**“The Indian [We’re] looking for:” The Resignation of Canada’s First Indigenous Dean of a Law School**

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**“The Indian [We’re] Looking for:”[[1]](#footnote-1) The Resignation of Canada’s First Indigenous Dean of a Law School**

**Abstract**

**Purpose**: We exposed and challenged neocolonial values and practices of a Western institution through an Indigenous woman’s experience of paternalism, racism, and exploitation. Our goal was emancipatory, seeking no grand claims, rather the possibility of an alternative reality free of neocolonialism and discrimination in a local, well-documented narrative.

**Design/methodology/approach:** Our study was informed by a postcolonial perspective (Young, 2001; Said, 1978, 1993) and draws on the employment relations experience of an Aboriginal woman, Canada’s first Indigenous dean of a law school, who quit less than two years into her contract claiming systemic discrimination. We employed a combination of case study and critical discourse analysis (Foucault, 1979) with the aim of advancing rich analyses of the complex workings of power and privilege in sustaining a neocolonial institutional order.

**Findings:** The findings, which have been analyzed from the perspectives of the worker (i.e., Angelique EagleWoman), her colleagues and staff (i.e., Bora Laskin Faculty of Law), the administration of Laurentian University, and the Indigenous community of north-western Ontario, disclosed how organizational practices served to maintain neocolonial values and reproduced barriers to the meaningful participation of an Indigenous woman and the First Nations community that the faculty of law was intended to serve. We demonstrated the direct and indirect discrimination, paternalism, shaming, hostility, and exploitation of EagleWoman, as well as her struggle to contest active colonial legacies, to disrupt the dominant ways of the law faculty and university administration, and to place Indigenous interests first in an effort to decolonize the legal profession and higher education.

**Originality/value:** We traced how a neocolonial discourse was constructed and maintained in a Western institution in the context of a legal system that has been hostile to First Nations’ rights, and a profession that has been hostile to women. We demonstrated how a neocolonial, Western perspective – that of the university’s administration, faculty, and staff – was privileged, or taken for granted, and the Indigenous perspective marginalized – both of EagleWoman and of the First Nations community.

**Key Words**: employment relations, Western values, paternalism, shaming, subordination, racial discrimination, oppression, hostile workplace, constructive dismissal, First Nations, Indigenous, Aboriginal, postcolonialism, neocolonialism, exploitation, critical discourse analysis, struggle, resistance, and contesting active legacies.

**Introduction**

“The object… is always either a victim or a highly constrained character, permanently threatened with severe punishment, despite his or her many virtues, services, or achievements, excluded ontologically for having few of the merits of the conquering, surveying, and civilizing outsider” (Said, 1993, p. 168).

Consider what it might mean to be one of the *others* (Young, 2001) and that Canada and other Western nations have entered an intense period of introspection due to our centuries-old colonization of Indigenous people and its continuing effects. Consider also, the managerial language of exploitation and contempt of Indigenous rights used with respect to the development of natural and human resources (United Nations, 2018). We are disheartened by the tendency of mainstream management studies to overlook, ignore, or suppress issues of oppression and exploitation of Indigenous people. Furthermore, without the input or understanding of resistance from the people whose experience of injustices we seek to alleviate, we risk reproducing structures that reinforce oppression through different means (Roland, 2018). Therefore, our research began with an ethical responsibility, based on the moral principles of inclusion and well-being, to address processes of discrimination and injustice in an educational and professional institution traditionally dominated by Western, male values. Our study is performative in that it does not examine disembodied ideas and images, but rather considers the lived experience of an Indigenous woman, in all its injustice, frustration, and anxiety. We are concerned with the specific character of employment and workplace relations (Mumby, Thomas, Marti & Seidl, 2017). As a result, we took a worker-centred perspective to document the complex and contradictory dialectics of oppression, exploitation, struggle, and resistance that continue to define work for an Indigenous person in a Western institution.

We employed a postcolonial lens (Prasad, 2005) and critical discourse analysis in a case study of the construction of power relations in discursive practices in a hierarchically racialized social order. Specifically, we examined the employment relations of Angelique EagleWoman’s exploitation and oppression in a Western institution and profession, an Indigenous woman who resigned rather than continue in dependence to the institutional hierarchy and ideology, and her attempt to resist and alter a neocolonial discourse. We considered the probable impact of race and sex, hierarchical control, the allocation of resources, as well as open hostility, in the context of a Western institution. Our purpose was to raise the profile of an Indigenous worker and her workplace conditions in an organization where Western values and institutional methods have defined social and economic advantage, and shaped organizational response to race. We examined how manifest and latent colonial attitudes and practices influenced her day-to-day experience and how her employer exerted control through paternalism, shaming, and subordination. The depth and detail of the case study method allowed for an exploration of the interplay between EagleWoman’s identity, struggle, and resistance, the pursuit of meaningful contribution, and organizational discourses, as well as management’s oppressive and racist expectations in an organization which had benefitted from the promise of diversity and inclusion of the First Nations community.

We begin our paper with a background to the chain of events of EagleWoman’s short tenure, as well as the reactions and outcomes of her hiring and resignation from Lakehead University’s Faculty of Law. We then outline our theory and approach and undertake a thematic analysis and discussion of the discourses related to her turbulent time as Dean and the decision to resign, as well as of the relevant institutional, professional, and community context. We conclude with a critique of the employer’s actions, EagleWoman’s struggle and resistance to the neocolonial discourse, and the effect of her resignation.

**Context and Background[[2]](#footnote-2)**

Angelique EagleWoman was appointed Dean of the Faculty of Law at Lakehead University for an initial term of five years and two months, from May 1, 2016 to June 30, 2021, after an extensive recruitment process to replace the Faculty’s founding dean. In its call for applications, the university emphasized that it was seeking a legal educator and scholar with experience relevant to Aboriginal, northern, and rural legal issues and interests. Her appointment was celebrated as “historic” by the Indigenous legal community and in Thunder Bay, where race relations were particularly troubled, it was a hopeful moment.

The university – and others – gushed over the first Indigenous law school dean in Canadian history. The Provost of the university, Dr. Moira McPherson, stated that,

“Angelique was at the top of our list and we are thrilled… Her diverse experience and knowledge will be of great benefit to our students… She is an exceptional teacher, engaged in her scholarship, and has kept one foot in the practical aspects of her field” (Lakehead University, 2016).

The President of the university, Dr. Brian Stevenson, said he was proud that a person with such breadth and depth of experience had chosen their law school, and,

“I am extremely confident that our Faculty of Law’s future is in the right hands… We were looking for Angelique. …exactly the strengths she brings – a strong academic foundation, a practical experience, an understanding of the key issues for our faculty … someone … able to give our students a fundamental education and work with her colleagues to do that” (Lakehead University, 2016).

