which was expected to limit its ability to make significant policy adjustments in the face of the majority of opposition party MPs that existed in the Committee. These patterns discussed above are also evident in the managing of the policy discussion within the Committee meetings and in the Harper government's response.

The next section of the chapter will outline the role of context in the policy formulation and evaluation that took place in the meetings of the Committee, the report, and the Harper government response. The focus will be on the policy positions that referenced the increasing Aboriginal youth population and the urgent need to reform Aboriginal PSE.

The role of demographics in the policy discussion

One of the themes that ran through the policy discussion was references to the increasing Aboriginal youth population in Canada, a matter outlined in Chapter 1. Education stakeholders argued that recognizing the trends in the statistics was not enough and that Aboriginal education policy needed to be reformed to reflect the changing Aboriginal youth demographics. References to the trends were used to underscore the urgency of the need for reform of the Aboriginal PSE policy. Howlett et al. (2009) discuss the role of context in raising a private or social issue to the status of a public issue that can potentially be resolved through government action. They argue that policy makers use their "preferred understanding of the causes and solutions of a problem" to make their case regarding the urgency of a policy problem (p. 93) and the need for its shift from the informal agenda of discussion to the institutional agenda that requires action. The discussion of the role of the government in raising the issue of Aboriginal PSE to a public issue

is framed throughout the meetings, report, and government response in terms of the level of urgency related to the policy problem.

Witnesses referenced the demographic trend of the increasing Aboriginal youth population and the need for policy reform in their presentations. Keith Frame, Research Coordinator, Prince Albert Grand Council, highlighted the need to recognize the education needs of the increasing number of Aboriginal youth relative to the rest of the Canadian population, particularly in areas with higher proportions of Aboriginal population, specifically Saskatchewan. Frame also shared statistics based on his organization's research regarding trends in population growth. He stated that from 1911 to 2001 the Canadian general population grew by 450 % and the Aboriginal population grew by 930 %. In the period from 1991 to 2002 the Aboriginal population grew by 230 % (Canada, 2006n). Frame suggested that the current PSE policy was inadequate in providing Aboriginal youth with access to PSE funding and to employment after they completed PSE, therefore there was a need for policy reform. If the current needs were not being addressed, then the existing programs would not be sufficient for a population that was going to make ever growing demands on the system (Canada, 2006n).

Frame's position was echoed by Cindy Blackstock, Executive Director, First Nations Child and Family Caring Society of Canada, who highlighted the increasing Aboriginal youth population in her discussion of child welfare. Blackstock's comments apply to the context of reforming Aboriginal PSE policy because they emphasize the benefit to other Canadians and the need for equity in the services that Aboriginal youth are able to access.

I think the savings would be astronomical if we really looked at it in those terms, especially when we know that aboriginal young people are the fastest-growing segment of the population. If we were to collectively as a society really prioritize to ensure they grow up with the optimal kinds of conditions that other Canadian children enjoy, then we would have a generation of young adults and leaders of tomorrow. They will be well positioned to make economic and social gains for all Canadians. (Canada, 2006k, p. 5)

Both Frame and Blackstock extend the significance of the demographic trends beyond the need for more discussion to a need for action. They both argue that policy reform will be beneficial to Aboriginal communities, non-Aboriginal communities, and to the bottom line of the Department

because future spending on education and other social programs would be proactive instead of reactive.

Fontaine also highlighted the urgency of meeting the needs of the rapidly growing youth population. He outlined the negative spillover that would occur in the future with increased demands on other social programs, the lost economic opportunities for Aboriginal communities, and the demands on already restricted social program funding if youth needs were not met. He also warned that it was better to resolve policy problems in a context of cooperation rather than conflict, which might result from a lack of action on Aboriginal PSE policy reform. Fontaine stated:

I find it difficult to speak of the urgency we face without sounding as though I'm being overly dramatic. I want you to understand when I say action must happen now.

I'm speaking of the cost of lost opportunity if the contribution first nations youth could make to answer Canada's demographic challenges is not recognized. (Canada, 2006h, p. 4)

In the Committee report, the argument is also made that a policy solution for the growing Aboriginal youth population is the responsibility of Canadian society as a whole: "It is simply not in our interest as a society to allow lost educational and employment opportunities for the fastest growing segment of the Canadian population to be perpetuated by failing to come to grips with the extent of a solvable problem" (Canada, 2007b, p. 30).

The Department and the government's response acknowledged the increasing Aboriginal youth population, but the framing of the policy program emphasized the prioritization of education, instead of the need for immediate broad policy reform. Paul Leblanc, Senior Assistant Deputy Minister, Socioeconomic Policy and Regional Operations, Department of Indian Affairs and Northern Development, also acknowledged that "the heavy youthful demographic makes education all the more important a priority," but he framed the policy problem as a challenge, rather than an opportunity for reform (Canada, 2006g, p. 1). In the government response, there is a commitment to increasing the funding for the Aboriginal Skills and Employment Partnership, a vocational and skills training partnership between the Department and Human Resources and Social Development Canada, by \$105 million dollars and creating an additional 9,000 training

opportunities and 6,500 skilled jobs over the next five years (Canada, 2007a). Although the response acknowledges the increasing youth demographic, the increase in funding is not framed as a means of overcoming the current inequities in PSE funding, but as a means to benefit the Canadian economy through creating more jobs for Aboriginal Canadians. The theme of increasing funding with the end benefit of strengthening the Canadian economy in the policy discussion will be discussed in greater detail in Chapter 5.

Aboriginal PSE policy as an Urgent Public Policy Problem

Another theme in the texts was the definition of the level of urgency that should motivate Aboriginal PSE policy reform. Witnesses outlined the potential consequences if the Harper government did not respond to urgent calls to increase funding, and the Committee members highlighted the context of their policy evaluation and formulation as being critical to the reform of Canadian Aboriginal PSE policy.

Gilbert Whiteduck, Senior Education Advisor, First Nations Education Council, Quebec, emphasized that there had been enough consultation and enough studies to indicate the need for policy reform. Whiteduck estimated that based on his work with the 2002 Minister's National Working Group on Education, 6,000 reports had been prepared on First Nations education, and he said that there needed to be more concrete results and cooperation between First Nations communities and the Harper government (Canada, 2006o). Marc Lemay, Bloc Quebecois MP, echoed Whiteducks's position on the need for progress. He questioned Department witnesses about the progress on past reports and calls to action on Aboriginal PSE programming and funding. Lemay received only negative responses and references to further reviews underway; he reminded the Department witnesses that "the reason this committee went to the trouble of studying the issue of post secondary education is that action was urgently needed" (Canada, 2006p, p. 4).

The strongest calls for action on Aboriginal PSE reform came from the Committee members in the summative report, *No Higher Priority* (Canada, 2007b). In the introduction of the report the Chair and Conservative MP, Colin Mayes, emphasizes the consensus among the Committee members and other Aboriginal PSE stakeholders who supported immediate action to reformulate Aboriginal PSE policy:

It is rare to find unanimity on any topic in the realm of public policy. When it comes to Aboriginal education, however, the now overwhelming consensus view of experts and officials within and outside government, of Aboriginal and non-Aboriginal Canadians alike, defies the rule. All agree, quite simply, that improving educational outcomes is absolutely critical to the future of individual Aboriginal learners, their families and children, their communities, and the broader Canadian society as a whole. (Canada, 2007b, p. xix)

The text of the report describes the situation of Aboriginal PSE students as “a matter of the highest priority for Canada” (Canada, 2007b, p. 41), “pressing and growing” (p. 17), a “critical juncture” (p. 28), “a pressing concern,” a “cycle of ever-increasing unmet need” (p. 30), and a program full of shortcomings that “demand the most immediate action” (Canada, 2007b, p. 12).

In summarizing the evidence that the Committee members reviewed, the report states that despite the determination of Aboriginal and non-Aboriginal stakeholders to lobby for change, the current policy situation may “jeopardize the future of Aboriginal post-secondary education” (Canada, 2007b, p. 29). The policy issues highlighted by the report as requiring urgent action include “past and ongoing under-funding for post-secondary learners under the PSSSP, gaps in key information for policy development purposes and the lack of equivalent access for Métis and non-registered First Nations learners” (p. 29). Even in an acknowledgement of the progress that had been made, the report states: “As a committee, we want to honour the steps forward taken, while not shrinking from the hard truths we heard. One of the hardest of these truths is that right now, in Canada, it appears there are uncounted numbers of aspiring Aboriginal learners who are unable to gain access to the funding they need to enrol in post-secondary programs” (p. 29). The report concludes that “Committee members have come to realize that actual government policies, however well intentioned, are not delivering on the promise of post-secondary education for Aboriginal learners” (p. 30).

It is clear from the Committee’s report that the Committee members recognized that the urgent need for policy change. The report recognizes that there has been advocacy in the past, but that advocacy and reports are not generating sufficient policy review and reformulation. Another notable observation is that the current policies in place in 2006 may be “well intentioned,” but they are not generating adequate results during the implementation stage and that there has been adequate policy review that demands a reformulation of the existing Aboriginal PSE policies.

In the Harper government's response, there is little acknowledgement of the urgency of the policy status quo. The only reference in the report that comes close to recognizing the immediate need for change is the statement that the government "fully agrees" with the Chair of the Committee that improving the situation in Aboriginal education is "absolutely critical" and that improvement will benefit Canada society (Canada, 2007a, Introduction, para. 1). The only other statements that demonstrate any level of concern are the observations that the lower rate of participation in PSE among Aboriginal youth versus non-Aboriginal youth is "troubling" (para. 7) and that it is "essential to continuously monitor and reassess ongoing federal programs" (para. 11).

The most poignant call for change came from Whiteduck, who suggested during his presentation to the Committee that protests would result if federal PSE funding did not increase:

What's going to occur is we're going to be leading into more and more confrontation, because people at one point are going to have to react. I believe you'll be hearing more of roadblocks or whatever. How else do you get attention? People are saying that is not what we want. We'd rather put our energies into something that's going to work and work toward that, but when you don't have a choice, you tell me what you do. (Canada, 2006o, p. 11)

Whiteduck's observations clearly summarized the frustration of students and Aboriginal PSE stakeholders prompted by the lack of policy reform by the current Harper government and past Liberal and Conservative governments. His statement also highlighted the tension in the policy context that accompanied the desire of Aboriginal advocates to keep pushing for change, along with a warning of the potential consequences if the Harper government did not act on the policy evaluation that had already taken place.

