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Decolonizing Criminology: Exploring Criminal Justice Decision-Making through Strategic Use of Indigenous Literature and Scholarship

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ABSTRACT

Post-secondary institutions have been increasingly called upon to decolonize pedagogy and syllabi. Minimal research has examined decolonization efforts within criminology curricula despite such classes often exploring structural racism in discussions of the overrepresentation of Indigenous, Black, and other racialized persons in the criminal justice system. Through a content analysis of multiple written assignments – written by 25 undergraduate students enrolled in a decision-making in criminal justice class offered at a university in western Canada – this study explores how an instructor decolonized their course through the strategic use of Indigenous literature and scholarship. The results indicate a single course does not provide enough time to unravel the complex connections between colonialism and Indigenous peoples' involvement in the justice system. Further, students have a desire to engage in difficult conversations about racism and colonialism. Take-aways for consideration by instructors and administrators working towards decolonizing curricula are discussed.

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Introduction

In recent years post-secondary institutions have been called upon to “indigenize” or “decolonize” the academy. In Canada, these calls stem from the release of the *Truth and Reconciliation Commission of Canada's Calls to Action* in late 2015 (Gaudry & Lorenz, 2018). Specifically, calls to action 62 and 63 have resulted in multiple post-secondary institutions working towards indigenizing and decolonizing their curricula. Responses to these calls to action have resulted in colleges and universities hiring more Indigenous faculty and staff, recruiting Indigenous students, revising course syllabi to include Indigenous scholarship and literature, and working towards integrating Indigenous knowledge systems into the curricula, among other changes (Gaudry & Lorenz, 2018; Root, Augustine, Snow, & Doucette, 2019; Schmidt, 2019). Central to the process of decolonizing pedagogy, curricula, and syllabi is educators recognizing that they are striving to decolonize within colonial institutions rooted within western knowledge systems that perpetuate harm (Hall & Tandon, 2017) and that they participate in

the very system that reproduces inequalities that decolonization efforts seek to challenge (Sensoy & DiAngelo, 2014). As Pidgeon et al. (2020) emphasize, we must acknowledge that “Canada’s education system is an active agent in the ongoing colonization of Indigenous peoples” (p. 26).

Decolonization for both students and instructors involves a process of deconstruction or unlearning and reconstruction or relearning (Cheang & Suterwalla, 2020; Fellner, 2018; Gaudry & Lorenz, 2018). This deconstruction involves challenging the internalization of Eurocentric ways of learning and knowing while “dismantling current hierarchies of power” (Fellner, 2018, p. 287). Reconstruction involves providing the space for the integration of “Indigenous ways of knowing, being, and doing” (Fellner, 2018, p. 287) and learning about possibilities for decolonization (Mitchell, Thomas, & Smith, 2018). Mitchell et al. (2018) recommend a “relational model of decolonization” that necessitates critical introspection along with a “lifetime commitment to decolonizing the self, curriculum, research topics, process and educational spaces” while establishing meaningful partnerships (p. 360).

In the sections that follow the authors provide an overview of the existing literature examining decolonization efforts within the academy followed by the results from their own small-scale study designed to explore the first author’s – a white settler – experience decolonizing their *Decision-Making in Criminal Justice* course through the strategic use of Indigenous literature and scholarship. They discuss four themes that emerged from the data before sharing key take-aways for consideration by instructors and university administrators working towards “disrupting colonialism through teaching” (Institute for the Study of Teaching and Learning in the Disciplines [ISTLD], 2020, n.p.).

Literature review

A key tool of early colonialism in Canada was weaponizing education via the establishment of Residential Schools that operated from the 1880s to 1996 (Truth & Reconciliation Commission, 2015). The intent of these Residential Schools is commonly believed to have been to “kill the Indian in the child” via the control, abuse, oppression, and assimilation of Indigenous peoples (TRC, 2015). The weaponization of systems of education has continued through the suppression of Indigenous Knowledge Systems (IKSs) and the perpetuation of colonial logics through imposed western knowledge systems (George, 2019; Sandoval, Lagunas, Montelongo, & Díaz, 2016; Simpson, 2004; Todd & Robert, 2018). Sandoval et al. (2016) argue that the imposition of western knowledge is representative of epistemicide: in this instance, the killing of IKSs by the settler state. Decolonization involves unravelling colonialism’s impacts at the individual and structural level, resisting its domination, freeing colonized groups from “the violence of colonialism,” and liberating them from “imposed structures” (Sandoval et al., 2016, p. 19).

Strategies to decolonize higher education examined in the literature include the creation and utilization of courses to assist Indigenous students entering post-secondary institutions, the integration of Indigenous knowledges and truths into post-secondary curricula, and collaboration with Indigenous communities to foster student

learning. A combined approach is described by Ragoonden and Mueller (2017) who offered a course, *Introduction to Academic Pedagogy: An Aboriginal Perspective*, designed to assist Indigenous students transitioning into post-secondary classes. They used a culturally responsive pedagogy (CRP) that is posited to be better at respecting and understanding differences amongst cultures with a focus on relationship building and an adapted physical and educational environment, including stand-up tables, sofas, and chairs, and rotating learning circles (Ragoonden & Mueller, 2017). The results highlight the importance of using the CRP design for Indigenous students who benefited “intellectually, socially, emotionally, and academically” from the positive student-teacher relationship and the sense of community among students that resulted from their participation in learning circles (Ragoonden & Mueller, 2017, p. 36).

Mitchell et al. (2018) also emphasized the value of authentic relationship-building and the importance of decolonizing academic spaces from *within* colonial institutions (in this instance, Laurier University) through the integration of Indigenous voices and “power sharing” (p. 353) to overcome “power imbalances” (p. 355). Similarly, Fellner (2018) identified the importance of incorporating Indigenous knowledges and empowering students to understand hard truths about ongoing colonialism while also encouraging them to resist and make changes to oppressive structures and systems.