The Minister of Aboriginal Affairs at the time, David Zimmer, said that, “this is a milestone… We are at a tipping point in our relationships with Aboriginal peoples. A fair society needs a sound legal system responsive to their needs” (Thunder Bay Business, 2016). For her part, EagleWoman enthused,

“This position is a dream come true for me because of the Faculty of Law’s commitment to produce lawyers for rural and small-town legal practice, the focus on natural resources and environmental law, and the required curriculum on aspects of Aboriginal and Indigenous law… I also feel strongly about being a role model. …This law school is the first in the world to require law students to have Aboriginal law in their training. …a trendsetter other law schools will follow…” (Thunder Bay Business, 2016).

**The Bora Laskin Faculty of Law**

The university’s first attempt to establish a law school had been rejected by the Province of Ontario and the Federation of Law Societies of Canada (FLSC) because “sufficient legal infrastructure” already existed. However, its second application that centred on Indigenous programming was accepted. The university said that its unique curricula would meet standards identified by the Indigenous community and allow development of programs and materials to protect and preserve Indigenous culture, language, and history. It argued that the law school would produce lawyers capable of analyzing the law from an Aboriginal perspective and that it offered a culturally supportive environment to all Aboriginal students. To that end, it would enter into Protocol Agreements with local Aboriginal communities and establish an Aboriginal Advisory Committee for the law school. On that basis, the FLSC approved the application for a three-year juris doctoral program in January 2012.

The Faculty of Law opened its doors with the backing of local communities like Nishnawbe Aski Nation, an association of 49 First Nations across northern Ontario, which pushed for the creation of a law school that emphasized Indigenous people and law. A focus on Aboriginal and Indigenous law was one of the three core mandates and the key reason it was accredited. This was seen to be particularly needed in Thunder Bay, a city with acute problems of anti-Indigenous racism. The faculty’s Indigenous mandate was timely given that in 2015 the report of Canada’s Truth and Reconciliation Commission called on law schools to offer mandatory Indigenous courses. The university promoted the faculty of law as focused on law related to Aboriginal Peoples and one of only two in Canada that had a mandatory, full-year course in Aboriginal Law. EagleWoman – a respected Indigenous legal scholar and accomplished lawyer – seemed an ideal replacement when the school’s first dean quit after only two years.

Lakehead University had a student enrollment of about 9,700 full-time-equivalent students in undergraduate and graduate programs, as well as 2,000 faculty and staff in ten faculties. The Faculty of Law, which began its program in September 2013, was the first new faculty of law in Ontario in forty-four years. It would have a class of approximately sixty students each year of a three-year, undergraduate program. In fact, the Faculty of Law celebrated its Charter Class of graduates in EagleWoman’s first weeks on the job.

**EagleWoman’s Academic and Professional Experience**

EagleWoman was a member of the Sisseton-Wahpeton Oyate Tribe in Dakota and, prior to commencing employment with Lakehead University, she was employed as a law professor and legal scholar at the University of Idaho College of Law. She had also previously served as a Tribunal Judge in four Tribal Court systems and as General Counsel for the Sisseton-Wahpeton Oyate. She held a Bachelor of Arts in Political Science from Stanford University, a Juris Doctor (JD) degree with distinction from the University of North Dakota Law School, and an LLM in American Indian and Indigenous Law with honors from the University of Tulsa College of Law.

She taught in the areas of Tribal Nation economics and law, Native American natural resource law, and had also published articles on tribal economics and quality of life for Indigenous peoples. She said that she was impressed by the law school’s focus on rural and small-town legal practice, environmental law, and Indigenous law, all areas she had taught in, had experience in, and had written articles about. It was her hope that she could encourage young, Aboriginal people to pursue legal careers. She recalled thinking, “what a perfect match.”

**The Duties of the Dean of the Faculty of Law**

The Dean of Law is typically the chief academic and administrative officer as well as the chief liaison with the University. To fulfill these responsibilities, the Dean normally takes direct action or consults as necessary with the Provost or Vice President Academic (VPA) on selected matters related to personnel, programs, instruction, budgets, and other related management issues.

Specifically, EagleWoman’s duties would include providing academic, administrative, operational, and budgetary management for the law school, and to report directly to the Provost and VPA, Dr. Moira McPherson. She was to hire and provide supervision to faculty members and staff, including annual performance reviews and other human resource functions. As a member of the senior administrative leadership team for Lakehead University, she participated in the university’s governance, including sitting on the Senate, Provost Council, Dean’s Council, Ogimaawin Aboriginal Governance Council, and other committees and subcommittees.

EagleWoman was also responsible for developing and maintaining relations external to the university including fulfilling the Faculty of Law’s accreditation reporting obligations to the Law Society of Upper Canada and the FLSC. She was responsible for the school’s strategy in a competitive marketplace, as well as for funding research opportunities and student recruitment. Another important aspect of the Dean’s role was to build and maintain ties with government and the professional legal community. Moreover, she was also expected to continue scholarly activities and research. However, as was typical in law schools across Canada she was not expected to teach classes.

**Resignation**

Nevertheless, in March 2018, she wrote to the law faculty’s Aboriginal Advisory Committee advising that her efforts had been “thwarted” by the university, which “systematically sought to minimize” her work as Dean. She said,

“I have been the victim of systemic discrimination at Lakehead University because I am an Indigenous person and a woman … I have felt constantly challenged by a lack of funding, a hostile environment, and other negative actions directed at me as an Indigenous woman. It has reached a point that I am under such mental and emotional stress that it is untenable for me to stay” (Yang, 2016).

In an email to students, she said,

“I sincerely believe that the law school and the university will overcome these systemic issues, but that task will have to fall to another dean … that the university and Faculty of Law will be able to confront and overcome these challenges” (CBC News, 2018).

Shortly after her resignation took effect, she sued the university for constructive dismissal caused by systemic racism.

**The Postcolonial Perspective**

The point of the postcolonial perspective is to critique and resist Western modernity, which places an emphasis on the West’s relationship to *others* and the continued presence of Western imperialism in global institutions and relationships today, the darker side of globalization (Prasad, 2005). Postcolonialism is interested in the cultural and institutional legacy of colonialism and continuing attempts to subjugate peoples based on race and geography. It is subversive and radical in that it is capable of undermining the authority and legitimacy of Western liberal values and the oppressive nature of the nation-state, to negate past traditions. It can produce a counter-narrative to Western meta-narratives such as individualism, progress, and liberal humanism, which have failed to produce empowerment and may well have resulted in irreversible damage to certain cultural and environmental resources. Colonialism in North America turned Indigenous inhabitants into objectified commodities which robbed them of their dignity and humanity, in a way similar to how capitalism objectifies workers. The postcolonial tradition restores a stronger sense of historical cultural awareness to our understanding of contemporary organization and helps to identify patterns of hierarchical reproduction that are grounded in colonial dynamics.

Prasad (1997) argued that management and organization studies have been shaped by a post-colonial perspective in that North American and European understandings of former colonized people have been shaped by the former relationships of power. That is, the history of colonial relations with Indigenous people negatively affects the way that these people are seen. In the postcolonial approach, we sought to identify and address discrimination in management and organizational practices which preclude people from professional and managerial roles based on their race or ethnicity. In this case study, we seek to contextualize the university workplace within the wider political discourse and to challenge racism – or postcolonial management – inherent in power structures of organizations and to establish non-racist ways of organizing.