As discussed earlier in this chapter, the evaluation of the context of the policy discussion is an essential element of a critical policy analysis. Taylor et al. (1997) argue that "it is important to recognize policy processes as inherently political in character and involving compromises, trade-offs and settlements" (p. 26). Taylor et al. also argue that policy

involves processes prior to the articulation of the text and the process which continue after the text has been produced, both in modifications to it as a statement of values and desired action, and in actual practice. Furthermore, contestation is involved right from the appearance of an issue on the policy agenda, through the initiation of action to the inevitable trade-offs involved in formulation and implementation. (p. 29)

A recognition of the political context of the minority Harper government provides insights into the efforts of Conservative MPs and Department officials to control the direction of the policy formulation and evaluation process that the Committee engaged in during its meetings. The lack of implementation of the commitments made by the Martin Liberals in the Kelowna Accord and the lack of endorsement of the Draft Declaration provide insight into the patterns of the policy approach of the Harper government. The emphasis on the growing Aboriginal youth population and the urgent need for policy reform reflect the expectation of witnesses and Committee members that the Harper government would recognize the critical nature of the Aboriginal context that was generating the crisis in Aboriginal PSE. The political context and the Aboriginal context of the policy process discussed in this chapter also provide a foundation for a clearer understanding of the definition of the policy problem that will be discussed further in Chapter 5, particularly because of the limitations of the written text already discussed in Chapters 1 and 2 (see Rizvi and Lingard, 2010).

Chapter Five

Defining the Policy Problem

The definition of a policy problem is an important part of the development and analysis of a policy and subsequent policy actions. It is also an important part of the agenda setting stage of the policy cycle. Howlett et al. (2009) discuss the role of the values of the actors participating in defining the policy problem. They argue that “these ideational assumptions shape both their notions about what constitutes a ‘problem’ as well as the kinds of policy actions that they feel are ‘feasible’ and acceptable” (p. 4). Also, there tends to be strong control of the policy agenda by the executive in a parliamentary system, particularly through the control of information and access to finances.

In addition to its prerogative in policy matters, the executive has a range of other resources that strengthen its position. Control over information is one such critical resource. The executive has unmatched information that it withholds, releases, and manipulates with the intention of bolstering its preferences and weakening the opponents’ case. Control over fiscal resources is another asset favoring the executive because legislative approval of the budget usually permits wide areas of discretion for the executive (Howlett et al., 2009).

Edelman (1988) argues that the definition of a policy problem is a product of the ideology endorsed by an individual and that it is “a spectacle which varies with the social situation of the spectator and serves as a meaning machine: a generator of points of view and therefore of perceptions, anxieties, aspirations, and strategies” (p. 10). He also argues that the explanation of the source of the problem is more politically powerful than a commitment to eliminate the problem, which is a “rhetorical evocation of a remote future time unlikely to arrive” (p. 18).

In defining a policy problem, a government may look for solutions from advocates. Kingdon (2011) suggests that the problems and the solutions may already exist in the policy stream, but it is the political context that changes the policy agenda and the prioritization of a particular policy problem. Kingdon also indicates that for a policy problem to get sufficient traction, there needs to be a connection among the policy stream, the political stream, and the policy problem stream. If there is support for the coupling of a particular policy problem with a solution from the policy

stream, and there is support from the political stream, it is possible that a policy window will remain open and the policy problem will remain on the agenda. Otherwise, if there is a lack of connection between the three elements, the momentum of the policy problem will be halted and the policy problem will be dropped from the agenda. The Harper government chose to limit the connection among the three streams and did not support the most prominent solutions proposed from the policy stream and the definition of the policy problem by stakeholders and the Committee.

Howlett et al. (2009) observe that allowing the public input into the definition of a policy problem does not guarantee policy change. They caution that policy change will result only if the views expressed by the public are “congruent with those of the current government” (p. 190). The control of the Harper government in defining the policy problem as part of the agenda setting stage of the policy cycle is particularly evident in the meeting transcripts, the report, and the response of the government, which will be discussed further below.

The remainder of the chapter will examine the policy positions on the legislative foundation for the federal Aboriginal PSE policy, the definition of the parties covered by the policy, the purpose of the policy, the means of funding the policy, and the definition of the policy problem and the forum for policy evaluation. The discussion of the legislative foundation for the federal Aboriginal PSE policy will examine the attention given to the debate over the definition of the Department PSE program as a social program versus a treaty right. The section on the definition of the parties covered by the policy section will examine terminology used to define the Aboriginal students who are entitled to funding under the Department policy and the criticism of that terminology. The purpose of the policy section will discuss framing of the policy as a means to increase employment and to improve the Canadian economy. The means of funding the policy section will examine the responsibility for funding Aboriginal PSE students, the source of funding waiting lists, and the argument that funding should be extended to non-status First Nations and Métis students. The definition of the policy problem and the forum for policy evaluation section will examine the efforts of the Harper government to control the definition of the policy problem and solutions, particularly its redirection of the policy discussion to K–12 education, instead of PSE, and its delay of policy implementation based on the need for further departmental policy review.

The Legislative Basis for Aboriginal PSE Policy Funding

As discussed in Chapter 4, an important part of a critical policy analysis is the recognition of the political context that may lead to compromises and modification of the policy throughout the stages of the policy cycle (Taylor et al., 1997). As I prepared my initial research questions, I anticipated that there would be a continuation of the debate over the legal foundation of the Department's Aboriginal PSE funding that took place in the Committee in 1989 (Canada, 1989; Stonechild, 2006) and in 2005, as discussed in Chapter 1 (Canada, 2005b). Although there was some discussion of the basis of the funding, I was surprised to find that the debate over social policy versus treaty rights as the basis of the Department's PSE program did not occupy more of the content of the meetings, the Committee report, and the Harper government's response. I also recognize that I am not privy to all of the discussions that took place that are not recorded in the meeting transcripts, but based on the evidence, it is apparent that there was a level of compromise between the Committee members that limited the scope of the policy position in the report and that there was an intentional avoidance of the debate in the response that reflects the Harper government's approach to social policy.

The minority Harper government's social policy is an important element of the context of the Aboriginal PSE funding debate. Prince (2012) emphasizes that, while post-secondary education and First Nations are part of the social policy responsibilities of the federal government, these responsibilities are not "core priorities of the Harper social policy agenda" (p. 53) and there is less focus on treaty rights and more on services or infrastructure that lead to private investment, resource development, and increased employment. Doern (2007) suggests that social policy is one of the major challenges of the Harper government and the policy related to social programs reflects the priorities of the Prime Minister with a distinctive intermingling of policy cancellations, new interventions, program reductions, and non-decisions on many policy issues. The pecking order of the purposes for social policy was rearranged, with an expanded emphasis on regulatory functions of the federal government. This regulatory governance is selective in focus, emphasizing judicial, correctional, and policing policies more than occupational health and safety, pay equity, or human rights (Prince, 2012, p. 54).

Along with a shift in focus, the Harper government has also shifted the responsibility for funding its social programs to “personal and family care, local volunteerism, and municipal or provincial responsibility” (Prince, 2012, p. 65–66). The shift in the responsibility for funding will be discussed later in this chapter.

During the meetings of the Committee there was minimal discussion of the legislative basis for the Department’s PSE program. The discussion that took place was highly critical of the Harper government. Marc Lemay, Bloc Quebecois MP, in response to the presentation of Sheila Fraser, Auditor General of Canada, observed that federal government’s role in overall treaty negotiation is conflated. It is “both the judge and defendant in the context of treaty negotiations” because “it will pay, decide at what time the negotiations will take place, what will take place and how long they will last.” He stopped short of accusing the government of a conflict of interest, but suggested that the conflicting roles of the government made the negotiation of treaty rights more difficult (Canada, 2006e, p. 13).

A pivotal discussion took place when Christine Cram, Acting Senior Assistant Deputy Minister, Socio-Economic Policy and Regional Operations, Department of Indian Affairs and Northern Development, testified during the October 19 meeting of the Committee. Cram told the Committee that “unlike K/12 education, for which the Department holds a statutory responsibility, our involvement with post-secondary education is a result of a policy dating back several decades” (Canada, 2006p, p. 2). Anita Neville, Liberal MP, challenged Cram on the policy position that Aboriginal PSE funding is a matter of social policy and not law. She also questioned what steps the Department had taken to clarify the rationale for the policy and to assess the effectiveness of the policy in meeting the PSE funding needs of students. Cram acknowledged that the *Indian Act* was an ineffective mechanism for defining the role of the Department in Aboriginal education, but, despite the Aboriginal and treaty rights referenced in the *Constitution Act*, the Department was using the *Indian Act* as its “legislative base” (Canada, 2006p, p. 3). Marc Lemay, Bloc Quebecois MP, also challenged Cram on the discretionary nature of PSE funding. When Lemay asked if the PSE funding envelope might disappear based on the discretion of the Minister, Cram responded “Technically, yes” (Canada, 2006p, p. 4).

Nathan Matthew, Senior Advisor and Negotiator, Education, BC First Nations Leadership Council, summarized the concerns of First Nations communities regarding the basis of the PSE funding: “The Indian Act is interpreted such that post-secondary education assistance is just a matter of policy. Down the road, first nations believe that the federal government might just set it aside and there won’t be any support”(Canada, 2006m, p. 2). Jean Crowder, NDP MP, echoed Matthew’s concerns about the lack of a legislative basis for the Department’s PSE funding and her surprise at learning that.

One of the things that prompted me to be interested in the post-secondary area was the statement you made at the outset, Mr. Matthew, around the fact that there is no legislation; it is simply policy. I was surprised to find out that post-secondary could disappear off the agenda, or be devolved to provincial governments, because there’s no legislative mandate to require the federal government to be involved in post-secondary. I think that’s a very real problem. (Canada, 2006m, p. 6)

A witness, Keith Frame, Research Coordinator, Prince Albert Grand Council, shared with the Committee one of his experiences with a mother who expected that her son would automatically receive funding because he had graduated from high school. Frame told her that “ just because he’s treaty and has his grade 12, there is no cheque coming. There is a process of applying, and hopefully there is room for him. That depends upon how many people have applied” (Canada, 2006n, p. 6). He also stated that it was his understanding that the PSE funding is based on “treaty agreements” and that education is a “lifelong process,” and therefore students who graduate from high school should not be denied funding (Canada, 2006n, p.8). It is apparent from Frame’s anecdote that there is an ongoing lack of clarity on the legislative basis for Aboriginal PSE funding and the discretion that is involved in the allocation of that funding.

The Committee report contained minimal discussion of the legislative basis for Aboriginal PSE funding and the text of the report would suggest that there was a consensus to adhere to the status quo and not take a definitive position. Cohn (2012) suggests that in policymaking the solutions closest to the status quo are considered first, and when considering what position to take “decision makers will prefer solutions found in a range bounded by the minimum change that is necessary to more or less accomplish the new goals of public policy and the maximum change that is possible without incurring undue political resistance” (p. 579). It is clear, based on the evidence, that the Committee members adopted an imperfect policy position that was more

likely to be endorsed. Patrick Brazeau, National Chief, Congress of Aboriginal Peoples, requested that the Committee members make a statement about the fiduciary responsibility and obligations of the Harper government related to Aboriginal education. He summarized the need for clarity from the Committee in defining the duties of the Crown to Aboriginal peoples in Canada:

Parliament holds its own share of the Crown's broader fiduciary relationship with aboriginal peoples, but simply acknowledging a vague fiduciary duty is of little practical help in judging the merits and directions of proposed legislative or program-based measures. A clear and precise assertion of Parliament's unique obligations would be far more useful. (Canada, 2006, June 12, p. 10).

