



## Justice Institute of British Columbia COURSE OUTLINE

<b>Course Code:</b>	<b>ABLD115</b>
<b>Course Title:</b>	<b>Aboriginal Justice &amp; Governance Models</b>
<b>Prerequisite Courses:</b>	Acceptance into the Certificate program
<b>School:</b>	Community and Social Justice
<b>Division/Academy/Centre:</b>	Centre for Aboriginal Programs & Services
<b>Previous Course Code &amp; Title:</b>	Same
<b>Course First Offered:</b>	January 2006

<b># of Credits:</b>	<b>3</b>
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### Course Description:

This course will examine Aboriginal justice and Aboriginal governance, both historically and in contemporary contexts. This course will compare the common characteristics and contrast the differences that shape leadership roles for governance in the public, voluntary and private sectors. Effective governance will be examined in light of: intergovernmental relations, governmental structures and the theories of power and politics. Learners will determine how the style of Aboriginal governance can function effectively while still preserving Aboriginal cultures, values and worldviews. The course will provide the learner with an overview of the elements and requirements for Aboriginal governance in the present day reality.

### Course Goal(s):

The participants will be able to incorporate Good Governance practice within their organizations and communities.

### Learning Outcomes:

Upon successful completion of this course, the learner will be able to:

- Identify and differentiate unique political processes and structures of Aboriginal peoples
- Explore how Canadian policies and legislation jeopardized traditional Aboriginal governance
- Examine the concepts of Aboriginal justice and governance from a historical and contemporary perspective
- Define justice and governance within cultural contexts
- Determine the difference between delegated and inherent governance.
- Identify the challenges facing Aboriginal governments in their intergovernmental relationships with federal, provincial and municipal governments
- Differentiate between political and administrative roles
- Identify legislation that impacts Aboriginal peoples
- Develop strategies for good governance



## Course Topics/Content:

### 1. *Justice & Historical Governance:*

- Power, Politics and Governance
- Traditional Aboriginal Governance Models
  - Terminology
  - Governance systems
  - Leadership selection
  - Political legitimacy in traditional governance systems
- Traditional Aboriginal Justice Models
- Function of law and justice in society
- Aboriginal justice models
- Potlatch system
- Navajo Peacemaker Model

### 2. *Imposed Governance:*

- Band Governance
- Introduction and Impact of *Indian Act* Band Governance
- Band Councils, Elections and Powers
- By-law making powers
- Land management and development
- Financial management
- Band membership
- Limitations on powers of band councils
- Political and administrative Roles of Band Councils
- Contemporary Aboriginal Justice
- Criminal Justice System
- Criminal Code – Section 718(2)(e) and the Gladue Decision
- Aboriginal Justice Initiatives
- Diversion/ Alternative Measures
- Restorative Justice
- Future Prospects - Bridging the Cultural Divide

### 3. *Negotiated Governance:*

- Self-Government
- Section 91(24)
- Section 35
- Inherent vs. Delegated Authority
- Legal Interpretation of the Inherent Right of Self-Government
- Federal Government's Inherent Rights Policy
- Canada and British Columbia's Treaty Mandates on Governance
- Pathways to Self-Determination
- Delegated Authority – Westbank Self-Government Agreement
- Delegated Authority – The Sechelt Self-Government Act
- Inherent Authority – The Yukon Agreements
- Inherent Authority – The Nisga'a Final Agreement



**4. Intergovernmental Governance:**

- Intergovernmental Relations
- Division of Powers – Sections 91(24) and 92 of the *Constitution Act*
- Duty to Consult and Meaningful Consultation
- Federal Government Referrals
- British Columbia's Pre-Treaty Consultation Policy
- Powers of Municipal Governments
- Negotiating Municipal Servicing Agreements
- Urban Aboriginal Governance
- Aboriginal Women's Sector
- Public Relations

**5. Good Governance:**

- Principles of Good Governance
- Skills and requirements of effective governance
- Jurisdiction and Control over Decision-Making
- Capable Institutions
- Separating Business From Politics
- Political Legitimacy and Cultural Match
- Principles of Effective Leadership

**Text and Resource Materials:**

**Required:**

Helin, Calvin (2006). *Dances with Dependency*. Vancouver, BC: Orca Spirit Publishing & Communications Ltd.

**Recommended:** N/A

**Course Level:**

X	First Year		Second Year		Third Year		Fourth Year
	Other (describe):						

**Equivalent Course(s) within the JIBC:**



**Class Delivery Methods:**

Delivery Methods	Class Option A (Hours)	Class Option B (Hours)	Class Option C (Hours)	Class Option D (Hours)
Classroom/Lecture/Discussion	42			
Simulation/Lab				
Practicum/Fieldwork				
Online				
Correspondence				
<b>Total Class Hours</b>	<b>42</b>			

**Comments on Delivery Methods:**

**Course Grading System:**

X	Letter Grades	Percentage	Pass/Fail	Credit/No Credit
	Complete/Incomplete	Attendance Only	Not Applicable	

<b>Passing Grade:</b>	C
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**Evaluation Activities and Weighting:**

Final Exam	40%	Assignments	%	Project	25%	Capstone Project	%
Midterm Exam	25%	Portfolio	%	Participation	10%	Other	%
Quizzes/Test	%	Simulations	%	Practicum	%	TOTAL	100%

**Comments on Evaluation Activities and Weighting:**

In order to receive an evaluation or grade, learners must participate in class, and complete the written assignments and exams.

Students who are unsuccessful in any formal evaluations may apply to the Program Coordinator for one opportunity to re-write it. Students must arrange to re-write the exam within 10 days of the original exam.

**Other Course Guidelines, Procedures and Comments:**

Late assignments will not be accepted for marking without prior permission of the lead faculty member. A student who misses assignments, quizzes, projects or exams, may, at the discretion of the lead faculty, complete the work missed.



View official versions of related JIBC academic regulations and student policies in the *JIBC Calendar* on the following pages of the JIBC website:

**Academic Regulations:**

<http://www.jibc.ca/programs-courses/jibc-calendar/academic-regulations>

Student Academic Integrity Policy  
Academic Progression Policy  
Admissions Policy  
Academic Appeals Policy  
Evaluation Policy  
Grading Policy

**Student Policies:**

<http://www.jibc.ca/programs-courses/jibc-calendar/student-policies>

Access Policy  
Harassment Policy – Students  
Student Records Policy  
Student Code of Conduct Policy

**JIBC Core Competencies**

The JIBC promotes the development of core and specialized competencies in its programs. Graduates of our programs will demonstrate high levels of competence in the following areas:

**Critical thinking**

Identify and examine issues and ideas; analyze and evaluate options in a variety of fields with differing assumptions, contents and methods.

**Problem solving**

State problems clearly; effectively and efficiently evaluate alternative solutions; choose solutions that maximize positive and minimize negative outcomes.

**Communication, oral and written**

Demonstrate effective communication skills by selecting the appropriate style, language and form of communication suitable for different audiences and mediums.

**Interpersonal relations**

Know and manage oneself; recognize and acknowledge the needs and emotions of others including those with diverse backgrounds and capabilities.

**Leadership**

Inspire individuals and teams to reach their potential by embracing innovation through strategic thinking and shared responsibility.

**Inter-professional teamwork**

Understand and work productively within and between groups, respect others' perspectives and provide constructive feedback with special attention to inter-professional relationships.

**Independent learning**

Show initiative by acting independently in choosing effective, efficient and appropriate applied learning, research and problem solving strategies.

**Information literacy**

Recognize and analyze the extent and nature of an information need; efficiently locate and retrieve information; evaluate it and its sources critically, and use information effectively and ethically.