In the relatively conservative environment of legal institutions, where Western work practices are likely to be idealized, people raised outside of those traditions are likely to be judged less favorably than those who readily conform to expectations. Colonial discourses may be characterized by (Young, 2003):

* Patronizing behaviour,
* Respectable individuals allied with powerful colonial institutions.
* A homogenized image of colonized Indigenous cultures shaped by former relations of power,
* Hierarchical and oppositional with the West’s largely constituted as the superior culture over the Indigenous,
* Deal with stereotypes, images, and fantasies which typically negatively colour the way the other is viewed in Western organizations,
* Expecting the colonized to imitate ‘white’ behaviour and Western notions of ideal work practice,
* unwilling to accommodate alternative visions that were Indigenous,
* The forcing of cultural heterogeneity into a single paradigmatic perspective.

In addition, few organizations include issues of sexuality, sexual orientation, and gender in their diversity policies, and a lack of diversity practices may lead to ‘double jeopardy.’ Non-white women are likely to have to deal with both racism and sexism. For example, their experience may be similar to African American women who have been found to face barriers (Bell & Nkomo, 2001) that include negative, race-based stereotypes, more frequent questioning of credibility and authority, and a lack of institutional support (Catalyst, 2004).

**Methodology**

The focus of this case study was an individual employment relationship and the resignation resulting from alleged constructive dismissal suffered by an Indigenous woman. We placed an “emphasis on representing singular, unique, or particular phenomena holistically, with a focus on context, which allows for the development of a local view…” (Durepos and Mills, 2013; p. ix), specifically the lived experience and events of an Indigenous woman’s employment in what is normally a position of power and influence in a traditionally masculinized, Western institution. We incorporated a postcolonial and employment relations perspective, which we approached from multiple perspectives that were “the key to enabling an in-depth, multi-faceted, richer, and more nuanced picture to emerge” (Durepos & Mills, 2013; p. xi).

We turned to a postcolonial interrogation employing CDA informed by Foucault (1979) with a focus on how power and ideology operated through the discourse of employment relations. Our intent was to generate thick description yielding greater understanding, to elevate the individual experience of an Indigenous, female worker in all its “complexity, thus retaining and revealing … the meaningful aspects and motivations of actors in question as they were experienced and lived in the moment” (Durepos & Mills, 2013, p. ix), in the context in which it was lived, and to “let the actor[s’] voice[s] speak louder than that of their own” (p. x). Our intent was also to raise the profile of workers and the conditions of work in a professional institution dominated by Western values and practices, as well as contributions made to change those practices and conditions. We interrogated the role of management and institutional practice in the neglect of meaningful and secure Indigenous participation. We critiqued postcolonial management practices including paternalism and discrimination in the context of the inequality of bargaining power between a worker and her employer.

We employed a variety of data sources which allowed us to access multiple perspectives on the employment relationship, as well as to allow for a more holistic understanding to emerge (Durepos and Mills, 2013). First, we examined mainstream and Indigenous media accounts of EagleWoman’s recruitment through to her resignation, as well as coverage of the granting of a law school charter, to appreciate the context of her employment and community reaction to her tenure and resignation. Second, we examined the legal brief submitted by EagleWoman in a constructive dismissal civil suit against the university. In addition, we incorporated the court’s decision in the case of Justice Patrick Smith and the Attorney General of Canada (Smith v. The Attorney General of Canada, 2020), in which Smith had been accused of failing his “ethical obligations” in accepting the interim dean position upon EagleWoman’s resignation. Taken together, these documents enabled us to reconstruct the events and reaction to EagleWoman’s employment and subsequent resignation.

We conducted a thematic analysis of the construction of exploitation and oppression of an Indigenous woman considered in the context of employment relations, and Western institutional and professional practice. The criteria employed were incidents of direct or indirect discrimination, which had a differential or adverse effect on EagleWoman based on her gender or race. We searched not only for manifest content but for latent as well, to probe beneath the surface to ask deeper questions about what happened and the dispositions of the key actors, especially university administrators, faculty colleagues, staff, and EagleWoman herself. In addition, passages of text were chosen to illustrate the unfolding sensemaking about key decisions of these actors.

**Findings and Analysis**

**Management – Lakehead University**

**Theme 1: Paternalism, shaming, and methods of indoctrination**

“… the right to make decisions that affect their own lives, and the right to have equal access to the law, to education, to medicine, to the workplace, in the process changing those institutions themselves so that they no longer continue to represent only ‘male’ [Western] interests and perspectives” (Young, 2003, pp. 5-6).

From the beginning, EagleWoman was asked to report to Dr. McPherson on all interactions, communications, and emails with faculty members (EagleWoman, 2018). Frequently, the Dean’s decisions on how to respond to communications would be overridden by Dr. McPherson and she would be required to use Dr. McPherson’s responses rather than her own (EagleWoman, 2018). Micro-management intensified in November 2016, when the university appointed a consultant, Ms. Janet Schmidt, to supervise EagleWoman’s activities (EagleWoman, 2018). She was told by Dr. McPherson that the consultant was hired to coach and instruct her on how to communicate with faculty and staff and to help draft and edit her correspondence (EagleWoman, 2018).

One of Schmidt’s critiques of EagleWoman focused on her preference for using formal titles. EagleWoman believed that titles, such as Professor and Director, set a tone for professionalism and were important for establishing respect for women and racialized and Indigenous people in positions of authority (EagleWoman, 2018). Despite the explanation, Schmidt, a white woman who was not a lawyer or an academic, insisted that she did not agree, and thought it was better to adopt a more informal approach of first names (EagleWoman, 2018). The consultant was later authorized to bypass EagleWoman in responding directly to faculty and staff (EagleWoman, 2018).

Moreover, in March 2017, the university moved Scott McCormack, the university’s Ombudsperson, into the position of Interim Director of Student Services & Skills at the law school, once again, done without consulting EagleWoman (EagleWoman, 2018). After McCormack’s transfer, EagleWoman would often be asked by Dr. McPherson to seek his perspective on curriculum, faculty, and staffing, and to discuss all decision-making. She was also asked to share drafts of correspondence with McCormack for his input (EagleWoman, 2018). She was also aware of meetings that were held with McCormack where he reported to Dr. McPherson and later with Dr. Barnett, interim Provost and VP Academic, on law school operations, including her performance as Dean.

**Theme 2: Domination, subordination, and the denial of accommodation**

“White culture was regarded (and remains) the basis for ideas of legitimate government, law, economies, science, language, music, art, literature – in a word, civilization” (Young, 2003, p. 3).