The Committee chose not to act on Brazeau's recommendation, although the report did include the acknowledgement by Paul Leblanc, Senior Assistant Deputy Minister, Socio-Economic Policy and Regional Operations, that there is nothing in the *Indian Act* that prevents the Department from funding Aboriginal PSE, but there is also no requirement for the PSE funding (Canada, 2006i). The position of the Committee in 2006 was similar to the position taken by the Committee in its 1989 report that:

The Committee is clearly not in a position to decide the substantive legal issue of whether or not post-secondary education is a treaty right. The Committee strongly recommends that a forum be created to resolve this fundamental disagreement between the Government of Canada and the treaty peoples. (Canada, 1989, p. 61)

The Committee's 2006 position on debate on treaty rights versus social policy is summarized in the following statement: "We acknowledge the fundamental nature of this longstanding disagreement, but are not in a position to resolve the substantive legal issue it raises" (Canada, 2007b, p. 3).

The Harper government maintained its focus on the status quo under the existing legislation in its only acknowledgement of the debate in its response. The statement reiterated the policy position put forward by Cram in her appearance before the Committee and followed the trends in the Harper government's social policy approach discussed earlier in this chapter by focusing on responsibilities:

There is an important distinction between the statutory nature of Indian and Northern Affairs Canada's authority to provide First Nations and Inuit education programming at the elementary and secondary levels and the basis on which Indian and Northern Affairs Canada's post secondary education programming is provided. (Canada, 2007a, Introduction, para. 9).

The response also did not indicate any intention to create a legislative basis for PSE funding in the future.

Based on my analysis, the texts do not provide any indication of progress in the debate over the foundation of Aboriginal PSE funding in social policy or treaty rights. Although discussion about the debate took place during the Committee meetings, there was no definitive statement on the need for the modification of the status quo by the Committee members in the report or by the Harper government in its response. Despite months of evaluation by the Committee members, a pivotal element of the Aboriginal PSE policy remained unresolved and Aboriginal PSE continued as a discretionary program without a legislative basis.

The Definition of the Parties Covered by the Policy

Taylor (1997) suggests that policy texts "represent the outcome of political struggles over meaning" (p. 26). The terminology used to describe the parties that are entitled to funding from the Department became a point of contention and clarification during the Committee meetings and in the Committee report. Taylor also argues that the terminology used in a policy context is indicative of the positions of the stakeholders regarding equity in education and their desire to maintain "old distinctions" (p. 30) that perpetuate inequity and maintain the status quo. Taylor and Singh (2005) argue that the terminology used by policy actors can also be indicative of a lack of a common language and of their perceptions of what is feasible in policy reform (see also Taylor et al., 1997).

The definition of the parties covered by the policy played an integral role in the Committee's meetings, in the Committee reports, and in the Harper government's response. There was an obvious lack of consensus on which members of the Aboriginal peoples in Canada should be covered by the Department's PSE program and who was actually covered by the program. The evidence used by witnesses to justify their policy positions also relied heavily on the terminology

that reference the parties who should benefit from the program. Witnesses highlighted how the discretionary application of a term could limit access for students to Department PSE funding.

Opposition MPs demonstrated particular concern about the terminology used in the Committee meetings. Liberal MP Nancy Karetak-Lindell cautioned Department witnesses about their use of terminology. She observed that during the meeting the use of terminology to describe students and communities was not accurate:

One of the difficulties I always have in dealing with any reports is that people tend to believe ‘first nations’ means all aboriginal people in Canada, and it doesn’t. Throughout your report, you keep referring to ‘first nations and Inuit communities’. Then when you get specific you say ‘first nations’, and that excludes Inuit. (Canada, 2006p, p. 7)

Crowder suggested that the lack of clarity in the terminology used to describe access to PSE obscures the issues that First Nations and Inuit students face and using the term Aboriginal makes the statistics “look slightly better (Canada, 2006p, p. 10; see also Canada, 2006g). She also suggested that terminology is equated with responsibility in federal Aboriginal education policy. She pointed out that the Department had a tendency to frame its education policy as serving all Aboriginal students, but then limiting the scope of its funding to First Nations students, and then further limiting the programs to serve on-reserve K–12 First Nations students. She suggested that the use of terminology in Department education policy reflected the shifting and inconsistent perception of the Department regarding its responsibilities (Canada, 2006i).

Witnesses were particularly critical of the Department’s focus on its registration rolls, which dictate First Nations status and thus the inclusion or exclusion from Department programs. Anita Olsen-Harper, Sisters in Spirit Team Lead, Native Women’s Association of Canada, observed that “there are many people who have Aboriginal descent and may never ever have the hope of getting onto the registry rolls” (Canada, 2006i, p. 5). Brazeau suggested that the criteria in federal Aboriginal education programs is “arbitrary and irrelevant” and that status under the *Indian Act* did not directly correspond with educational needs (Canada, 2006i, p. 10). Peter Dinsdale, Executive Director, National Association of Friendship Centres, suggested to the Committee that “[i]f we’re serious about Aboriginal kids graduating from school,” the present needs of Aboriginal learners across the country other than “status Indians” must be considered,

too (Canada, 2006j, p. 7). In his view, access and equity come down to terms that define the treatment of an Aboriginal student by the Department. Cindy Blackstock, Executive Director, First Nations Child and Family Caring Society of Canada also addressed the discretionary nature of status designations and suggested that one of the fundamental rights that a child should have is the right to self-identification and that Canada should use the criteria used in Australia and New Zealand which relies entirely on self-identification (Canada, 2006k).

Terminology was also an issue for Committee members in the summative report as they sought to clarify who was eligible for funding and who should have access to funding in the future. The report states that:

While the Committee's principal recommendations below reflect our focus on the Department's PSE Program, we end our study persuaded that the matters brought to our attention raise fundamental policy considerations about the future of post-secondary education for all Aboriginal learners. (Canada, 2007b, p. 28)

The report acknowledges that the content focused mainly on the Department's PSE program, but that Committee members are also concerned about "Métis and non-registered First Nations learners whose funding needs exceed available resources" (Canada, 2007b, p. 29). Later, the text of the report states:

As a committee, we have great concern that the full range of financial assistance that is available to some First Nations and Inuit learners under the Department's PSE Program is not currently accessible by non-registered First Nations, Métis and other learners. During our hearings, it was suggested to us that a national PSE fund for off-reserve First Nations and Métis people was called for, with unconditional federal investment and inducements for provincial/territorial and private contributions, to redress what is viewed by those without access as a long-standing inequity in federal Aboriginal policy. (Canada, 2007b, p. 40)

Despite the report's reference to Aboriginal PSE education in its title, another example of the broad application of a term without support to justify the use of the term is the deliberate limitation on the discussion of the funding available to Inuit students in the report because of the complexity of the current policy: "At this time, the Committee has insufficient information at its disposal to enable extensive comment on the circumstances and concerns specific to Inuit learners under the PSSSP" (Canada, 2007b, p. 13).

In the Harper government's response to the report, there is also a constant shift in the terminology used to describe the students covered by the Department's PSE program and the parties that are seeking PSE funding. The text shifts from the general terms "First Nations and Inuit students" or "First Nation and Inuit learners" to "Aboriginal youth," "Aboriginal learners," or "Aboriginal Canadians" at times in the same paragraph (Canada, 2007a). Despite the focus on the students who are eligible for funding from the Department based on their status under the *Indian Act*, the Harper government falls short in clearly articulating which parties are being discussed in the text of its policy.

Based on the evidence in the texts, it is clear that terminology was a barrier to effectively communicating the policy positions of the Committee members, even as they questioned the terminology used by the Department to classify the students. The lack of clarity in the terminology also indicated the lack of a common language and the limited feasibility of committing the Harper government to expanding the eligibility criteria for Department PSE funding (Taylor & Singh, 2005; Taylor et al, 1997). During the analysis it was challenging at times to track how the terminology was being used and I debated using the broad term of "Aboriginal" consistently throughout my analysis. However, while I recognized the limitations of employing such a broad term, its use in my analysis was intended to provide some consistency despite the inconsistent use of terms throughout the texts.

The Purpose of the Department's Aboriginal PSE Policy

Another element of the policy discussion in the texts was the discussion of the purpose of Aboriginal PSE and PSE as a policy solution to other policy problems. Karetak-Lindell, suggested that at the root of the policy discussion is a lack of clarity about the purpose of increasing Aboriginal PSE enrolment (Canada, 2006q). My analysis of the texts, however, found that there was a common theme that focused overwhelmingly on employment and the benefit to the Canadian economy. Although this theme continued throughout the texts that I analyzed, the difference in the definition of the policy solution was the focus on increasing participation in Aboriginal PSE to benefit Aboriginal individuals and communities versus the focus on the benefit of PSE to benefit the needs of the Canadian economy.

Witnesses proposed that PSE could result in employment opportunities in the students' communities. Whiteduck, Senior Education Advisor, First Nations Education Council, Assemblée des Premières Nations du Québec et du Labrador and its Board of Education, stated that the purpose of PSE in his community is to replace "a large number of non-native people who need to be replaced by our own people," including teachers, nurses and doctors (Canada, 2006o, p. 3). Gordon Blackned, Chairman, Cree School Board, was cautious in his assessment of the role of PSE in improving the employment prospects of Aboriginal students. While some former students are employed, he observed that that students from his territory are receiving training and degrees which do not match the needs of the community because the economy is not developed enough to support them. He also observed that graduates are working in positions that they are not qualified to fill or they remain unemployed because despite their education, there is no need for their skill set. He commented that in his territory, unlike in Whiteduck's community, there are too many teachers being trained and they are unable to get positions. He admitted that there is no tracking system established to ensure that the graduates are employed after graduation (Canada, 2006o). In response to Recommendation 5 that suggests that there is a need for more data that tracks Aboriginal PSE students, the Harper government suggested that tracking students should serve to increase accountability, not to increase the equity of funding allocation. The suggestion is given that the results should be measured in terms of how training and education has led to careers for students, including subsequent social and economic advancement (Canada, 2007a).

Another theme related to the purpose of Aboriginal PSE was the argument that Aboriginal students could meet the needs of the Canadian economy and resolve the policy problems related to skilled labor shortages and the aging population in Canada. The Committee report estimated that 300,000 children and youth could enter the Canadian labor force in the next 15 years. The influx of workers could ease the Conference Board of Canada's estimated shortfall of one million workers in the following 20 years (Canada, 2007b). Roberta Jamieson, CEO, National Aboriginal Achievement Foundation (NAAF), suggested that the Canadian economy is facing "frightening labour shortages" and the unemployment in the Aboriginal population provides an opportunity for PSE funding to solve both problems (Canada, 2006q, p. 3). Jamieson's position on the role of Aboriginal youth in Canadian economy was also supported by Olsen-Harper, who stated that Aboriginal youth would fill the gaps in the Canadian market for professionals and

skilled tradespeople if there was a sufficient injection of funding to support PSE (Canada, 2006g). Darren Googoo, Director of Education, Membertou First Nation, emphasized that as the fastest growing demographic in Canada, First Nations have “the ability to solve Canada’s labour woes in the future. We have the numbers. We don’t need to go and look elsewhere.” (Canada, 2006r, p. 3). Jamieson agreed that the Harper government should stop trying to stimulate the economy by seeking to increase the immigrant labour force, when there was an adequate pool of potential employees among Aboriginal youth. She warned that “if Canada leaves first nations, Métis, and Inuit youth on the sidelines for another generation, while it recruits internationally for workers, that’s a recipe for both tragedy and trouble” (Canada, 2006q, p. 3).