Relatedly, Moore (2020) reflected on their experience integrating colonial truths in a “final year undergraduate module” – *Crime, Punishment and Justice in the British Empire* – taught at the University of Hertfordshire in England (p. 489). Students examined and unravelled structural racism through the instructor’s use of various media, case studies, and discussions to explore the linkages between criminology and colonialism and the role of the colonial state in controlling and defining what and who are criminal (Moore, 2020). Students demonstrated an appreciation for their newfound knowledge of colonial impacts and history; however, as Moore (2020) concludes, the work of unlearning and decolonizing takes much more than a singular course module. Moreover, Moore (2020) argues that the complicity of the discipline of criminology with colonialism and racism needs to be challenged and unravelled. In turn, an examination of “non-western epistemologies relating to harm and conflict resolution ... [and an exploration of] the colonial roots of the structural racism of criminal justice institutions” could be facilitated (Moore, 2020, p. 502).

The integration of Indigenous knowledges in course curricula can involve Nation-specific approaches to decolonial pedagogies. For example, Root et al. (2019), in collaboration with the Mi’kmaw and Unama’ki, taught an open access course, *Learning from Knowledge Keepers of Mi’kma’ki*, through Cape Breton University. The blended and multi-modal course was designed to enhance comprehension of “our collective historical experience as Indigenous and non-Indigenous Canadians, through co-learning and relationality” (p. 3) with a focus on relationship building. Root et al. (2019) analysed nearly 200 student reflections that spoke to the integration of Indigenous knowledges and teachings within the course. Among the lessons learned from their research was presenting and “address[ing] ugly truths and emotionally triggering events... not sanitized stories,” utilizing local/place-based cultures instead of “generalized Indigenous education,” and encouraging students to engage in “critical reflection through assessment that values qualitative responses” (Root et al., 2019, p. 12).

Another approach universities have taken is requiring students complete “Indigenous course requirements” (ICRs). Gaudry and Lorenz (2018) examined the implementation of mandatory ICRs across Canadian universities and explained that such courses can lead to “meaningful education—if not outright transformation” (p. 170). For such courses to be transformative they must integrate processes of deconstructing deeply embedded ideological standpoints and knowledge systems while providing instructors with adequate support at “the highest levels of administration” (Gaudry & Lorenz, 2018, p. 170).

We must acknowledge that increasing calls to decolonize the academy have some problematic implications. Cautions from “Indigenous scholars regarding Indigenization” highlight the role of education in the colonial project (Pidgeon, 2016, p. 80). There is concern that Indigenization processes may “create new forms of injustice while trying to fix the old ones” thereby compounding existing harm (Macdonald, 2016, para. 16). Speaking about ICRs, Gaudry and Lorenz (2018) caution that there is risk in faulty implementation in that such courses may expose “Indigenous students and instructors to intensified colonialism” (p. 171); for example, by Indigenous students taking on a tokenized role in the classroom.

Schmidt (2019) suggests those indigenizing teaching and curricula must be careful not to perpetuate “the myth of Pan-Indianism ... and instead [find] ways to respect and teach others about the diversity” amongst Indigenous peoples (p. 64). Further, St. Clair and Kishimoto (2010) warn that a singular focus on promoting diversity and multiculturalism in education may ignore the complex issues of “white privilege, institutional racism, social position and oppression” that plague academic institutions (p. 18). Framing our understanding of systems of oppression and unravelling the impacts of racism involves an analysis of situated positionality (Sensoy & DiAngelo, 2014; St. Clair & Kishimoto, 2010). St. Clair and Kishimoto (2010) suggest we may be “complicit in the oppression of ourselves and of others” and that we need to be self-reflexive to acknowledge and effectively challenge our own behaviour (p. 22). As educators, we must acknowledge our roles within institutions that have been responsible for producing systems of inequality (Sensoy & DiAngelo, 2014).

Decolonization in criminology necessitates recognizing that western systems of justice have been imposed upon the varied Indigenous Nations that pre-date North America. These Nations had their own systems of dispute resolution that were superseded with the imposition of the colonial criminal justice system (CJS). Decolonization of criminology involves understanding the roots of the discipline within colonialism and the mechanisms through which criminology continues to perpetuate colonial harm (Cunneen & Tauri, 2017). Cunneen and Tauri (2017) suggest that “the assertion of Indigenous law and culture is an important part of the decolonisation process – in criminal justice, as in other areas of social and political life” (p. 131). Indigenous control over justice is therefore the ultimate goal of the decolonization of criminology.

Decolonization of criminal justice education involves, but is not limited to: (1) teaching students the truth about the roots of the discipline and the interrelated processes of colonialism, genocide, and structural racism; (2) examining jurisdictional issues; (3) including Indigenous literature and scholarship; (4) discussing pre- and post-contact Nation-based justice; (5) combatting stereotypes and racism towards Indigenous peoples; and, (6) critically analyzing existing law, policy, and programming.

Few studies have examined decolonizing or indigenizing strategies implemented within criminology or criminal justice courses. This area is important to study given the role of societal institutions in perpetuating racial discrimination. Moreover, criminology instructors often examine structural racism – the “totality of ways in which societies foster racial discrimination through mutually reinforcing systems of housing, education, employment ... media, health care, and criminal justice” (Bailey et al., 2017, p. 1453) – in their discussions of the overrepresentation of Indigenous, Black, and other racialized persons in the CJS. Criminology and criminal justice courses can help students grapple with their situated positions and privilege. Moreover, educating students as to the ongoing impacts of colonialism through sharing Indigenous voices (e.g., engaging with Indigenous guest speakers and Indigenous literature and scholarship) may facilitate empathy and understanding. This empathy is important as many of the students taking these courses will likely go on to work within the CJS and interact with Indigenous justice-involved persons, their families, and communities. Thus, studies examining decolonizing or indigenizing curricula within criminal justice are necessary and valuable for a number of reasons.

Methods

To contribute to the gap in the literature examining decolonizing practices used within criminal justice courses the authors explored the efforts the lead author – a white settler – undertook to decolonize their *Decision-Making in Criminal Justice* course through the strategic use of Indigenous literature and scholarship. Specifically, the study addresses the following research questions: (1) To what extent did students believe the course resources were effective for enhancing their understanding of how colonialism contributes to the involvement of Indigenous peoples in the Canadian CJS?; and, (2) In what ways do students anticipate their examination of colonialism, unconscious/implicit biases, and overt and systemic racism in the course will affect how they behave in their future careers?

Prior to discussing the methods used in the study, the authors describe the first author's participation in their university's *Disrupting Colonialism through Teaching: An Integrated Seminar Series and Grants Program* (DCT) to provide context for the results that follow. The study was exempt from ethics review by the authors' university Research Ethics Board under article 2.5 of the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans, 2010.