EagleWoman’s duties included preparing budget submissions for the university’s executive to be incorporate into the full budget proposal for the Board of Governors (EagleWoman, 2018). The first budget proposed she prepared would have allowed her to hire additional staff and faculty to deliver the law school curriculum and fulfill a requirement of the law school’s accreditation (EagleWoman, 2018). She had also proposed funding to hire a law librarian, a position that the FLSC had asked the university to create in order to meet accreditation requirements (EagleWoman, 2018). Nevertheless, her budget proposals were significantly edited and reduced by Dr. McPherson and then given back to EagleWoman to submit, effectively stripped of authority to prepare independent budget proposals for the university’s executive team (EagleWoman, 2018). Despite the university’s promotion of the Faculty of Law as providing a curriculum with an emphasis on Aboriginal law, the hire was not a priority. She found this extraordinarily stressful as it was a regular point of contention with the FLSC (EagleWoman, 2018).

Moreover, the Faculty of Law generated significant revenue for the university through the higher tuition of law students and the related grants from the provincial government (EagleWoman, 2018). Yet the Faculty’s approved budget represented approximately 65% of the school of law’s revenues (EagleWoman, 2018). Dr. McPherson advised that the law school did not deserve any more funds because it was receiving a prorated per student share of the university’s overall revenues (EagleWoman, 2018). EagleWoman challenged the VPA and explained that the JD was a professional degree with external regulatory and accreditation requirements, and the Faculty of Law required more funds than undergraduate arts faculties (EagleWoman, 2018). Although the university had little experience with law schools, Dr. McPherson did not agree or respect EagleWoman’s years of experience in other academic institutions. Unsurprisingly, the previous Dean had also complained that the Faculty of Law was under-funded and did not have adequate resources (EagleWoman, 2018).

**Theme 3: The Exploitation of EagleWoman**

In addition, Dennis McPherson, a tenured professor of Indigenous studies for more than two decades – as well as a lawyer and a First Nations advisor to the law school – said he supported EagleWoman. He asserted that she “came along when it was politically right to have an Aboriginal person in charge of the law school. It makes Lakehead University look really good, except that the support is not there. …basically, she was set up” (Fiddler, 2018b). He argued that the Indigenous mandate is the only reason for the law school to exist,

“We need to train lawyers to understand that when they have Native people as clients, they need to understand where the clients come from and what they’re about in relation to the law that’s applicable in that case… what’s actually evolved in the four to five years that [the school] has been here is really a sham” (Fiddler, 2018b).

Paul Champ, EagleWoman’s lawyer in a constructive dismissal lawsuit, said, “Lakehead promoted the law school as being primarily about Indigenous communities. It was really just window dressing. They wanted her as a figurehead. They were trotting her out to all these events with donors” (Fine, 2018).

Celina Reitberger said that, “It was the [Aboriginal Advisory] Committee that worked on getting the law school in the first place. And, without the Indigenous supports there would not be a law school here,” but that by the second year of operation the relationship between the school and the committee had already deteriorated (Fiddler, 2018b). She said that Stuesser – the founding dean of the law school – “…wasn’t even asking us to meet anymore, he was trying to get rid of us” (Fiddler, 2018b). Moreover, there had been “a widespread backlash against empowering Indigenous people,” which led to long-term challenges in hiring and retaining Indigenous legal scholars, making it difficult for the school to implement its Indigenous mandate (Fiddler, 2018b).

**Theme 4: Direct and Indirect Discrimination**

“It is possible to both have empathy for a person and still hold inherited, unacknowledged racist views about them” (Alicia Elliott, 2019, p. 29).

EagleWoman experienced discrimination in the form of barriers or exclusions put up by dominant voices and interests of the members of the faculty of law as well as of the university’s administration. It consisted of differential or unequal treatment based on her First Nations status or sex, which excluded or denied her opportunity and dignity.

**Direct / intentional discrimination**

Early in her tenure, EagleWoman discovered a salary discrepancy between her salary and that of the previous dean. Her compensation, which included a salary of $210,000, pension and benefits, and an annual research grant, was ultimately increased to $219,500 effective August 1, 2017 when she raised her concern in October 2017 (EagleWoman, 2018). Even though she had learned about the discrepancy with her predecessor – a non-Indigenous white man – months earlier she felt devalued as a woman and an Indigenous scholar (EagleWoman, 2018). In addition, she did not receive any retroactive pay for the period May 1, 2016 – her first day of work – and July 31, 2017.

Gilbert Deschamps, the law faculty’s former Director of Indigenous Relations, had been identified by other law school faculty and staff as someone EagleWoman had “berated.” However, Deschamps said he found the Dean to be a “very kind woman… Hearing people say she was cold … she was extremely busy. She didn’t have a lot of time to sit down and chit chat” (Yang, 2018). Deschamps, who worked at the University of Ottawa at the time of his comment, said, “If a man had been in that role, they would have said he’s hard driving and focused … but for an Indigenous woman, people have different attitudes” (Yang, 2018).

**Harassment and hostile work environment**

Within the first months of her tenure, EagleWoman encountered open hostility and resentment from a segment of the faculty, staff, and students. She got the impression that they believed that she did not deserve to be Dean and was not hired on merit (EagleWoman, 2018). One particularly unwelcoming staff member was the Office Administrator of the Lakehead University Community Legal Clinic, Amanda Trevisanutto. During her encounters, EagleWoman often found her unprofessional and disrespectful (Fiddler, 2018a). On one occasion, Trevisanutto declared that she felt she did not have to listen to EagleWoman, as she did not consider her to be her boss (Fiddler, 2018a). EagleWoman decided not to renew Trevisanutto’s contract and to terminate her employment without cause on June 28, 2016 (Fiddler, 2018b). Subsequently, Trevisanutto brought a human rights case against EagleWoman and the university, in which she alleged reverse discrimination (Yang, 2018).

In the Fall of 2017, two faculty members, Dr. Frances Chapman and Professor Daniel Dylan, became uncooperative and openly defiant of EagleWoman’s authority (EagleWoman, 2018). Dr. Chapman refused to meet with her even though she was his direct supervisor (EagleWoman, 2018). When Dr. McPherson was made aware, she failed to support EagleWoman in her effort to engage Dr. Chapman in an appropriate manner (EagleWoman, 2018). Professor Dylan, who was listed as teaching Indigenous Knowledge Governance, was also openly hostile towards, and uncooperative with, EagleWoman during faculty meetings (EagleWoman, 2018). Dr. McPherson and the Acting Provost, Dr. Barnett, were made aware of this situation, but failed to allow EagleWoman to address the behaviour (EagleWoman, 2018). For example, in November 2017, she asked both Dr. McPherson and Dr. Barnett if she could send an email to faculty members to attempt to de-escalate tensions prior to the December Faculty Council meeting (EagleWoman, 2018). She was initially denied permission to do so but was later allowed to send an edited version of this email after further emails and telephone calls expressing her extreme distress (EagleWoman, 2018).