Another argument for the benefits of Aboriginal students completing their PSE was the potential of their employment to stimulate the Canadian economy. Department witnesses particularly focused on the theme of economic development. Paul LeBlanc, Senior Assistant Deputy Minister, Socioeconomic Policy and Regional Operations, summarized the aim of Aboriginal education as allowing Aboriginal youth to be “empowered with choice and self-reliance and they will make a full contribution to the economic prosperity of Canada” and will “have an increasingly important role to play in the mainstream of economics and the economic prosperity of the country” (Canada, 2006g, p. 3). LeBlanc clearly defines the place that Aboriginal youth should play in the future in the economy. It should be a “full contribution” that is in the “mainstream of economics.” He does not elaborate on these terms, but it is clear from his testimony that, although the Harper government is inviting input from and consulting with Aboriginal communities, the contribution of Aboriginal students to the economy is expected to fit the framework outlined by the Department.

The Harper government echoed the position of the Department witnesses, suggesting that PSE is a means for Aboriginal Canadians to “share in and contribute to Canada’s prosperity” (Canada, 2007a, Recommendation 2, para. 2). The focus of the Department’s PSE policy, based on this statement, appears to be directed at benefitting the Canadian economy as a whole and not specifically Aboriginal communities.

The potential contribution of Aboriginal PSE graduates to the resource economy was also highlighted by Department witnesses. Cram suggested that First Nations and Inuit youth can

benefit from the new opportunities created by investment in resource development projects, including the oil sands and the Mackenzie Valley pipeline (Canada, 2006p). Jim Prentice, Minister of Indian Affairs and Northern Development, stated during his testimony that the goal of the Aboriginal PSE was to improve the access of Aboriginal youth to the economic opportunities that are available to non-Aboriginal youth. He also suggested that PSE would provide the tools and training that would allow Aboriginal students to take advantage of the resource development around their communities (Canada, 2006f).

The strong emphasis on the purpose of PSE as a means to increase employment, and more specifically, to benefit the Canadian economy is not surprising based on the social policy approach of the Harper government. Framing Aboriginal PSE as a means to solve the policy problems of unemployment, labour shortages, and the need for more resource development also corresponds with the Harper government's approach to social policy which aims to reduce the reliance of Aboriginal people on federal government programs. However, Whiteduck's caution about the need for students to match their education and their skill set to existing needs in their communities did not appear to be a concern for the Department witnesses or the Harper government, who were more concerned about the benefit to the larger Canadian economy.

The Means of Funding the Policy

A strong theme in the policy discussion during the Committee meetings, in the Committee report, and in the Harper government's response was PSE funding. The discussion focused on who is responsible for providing that funding and who is responsible for removing obstacles to accessing that funding. Singh and Taylor (2007) observe that the position of policy actors on equity in education is reflected in their definitions of "what constitutes valid resources, and how these various forms of resources should be distributed" (p. 303). The policy positions on the distribution of Department resources focused on whether the distribution process was equitable and if the Department was ultimately responsible for ensuring the equitable distribution of the funding. The following section will discuss the lack of PSE funding as a barrier to enrolment, policy positions on who is responsible for providing funding for Aboriginal students and who is responsible for the funding waiting lists.

The Lack of Funding as a Barrier to Enrolment

A strong theme in the discussion was about whether or not the current approach to distributing funding was encouraging or discouraging the enrolment of Aboriginal students in PSE.

According to the Auditor General's report (2004), as of 2000, 9500 FN people were unable to pursue PSE because of a lack of federal funding. The Committee's summative report observed that between the review of the PSSSP program in 1989 and 2006 there was a cycle of increasing numbers of eligible learners, declining enrolment, and lengthening waiting lists which the Committee asserted "must be interrupted" (Canada, 2007b, p. 32). Witnesses provided anecdotal and statistical evidence about the impact of the funding status quo to emphasize its impact on the ability of Aboriginal students to participate in PSE. Witnesses also indicated that the funding provided by the Department was not only inadequate to meet the demand from students, but it was also not keeping pace with living costs. Frame indicated that the costs of living in the communities that are part of the Prince Albert Grand Council have risen 29 % since 1990, tuition has risen an average of 8.1 % and inflation has increased since 1.9 %. The number of potential students increased, but the amount of funding remained relatively the same. Because of the inadequate funding and the increased costs of paying for a PSE education, Frame observed a downward trend in enrolment within the communities. He indicated that from 1998 to 2002 there was an overall increase in enrolment of students of 34.5 % in the communities, but during the period from 2000 to 2002 when the amount of funding no longer kept pace with the costs, the enrolment of students in PSE dropped by 7.2 % or 65 students (Canada, 2006n).

At the time of his appearance before the Committee, Googoo explained that his community received approximately \$12,200 per student in funding for PSE. Googoo stated that in 1995 the allocation from the Department was \$11,726 per student and with the cost of a university education at approximately \$12,000 to \$13,000, the funding was close to the actual costs. In 2006 the funding allocation was \$12,200 and the actual costs were \$16,700, resulting in a rate of underfunding of about 33 % because the level of funding had been frozen for 10 years (Canada, 2006r). Whiteduck, also pointed out that there has been an overall downward trend in university and college enrolment during the previous five or six years despite the upward trends in increase high school graduation rates (Canada, 2006o). The reduced participation in PSE was also attributed to inequitable funding among the Aboriginal students eligible for funding. Natan

Obed, Director of Department of Social and Cultural Development, Nunavut Tunngavik Incorporated, suggested that the Committee recommend a review of the federal funding allocated to Inuit PSE because Inuit students are not receiving a proportionate share of the funding allocated to Aboriginal PSE students, particularly scholarships (Canada, 2006l).

An important part of the definition of the policy problem related to the lack of PSE funding was the discussion of who was responsible for addressing the funding shortfalls-the federal government or the Aboriginal students and their communities.

The Responsibility of the Department to Provide Funding to Aboriginal Students

Starting in 1977, PSE funding was made available through the Department's Post-Secondary Educational Assistance Program (PSEAP) to "virtually all eligible students" to cover "tuition, books, counselling, living expenses and travel" (Canada, 2007b, p. 4). A program review took place between 1987 and 1989 and the PSSSP replaced the PSEAP in 1989, reducing the eligible expenses and allowing for applications to be deferred if they could not be accommodated at the time of application. In 1992, the funding structure was altered to a block format that allowed FN communities more control over the allocation of their PSE funding. In 1997, funding was capped by the Department at a 2 % a year increase.¹⁰ At the time of the Committee meetings in 2006, the Department was supporting about 25,000 students through its PSE program (Canada, 2006d).

Department witnesses varied in their positions over what concrete policy solutions should be incorporated in the reformulation of the policy to resolve funding shortfalls. The witnesses, based on the evidence, also appeared to be uneasy about how to frame the responsibility of the Department in administering PSE funding. Cram acknowledged that the \$305 million currently allocated by the Department to PSE was "probably insufficient" and that she did not know what figure would be adequate (Canada, 2006p, p. 10). Cram also indicated that the Department did not know how many eligible, unfunded students existed or how much money would be needed to meet the current or the future needs of students. She observed that a lack of information would delay any increase in funding or policy (Canada, 2006p). Richard Budgell, Executive Coordinator of Post-Secondary Education, Education Branch, DIAND, also commented that

¹⁰ For more background information on the history of the PSEAP and the PSSSP see Office of the Auditor General of Canada (2004), Canada (1989), Stonechild (2006), and Ward (1992).

there is no data on the eligible students who are denied funding, but he rationalizes that gap by stating that requiring that data would add to the burden of reporting on First Nations communities and that he is not sure that that data is actually needed (Canada, 2006p). LeBlanc, was not willing to support the elimination of the 2 % funding cap. He suggested that the perception of the lack of funding was due to rising costs that originated with provinces who chose to overextended their education funding and programs beyond what the Department had available. He also suggested that the calculations to determine the funding shortfalls were complicated and that they tended to be manipulated by stakeholders arguing that the funding was inadequate (Canada, 2006g).

The Committee's report emphasized that the Harper government needed to create Aboriginal PSE policy in collaboration with Aboriginal stakeholders that included immediate, medium and long-term measures to "ensure the cycle of disadvantage owing to inadequate financial resources is not repeated, and the potential of Aboriginal post-secondary learners is given every chance." The approach to resolving the funding policy problem could not be solved simply through "increased financial resources" (Canada, 2007b, p. 30), because there were structural policy problems in the manner that the funding was administered that could not be resolved by handing off the responsibility to Aboriginal organizations. The Committee concluded that the Department needed to match the number of students with the amount of funding that it allocated by doing "a better job of connecting the dots between the numbers of eligible learners and allocation of funds" (Canada, 2007b, p. 34). The Department also needed to ensure that the funding levels directly corresponded to the number of eligible students based on criteria that was "consistent and predictable for all concerned" (Canada, 2007b, p. 36). The Committee members emphasized that not only was inadequate funding from the Department an obstacle to starting PSE, it was an obstacle to students finishing PSE, because, based on the testimony of witnesses, departmental sources and the other reports that they consulted, "per student funding under the PSE Program has not kept pace with rising costs in all areas. Committee members believe that shortfalls in financial assistance relative to actual costs incurred compromise the ability of First Nations and Inuit learners to successfully complete post-secondary programs" (Canada, 2007b, p. 32). Crowder summarized the allocation of responsibility for PSE by stating that "delivery of post-secondary education is a provincial responsibility, but access and funding is a federal responsibility when we're talking about first nations and Inuit peoples" (Canada, 2006n, p. 10).

The expansion of the scope of Department PSE funding to all Aboriginal students

The inadequacy of Department PSE funding was not the only policy problem addressed in the policy discussion. The extension of Department funding beyond the existing guidelines to students without status under the *Indian Act* (1985) and to all Aboriginal students recognized by the *Constitution Act* (1982, s. 35,1-2) did not deal with the exclusion of Métis and off-reserve First Nations students and Brazeau described this as an ongoing case of discrimination:

We recommend special assistance funding for post-secondary education. Métis and first nations people off-reserve have little or no access to the Department of Indian Affairs \$300 million funding for post-secondary support program. Provinces do not support an alternative, and the only resort is hard-pressed, community-funded scholarships. The discrimination must end. (Canada, 2006i, p. 9).

The Committee's report supported the need for the expansion of funding stating: "Furthermore, although our report deals mainly with funding needs under the Department's PSE Program, our belief in this respect applies equally to Métis and non-registered First Nations learners whose funding needs exceed available resources" (Canada, 2007b, p. 29). The report recommended that financial assistance be expanded to more Aboriginal PSE students in consultation with NAAF, Métis, Non-Status and urban Aboriginal organizations (Canada, 2007b, p. 40).