Disrupting colonialism through teaching: an integrated seminar series and grants program

In 2016 the authors' university formed an Aboriginal Reconciliation Council (ARC) in response to the TRC's recommendations. The ARC outlined multiple suggestions for the university to Indigenize its curricula. Ultimately, their work led to the allocation of Aboriginal Strategic Initiative monies to DCT to fund faculty inquiry grants that are centred on “decolonizing and Indigenizing curricula” and projects that relate to decolonizing teaching practices and integrating Indigenous knowledges (ISTLD, 2020).

DCT participants were required to engage with diverse materials – including but not limited to: books, stories, papers, and audio-visual material – ahead of each of the 14 three-hour seminars that were held over a 10-month period starting in September 2019. Through engaging with these materials, DCT participants critically examined and reflected upon colonialism, including land displacement, positionality/settler identity, stereotypes, and the problematic multiculturalism façade in Canada, while being introduced to varied Indigenous narratives and epistemologies, and “the intersection of the above themes with disciplinary knowledge, topics and concerns” (ISTLD, 2020, n.p.). The lead author participated in DCT to enhance their comprehension of these topics, and further, to learn more about how to humanize their courses through meaningful inclusion of Indigenous literature and scholarship and to foster students’ critical thinking skills to examine how social structural issues and criminal justice decision-making contribute to Indigenous peoples’ overrepresentation in Canada’s CJS.

The first author prepared a fourth-year seminar course (maximum enrollment: 27 students) they were teaching for the first time – *Decision-Making in Criminal Justice* – through the lens of their participation in DCT. Due to the global pandemic, the course was offered remotely with alternating weeks of synchronous and asynchronous course delivery and engagement. The course examines decision making at every stage of the CJS, including factors that influence decision making (e.g., discretion and organizational policies). The course also examines the role of victims and the public within the CJS.

The lead author decolonized their syllabi through the strategic use of Indigenous literature and scholarship, including complementary content and course assessments that encouraged students to examine colonialism, unconscious/implicit biases, and systemic racism in the CJS, that connects to two learning outcomes they created for the fall 2020 course offering. First, for students to be able to examine unconscious bias and how it influences criminal justice decision-making; and second, for students to develop an awareness of how colonialism contributes to Indigenous overrepresentation and shapes the experiences of Indigenous persons involved in the CJS. Examples of (self-identified) Indigenous scholarship and literature included in the course – presented in week eight (*In*)Justice: *Alternative Forms of Justice in Indigenous Communities* – are listed below:

- A three-part asynchronous presentation (15-minutes/video) delivered by the second author (who is Haida, Ojibwe, Irish and British), the research assistant for the project and current PhD student at the university;
- Dogrib author Van Camp and Mateus’ (2016) illustrated book exploring Indigenous justice, *Three Feathers*, as an exemplar of the power of Indigenous storytelling;
- Peer-reviewed literature, including Haida/Ojibwe scholar McGuire and non-Indigenous scholar Palys’ (2020) critical examination of the need to reject colonialism and develop sovereign Indigenous justice systems in *Toward sovereign Indigenous justice: On removing the colonial straightjacket* and Cree scholar Hewitt’s (2016) examination of Indigenous restorative justice in *Indigenous restorative justice: Approaches, meaning & possibility*; and,
- Cree Director Tasha Hubbard’s documentary, *nîpawistamâsowin: We Will Stand Up* that presents the case of Colten Boushie, an Indigenous man who was shot in the

back of the head by a Caucasian man, Gerald Stanley, who was later acquitted, which resulted in widespread discussions of racism in Canada's CJS.

Additional sources that include the voices of Indigenous peoples and/or discuss racism in the Canadian CJS or more broadly were also integrated throughout the course for students to examine how colonialism and racism contributes to, and shapes the experiences of, justice-involved Indigenous persons. To illustrate, in week three, students engaged with various resources, including Maher's (2020) article, "The RCMP is broken" and Perkel's (2020) article, "Canada's largest Indigenous police force has never shot anyone dead." These readings, among other materials, set the context for discussion of systemic racism and police use of force in the live remote session.

Students were consistently asked to reflect on their knowledge and experiences through a variety of assessments and activities. For example, in the live remote session in week three, students were invited to breakout rooms to discuss an image taken by Gabrielle Woolever (2020) at the Protest for Black Lives Matter held in Vancouver, BC, which shows a person holding a sign that reads, "It happens here too." Students were asked "what does this photo mean to you?" before returning to the main room to explore their comments — most of which challenged the narrative that "Canada is a cultural mosaic so racism does not exist here."

Sample

Data were collected from a convenience sample of 25 students (7 men, 18 women) enrolled in one undergraduate criminology course, *Decision-Making in Criminal Justice*, taught by the lead author at a university on Canada's west coast in fall 2020. Twenty-three of the 25 students were fourth year seniors and two were third year juniors: the majority were criminology majors ($n = 18$) or minors ($n = 6$) with one in a different degree stream.

Data

The data sources for the study are six written assessments valued at between one and 20 percent that were due between weeks eight and 13 of the 13-week term. Descriptions are located below:

- Week 8: (1) a 50- to 100-word response asking students to reflect on how they might apply the content from the module, *(In)Justice: Alternative Forms of Justice in Indigenous Communities*, to their own life and career moving forward and, (2) an approximately 100-word summary demonstrating their comprehension of the weekly content and accompanying discussion (maximum 200 words) engaging with their peers through open-ended questions they posed to each other;
- Week 9: a 4-to 6-page paper examining how criminal justice decision-making can be problematic and how unconscious/implicit biases affect decision-making and can lead to dire outcomes for members of Indigenous and Black communities. Students were asked to identify opportunities for reform that could reduce the

effects of unconscious/implicit bias on decision-making in the CJS. The assignment required students to review DiAngelo's (2011) *White Fragility*, Turnbull's (2020) TEDx Talk, *Inclusion, exclusion, illusion and collusion*, and an unconscious/implicit bias module or take an implicit association test;

- Week 12: (1) a 4-to 6-page paper reflecting on the dynamics and challenges of decision-making in criminal justice and race-based violence and political activism throughout 2020 that resulted in heightened demands to "defund the police" and "abolish the prison." Students were asked to examine through these lenses, "other ways of solving the problem of 'crime'" than continued reliance on imprisonment (Davis & Rodriguez, n.d., para. 14). And, (2) a 50- to 100-word response asking students to reflect on the content they learned throughout the semester, including the extent to which they believe the course resources were effective for enhancing their understanding of how colonialism contributes to the involvement of Indigenous peoples in the Canadian CJS; and,
- Week 13: a 1200- to 1500-word quiz asking students to identify and describe three educational lessons from the course that they will carry with them in their future careers (e.g., police officer, probation officer, Crown Counsel, teacher).