Tensions with faculty members came to a head during the Faculty Council meeting on January 25, 2018. Several faculty members challenged the creation of an Operations Advisor position and the fact that Mr. McCormack was going to be placed in this role (EagleWoman, 2018). Even though this was a decision that had been made by Dr. McPherson, EagleWoman was the one who was verbally attacked for it (EagleWoman, 2018). This meeting ended with one faculty member, Professor Dylan, yelling at the Dean and storming out (Fiddler, 2018a). Following the meeting, EagleWoman was very upset. Indeed, even the Acting Provost was shocked by the conduct of Professor Dylan and agreed his conduct was inappropriate (Fiddler, 2018a). She advised the Acting Provost that the work environment was having a significant impact on her health and well-being and that she was going to start counselling as a result; she took the following day off as a sick day (Fiddler, 2018a).

Several days later, EagleWoman followed up with the Acting Provost by email to emphasize her concerns about the work environment (EagleWoman, 2018). She explained that she continued to face severe stress and anxiety and was having trouble sleeping (EagleWoman, 2018). She noted that she had been dealing with a hostile work environment for months and had not received adequate support from the university (EagleWoman, 2018). She indicated that she was waiting for the university’s response and wanted to know what options she had to ensure a safe and healthy work environment (EagleWoman, 2018). Unfortunately, the university made no attempt to respond that support was coming. She later learned that the Acting Provost had carried on communications directly with Professor Dylan without consulting her and was denied permission to review the communications when she asked (EagleWoman, 2018). Even though she was Dylan’s direct supervisor, she was cut out of the loop, further undermining her authority and respect within the Faculty of Law and putting her at a disadvantage when dealing with Dylan (EagleWoman, 2018).

**History of underfunding Indigenous programs.**

EagleWoman attempted to carry out her duties as Dean and to fulfill the law school’s mandate. However, her efforts were continuously met by barriers erected by the university’s administration. For example, the law school was understaffed and lacked the resources and support to hire a full complement of faculty and that it was an ongoing and contentious issue with the FLSC (EagleWoman, 2018). In its application to the FLSC, the university had committed to a full-time faculty complement of ten, including the dean, within the first three years of the program and that every attempt would be made to recruit Aboriginal faculty (Fiddler, 2018a). Nevertheless, her actions to remedy the issue were regularly ignored or vetoed.

Prof. Dennis McPherson said that racism had existed at the university for a long time and that he had also experienced systemic racism; the Department of Indigenous Learning – the department in which he taught – had been treated differently (Fiddler, 2018b). He asserted that the department had a lower status than other departments such as English and history, and that, “If it weren’t for special funding coming to the institution, then we wouldn’t exist” (Prokopchuk, 2018). Moreover, the university had fraudulently used these funds to pay his salary despite the funds being meant for program development and delivery (Fiddler, 2018b).

The under-resourced Indigenous law program created enormous strain as EagleWoman was forced to do more with less. For example, she wanted the university to implement cultural competency training, which would have been consistent with the law school’s mandate and promotion of its program as culturally supportive and welcoming to Aboriginal law students and faculty (Prokopchuk, 2018). It may have also assisted with the hostile work environment that she faced. However, the university repeatedly refused this request (EagleWoman, 2018). As a result of a shortage of permanent faculty members, EagleWoman was required to teach courses in almost every semester of her tenure – except one – on top of her regular duties (EagleWoman, 2018). The increased workload impacted her health and well-being and made it more difficult to carry out her substantial responsibilities (EagleWoman, 2018).

Following her resignation, the Indigenous Bar Association, which had trumpeted EagleWoman’s historic appointment in 2016, claimed to be in shock. While he did not want to fault the university without knowing specifics, President Scott Robertson stated that law schools are conservative spaces that are stubbornly resistant to change. He asserted, “any time you challenge establishments, you get pushback… My question is … what was the university doing to help? What were they doing to facilitate and what were they doing to frustrate?” It was apparent that conflicting interests and an inequality of bargaining power meant that the Indigenous law school mandate was taken for granted, not given special status, and starved of resources, consistent with the long-term underfunding of Indigenous programs.

**EagleWoman: Contesting Active Colonial Legacies**

“… how unstable our place – and all because of the missing foundation of our existence, the lost ground of our origin, the broken link with our land and our past” (Said, 1986, in Young, 2003, p. 11).

**Theme 1: EagleWoman Attempted to Shift Dominant Ways**

In November 2017, EagleWoman asked then President and Vice-Chancellor, Brian Stevenson, for a culturally relevant Indigenous mediation process to allow her to voice her sense of powerlessness and to address the discriminatory behaviour she had been experiencing in both the faculty of law and with senior administrators; her request was denied (EagleWoman, 2018). EagleWoman repeatedly requested that the university implement cultural competency and interaction training to improve the environment in the law school and in the university’s administration (Prokopchuk, 2018). She emphasized that such training was necessary to address ongoing tensions and to respond to the Truth and Reconciliation Commission’s Call to Action No. 28 (EagleWoman, 2018). All these requests went unheeded. EagleWoman said she was accused of focusing too much on the Indigenous mandate and often felt targeted as an Indigenous woman (Ariss, 2018). In her last academic year, she also taught all the mandatory Indigenous courses, working seven days a week to juggle her course load with the demands of being Dean (EagleWoman, 2018).

In response to EagleWoman’s resignation, Indigenous leaders representing dozens of First Nations and two treaty organizations of northern Ontario, as well as the Metis Nation of Ontario called for “immediate change” after the resignation (Prokopchuk, 2018). They made several recommendations, including the appointment of an Indigenous person as successor, an independent review of issues and allegations and the measures taken, that Fort William First Nation – a community adjacent to Thunder Bay – have a seat on a First Nations advisory council to the university, and that only Indigenous professors teach the mandatory Indigenous law courses (Prokopchuk, 2018). They also recommended a reconciliation strategy to address an “institutional framework of discrimination, racism, and unconscious privilege” (Prokopchuk, 2018).

Derek Fox, a lawyer and Deputy Grand Chief with Nishnawbe Aski Nation, which represents 49 First Nations in northern Ontario stated, “this can be used as an example of how we can improve the relationships, which we know are an issue in Thunder Bay. If we’ve got to start at Lakehead University, then let’s do that” (Prokopchuk, 2018). To Karen Drake, one of Bora Laskin’s founding Indigenous faculty members, EagleWoman was “incredibly smart” and “inspirational.” “It was really powerful to have her as a dean,” said Drake, who left Lakehead last year for a job with York University. “It’s a real loss for the faculty.”

**Theme 2: EagleWoman Placed Indigenous Interests First**

EagleWoman attempted to place Indigenous interests first, to make sure the First Nation peoples’ experiences were centred, that their concerns were heard, and that their needs were met. She took the first steps to construct cultural wellbeing and escape from dependence on the Western institution’s culture and understanding of what was best for the Indigenous community, to create in the law school and its associated programs an ‘island of decolonialism’ (Elliott, 2019).

In November 2016, Trevisanutto filed a human rights complaint against EagleWoman and Lakehead, which accused the Dean of bullying and firing her because she was a “young blonde Caucasian woman,” an allegation of reverse discrimination (Yang, 2018). Her complaint described EagleWoman as “curt,” “dismissive” and “aggressive” — echoed by another former employee, Annet Maurer (EagleWoman, 2018). In a civil action commenced by Maurer against the university in February 2017, she took issue with EagleWoman’s management style and alleged discrimination against her based on her status as a white woman (EagleWoman, 2018). She argued that discrimination could be inferred from the fact that EagleWoman had published academic articles describing oppression she had experienced and that she had expressed her support for an Indigenous-focused law school (EagleWoman, 2018).