The calls to extend funding beyond the current criteria were flatly rejected by Department witnesses and in the Harper government's response. Allan MacDonald, Director General of the Department's Office of the Federal Interlocutor for Métis and Non-Status Indians, summarized the policy position of the Department on the access of Métis students to Department funding in his presentation to the Committee. After saying that he didn't know the underlying reasons for the policy, MacDonald stated that:

Traditionally, the federal government is of the view that, notwithstanding the fact that Métis are in the Constitution, for the most part our legal and constitutional responsibilities are much greater towards first nations as distinct from Métis. That's one of the legal underpinnings, and it informs our policy choices. (Canada, 2006p, p. 11)

MacDonald also pointed out that the lack of PSE funding for Métis students was consistent with the Department's approach to social programs, which did not allocate specific funding for Métis healthcare, education, or housing (Canada, 2006d). Additionally, MacDonald suggested that

indirect support is available to Métis students through the NAAF because a portion of the funding for the bursaries and scholarship offered by the Foundation originated with the government. Furthermore, Métis organizations have created their own granting organizations and partnerships with provinces and PSE institutions (Canada, 2006p). Cram stated definitively that the Department did not have any plans to expand access to PSE to Métis students (Canada, 2006p).

The Harper government's response to the recommendations to increase Department PSE funding was that Aboriginal students who do not fall under the current eligibility criteria can access other sources of funding. It was suggested that students could access the Canada Student Loan Program (CSLP). In addition, students could access funding from "the provinces/territories, post secondary institutions, businesses and the not for profit sector" (Canada, 2007a, Recommendation 10, para. 1-2). The Harper government stated that "qualified Canadians can generally enjoy access to university, college, and vocational programs that they need to develop their talents and fulfill their aspirations" and that there are government programs that help Aboriginal students overcome "barriers to participation" (para.2).

The government's statement placed the initiative on individuals to prove that they are qualified to receive funding and suggested that if they put forward enough effort, they will receive funding and be able to attend PSE. There is no acknowledgement of the burden that student loans can place on Aboriginal students after their education is completed and the arbitrary nature of the classification of the First Nations and Inuit students who are deemed qualified to access Department funding. The response also did not discuss the expansion of eligibility for Department funding or the role of treaty rights in determining eligibility for funding. Overall, the response of the Department witnesses and the Harper government's response to calls to expand the funding was consistent with the social policy approach of the Harper government that sought to shift responsibility to other levels of government, Aboriginal organizations, and onto the individuals. It is notable that although the policy position is clear that funding will not be extended to non-status Aboriginal student and Métis students, there was still some uncertainty about the rationale for the exclusionary criteria.

The Responsibility of Aboriginal Students to Pursue any Funding Available to Them

Another policy position discussed during the policy evaluation of the Department's PSE programs was the assertion that students are responsible for pursuing any PSE funding available to them. Harold Albrecht, Conservative MP, highlighted the fact that all Aboriginal students are just as eligible for the Canadian student loan programs as other students (Canada, 2006p). Cram acknowledged that some qualified students are unable to access funding through their communities. She suggested that it is a positive trend that students are accessing more scholarships from the private sector. She also suggested that students should access student loans, funding through the NAAF¹¹, and funding through the Department of Human Resources and Skills Development (Canada, 2006p). The Harper government also suggested that funding for Aboriginal PSE should be shared by "learners and their families, according to their financial circumstances" and that the responsibility for funding PSE should not lie exclusively with the Department (Canada, 2007a, Recommendation 2, para. 5-6). The funding should come from "public, institutional, nonprofit and private sector sources" (Canada, 2007a, Introduction, para. 10). The government response also suggested that students should also seek funding from the sources outlined by Cram. The response also referenced a list of over 300 funding sources, outside of Department funding, available to Aboriginal students on the Department website (Canada, 2007a).

According to Jamieson, students are doing all they can to access PSE, but the NAAF is not able to keep up with the demand. In 2005–2006, the NAAF awarded \$2.8 million to 934 of 1,129 applicants. The requested support was \$8.6 million, resulting in only 32.5 % of the amount requested being awarded. Jamieson stated that based on the feedback from their award recipients, access to funding is the biggest barrier that prevents them from participating in PSE. Jamieson also emphasized that before students can access funding from the NAAF the students have to provide proof that they have been unable to access adequate funding from the funds allocated by the Department to their community (Canada, 2006q).

¹¹ The National Aboriginal Achievement Foundation (NAAF) is now called Indspire. For more information on the Foundation see <https://indspire.ca/>

Based on Jamieson's evidence, students are doing all they can to access PSE funding, but at least one source that the Harper government recommended is unable to meet the demand for funding. Whiteduck pointed out that shifting responsibility for funding their own education to students and their families is unrealistic because of the poverty that exists in First Nations communities (Canada, 2006o, p. 2). Shifting responsibility for funding PSE to other sources appears to ultimately be an attempt by the Harper government to move the focus of the policy problem from the obligations of the Department to the responsibility of individual students to seek funding from other sources.

The Responsibility for PSE Funding Waiting Lists

Waiting lists for PSE funding at the community level was a policy problem that was consistently highlighted by witnesses. Crowder, summarized what the Committee learned about waiting lists and the students who are denied funding:

One of the values of this kind of public process is that we get a chance to do some educating and awareness raising in the public venue. One of the myths that you've helped set straight today is the myth that any first nations person who wants to access a postsecondary education just gets a cheque written for them. (Canada, 2006, Sept 28, p. 10)

The erroneous perception that all Aboriginal students who apply for funding get it was clearly debunked by witnesses who made presentations to the Committee. Witnesses shared anecdotes about students who were denied funding. According to Frame, in one community 67 students whose parents could not pay for their education were denied funding in 2005 and waiting lists can be three to six years long (Canada, 2006n). Jamieson explained that when she was chief of her community at Six Nations in 2004, there were 400 students that the community could not fund (Canada, 2006q). Another example given by Googoo is Eskasoni, a community which funds approximately 80 students while receiving 120-150 applications a year (Canada, 2006r).

Factors that Contribute to Waiting Lists

A number of factors contribute to waiting lists for PSE funding. The shift in 1992 from earmarked PSE funding from the Department to funding that communities are responsible for allocating created additional challenges for students. According to Whiteduck, communities were then "given envelopes to work within; if they ran out of money, then there was a priority

list of who would have access. ... It made it very challenging” (Canada, 2007b, p. 21).

Whiteduck suggested that the shift from the funding envelope based on the needs of the region to funding that was capped at a 2 % increase for the cost of living in 1997 was not keeping up with the increasing demographics and the needs of students (Canada, 2006o). Whiteduck stated that the funding structure for communities now places the burden for waiting lists on the community and if, for example, a young woman wants to continue her education after having a child, there is no guarantee that she will be able to continue her PSE studies because of waiting lists and she may never return to finish her education (Canada, 2006o). When questioned about the criteria used to allocate funding to students, Frame responded that the criteria are not consistent between communities. He suggested that communities would likely look at a student’s marks, the chosen program, and which students are still on the waiting list (Canada, 2006n). According to Jamieson, one of the barriers at the community level is the method of allocating funds which may favor undergraduate students and leave students who want to participate in graduate studies with little or no funding (Canada, 2006, Oct 24). Frame also observed it is difficult for students to participate in programs that are longer, including medicine or dentistry because the communities prioritize students based on the length of their program. Frame states that communities have to make calculations based on funding like the following: “Can you afford to send someone to school for seven years and two kids for no years, or could you send two for four years and leave the one behind?” (Canada, 2006n, p. 5).

The Harper Government and the Department’s Responsibility for Waiting Lists

The responsibility for waiting lists was placed with the Harper government and the Department policy. Crowder observed that that the Department was responsible because it was not tracking the eligible PSE students and there should be tracking of how many students do not apply for PSE because of the “sticker shock” that originates with the high cost of tuition and deters them from even applying for funding (Canada, 2006p, p. 10). As indicated earlier in the chapter by Cram, the Department was unaware of how many students required funding and how much funding would meet the needs of eligible students. The Committee report recommends that students on waiting lists should be identified by the end of 2007 and should not have to wait any longer for funding. The report also recommends that a special fund be created to provide one year of funding in 2007 for eligible students who had been denied funding. (Canada, 2007b, p.

32). The response of the Harper government suggested that there is a role for the Department to “work to ensure that adequate mechanisms for dealing with applications, allocating available program funding, and reviewing cases in response to requests for reconsideration are in place.” (Canada, 2007a, Recommendation 4, para. 2). The response does not indicate whether the implementation of the mechanisms will take place at the community level or at the Department level.

Aboriginal Communities and Students' Responsibility for Waiting Lists

The responsibility for waiting lists was also placed on Aboriginal communities and students in the texts. The response from the Harper government suggested that part of the responsibility for funding waiting lists lay with First Nations and Inuit students who are not doing enough to “identify and access the most appropriate post-secondary education opportunities, including those provided by INAC programs” (Canada, 2007a, Recommendation 4, para. 2). There is no clarification of what constitutes an “appropriate post-secondary education opportunity,” but based on the other suggestions made in the response, the Harper government does not consider the Department funding programs to be the only appropriate source of funding.

Witnesses also suggested that there were opportunities to recognize that communities were contributing to the funding waiting lists. According to the terms and conditions of the PSE program, funding is not earmarked, so communities are not obligated to use funding allocated through the PSSSP on PSE and there is no requirement that communities report on that reallocation of the funding (Canada, 2007b, p. 21). According to Budgell, the PSE funding went from regional Department offices to First Nations and Inuit administering organizations. One of the factors that contributed to waiting lists was the inconsistency in the administration of the funding. The funding was typically distributed to the organizations on a population basis, but the criteria varied and could be based on an age-specific population or a general “Indian-register population” (Canada, 2006o p. 6). Budgell acknowledged that the lack of an earmarking for PSE funding is problematic, but he did not indicate whether the Department planned to change the terms and the conditions of the funding in the future.

The possible impact of the reallocation of funding within communities was also addressed by witnesses and Committee members. Harold Albrecht, Conservative MP, highlighted content

from the audit report presented to the Committee by the Department that indicated that there was a need for more monitoring of the use of PSSSP funding because a significant amount of the funding was not used for purposes outlined by the program (Canada, 2006g). LeBlanc clarified that funding agreements with communities require that “certain base obligations have to be met” but that there was flexibility that allowed for discretion, efficiency, and self-determination. LeBlanc also stated that the transfer of education funds to different priorities was “legitimate and reasonable” (Canada, 2006g, pp. 8–9). Cram argued that the re-allocation of funding to other communities priorities, if there were no eligible students, was not a misuse of PSE funds, but did not comment on whether those communities should be given as much funding as communities with students on waiting lists (Canada, 2006p).