Data analysis

The written course assessments were uploaded into NVivo12 and coded using a grounded theory approach (Glaser & Strauss, 1967) with both authors reviewing the codes, and at later phases, the themes, to enhance the credibility of the findings (Lincoln & Guba, 1985). Connections across the codes that emerged during the initial in vivo coding were grouped together during axial coding. Four of the main themes that emerged during selective coding are presented in detail below.

Results

Indigenous in-justice: the criminal justice system is a continuation of colonialism

Most students provided examples of how the course content challenged their pre-existing knowledge of colonialism in Canada, the overrepresentation of Indigenous peoples in the CJS, and the connections between these two realities. A few students, including Ravleen, reported being shocked to learn about ongoing colonial harms after engaging with the materials in the week eight module, *(In)Justice: Alternative Forms of Justice in Indigenous Communities*:

I did not realize that after all these years of learning about colonialism and Indigenous people in Canada that Indigenous people still suffer from systemic racism in their own homes. It is a huge reminder to all of us that we are all in fact immigrants to this land and we have taken Indigenous peoples' rights away from them and that is not right.

Ethan examined connections between this ongoing colonialism and systemic injustice: "colonialism in Canada ... also reflects the continuous systematic injustice that they endure."

Many students argued it is not surprising to see Indigenous overrepresentation at all stages of the CJS due to this systemic injustice. For example, in the paper due in week nine, Maya explained, “It is evident that a pattern of systemic racism in Canada has led to disadvantages for Indigenous communities that put them at risk to come into contact with the [CJS].” Lauren also explored the connections between colonialism and Indigenous peoples’ involvement in the CJS in their final quiz written in week 13 that discussed an educational lesson they will carry with them in their future career:

Colonialism contributes to the overrepresentation of Indigenous people in the [CJS] because many of the symptoms Indigenous people experience as a result of colonialism have been criminalized under the current system. For instance, Indigenous people may use substances in an attempt to cope with the extensive trauma they have experienced because of colonialism. Additionally, many Indigenous people living on reserves are living in poverty with an inability to access proper community resources as a result of residing in remote communities. These factors (e.g., substance abuse and poverty) can be criminalized under the current system (e.g., criminalizing drug use/possession) and they also increase the likelihood of becoming involved in the [CJS].

In response to recognizing how colonialism and systemic racism persist in our country, some students addressed the need for systemic change. As Angela reflected after reviewing the content in week eight, *(In)Justice: Alternative Forms of Justice in Indigenous Communities*, “This blatant racism and injustice has fostered a lack of trust from Indigenous peoples toward the [CJS], and systemic change is needed to even begin to address the harms caused.” A few students described the importance of moving beyond previous efforts to reform the existing CJS. For example, in the paper due in week 12, Jasdeep critiqued prior reforms:

Attempts to reverse the effects of this major issue [the overrepresentation of Indigenous peoples in Canadian correctional populations] have been extremely inappropriate and problematic. For example, there has been attempts by the Canadian justice system to create “Aboriginal courts”, which are systems that incorporate Indigenous notions of justice into the existing justice system (McGuire & Palys, 2020, p. 64).”

Similarly, Ethan also critiqued the process of reforming the existing system to address the overrepresentation of Indigenous peoples in the Canadian CJS in their final quiz in week 13 that asked students to identify educational lessons from the course that they will carry with them in their future careers:

The Canadian government has performed the role of an expert on Indigenous ways of living and structured restorative justice within the existing punitive framework. They limited how restorative justice should be used and carried out to meet the mandates set out by the settlers ... Although they involved members of the Indigenous communities in the decision-making process, the final verdict is always in the hands of the colonizers ... The Canadian [CJS] has always believed colonizer’s perceptions of justice are superior to the idea of justice among the Indigenous people. It is one of the reasons why Indigenous people remain overrepresented in the [CJS] and do not receive culturally informed assistance that they desperately need.

As Jasdeep and Ethan are alluding to, and what some of their classmates outright stated, is that “Indigenous people deserve to achieve sovereignty and justice as well as to have their values, traditions, and custom[s] upheld” (Angela). Some students explained how the colonial CJS promotes injustice for Indigenous peoples and that sovereignty can address these harms. As Lauren argued in their paper submitted in week nine that examined unconscious/implicit biases that can contribute to negative

outcomes for Indigenous peoples, “To truly reduce the adverse consequences experienced by Indigenous offenders in the [CJS], they need to be governed by their nation’s sovereign Indigenous justice system rather than the colonial Canadian [CJS].”

Students did however voice confusion and concern about how to accede jurisdiction to Indigenous communities. For example, in speaking about Indigenous sovereignty at the conclusion of week eight, *(In)Justice: Alternative Forms of Justice in Indigenous Communities*, Jasleen justified ongoing colonization due to their concern that granting Indigenous sovereignty could lead to a civil war:

Giving them that power may set a precedent to other groups of people. I can see that allowing indigenous communities to self-governance may cause certain groups to be less willing to abide by laws because they “believe” they should also have the right to self-governance. On one hand, I know it’s not right to continue to colonize them but on the other hand, I feel like giving them back their power might induce a civil war.

This quote, and others, demonstrate some students’ lack of comprehension about how the Canadian government can accede jurisdiction to Indigenous communities where possible.

This lack of comprehension is also evident in Solomon’s reflections, as shared in their written assignment that was designed to have students explore how unconscious/implicit biases can contribute to negative CJS-related outcomes for Indigenous and Black persons. Solomon’s observations exemplify a commonality in student responses: the historicization of the harm that Indigenous communities experience, and the need for all of us to get over the ‘past:’

The use of race is an umbrella term that unfairly blames multiple ethnicities for past crimes committed by certain ethnicities... blaming a race is counter-intuitive and can come off as irritating, preventing much-needed discussion to be had... To prevent white fragility, individuals need to not feel as though they are victims and the privileged need to not feel guilty of their ancestors’ crimes, from which they still benefit to this day. The shame and irritation from being reminded of one’s criminal past can also describe why white fragility occurs... the blame towards those privileged, need to stop and victims need to try to let go of their victim mentality. This final step may take generations but it is crucial so that future generations don’t need to face this form of trauma.