In her complaint, Trevisanutto said she always received “stellar” performance reviews but within five weeks of EagleWoman’s arrival, she was terminated with “no justification” (EagleWoman, 2018). She alleged that five out of seven administrative staff – all Caucasian female administrative employees – were fired or had their employment status “adversely impacted” by September 2016 (EagleWoman, 2018). According to Trevisanutto, “Ms. EagleWoman and Lakehead University had been busy procuring the services of Aboriginal employees to join the university,” in reference to two Indigenous people appointed as Director of Indigenous Relations and the university’s Chair on Truth and Reconciliation (EagleWoman, 2018).

She added that “while there is nothing inherently wrong with these appointments,” a closer look brings to light discrimination in hiring. She said the job posting for her replacement called for “cultural competency” — something she interpreted as discriminatory towards her as a non-Indigenous person who does not have “knowledge of specific cultural practices gained through immersion within Aboriginal culture.” Trevisanutto further alleged that EagleWoman, “had already concluded that because [she was] a young blonde Caucasian female that she must not be very smart, she must have obtained her success based on looks, and that she is not deserving of her job.” However, Trevisanutto said she had lost her job less than a month after receiving a 9 out of 10 in a performance review, which commended her “excellent ‘can do’ attitude” and ability to deal with “colleagues, students and the public in a very professional and friendly manner.”

EagleWoman responded that she did not renew Trevisanutto’s contract because she was concerned about her competence, “especially since she was the administrative assistant for a low-income clinic where the majority of clients were Aboriginal” (EagleWoman, 2018). EagleWoman said that the allegations were not true and that she had been removed as a respondent to the complaint several months later (EagleWoman, 2019).

In both human rights cases, the university failed to consult with EagleWoman in that had given unilateral instructions to legal counsel and failed to consult with her at critical stages during the application process (EagleWoman, 2018). In particular, the university failed to consult with her prior to filing the response to the human rights complaints, even parts prepared on her behalf, and then settled the cases without consulting her as an individual named on one case, or even as the chief executive of the Faculty where the employees had worked (EagleWoman, 2018). Moreover, the university did not take steps to counter resentment and hostility even though it was demeaning, and it would not have treated any other Dean that way (Macnab, 2018).

**Theme 3: Breach of the Employment Contract**

“Have you ever been the only person of your own colour or ethnicity in a large group or gathering… to be from a minority, to live as the person who never qualifies as the norm, the person who is not authorized to speak… Do you feel that your own people and country are somehow always positioned outside the mainstream? … Do you sense that those speaking would never think of trying to find out how things seem to you, from where you are? That you live in a world of others, a world that exists for others” (Young, 2003, p.1)?

Laurentian University committed a fundamental breach of EagleWoman’s employment contract serious enough to constitute a repudiation of the agreement in Canadian common law (Levitt, 2018). EagleWoman was entitled to a workplace that was safe and harassment free; her experience was quite different. She believed she had never been treated so disrespectfully in her entire professional career and she was deeply distressed (EagleWoman, 2018). She felt she had no option but to continue given that she had made such a significant decision to uproot her professional and family life and re-locate with her young son to a new city and country.

Nevertheless, the stress of ongoing hostility continued to impact her health and required her to take several days for medical reasons and then go down to a four-day work week beginning the end of February 2018 (EagleWoman, 2018). In March, she wrote to the law faculty’s Aboriginal Advisory Committee advising that her efforts had been “thwarted” by the university, which “systematically sought to minimize” her work as Dean (Yang, 2018). She said,

“I have been the victim of systemic discrimination at Lakehead University… I have felt constantly challenged by a lack of funding, a hostile environment, and other negative actions directed at me as an Indigenous woman. It has reached a point that I am under such mental and emotional stress that it is untenable for me to stay” (Yang, 2018).

In an email to students, she said, “I sincerely believe that the law school and the university will overcome these systemic issues, but that task will have to fall to another dean … that the university and Faculty of Law will be able to confront and overcome these challenges” (CBC News, 2018).

Approximately two years after her appointment, EagleWoman resigned and alleged that she had experienced systemic discrimination based on her race and gender, that she was subjected to excessive oversight, which led to unsustainable working conditions that caused her to be constructively dismissed (Thompson, 2018). She was demeaned and had her authority undermined, which ultimately conveyed the message that she was not supported by the university (EagleWoman, 2018).

**Summary and Discussion**

Peter Rasevych’s uncle, Fred Nowgesic, was the first Indigenous person to sit on the Board of Governors, Senate, and Executive Council in the late 1980’s, and a spiritual elder who stood up for the Aboriginal Peoples in Thunder Bay. However, in a resignation letter in January 1996 his uncle condemned the university for failing the needs of the Indigenous students, staff, and faculty. The letter read in part,

“When I look at the universities today, I see the residential schools. The concept is the same: pluck natives out of their element and immerse them in European culture, religion, language, philosophy. We are under-represented in the leadership of the university. As a result, our need for solid, long-term commitments to Native education is lacking” (Fiddler, 2018a).

Several methods of paternalistic indoctrination were used that had the effect of shaming and patronizing EagleWoman. For example, in hiring a consultant to edit and write her communications, the outcome was for an Indigenous person to internalize racism and to ‘disappear into whiteness’ (Elliott, 2019, p. 20). In essence, EagleWoman was “chastis[ed] for not saying the right words, the words that made it easy for [them] to understand… [they tried] to cure [her] of being Indian” (Elliott, 2019, p. 11).

EagleWoman was micromanaged to such an extent it left her powerless, alienated, self-estranged, and robbed of dignity and discretion, largely at the hands of senior, respectable administrators at the highest levels of the colonial institution (Young, 2003), including Dr. Moira McPherson, the Provost and VPA at the time of her hire, and Dr. Barnett, who would become acting Provost and VPA during her tenure. She was forced to take on traditional Western values, a single paradigmatic view of the superior culture, which was unwilling to accommodate. Power remained carefully controlled to ensure ‘white’ or ‘Western’ expectations of behaviour and ‘ideal’ work practice (Young, 2003). Any kind of alternative Indigenous knowledge was perceived to be inferior and non-serious.

In her statement of claim, EagleWoman said that there was a bigger issue at stake in that the university, “benefitted from the publicity surrounding [her] appointment through national exposure, heightened credibility with Aboriginal communities, and Aboriginal student enrollment…” but that the university had failed to provide the resources and support for the school to meet its obligations (EagleWoman, 2018, para. 84). In a parallel to the ‘doctrine of discovery’ – if the lands were vacant, then they could be defined as ‘discovered’ and sovereignty claimed – the university had identified a niche in the law school ecosystem, the absence of law schools which incorporated Indigenous perspectives, and saw the Indigenous law program as a resource for its own ambitions.