Proposed Solutions for Waiting Lists

The allocation of funding to FN and Inuit students was acknowledged to be a complex process that was variously contested depending on the viewpoint of the stakeholder. The blame for the use of the PSSSP funding on non-PSE related community priorities appeared to the communities for not utilizing enough of the money that they received, and then back to the Department for not providing enough money to begin with. Two unique approaches were highlighted by witnesses to resolve the funding shortfalls. Googoo shared his commitment that no eligible students from his community would be denied PSE funding. His community had accepted that Department funding would remain inadequate and a range of \$100,000 to \$410,000 per year had been invested in PSE funding over the funding from the Department. He pointed out that the community had made PSE a priority and they had allocated funding from local initiatives, including gaming and corporate activities, to fund PSE and social programs (Canada, 2006, Oct 31r). Jamieson suggested an alternative policy solution that would ensure that all Aboriginal students were able to access funding if the Department was not going to expand the eligibility for its PSE program. She proposed that in the future the Department funding allocated to the NAAF could be based on matching funds provided by the private sector to increase the funding available. She was emphatic that everything necessary should be done to provide opportunities for Aboriginal PSE students:

If our students struggle through their childhood to get to the point where they can go on to advanced training, advanced education, and then find that the resources

aren't there for them to move on, the tragedy is so painful we simply cannot allow it to happen. In Canada today, no first nation, Métis, or Inuit young person should be prevented from going on to post-secondary training or education because of lack of financial resources. (Canada, 2006q)

These two policy solutions accepted that the Department was not going to alter terms of its PSE program funding. It was unclear whether either policy solution would be feasible in the future. These solutions were also consistent with the management approach of the Harper government that sought to off-load the funding of its other social programs to other non-government organizations, but they also released the government and the Department from the responsibility of increasing PSE funding and expanding its eligibility criteria. A community driven policy solution may be the most appropriate solution, but not all communities have the resources available to the Membertou community to augment Department funding. The possible consequence of the Membertou strategy is not positive. If the community itself is willing to allocate funding that extends beyond the funding allocated for PSE, then the government does not have an incentive to increase its funding.

The Definition of the Policy Problem and the Forum for Evaluation

Although Colin Mayes, the Chair and Conservative MP, commented that “this committee is at the pleasure of the House, not of the government that is in power” (Canada, 2006, May 15, p. 15), the focus of the Committee’s inquiry was dictated by the Minister of the Department, Jim Prentice (Canada, 2006d, 2006s). Prentice emphasized during his appearance in front of the Committee that “the new government was well within its rights to reconsider where we move forward” when he was questioned about the Accord (Canada, 2006f, p. 16). The direction of the policy formulation and the policy evaluation stages of the policy cycle outlined by Schofield and Fershau (2007) were clearly dictated by the Harper government. The following section will first, outline the policy position that Aboriginal K–12 education and Aboriginal PSE should not be competing priorities; second, analyze the efforts of the Harper government to control the definition of the policy problem and to narrow the policy window to a focus on K–12 education, and, third, examine the shifting of the responsibility for policy formulation and evaluation away from the Committee to a departmental review.

The competing priorities of K–12 and PSE

In its report the Committee argued that despite positions to the contrary, PSE merited the same level of attention and reform as K–12 education (Canada, 2007b, p. 2). Witnesses and submissions to the Committee recognized the disagreement over the definition of the policy problem and suggested that the policy window would be closed if the two levels of education were pitted against each other as conflicting policy problems. The Committee members also expressed a level of uneasiness with their focus on post-secondary education. Todd Russell, Liberal MP, recognized the complex nature of Aboriginal education policy in Canada and the need to balance concrete recommendations with the expectation of examining such a broad topic.

This is not an easy study we're undertaking as a committee. It has huge breadth and depth. We're going to have to try to focus on concrete recommendations that we can put forward and to which we can have the government respond in order to advance the issues of aboriginal post-secondary students in particular. I don't think we can lose sight of the primary and the secondary, and of what's happening even at the community level. (Canada, 2006m, p. 8)

In a letter submission, Trevor Lewis, Chair of the National Association of Indigenous Institutes of Higher Learning, suggested that the definition of the policy problem should not be an “either/or” matter (Canada, 2007b, p. 2). Lewis also observed that the prioritization of the funding of K–12 education over PSE is not a debate that occurs in mainstream education, and therefore, should not be taking place in Aboriginal education. Michael Mendelson, Policy Analyst, Caledon Institute of Social Policy, suggested that it is possible to make both levels of education a priority and that he agrees that it should not be “one versus the other” in order to achieve parity in PSE, although he suggests based on his research that the policy focus needs to be on K–12 education (Canada, 2006q, p. 10). However, he later states that he cannot think of a “higher priority” for the government than ensuring that students are able to maintain their enrolment in PSE through adequate funding (Canada, 2006q, p. 12). Mendelson also points out that Aboriginal education cannot be universally condemned and that there are regions where there is success in K–12 education. He states, “I want to point out that some reserves are doing incredibly well. On some reserves, every single kid is completing high school and going on to post-secondary education. So there are a few reserves that are very focused” (Canada, 2006q, p. 12).

His testimony and his report (Mendelson, 2006) are later used to justify the policy position of the Committee in its report and in the Harper government response. Although the rates differ from community to community, Frame pointed out in his presentation that high school graduation rates in the communities covered by his council are rising, with 92 % of students in Grade 12 graduating in 2004 versus 34 % of the students in 1998 (Canada, 2006n). Crowder, also highlights the fact that the government is not recognizing the rising rates of high school graduates, resulting in a lack of reform of PSE funding, despite the numerous reports that have been generated about the lack of funding (Canada, 2006n).

The need for a connection between the two levels of education as part of a continuous approach to lifelong learning was also emphasized by witnesses. Olsen-Harper argued that the Harper government should not segment its focus on Aboriginal education, but should consider funding in terms of lifelong learning that could be accessed at any age level and that could be adapted to individual circumstances (Canada, 2006i). Olsen-Harper's position was echoed by Matthew, who argued for a more holistic and integrated approach to all levels of First Nations education policy because "many of our students are graduating from grade 12, but without significant or appropriate credentials in terms of course work to go on into the post-education program of their choice" (Canada, 2006m, p. 2). Dinsdale also warned the Committee that there needed to be equal attention given to K–12 education and PSE:

To be honest, I think jumping to post-secondary education is like trying to win the 100 metres in the Olympics before you win a high school track meet. I think you need to address the dropout issue in the community, and make sure there's reintegration and that healthy programs are available. The goal should absolutely be post-secondary education, but make sure that stable base exists. (Canada, 2006j, p. 10)

These statements indicate a concern that the policy window for the reform of Aboriginal PSE in Canada would be closed by disagreement over which level of education required prioritization, instead of a balanced approach that recognized the role of the Department in ensuring adequate funding for both levels of education for all Aboriginal students. These statements also suggest that simply reforming Aboriginal education policy to focus on Grade 12 graduation is not adequate.

The Prioritization of K–12 Education by the Harper Government

In its response to the Committee’s report, the Harper government states that it takes the issue of “access for Aboriginal Canadians to post secondary education very seriously,” but that it “does not always fully agree with the Committee’s proposed solutions” (Canada, 2007a, Introduction, para. 5). However, the response of Harper government to the report does not indicate a serious concern for changing the status quo of Aboriginal PSE and indicates a lack of agreement with the Committee members in regards to their conclusions about the nature of the policy problem. Steven Blaney, Conservative MP, stated that “defining the policy problems properly is one of the challenges that arise” (Canada, 2006p, p. 8). Based on the texts that I analyzed, the Harper government considered the proper way to define the policy problem was controlling the policy discussion.

Despite the acknowledgement by the Committee in its report of the need to reform all levels of Aboriginal education, the Department’s top priority of K–12 was highlighted throughout the Committee meetings (Canada, 2007b, p. 2). Cram addressed the focus of the Department on K–12 education. She described the rationale behind the policy approach in the following way but acknowledged its dilemmas.

I would say the government’s top priority is on K to 12, to try to get the graduation rates increased. Then there’ll be more kids in postsecondary. As you correctly point out, there are kids now who aren’t able to access post-secondary. Also, if we are successful in getting more kids to graduate out of grade 12, then there will be a higher demand for post-secondary services. We need to figure out how to address that. (Canada, 2006p, p. 3)

Cram did not provide a concrete solution for funding the increased number of PSE students that will require more than the existing inadequate funding if K–12 completion increases. There was no recognition of the urgency of the Aboriginal PSE policy problem addressed in Chapter 4 and the increasing numbers of PSE students that existed in 2006 who needed immediate support and who could not wait for the completion of the K–12 policy reform that was prioritized by the Department. Prentice argued that the ultimate priority of the Committee needed to be a First Nations education act that would govern K–12 education (Canada, 2006f), a suggestion that was overlooked by the Committee.

The Conservative members of the Committee tried to control the direction of the policy discussion during the Committee meetings by focusing on K–12 education. The discussion highlighted the importance of appropriate preparation for PSE, but it also derailed the discussion about PSE funding. Lemay chastised the Committee members who were diverting the focus of the discussion in the meetings from PSE to other levels of education:

This Committee is concerned with postsecondary education. This is the focus of this Committee at this time. I understand that there are several levels to reach and that very often it becomes difficult to go off to post-secondary education. Something worries me. (Canada, 2006n, p. 5)

The following examples demonstrate the redirection of the discussion in the Committee meetings from PSE to K–12 education by Conservative MPs.

Blaney controlled the policy discussion by asking Whiteduck, about the quality of education at the primary and secondary levels in First Nations schools. Blaney also questioned Frame about K–12 education during Frame’s presentation to the Committee and when he was pressed by Blaney to comment on how to increase high school graduation rates through partnerships between the provinces, the federal government and First Nations, Frame declined to comment (Canada, 2006n). Albrecht also emphasized K–12 education during his questioning of Frame (Canada, 2006n).

Another Conservative MP, Rod Bruinooge also asked Whiteduck about the preparation of students for PSE during secondary school. Whiteduck responded that the federal government needed to be more proactive in ensuring the quality of education in on-reserve schools and in provincial schools was adequate to prepare students for PSE. Although he did ask a question about the employment prospects of PSE students after graduation, Bruinooge’s questioning regarding K–12 education took up the majority of the time allocated to him by the Chair. In this way, he was able to redirect the focus of the discussion during the time allocated to him (Canada, 2006o). Bruinooge also redirected the discussion to the management of K–12 education when Googoo testified before the Committee (Canada, 2006r). In response Googoo emphasized that his community supported students from pre-school to PSE and he also emphasized that the prioritization of education funding has made the difference, not just the amount of funding.

Bruinooge also focused on K–12 education in his questions to witnesses from the Nunavut Tunngavik Incorporated and the Nunavut Sivuniksavut Program (Canada, 2006l).

During the same meeting, Albrecht, observed that K–12 education was the policy problem of primary concern based on the discussion of the meeting and continued to question the witnesses on that theme (Canada, 2006l). Blaney also questioned the witnesses about K–12 education after Albrecht's time was over. He commented that “the committee needs to look at this situation which affects students from grades one through twelve. We need to put our heads together and look at ways of lowering the dropout rate” (Canada, 2006l p. 12).