Other students, including those who advocated for Indigenous sovereignty, referred to colonialism and colonial harms in the past tense. To illustrate, Karla described Canada’s “complicated and dark history with Indigenous people” in their written assignment submitted in week 12, and Janani and Selina shared similar reflections when writing their final quizzes in week 13. Selina connected these ‘historical colonial harms’ to Indigenous peoples’ involvement in the CJS today:

Reflecting back on the colonial past that was imposed upon Indigenous people [it is] important to acknowledge its harms. Throughout this course, I was able to see how the current framework of [criminal justice] in Canada undermines the historical past and factors that influence Indigenous people’s role in criminal activity.

Lessons not learned: ‘tinkering’ with the existing criminal justice system is enough

While the previous section provides evidence of student comprehension of colonialism, systemic racism, and the need for reform, including support for Indigenous

sovereignty, there are diverse examples that demonstrate the limits of students' comprehension. Their limited comprehension of the content was most apparent in their recommendations to "tinker" with the existing CJS, including to counteract the ongoing barriers to justice Indigenous peoples experience in Canada. Students offered three key recommendations: increase Indigenous representation among CJS personnel, offer more unconscious/implicit bias training within the existing system, and develop and/or offer more restorative justice initiatives, which students conflated with Indigenous justice.

Some students offered simplistic and at times paternalistic 'solutions' to overcoming barriers to justice for Indigenous peoples. For example, Kayla's reflection, written in their final quiz submitted in week 13, on how to address the number of Missing and Murdered Indigenous Women and Girls (MMIWG) in Canada did not allude to the broader systemic reforms that are necessary to address decades of mistreatment of MMIWG at the hands of Canadian police:

To achieve my passion to find missing people, I need to work hard to learn more about Indigenous peoples. There is a way to find your dream, whether I find the right people by networking or working hard, I will find missing Indigenous people in Canada.

Gurnoor's writing illustrates the "historicization of harm" noted in the previous section and presents a simplistic recommendation to eliminate racism and discrimination from the CJS, which was a common change students identified to improve the system. In week eight, *(In)Justice: Alternative Forms of Justice in Indigenous Communities*, Gurnoor observed:

Racism is very deep rooted dating back to colonialism so eradicating racism out of our [CJS] completely is something that would take a very long time with a series of right decisions and steps. Many small steps would be needed and only slowly over time do I personally believe change could be made. One of these steps could be better representation for indigenous people in our CJS in terms of positions of power which could provide thoughtful insight and change to a system they are over populated in.

Students most often discussed the need for enhanced representation in the context of reducing implicit biases as per the requirements of the paper submitted in week nine that asked students to identify opportunities for reform to reduce the effects of unconscious/implicit bias on decision-making in the CJS. To illustrate, Maya discussed the importance of representation to reduce biases at all stages of the CJS:

I would recommend ensuring personnel in the system represent the diversity of the offenders coming before them ... Further, white individuals' segregation from people of color makes them unable to understand their experience or critically think about racism, which is a clear issue with white jurors, crown prosecutors, and judges (DiAngelo, 2011, p. 57-58).

Many students also discussed the need for CJS personnel to engage in training to identify and overcome their biases, again, aligned with the assignment requirements. Sydney explained one solution "to mitigate the effects implicit racial bias might have on a judge's sentencing decision is to mandate implicit bias training for all [CJS] personnel, especially judges."

Some students went further in this written assignment to acknowledge the limits of unconscious bias training as a solution to overcoming barriers to justice for Indigenous peoples. Shakiba was concerned about the absence of lasting impacts of such training:

It is evident police officers lack the ability to understand the impacts of colonialism and systemic racism ... Therefore, there is a need to have consistent training throughout the career of an officer to ensure they are reminded of their implicit biases and how to reduce these effects.

Similarly, in the written assignment submitted in week 12 that asked students to envision “other ways of solving the problem of crime” than continued reliance on imprisonment (Davis & Rodriguez, n.d., para. 14), Ethan vocalized the need for Indigenous involvement in justice initiatives due to the limits of training to address biases:

Despite the lack of resources and mechanisms to address police accountability, the Nishnawbe Aski Police Service has established a rapport with its indigenous community members ... The primary contributor to the achievement is the composition of the officers in the police service; 60% of them are Indigenous. They utilized their cultural knowledge and experiences as members of the Indigenous communities and applied them to police work. As Laming, one of the residents, said, “If you don’t have that history, you can have all the cultural-sensitivity training in the world, you’ll never fully be able to fully integrate into that situation” (Perkel, 2020, para. 9).

A third justice solution students shared involves more extensive use of restorative justice initiatives, as coordinated primarily by the Canadian government. For example, in week eight, *(In)Justice: Alternative Forms of Justice in Indigenous Communities*, Solomon succinctly stated, “our restorative justice system has roots in how the Indigenous people practiced justice. Practicing restorative justice approaches should allow Indigenous people to be treated justly.” Although Ethan argued that week that “Restorative justice is only the first step to address rights and justice for the Indigenous people. It requires much effort and time for systematic changes and reaches an ideal outcome for all people in Canada.”

Some students viewed restorative justice as a one-size fits all solution to addressing the injustices Indigenous peoples experience through their involvement in the Canadian CJS. For example, Janani also used their week eight summary and discussion to promote restorative justice as counteracting systemic racism: “Indigenous people continue to experience discrimination and dehumanization. Hence, restorative justice, which aims at reforming the [CJS], might be the best option against systemic racism.”

Relatedly, Kayla and Shakiba recommended restorative justice as a strategy to minimize the overrepresentation of Indigenous peoples in prisons and to enhance their reintegration into their communities upon release. Shakiba wrote in their week 13 final quiz:

Prior to taking this course, you already knew about the overrepresentation of Indigenous people of Canada and knew that restorative justice is a better approach for them, especially considering the colonial history. However, you were better able to understand why reintegration back into society through a restorative justice approach is better.