Nevertheless, EagleWoman actively contested the dominant ways of seeing things and refused the colonial narrative that kept the law program alienated from the Indigenous community. She took immediate and concrete steps to intervene and reorient the program towards the needs and perspectives of the community; needs developed outside the societies of the West, and in turn perhaps helped transform the societies of the West (Young, 2003). She attempted to shift the dominant ways slowly, methodically picking at the inherited institutional colonialism, despite resistance, which may have finally forced the university community to re-evaluate its own complicity in her departure. Nevertheless, if EagleWoman’s small attempts at reconciliation and awareness of the needs of an Indigenous law program could not get the university leadership to agree to even the smallest of concessions, such as mediation, how could there be a serious contribution to reconciliation and fundamental change at Lakehead University?

No matter how unintentionally, the law school was a neocolonial project that continued to gut the Indigenous community “with dull blades” (Elliott, 2019), and which subordinated and marginalized the needs and wishes of the First Nations people. The possible accommodations suggested or carried out by EagleWoman were apparently judged to be deviations from preferred Western standards and were at best tolerated by the university administration, students and staff, or completely overlooked (Prasad, 2005). EagleWoman was apparently perceived as “inferior, childlike, or incapable of looking after [herself,” despite Indigenous peoples having done so perfectly well for millennia (Young, 2003, p. 2).

Bureaucratic control derived from the organizational hierarchy and rules, which rewarded compliance and punished non-compliance (Edwards, 1981 in Wilson, 2014). Bureaucratic control ensured ‘cultural continuity’ – control over education, culture, and self-government, which in the end denied the First Nations community substantive influence over the school of law and its relationship to students, the university, and the communities of north-western Ontario. EagleWoman found, after almost two years of frustration that there was no way forward. Requests for cultural competency training or other interventions such as Indigenous methods of mediation were routinely denied.

**Epilogue**

In her first interview after the resignation, EagleWoman said meaningful change required “deliberate efforts” and “systemic racism doesn’t magically disappear by bringing in the Indigenous person, even in a leadership position.” “I knew there would be challenges,” she said. “What I didn’t expect was lots of resistance and a sense that my opinions as Dean coming in were not going to be taken seriously or valued.” She had the impression that many in the university community believed that she was not deserving of the position, that she was not hired on merit, but because she was an Aboriginal woman (EagleWoman, 2018). Although the university administration had not communicated directly, comments from the university community have surfaced. For example, two white women, former staff members of the law school including Ms. Trevisanutto, had accused EagleWoman of reverse discrimination. In addition, Professor Dylan said that, “she was intensely disliked.”

However, Paul Champ, one of her lawyers, stated that EagleWoman was treated in a way that no dean would ever be treated and was denied the fair exercise of authority that a dean would normally possess (Macnab, 2018). Celina Reitberger said, “It’s a tragedy;” she was the former Executive Director of the Nishnawbe-Aski Legal Services, a lawyer herself, who worked closely with EagleWoman on the Aboriginal Advisory Committee; “… [discrimination] is so ingrained in the system that it’s going to take a long time to change it” (Prokopchuk, 2018). She continued, “we’re feeling like we dropped the ball because we thought ‘oh, we’ve got an Indigenous dean now and everything’s going to be great.’ Sadly, it wasn’t” (Prokopchuk, 2018).

Peter Rasevych, a band member of Ginoogaming First Nation northeast of Thunder Bay who earned two degrees from Lakehead University and a third from McGill, said he was amazed at the “hundreds and hundreds” of native students when he arrived in 1997 (Fiddler, 2018a). However, he recalled meeting EagleWoman as she flew into Thunder Bay to take up her post in March 2016, and the regret he felt for not telling her his own experience of the university (Fiddler, 2018a). He said, “I didn’t have the heart … I didn’t want to tell her, oh, this was my experience with that place… what if I would’ve said something to her on the plane that day when she was setting up her job and her home here? …what happened to EagleWoman wasn’t a one-off” (Fiddler, 2018a). Senior administration had pushed back against Indigenous leaders for decades. Then acting university president, Dr. Moira McPherson, acknowledged that systemic racism existed at the university. She said, “it’s the practices, the policies, the patterns … the structures are as old as the communities or the organizations themselves” (Fiddler, 2018a).

In emailed statements following EagleWoman’s resignation and the critical response of the Aboriginal community, the university said it was, “listening to, and reflecting on, what has been shared by our region’s Indigenous leadership… We are committed to creating the conditions whereby everyone at Lakehead University can flourish and we look forward to ongoing dialogue and action” (Prokopchuk, 2018). The university also emphasized its “unwavering” commitment to its core pillars, including Aboriginal and Indigenous law and that it makes “exceptional efforts” to foster an inclusive culture and was committed to ensuring EagleWoman’s success (Yang, 2018). “The university worked hard with the Dean to address matters she brought to our attention during her employment.” However, the university also stated that it does not comment on personnel matters and would not share their response to her legal complaint, citing settlement confidentiality (Yang, 2018).

In the wake of her resignation, the university asked a non-Indigenous, semi-retired provincial judge – Honourable Justice Patrick Smith – to serve as interim dean (Scholey, 2018). In his letter to the Chief Justice of the Superior Court of Justice for the Province of Ontario, he claimed “the affairs of the school are in crisis,” a characterization of the situation which was not in question (*Smith v. The Attorney General of Canada*, 2020). The Chief Justice of the Superior Court stated that Smith’s role would be limited to academic leadership; recruitment, financial decisions, and academic appeals would be delegated to others in the unit, and he would not accept remuneration from the university (*Smith v. The Attorney General of Canada*, 2020).

The university acknowledged his significant qualifications for the interim role. Interim President MacPherson explained in a letter to Smith,

“We make this urgent request based on your knowledge, skills, and experience… In addition, your long-standing connections and the respect you garner in the local, provincial, and national legal communities, combined with your significant work with Indigenous communities and your important publications focused on Aboriginal Law in Canada, are critical to the ongoing evolution and success of the Faculty of Law” (*Smith v. The Attorney General of Canada*, 2020).

Justice Smith had practiced law in Thunder Bay for twenty-five years, had significant expertise in Indigenous law, had been appointed to the Special Claims Tribunal, and had worked with the Chair of the Truth and Reconciliation on judicial education initiatives (*Smith v. The Attorney General of Canada*, 2020).

However, First Nations groups as well as the Canadian Judicial Council objected to the appointment (Scholey, 2018). Only a decade prior, Justice Smith had jailed a group of First Nations protestors who had violated a court order to block a mining project on their treaty lands and to protect their territory; the sentence caused outrage among Indigenous activists (Ariss, 2018). A conduct review of his appointment as interim dean by the Canadian Judicial Council found that he had broken a rule that requires judges to avoid “involvement in public debate that may unnecessarily expose him to political attack or be inconsistent with the dignity of judicial office,” which caused Smith to decline the university’s request even though he later had the decision of the Canadian Judicial Council reversed in a court challenge (*Smith v. The Attorney General of Canada*, 2020).