It is necessary to acknowledge that Conservative MPs were not the only members of the Committee who asked questions about or discussed K–12 education during the meetings. For example, Yvon Lévesque, Bloc Québécois MP, who is from Nunavut, chose to highlight the issues with the overall Inuit education system during a meeting when Inuit education programs were addressed by witnesses. His questions also addressed the issues related to access to PSE programs (Canada, 2006l). He also asked about the percentage of First Nations and Aboriginal teachers in K–12 schools (Canada, 2006n).

The discussion of preparation for PSE is a legitimate policy problem, but the control of the direction of the discussion towards the statutory responsibilities of the Department, deflected attention away from the concerns about PSE funding shortfalls that were expressed by Aboriginal PSE advocates during their presentations. The evidence points to an effort of the Harper government and its MPs to redirect the conversation to their statutory obligations. The focus on K–12 education continued in the Harper government's response to the Committee's report. The response recognizes the need to eliminate “financial barriers” for high school graduates who continue onto PSE (Canada, 2007a, Introduction, para. 8), but the response also dilutes the policy problem by suggesting that the focus should be exclusively high school completion and K–12 education. High school completion is a pressing issue in Aboriginal education, with 43 % of the Aboriginal population between the aged 20 through 24 reporting that they had less than high school education in 2001 (Mendelson, 2006). Obed also pointed out that the dropout rate in Nunavut was 75 %, which is 50 % higher than the Canadian national average (Canada, 2006l). However, the change of the focus of the policy problem and the policy

discussion from PSE funding to a broader focus on Aboriginal K–12 education, without a commitment to increase the funding for either level of education, indicates a dodging of the concrete issues that affect access to PSE funding, including the funding cap. There was also no recognition of the high ratio of mature students who made up the population of Aboriginal PSE students relative to non-Aboriginal students (Assembly of First Nations, 2013; Canada, 2006n; R.A. Malatest and Associates, 2004). The following examples demonstrate the redirection of the policy discussion in the government's response.

In response to Recommendation 2 that the government eliminate the 2% funding cap on the Department's PSE program and provide funding that matches the actual costs for each eligible First Nations and Inuit student in the report, the Harper government redirected the discussion to K–12 education and high school completion (Canada, 2007a). The discussion was also redirected to the review of all Aboriginal education programs that the Department is undertaking, with an aim to increase the efficiency of the existing programs. In response to Recommendation 5, the Harper government turned the discussion from using data to monitor the equity of PSE funding allocation to a discussion of tracking the progression of First Nation and Inuit students through K–12 education. There was also the suggestion that the need for more tracking data of students should not be implemented in isolation, but should be used as part of a wider initiative that increased the overall accountability of First Nations and Inuit communities and administering organizations (Canada, 2007a). The need for more data to address the inequity of funding allocation to individual students as a policy problem was diluted by the broadening of the focus to the overall accountability of communities and organizations.

The need to improve the quality of First Nations and Inuit education is a policy position that is based on existing needs (Richards, 2008; Mendelson, 2006). The Harper government and its MPs could have taken the initiative to develop policy that improved K–12 education, instead of diverting attention from the efforts and the recommendations of the Committee.

The Shifting of Policy Formulation and Evaluation to a Departmental Review

Howlett et al. (2009) argue that the determination of a policy problem is connected to power over the policy solution. During the stage of policy formulation, they argue that “certain players in the policy process can be advantaged over others if they are granted more authority in diagnosing a

policy or in establishing the feasibility of a proposed solution” (p. 113). They also suggest that policy formulation involves a measurement of how far solutions deviate from the policy status quo.

The decision making stage of the policy cycle is the stage where the government chooses the official course of action; a negative action involves a declaration that the government will do nothing new about a public problem and a positive action involves an alteration of the status quo (Howlett et al, 2009). In the case of the Harper government, the policy solution was a negative action: a delay of policy change after the meetings of the Committee. According to Kingdon (2011), policy windows can close quickly particularly if the ruling party decides that they have given adequate voice to an issue and they have made enough of a token effort to address a particular policy problem. The token action made by the Harper government was a Departmental review of Aboriginal education that shifted the policy discussion after into a forum over which the government had greater control after it formulated its response to the Committee’s report.

Although the introduction to the government response indicated that the Harper government agreed that the issues raised by the report are “constructive” and “important,” the response shifted the focus from the validity of the review of the Aboriginal PSE system by the Committee to the validity of the review of the Department programs already being conducted by the Department, under the direction of the Harper government and in collaboration with other stakeholders (Canada, 2007a, Introduction, para. 14). However, during his presentation to the Committee, Fontaine disputed the assertion from the Department that First Nations were participating in any working groups related to the review of Department policy related to the Department’s education programs. He also emphasized that the AFN did not endorse or have a position on the policy reform being undertaken by the Department (Canada, 2006h)

Initially, the Committee had delayed the selection of a fixed focus in the area of Aboriginal education so that they could review the new education policy, developed in response to the Auditor General’s report in presented in 2004, and originally slated to be completed in 2006 (Canada, 2006i). The Minister and Department witnesses indicated that the new policy was not complete and that the review was still underway. Prentice was challenged during his presentation to the Committee about the commitment of the Department to unveil a new education policy no

later than June 2006. Prentice answered that the policy still needed to be developed and more consultations needed to take place (Canada, 2006f). LeBlanc also referenced the review and indicated that it would be completed in early 2007. LeBlanc stated that the “renovated education action plan” would include a “revamped education policy framework” that “clearly and best reflects the ambitions and interests of aboriginal people” (Canada, 2006g, p. 3). The review was also referenced by Cram, who indicated that the review had been underway for one and a half years. The review involved consultation with FN and Inuit organizations and other government departments. She also explained that new delivery models for funding would be developed with First Nations and Inuit students, educators, service providers, and organizations. She shared some of the recommendations from Aboriginal stakeholders, including the proposal that funding be increased to reflect increases in tuition and living expenses and that the time period for the UCEP be expanded from one year to two years (Canada, 2006p).

The government response presented the argument that the Department and the Harper government were better equipped to review the Aboriginal PSE funding program, suggesting that conducting their own review would be more effective because it would be “measuring outcomes, evaluating the effectiveness of programs, and exploring alternative models” (Canada, 2007a, Introduction, para. 11). By deferring any action until after the review, the Harper government was able to create its own policy context in the future by putting distance between the Committee’s report and any possible Harper government policy reform. The response summarized the value that the Harper government placed on the Committee’s recommendations and its role in the policy cycle:

The review of Indian and Northern Affairs Canada’s educational programming currently underway in collaboration with First Nations and other stakeholders, including the HRSDC, will provide the opportunity to address the issues raised by the Committee in a context that provides appropriate perspectives and links to other related areas of policy and programming. In particular, it will enable possible post secondary initiatives to be assessed in relation to the critical prerequisite ensuring that more young Aboriginal learners qualify by completing high school. It will also allow the results of post-secondary support to be identified in terms of both academic success and ultimate contributions to employment. (Canada, 2007a, Introduction, para. 15)

Based on the preceding summary of the aims of the departmental review, the Harper government sought to control the context of the Aboriginal PSE policy discussion and the “appropriate

perspectives” that would be given the opportunity to be heard as part of the review and as the policy discussion continues. The review will also allowed the Harper government to dictate the direction of the Aboriginal PSE policy development based on its own definitions of success and the purposes of PSE, which is indicated by its response to Recommendation 2.

The government therefore considers that the issues of post-secondary education support raised by the Committee need to be addressed in the larger context of the review of education programs currently being conducted by INAC and its partners. As well, they must be related to other priorities of the department and of the Government in serving First Nations and Inuit as well as Canadians generally. (Canada, 2007a, para. 2)

The need for the review was sometimes the only response offered to specific recommendations in the Committee’s report. For example, the response to the report’s Recommendation 3 that the Department’s 2007-2008 budget be increased to reflect the actual needs of First Nations and Inuit students was only a statement that the funding would be considered during the Department review (Canada, 2007a). In the response to Recommendation 7 that a “precise methodology” be developed to allocate funding to students by Aboriginal communities and organizations (Canada, 2007a), the Harper government agreed that there needed to be “discussion of methodologies for allocation and alternative delivery mechanisms” and “national principles and formulas” (Canada, 2007a, Recommendation 7, para. 1–2). However, the responsibility for the development of the methodology was shifted to the Department review and although there would it was acknowledged that there would be consultation, the ultimate formulation of the methodologies rested with the Department.

Despite the emphasis on the superiority of the departmental review over the Committee’s evaluation of the Department’s policy, when Budgett was questioned about the progress made on the ongoing review and any documents or preliminary review that were available, he chose to avoid the question (Canada, 2006, Oct 19). He also stated that the deadline for the completion of the review was June 2007. I have been unable to locate a report that explicitly met the timeline suggested in the meetings of the Committee. However, there is a formative report from 2010 (AANDC, 2010) and a summative report from 2012 (AANDC, 2012b), which as far as I can determine is the result of the review of the Department’s PSE program.

Based on the analysis of the texts there was no consensus among the witnesses, the Committee members, and the government in the policy discussion about the legislative foundation for the federal Aboriginal PSE policy, the definition of the parties covered by the policy, the purpose of the policy, the means of funding the policy, and the definition of the policy problem, and the forum for policy evaluation. Despite its minority government position, the analysis also revealed the control that the Harper government exercised during the Committee meetings in an attempt to silence policy positions that did not match with its policy position on Aboriginal PSE. The Harper government ultimately chose to usurp the authority of the Committee as a forum for policy formulation and evaluation and to exercise control over all stages of the policy cycle.

Chapter Six

Conclusion

My critical policy analysis of the context of the Aboriginal PSE policy discussion and the definition of the policy problem based on the transcripts of the meetings, the Committee's summative report, *No Higher Priority* (2007b), and the Harper government's response revealed the conflicting approaches to policy formulation and policy evaluation. The Harper government attempted to silence policy positions in the Committee meetings through its redirection of the policy discussion to its definition of the policy problem, through its non-action on the substantive recommendations of the Committee's report, and through its focus on K-12 education in its response. The Harper government also demonstrated its position that the Committee did not play a legitimate role in the policy formulation and evaluation stages of the policy cycle by shifting the responsibility for reviewing the Department's PSE policy to the departmental review process. The Harper government established itself as the legitimate vehicle for carrying a policy through all stages of the policy cycle from agenda setting to policy formulation to decision making to policy evaluation to policy implementation.

The context of the policy discussion had the potential to prompt policy reform, but consistent with its position on the Accord and the Declaration, the minority Harper government established its own timetable for policy evaluation and implementation. Even though the witnesses and the opposition MPs argued that the Harper government was responsible for continuing the momentum of policy formulation and evaluation initiated by the former Liberal government in regards to the Accord, the Harper government chose not to recognize the results of the consultation process. In the case of the Declaration, the Harper government chose not to endorse the contributions of past Conservative and Liberal governments and the international community in formulating the Declaration, choosing instead to question its application to the Canadian domestic context and to delay its endorsement of the rights outlined in the Declaration. Based on the evidence in the texts, the approach of the Harper government to the discussion of the Department's PSE Program in not applying the recommendations for policy reform, and the delay in implementing its own policy due to an indefinite review process, was consistent with its approach to the Accord in a domestic context and to the Declaration in an international context,

Overall, the urgent need for policy reform recognized by the witnesses and the Committee members remained unacknowledged in the Harper government's response. The importance of understanding the context of a policy discussion highlighted by the critical policy analysis methodology used in the analysis of these texts was invaluable in understanding the prioritization of policy positions and the silencing of other policy positions.