Student reflections on how their learning impacts their lives and possibly their future careers

Students explained how their enhanced knowledge of unconscious/implicit biases, systemic racism, colonialism, and privilege has led to changes in their personal lives that they anticipate will guide their behaviour in their future careers. In the quiz in week

13, Kaitlin shared one of the most impactful educational lessons in the course was examining their own implicit biases:

One of the greatest lessons I hope to utilize in both my personal and professional life is the importance of recognizing my own implicit biases and how they may impact others. Although we may not realize it ... we all carry with us stereotypes or prejudices that affect our behaviour. These stereotypes or assumptions are commonly held towards certain groups of people, and therefore result in differential treatment ... I have therefore learned how crucial it is to identify what assumptions I may hold, and further work to reduce the instances in which this bias may arise. While I knew that I was not completely free of biases, prior to taking this class I did not recognize how many implicit biases that I held, and its potential to affect others. Therefore, [choosing to take] the implicit bias test in this course challenged my own personal views and values, and forced me to reflect and critically analyze my past decisions and actions, and motivated me to work to improve my assumptions moving forward.

Students provided specific examples of how their comprehension of the course content has led to changes in their personal lives. Amanda, also submitted as part of their response to the week 13 quiz, shared their discomfort in learning about implicit biases and racism more deeply than in previous courses:

Although I have taken other courses that have acknowledged racism and implicit bias, most of these courses did not require me to look within myself to recognize how I contribute to the subjugation of minorities. I think that this task was surprisingly uncomfortable yet entirely necessary and justified... as a white colonizer, my role in the genocide of Indigenous peoples cannot be understated. My ability to live on ancestral Coast Salish land is entirely dependent on the fact that my ancestors oppressed cultures of Indigenous peoples, removing them from their ancestral land, and forcing assimilation tactics upon them.

Amanda elaborated to explain how these uncomfortable conversations have led to changes in their life:

As implicit biases are invasive, I cannot act passively towards my own unconscious stereotypes. As many of my relatives have not attended university or engaged in any social science classes, I have recently initiated dialogue with my family members with regards to certain remarks about their own experience with racism. Although I know that I still have a lot of room for self-reflection to acknowledge the way my privilege and bias can impact my future behaviour, I aim to speak up against others who minimize the experience of minorities or [engage in] micro-aggression against other races.

Students also reflected on how they anticipate their comprehension of unconscious/implicit biases, systemic racism, and colonial harms will affect how they behave in their future careers within the CJS. For example, Jasdeep, who aspires to become a police officer, used the final quiz in week 13 to remind their future self to:

Take every available opportunity that presents itself to have sufficient training for making decisions while on-duty... Biases and prejudices can be extremely challenging to overcome, but it is important to control them as they can negatively shape behaviour without conscious awareness and, consequently, increase the likelihood of you engaging in misconduct against certain populations of people over the course of your career.

And further, when reflecting on the content at the end of the week eight module, *(In)Justice: Alternative forms of justice in Indigenous communities*, Jasdeep reminded their future self to:

[Consider] the impacts that indigenous peoples have faced from injustices over the years ... These impacts have often led to strained relationships between police and indigenous communities that they serve. Therefore ... if I ever get the opportunity to work in indigenous communities, I will make it my responsibility to better the relationship between the police agency and the community. I will make sure to understand the history and culture of the community as well as the impacts that injustices have had on them, their territory, and their land in order to develop closer relationships with those that I am serving.

In week 13, a student who aspires to become Crown Counsel shared an educational lesson they intend to carry into their own careers:

The first educational lesson that I will carry with myself is to always try to minimize the amount of impact my implicit biases have on the decisions I make. Implicit biases have the ability to greatly influence the decisions an individual makes in the course of their profession or as a member of the jury. If I do get into law school and pursue a career as Crown counsel, I would like to ensure that I am always actively thinking about how my own biases affect the decisions I make about the case in front of me. One of the decisions that will require me to actively think about my biases is the decision to lay charges. For instance, Crown counsel may be more likely to lay charges against a minority group individual such as an Indigenous or Black accused. In laying charges, I must ensure this decision is not at all influenced in any way by the race of the suspect, and instead the decision must be made solely on the crime committed. If I do not actively think about my implicit biases, then that has the potential to disproportionately incarcerate a certain race over another. Prior to this course, I did not think I held any implicit biases against any race or ethnicity. But after [choosing to take] the implicit association test, my results indicated that I am less likely to favour people of color. This result was surprising to me since I am a member of a visible minority group. This awareness about my biases will be extremely useful in my career as Crown counsel. Rather than being unaware of these biases, I will actively try to reduce their impact on my decisions and attempt to eliminate the unconscious biases I have. (Sharanjit)

Truth and education

Many students identified the need to decolonize education. For example, reflecting on their exposure to the content in the week eight module, *(In)Justice: Alternative forms of justice in Indigenous communities*, Jasmine argued "I think the first important step is taking steps to decolonize our mindset. This involves critically evaluating education and policies regarding Indigenous peoples." Students identified the importance of decolonizing education starting as early as primary school, with Anthony explaining the value in educating young people about *ongoing* colonial practices in our country: "Based on my own experience in B.C.'s education system, discussion of colonization was mostly centered around a historic context, such as Louis Riel. The need to educate young people about the ongoing colonial practices in Canada cannot be understated." Jasdeep described the value of early education in promoting Indigenous rights:

Informed public education and awareness building is critical to the implementation of indigenous rights. It is the responsibility of everyone, as settlers to this nation, to take it upon themselves to understand the impacts that injustices have had on indigenous people over time. Furthermore, the educational system could focus more intensely on indigenous injustices in Canada to educate youth so that they have a better understanding of the impact that colonization has had on indigenous peoples, their culture, their territories, and their land.