Smith was replaced by Dr. David Barnett, again on an interim basis, until a new competition could be held for the position. In August 2019, the university named a non-Indigenous person, Dr. Jula Hughes, as its new Dean of the Faculty of Law (Fiddler, 2019). She had beaten out a First Nations man, Dennis McPherson, the long-time Indigenous professor at Lakehead (Fiddler, 2019). Of Hughes appointment, he said, “they have done exactly what I expected them to do since I am the wrong kind of ‘Indian’ (Andrew-Gee, 2019). I care more about moving Native values forward for the sake of our kids rather than aligning myself with the politics of the institution” (Andrew-Gee, 2019). Joshua Sinoway, an Indigenous law student, said the university, “made the safe decision by hiring a person who won’t rock the boat” (Andrew-Gee, 2019).

Dr. Hughes was a German-born legal scholar with expertise in Indigenous issues, who had practiced in labour law and human rights, and once clerked at the Supreme Court of Canada (Andrew-Gee, 2019). Hughes said of her appointment, “reconciliation with First Peoples and access to justice are key challenges for our legal system, for the legal profession, and for legal education in Canada” (Dunich, 2019). She added that, “Canada has a wealth of Indigenous legal traditions that shape our law and are part of our law… If reconciliation is a key constitutional objective, lawyers today will have to learn, and get immersed in, Indigenous law” (Dunich, 2019). Dr. Hughes has had a long-time interest in Indigenous issues and has published papers on residential schools and relations with urban Indigenous populations (Andrew-Gee, 2019). Nevertheless, some will still have reservations about the appointment of a settler, especially in a position that had been held by an Indigenous person, although she promises not to take it personally (Andrew-Gee, 2019).

**Conclusion**

Our study had as its motivation the need to dislodge or disrupt oppressive neocolonial practices, which may allow for the possibility of alternative constructions that would remain obscured or misrecognized otherwise. We traced how a neocolonial discourse was constructed and maintained in a Western institution in the context of a legal system that has been hostile to First Nations’ rights, and a profession that has been hostile to women. We demonstrated how a Western perspective – that of the university’s administration, faculty, and staff – was privileged, or taken for granted, and the Indigenous perspective marginalized – both of EagleWoman and of the First Nations community. We also demonstrated how discrimination, paternalism, shaming, hostility, and exploitation resulted from that privilege, as well as her struggle to shift the dominant ways of the law faculty and university administration, and to place Indigenous interests first.in the hope of decolonizing the law and higher education. Our findings disclosed how organizational practices served to maintain neocolonial values and reproduced barriers to the meaningful participation of an Indigenous woman and the First Nations community that the faculty of law was intended to serve.

EagleWoman was set up, not to succeed, but rather to carry out an implied program of a minimally Indigenized Western-oriented law program. The university administration behaved as if any accommodation that might have been forthcoming had already been made; now, it was up to the Dean to make the best of it. While EagleWoman assumed that she had been granted the authority and discretion to advance the new program – a typical job description for the dean of a law school was consistent with that assumption – she and the Indigenous law program were forced to remain in a state of dependence to the university. Moreover, she did not anticipate the paternalistic micromanagement behaviour that Young (2003) asserted resulted from assumptions of “inferior, childlike, or feminine [qualities, that make the *other*] incapable of looking after themselves” (p. 2). While she attempted to shift the dominant practices of the law faculty, she met with paternalistic resistance at almost every suggestion. Moreover, she was denied “a language and politics in which [Indigenous] interests come first.” (Young, 2003, p. 2)

She was always an object, demonized by her faculty colleagues and staff, as well as dominated, exploited, and abused by the university’s administration. Why did they need to control EagleWoman so badly and so completely that they even tried to control her image through her communications? Why were they so ill-equipped to offer something more meaningful like respect, acceptance, and acknowledgement? Were they incapable of seeing the legitimacy of her Indigenous perspective and to see the law school’s needs as separate and distinct from the broader institution? Would it have undermined their own credibility, or that of the institution, to acknowledge the legitimacy of her requests?

EagleWoman was exploited at the same time she was oppressed, used only as a figurehead, a token ‘Indian,’ and cheap labour. In substance, she was never taken seriously as a leader and decision maker who possessed authentic insight into a wholistic approach to an Indigenous program that reflected that community. While deans are usually granted a high degree of workplace power and autonomy, management holds the ultimate sanction to discipline except for the limits established in law. For EagleWoman, her employment was an opportunity to establish a program that embodied Indigenous interests and needs, operated with and by the First Nations community of northwestern Ontario. For Laurentian University, it was just another program previously denied, a feather in their cap, implemented in a way that was insensitive to the needs and contribution of the community, a traditional approach to a law program with a minimal effort to incorporate an Indigenous perspective rather than an authentic Indigenous program driven by that community’s needs, values, and worldview, an opportunity to put an Indigenous ‘face’ (Young, 2003) on the practice of law and university education.

Nevertheless, EagleWoman insisted on the right to make decisions that affected the Indigenous communities, particularly the right to have barrier-free access to the law, in the process changing the institution to no longer represent only Western and white interests and perspectives. Moreover, she sought to change the way her colleagues thought and behaved, to produce a more just and equitable relation between the faculty of law and the Indigenous people of northwestern Ontario. By drawing attention to her experience, EagleWoman’s resignation drew the community’s attention to what was happening in the law school and in the university’s administration, to validate and confirm the Indigenous community’s experience of otherness, even in a program with a specific mandate to embody the First Nation’s perspective. However, in the end the only way for EagleWoman to maintain her dignity and health in the face of open hostility, as well as to contest the university’s lack of awareness and sensitivity to the needs of the Indigenous community was to resign and subsequently sue for constructive dismissal.

Finally, Indigenous people are frequently forced to deny parts of themselves to appease others (Elliott, 2019). However, EagleWoman was unwilling to deny the changes and processes she thought were required to put the Indigenous community and its interests first, to begin to dislodge the colonial legacy. She was not willing to deny parts of the Indigenous experience to appease others but rather took concrete steps to educate, raise awareness, and alter the everyday practices of an indifferent neocolonial institution.

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1. “While certain non-Native readers, writers and critics continue to bemoan our refusal to be the Indian they’re looking for, others are willing to see us as ourselves” (Elliott, 2019, p. 164). [↑](#footnote-ref-1)
2. Compiled from a variety of sources including: Angelique EagleWoman and Lakehead University (2018). Statement of Claim, CV-18-00078442-0000 (Ontario Superior Court of Justice). Retrieved on Jan.4, 2021 from McNab, A. (2018): <https://www.canadianlawyermag.com/news/general/former-dean-of-bora-laskin-law-school-suing-lakehead-for-2.6-million/275657>. CBC News (2018). Lakehead University 'acknowledges' law school dean's resignation. CBC News. April 4, 2018. Retrieved on February 26, 2021 from: <https://www.cbc.ca/news/canada/thunder-bay/lakehead-law-school-dean-steps-down-1.4603395>.

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