Although the debate over the foundation of the Department's PSE funding in treaty rights versus social policy was ongoing, the Committee chose not to pursue the resolution of the debate in its report. The meetings did involve limited discussion of the social policy foundation of the Department's PSE Program, but there was no action on the part of the Committee or the Harper government to act on the recommendation of witnesses that the discretionary nature of the program be reviewed, a recommendation that was also made in 1989. Expansion of the eligibility criteria for the Department's funding of Aboriginal students recognized by the *Constitution Act* (1982), as recommended by witnesses and the Committee, was also rejected by the Harper government.

The ongoing issue of funding waiting lists also remained unresolved, without a commitment from the Harper government to increase funding or to fund students who had been previously denied funding by their communities. The demographic trends that indicated the rapidly increasing number of Aboriginal youth who would require PSE funding, which was already inadequate, did not prompt any significant commitments to increase departmental funding; instead the burden for obtaining sufficient funding for Aboriginal students was delegated to private organizations, government student loan programs, individual students, and their families. In addition, the actual number of students requiring funding and the total amount of funding needed to fund those eligible students remained undetermined.

Although there was some consensus among witnesses, the Committee members, and the Harper government that the purpose of PSE was to increase employment and to contribute to the Canadian economy, there was still a difference in whether the participation of Aboriginal students in PSE should benefit their communities or serve to address the shortages in the larger Canadian economy. There was also some questioning as to whether the education that students were pursuing was consistent with the needs of those communities and whether or not that

consideration should affect the eligibility of students for the funding allocated by their communities.

My critical policy analysis also provided insight into the role of the Committee in the policy cycle. Despite the lack of substantive policy reform initiated by the Committee, I agree with Schofield and Fershau (2007) that there is a role for parliamentary standing committees in the policy cycle. A major flaw in the structure of the committee's role in formulating and evaluating policy is the lack of a requirement that the ruling party to act on the recommendations of the Committee's report, it is still significant that the Committee at least could require the Harper government to respond to its recommendations (Marleau, 2000). While there are flaws in the Committee system and an excess of reports on Aboriginal education in Canada, there is still value in the policy discussion that happens in Committee meetings because, in the case of this Aboriginal PSE policy discussion, witnesses and opposition MPs were given the opportunity to present their policy positions (Skogstad, 2003, pp. 968-969; see also Docherty, 2005; Schofield & Fershau, 2007) and to have them become part of the public record (J. White, personal communication, July 10, 2013). The Committee meetings provided a forum for a wide range of policy positions to be presented and critiqued, despite the partisan behaviour of the Conservative MPs in redirecting the discussion to the statutory obligations of the Department to K-12 education and the Minister's decision to dictate the subject of inquiry. Notwithstanding the fact that the topic of the Committee's inquiry was proposed by the Minister, Docherty's (2005) caution holds true that a consensus among committee members in a summative report does not guarantee an endorsement of its recommendations by the ruling party.

Future Research

There is the potential for future research on whether the Harper government has acted on any of the recommendations in *No Higher Priority* (2007b) or followed through on the commitments outlined in its response to the Committee's report. There is also the opportunity for future research on whether the Harper government follows through on the recommendations of its report on the Department's PSE Program released in 2012, given that the review was extensively highlighted by the Department witnesses and the Harper government in its response.

The level of influence that parliamentary committees in Canada exert during the policy cycle is an ongoing discussion and it is clear that there is a need for further research to clarify the influence of parliamentary committees on government policy in Canada (Duffy, & Thompson, 2003; Schofield, & Fershau, 2007), particularly the influence of the Standing Committee on Aboriginal Affairs and Northern Development on Aboriginal policy.

In addition, there is also the potential for future research on this collection of texts that examines the voices of policy actors that were given prominence in the Committee's report and in the Harper government's response. There is also an opportunity to examine the role of the testimony of the witnesses who testify before parliamentary on policy reform. It was notable that there were students present at some of the Committee meetings, but in only one instance was a student called upon to address the Committee. Mishael Gordon, a student participating in the Nunavut Sivuniksavut Program, was invited to provide an introduction, but not to present or to respond to questions. Although students are arguably the stakeholders with the most invested in the policy formulation and evaluation process, student organizations were not given a voice in the Committee meetings, in the Committee's report, or in the Harper government's response.

Lessons Learned During the Research

I have learned through my critical policy analysis of the texts that the maintenance of the Aboriginal PSE policy status quo is beneficial to the purposes of the governing party, and also destructive to the ability of students to pursue opportunities for PSE. Examining the context that preceded and surrounded the policy discussion in 2006 gave me greater insight into the structures and processes that can directly or indirectly influence the policy formulation and evaluation stages of the policy cycle. For example, a policy window can open and be quickly closed by a ruling party that chooses not to respond to calls for policy reform.

I have also learned the importance of policy discussions that address funding. I was reluctant to address funding in my analysis because I do not have a strong background in approaches to government finance, but I have realized that unless there is funding to back up a policy, there is minimal intent to implement or to reform a policy. My analysis also highlighted the importance of clearly defining the parties covered by a policy and the negative implications for the equitable distribution of resources if those parties are not clearly defined or enumerated.

As I conducted my analysis, I made an effort to remember that the policy discussion was ultimately the discussion of the lived experience of individual Aboriginal students. I have gained a deeper appreciation of the potential benefits to individuals and communities that are lost as policy discussions fall into a pattern of divisive partisan policy positions. I appreciated the anecdotes that were shared by witnesses that demonstrated the impact of the deficiencies of the Department's PSE policy on the lives of students. The perspective that I gained in conducting this research closely aligns with the statement of Keith Frame, Prince Albert Grand Council, a witness who described the toll that observing lost opportunities for potential students had on him:

For me, taking some of those plane rides and car rides and talking to people is very tough. I guess what makes it tough is when you recognize opportunity lost, when you see potential that's gone. What I mean by opportunity lost is having young individuals with strong minds, strong bodies, and full of ambition who don't need to be motivated because they're ready to go, but it's not there for them. (Canada, 2006, Sept 28, p. 11)

Overall, I have learned in my study of Aboriginal PSE policy that policy decisions affect the direction of individual lives. The maintenance of the policy status quo by the Harper government meant that the potential of individual Aboriginal students to access the funding that they needed so that they could participate in PSE was diminished. In contrast, reforming the Department's PSE program to better serve the needs of Aboriginal students, instead of the needs of the Harper government, will provide more opportunities and allow Aboriginal students to act on their potential.

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**Appendix A: Members of Parliament Who Served As Members of the Standing
Committee of Aboriginal Affairs and Northern Development in 2006**

Member of Parliament	Party Affiliation
Harold Albrecht	Conservative Party of Canada
Steven Blaney	Conservative Party of Canada
Rod Bruinooge	Conservative Party of Canada
Jean Crowder	New Democratic Party (NDP)
Nancy Karetak-Lindell	Liberal Party of Canada
Marc Lemay	Bloc Québécois
Yvon Lévesque	Bloc Québécois
Inky Mark	Conservative Party of Canada
Colin Mayes	Conservative Party of Canada
Gary Merasty	Liberal Party of Canada
Anita Neville	Liberal Party of Canada
Todd Norman Russell	Liberal Party of Canada
Maurice Vellacott	Conservative Party of Canada

**Appendix B: Witnesses Who Appeared Before the Standing Committee on
Aboriginal Affairs and Northern Development**

Date of Meeting	Organizations and Witnesses	Witnesses
May 10, 2006	<i>Department of Indian Affairs and Northern Development</i>	Daniel Richard Eric Guimond Sarah Ginnish Sasha Senécal
May 15, 2006	<i>Department of Indian Affairs and Northern Development</i>	Caroline Davis Warren Johnson Paul LeBlanc Allan Macdonald Audrey Stewart
May 29, 2006	<i>Office of the Auditor General of Canada</i> <i>Department of Indian Affairs and Northern Development</i>	Ronnie Campbell Sheila Fraser Glenn Wheeler Caroline Davis Paul LeBlanc Mary Quinn

	<i>Department of Health</i>	Ian Potter
May 31, 2006	<i>Minister of Indian Affairs and Northern Development</i> <i>Department of Indian Affairs and Northern Development</i>	Jim Prentice Micheal Wernick Caroline Davis Paul Leblanc
June 5, 2006	<i>Department of Indian Affairs and Northern Development</i>	Fred Caron Paul LeBlanc Mary Tobin Oates Line Paré
June 7, 2006	<i>Assembly of First Nations</i> <i>Inuit Tapiriit Kanatami of Canada</i>	Phil Fontaine Richard Jock Angus Toulouse Bob Watts Richard Paton

June 12, 2006	<i>Native Women's Association of Canada</i> <i>Congress of Aboriginal Peoples</i>	Anita Olsen-Harper Patrick Brazeau
June 14, 2006	<i>National Association of Friendship Centres</i>	Peter Dinsdale
June 19, 2006	<i>First Nations Children and Family Caring Society of Canada</i>	Cindy Blackstock

	<p><i>First Nations Education Council, Quebec</i></p> <p><i>Université du Québec en Abitibi-Témiscamingue</i></p>	<p>Gilbert Whiteduck</p> <p>Edith Cloutier</p> <p>Johanne Jean</p>
October 19, 2006	<i>Department of Indian Affairs and Northern Development</i>	<p>Richard Budgell</p> <p>Christine Cram</p> <p>Allan Macdonald</p> <p>Mary Tobin Oates</p>
October 24, 2006	<p><i>National Aboriginal Achievement Foundation</i></p> <p><i>Caledon Institute of Social Policy</i></p>	<p>Roberta Jamieson</p> <p>Paulette Tremblay</p> <p>Michael Mendelson</p>
October 31, 2006	<i>Memberton First Nation</i>	Darren Googoo

Curriculum Vitae

Name: Summer Thorp

Post-secondary Education and Degrees: Ricks College
Rexburg, Idaho, USA
1998 Associate Degree in Arts and Sciences-History

King's University College at The University of Western Ontario
London, Ontario, Canada
2011 Honors B.A., Social Justice and Peace Studies

The University of Western Ontario
London, Ontario, Canada
2014 M.Ed, Educational Studies

Honours and Awards: Province of Ontario Graduate Scholarship
2011-2012

Social Science and Humanities Research Council (SSHRC)
Joseph-Armand Bombardier Canada Graduate Scholarship- Master's
2012-2013

Related Work Experience Research Assistant
King's University College at The University of Western Ontario
2009-2011

Research Assistant
The University of Western Ontario
2011-2013

Research Assistant
University of Toronto-Social Economy Centre
2013