Students also discussed the value of early education with respect to implicit biases and systemic discrimination towards Indigenous people and other racialized peoples in the CJS as a recommendation to reduce the effects of unconscious/implicit biases on CJS decision-making:

The ... most crucial way which I believe could help to reduce systemic discrimination and implicit racial bias in the [CJS] is through education. As Robin DiAngelo (2011) discusses ... there is growing research which looks at how “children start to construct ideas about race very early; [learn] a sense of white superiority and knowledge of racial power codes appears to develop as early as pre-school” (p. 63). This approach of early implementation of racial bias education goes beyond the scope of the [CJS] and encompasses tackling racial discrimination from a system-wide approach ... Increasing early education about the possible effects implicit biases can have on our understanding and perceptions of others will hopefully diminish the magnitude to which these implicit biases influence the decision-making practices of future generations ... (Sydney)

In the summary and discussion for week eight, *(In)Justice: Alternative Forms of Justice in Indigenous Communities*, many students, including Amanda and Selina, recognized the importance of “empower[ing Indigenous peoples] to share their own experiences and help guide such curriculums” (Amanda) and including Indigenous literature and scholarship in curricula:

I believe there is a need for early exposure to Indigenous history. The education system needs to implement a better means of educating students about the on-going struggles that Indigenous people face. Having live guest speakers who may take on the role as mentors in society could possibly serve as a great tool to educate both the youth and members of the public about Indigenous injustices in the CJS. I also believe having Indigenous representation in the education system can help bring more awareness and better the current social studies curriculum, to further students’ knowledge about Indigenous history (Selina).

The students’ writing also offers examples of how the instructor’s inclusion of Indigenous literature and scholarship in the course module, *(In)Justice: Alternative forms of justice in Indigenous communities*, enhanced their learning. For example, Kayla described what they learned from reading Hewitt’s (2016), an Indigenous scholar, work:

There are lots of stories Indigenous peoples share, and as Hewitt mentioned “the kind of stories we are well prepared to listen to, what we might take from them and how we are prepared to engage ourselves with them matter fundamentally”. From this, I learned that these stories matter and the importance of engaging with Indigenous communities ...

Relatedly, Kaitlin explained how this module enhanced their comprehension:

This week’s material emphasizes ... the processes of colonialism, genocide, and forced assimilation that have resulted in the disproportionate social disadvantages facing Indigenous peoples. It is ... the culmination of intergenerational trauma, economic marginalization and poverty that has largely contributed to the overrepresentation of Indigenous peoples in the [CJS].

Discussion

Post-secondary institutions have been called upon to decolonize the academy. Responses to these calls to action vary and include institutional efforts (e.g., hiring

more Indigenous faculty and staff) and individual efforts (e.g., faculty including the voices and lived experiences of Indigenous peoples in their classes). The current small-scale study fills a gap in the existing literature by examining the first author's experience decolonizing their *Decision-Making in Criminal Justice* course through the strategic use of Indigenous literature and scholarship.

Students in this study shared sentiments similar to those in Root et al.'s (2019) study in that they expressed a desire to be exposed to "hard truths" and to engage in difficult conversations about racism and colonialism starting in elementary school and continuing throughout their post-secondary education. Similar to students in Moore's (2020) study that examined structural racism, the linkages between criminology and colonialism, and the state's role in defining who and what is criminal, students in this study expressed their appreciation for the instructor's inclusion of diverse materials, including content written or produced by Indigenous peoples. In particular, students felt that the content enhanced their comprehension of how colonialism contributes to the involvement of Indigenous peoples within the Canadian CJS and shapes their experiences within the system. These findings indicate the value of incorporating Indigenous knowledges to challenge Eurocentric ways of learning and knowing, which is a strategy recommended in the existing literature (see: Fellner (2018); Moore (2020); Root et al. (2019)).

Some students' writing demonstrates the materials appear to have contributed to their understanding of how colonialism contributes to the involvement and the experiences of Indigenous peoples within the Canadian CJS. For example, in week 13, Lauren identified one of the educational lessons they will carry forward in their career as follows: "Indigenous people are overrepresented in the [CJS] as a result of colonialism and systemic racism." They explained that "Indigenous people may use substances in an attempt to cope with the extensive trauma they have experienced because of colonialism ... substance abuse ... can be criminalized under the current system (e.g., criminalizing drug use/possession)." Most students also demonstrated thorough comprehension of how unconscious/implicit biases can affect decision-making within the Canadian CJS and lead to negative outcomes for Indigenous peoples (e.g., their overrepresentation among correctional populations). Further, in accordance with the instructions for the paper due in week nine, nearly all of the students identified and described multiple strategies to address unconscious/implicit biases within the CJS.

However, similar to the findings from Moore's (2020) study, the data reveal that unraveling the complex connections between criminology and colonialism takes time: a single course offering is not sufficient to comprehensively examine "the colonial roots of the structural racism of criminal justice institutions" (Moore, 2020, p. 502). The findings demonstrate the limits of what can be achieved through decolonization efforts in a single course: many students demonstrated surface-level comprehension of the interrelationship between colonialism and the CJS. For example, in their historization of harm in referencing Canada's "dark history with Indigenous people" (Karla). Further, while most students demonstrated the need to include Indigenous peoples within criminal justice responses, specifically in their representation amongst criminal justice personnel, many struggled to envision how to accede jurisdiction to Indigenous peoples to achieve more just resolutions for these individuals. As presented earlier, Jasleen expressed concerns about self-governance and justified ongoing colonization due to their fear that "giving them [Indigenous peoples] back power might

induce a civil war.” When given the opportunity to “imagine other ways [than imprisonment] to solve the problem of crime” (Davis & Rodriguez, n.d., para. 14), nearly all of the students chose to “tinker” with the existing CJS rather than examine what an alternative system less reliant on imprisonment and more focused on justice might look like.

The first author acknowledges their role in student comprehension of the content and has asked themselves many questions: was it how they decolonized a course they were teaching for the first time, remotely, and during a pandemic? For example, did they include enough Indigenous literature and scholarship, related critical content, and accompanying discussions? Did the assessments provide students with an opportunity to apply what they were learning? It is likely a combination of the above with the students not having earlier – and consistent – exposure to Indigenous scholarship and literature and critical discussions about the interrelationship between colonialism and the CJS. It is also possible that students struggled to complete, engage with, and process the content, as the course was delivered remotely during the pandemic when students and instructors alike were encountering new challenges and stressors.

The data support Fellner’s (2018) recommendation to empower students to understand truths *and* resist oppressive systems and structures. Some of the written assignments allowed students to engage in self-reflection about what they were learning and the connections to their personal lives and future careers. In writing these assignments students shared their emotional reactions, discomfort, and their obligations to do more to promote justice for Indigenous peoples and other racialized populations. To illustrate, Amanda referenced the discomfort of acknowledging and coming to understand implicit biases and their role in contributing to the “subjugation of minorities,” adding that despite their discomfort, this education process was “entirely necessary and justified.” Those who were contemplating careers within the CJS shared their reflections on how they may integrate what they learned in the course into their future work while continuing to educate themselves. As Maya, a student considering a career in law, explained at the end of week eight, *(In)Justice: Alternative forms of justice in Indigenous communities*, should they become a lawyer, they must utilize “a critical lens to assess the law, who the law benefits, and who is omitted” using their “privilege to address these systemic issues and the overrepresentation of Indigenous peoples in the Canadian CJS.”

Limitations and future research

This small-scale, in-depth, and exploratory study makes a valuable contribution to the existing literature by examining decolonizing strategies within the field of criminology. The results highlight the importance of decolonizing criminology and criminal justice curricula to promote student comprehension of the interrelationship between Indigenous overrepresentation in the Canadian CJS and colonialism. Further, the results demonstrate the value students attain from this comprehension, as evidenced through deep personal reflection on the content – including their own biases – and thinking about how their learning will shape their future professional behaviour. However, the study is not without limitations.

The data analyzed in this study were student written reflections: as such, future research must also include more diverse methods. Interviews and focus groups would

allow researchers to invite students to engage in reflection and discussion about their comprehension of content; and further, to provide feedback on how to decolonize pedagogy and promote safety in the classroom. Follow-up interviews with students months after they complete courses in which instructors implemented changes to decolonize their class may be particularly insightful and facilitate understanding of how student engagement with course materials on biases, racism, privilege, and colonialism impacted their future perceptions and behaviour. Time provides students with space to unlearn, reflect, and process this knowledge in their daily lives, which may reveal value in different approaches that is not perceivable through assessments administered during the term.

The data were also collected in 2020, an unprecedented year by all accounts. While systemic racism, oppression, racial discrimination, and prejudice have been discussed, highlighted, and critiqued as they exist within society and CJSs for years, the murder of George Floyd by a police officer in Minnesota in May 2020, followed by the fatal shooting of Chantel Moore in New Brunswick, and other incidents of police violence against Indigenous, Black, and other racialized populations, have arguably intensified the focus, demand, and need for meaningful action to address systemic racism against members of Indigenous and Black communities across North America. As such, it is likely that the Black Lives Matter movement was present in students' lives and minds as they were learning in *Decision-making in Criminal Justice*, which means the data might reflect student learning, comprehension, and lived experiences beyond the course content.

Conclusion

The current study examining how one instructor decolonized their criminology course through the strategic use of Indigenous literature and scholarship makes a valuable contribution to the existing literature. This area is understudied despite criminology and criminal justice course instructors often examining structural racism in their discussions of the overrepresentation of Indigenous, Black, and other racialized persons in the CJS.

Colonial ways of learning, teaching, and facilitating the transmission of knowledge have been deeply embedded within the framework of post-secondary institutions. Decolonizing the academy is fundamental to shifting away from the harmful repercussions of erasure within the Canadian education system while identifying and challenging structural racism. Those engaging in decolonization efforts must acknowledge that institutional change will take time, thoughtful design and implementation, appropriate funding, structural change, and further, that such changes will likely be met with resistance.

Recent critiques of Critical Race Theory (CRT), combined with some US states passing legislation that bans instructors from teaching CRT altogether or concepts related to it, highlight the entrenchment of colonialism and racism within western educational and broader state institutions. Canadians are arguably waking up to genocide within the country in the wake of the ongoing recovery of unmarked graves of primarily children at former Residential 'Schools' across Canada in the first half of 2021. These findings confirm what Indigenous persons have spoken, written, and testified (TRC, 2015) about the existence of unmarked graves, burning of bodies, and gross torture at Canada's Residential 'Schools.' It is within this context, a time characterized by deep

reflection and increasing demands for justice, that we as educators privilege the critical insight brought forward by Indigenous scholars and scholarship as an act of resistance to the silencing of racialized voices. Starblanket (2018) suggests that:

if the truth is not told for our children that suffered and passed on [at these schools], and the victims and the generations who live with the fallout of genocide, and who as a result are threatened with extinction through various means, then perhaps Canada's solution to the "Indian problem" will have been achieved" (p. 277).

Thus, as educators we have a responsibility to continue to unlearn and learn, to engage in difficult conversations, and to challenge ourselves and our students to think more critically and to push back against colonialism embedded in education. It is with this obligation in our minds that we present five key 'takeaways' on how to disrupt colonialism that emerged from our data and others may wish to consider in pursuing their own decolonization efforts:

1. **Public education systems should decolonize their curricula:** Many students said they first learned about colonization in their university classes and suggested that public education systems should incorporate content about colonization and ongoing harms beginning in elementary school classes to address biases and stereotypes against Indigenous peoples.
2. **University educational decolonization efforts should occur at the departmental and university level:** One class that integrates Indigenous literature and scholarship, critical activities, and discussions, cannot undo the impacts of years of learning within western knowledge systems and unravel racism, privilege, and colonialism in our CJS and society. Departmental-level and university-level program changes, such as mandated Indigenous Course Requirements that have the potential for "outright transformation" (Gaudry & Lorenz, 2018, p. 170), are required to ensure students are learning about these topics across the curricula.
3. **Instructors should engage in challenging discussions about race, racism, and colonialism: Acknowledge and unpack 'hard truths':** Many students expressed their appreciation for learning 'hard truths' about unconscious/implicit biases, racism, and colonialism in our CJS and society more broadly. Some students explained they had not been invited to discuss these topics in other classes and further, that they want to learn more in their future studies.
4. **Instructors should provide opportunities for students to engage in self-reflection in assessments that promote qualitative responses and require students draw connections between the content and their lives:** Assessments of this nature allow students to critically reflect upon what they have learned (see Root et al., 2019) and its relevance to their own lives and communities, which the data indicate is a valuable practice. These assignments also provide instructors with feedback to engage in their own reflection; for example, to identify and address gaps in student comprehension.
5. **Universities should provide instructors with funding – and time – to decolonize their teaching:** Funding and time provide instructors with space to start and continue to learn about how to "disrupt colonialism through teaching" (ISTLD, 2020, n.p.) and to study the changes they implement along the way. Universities must recognize the emotional, mental, and physical time and energy required to

engage in this work and support instructors through funding (e.g., to engage in professional development to learn how to start decolonizing their classes and to study the impact of the changes they are making).

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