CURRICULUM GR. 9-12

## **CLASS ACTION LAWSUITS**

Grade 12

#### **MAIN IDEA**

This lesson will give students the opportunity to acquire several individual and group skills. The class will reflect on and discuss prior knowledge regarding Class Action Lawsuits in Canada. The Indian Residential Schools Settlement Agreement (IRSSA) is the largest class action settlement in Canadian history. On May 10, 2006, the government of Canada announced approval by all parties of the IRSSA. Each student will be responsible for reading through a related article and working with a group to gather important points of information. Initial groups will split to form new groups where students will teach each other about the article they researched. Communication skills will be utilized during this part of the activity. In the final stages of the lesson, students will be given a quiz to recall information from the article and show what they learned from each other.

# ONTARIO SPECIFIC EXPECTATIONS Students will...

**NATIVE STUDIES** 

- Describe recent developments in the legal and political dialogue between Aboriginal peoples and the government of Canada.
- Assess the potential for respectful and reciprocal relationship between Aboriginal peoples and other Canadians.

MATERIALS	RESOURCES & SOURCES
Handouts	Article: Indian Day School Survivors Launch \$15 Billion Dollar Lawsuit http://www.cbc.ca/news/canada/manitoba/story/2009/07/31/mb-day-
Quiz	school-survivors-lawsuit-winnipeg.html
	Article: Judges Approve Residential School Deal <a href="http://www.cbc.ca/news/canada/story/2006/12/15/residential-schools.html">http://www.cbc.ca/news/canada/story/2006/12/15/residential-schools.html</a>
	Article: School Abuse Victims Getting \$1.9 Billion <a href="http://www.cbc.ca/news/canada/story/2005/11/23/residential-package051123.html">http://www.cbc.ca/news/canada/story/2005/11/23/residential-package051123.html</a>
	EXTRA ACTIVITY OPTION:
	Truth & Reconciliation Commission of Canada: Reconciliation – <a href="http://www.trc.ca">http://www.trc.ca</a>
	Have students create a Twibbon.



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#### **ACTIVITIES**

- 1. **Distribute Handout #1**. Read the quote to the class. Have each student give a one-word response on how this quote makes him or her feel. The teacher may want to start. Some examples may include: frustrated, hopeful, encouraged, positive, sad, overwhelmed. Have students answer the questions on **Reconciliation: Class Action Lawsuits.** Discuss each question once students have had a chance to think and respond to them. Encourage students to add to their answers during class discussion.
- 2. **Jigsaw Activity:** Split the class into 3 groups. Distribute a different article to each group; each person should receive their own copy. \*Article links in Materials section. Have each group read the article together or on their own. Discussion of the article is encouraged. Students will record information onto the **Article Review Chart** for their own article. The initial group is considered the 'expert' group.
- 3. Each 'expert' group will now be familiar with their own article. Number off the groups to form 5 or 6 new groups, each group will consist of three students. These will be smaller groups, considered 'teaching' groups. Each person in the group will teach the other members of the group about their article. This lesson focuses on building communication skills; therefore students should not simply swap charts. Circulate the room to ensure 'teaching' is taking place.
- 4. When it appears that each group has completed their chart, have students go back to their own desks. As a class, discuss the cases presented in each article: Why are there lawsuits? What progress has been made? How do you feel about the amount of each settlement? Is this an effective form of reconciliation? Do you think there is a more effective form of reconciliation?
- 5. Distribute the quiz, **Handout #3**, to assess the students learning in this lesson.

#### **ASSESSMENT**

Formative: Chart

Diagnostic: Quiz



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**QUOTE** 

Name:		

#### RECONCILIATION: CLASS ACTION LAWSUITS

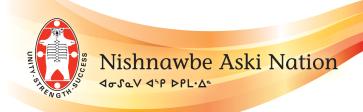
"For over 100 years, Aboriginal children were removed from their families and sent to institutions called residential schools. The government-funded, church-run schools were located across Canada and established with the purpose to eliminate parental involvement in the spiritual, cultural and intellectual development of Aboriginal children. The last residential schools closed in the mid-1990s.

During this chapter in Canadian history, more than 150,000 First Nations, Métis, and Inuit children were forced to attend these schools some of which were hundreds of miles from their home. The cumulative impact of residential schools is a legacy of unresolved trauma passed from generation to generation and has had a profound effect on the relationship between Aboriginal peoples and other Canadians.

Collective efforts from all peoples are necessary to revitalize the relationship between Aboriginal peoples and Canadian society – reconciliation is the goal. It is a goal that will take the commitment of multiple generations but when it is achieved, when we have reconciliation - it will make for a better, stronger Canada."

Source: http://www.trc.ca/websites/reconciliation/index.php?p=312 (Retrieved January 30, 2013)

# How does this quote make you feel? Write a short reflection...



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## **DISCUSSION QUESTIONS**

Name:		

## RECONCILIATION: CLASS ACTION LAWSHITS

	ALLCONGLEMITION GENERAL MANAGEMENT
1.	How would you define a Class Action Lawsuit?
2.	Who would be involved in a Class Action Lawsuit?
3.	Do you think the outcome of a Class Action Lawsuit would benefit both parties involved?
4.	What do you think 'aggressive assimilation' means?
5.	What would be some positive and negative results of Class Action Lawsuits?



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ARTICLE #1

Name:			
Name:			

## **CLASS ACTION LAWSUITS: ARTICLE REVIEW CHART**

In your expert group, read and discuss one article. Fill in the chart for your article. You will then be divided into teaching groups, where you will share the information from your article with your classmates. It is your job to teach each other about the article that you were responsible for. Be a good teacher...there will be a quiz to follow this activity!

#### INDIAN DAY SCHOOL SURVIVORS LAUNCH \$15B DOLLAR LAWSUIT

Issue:		
Outcome:		
People Involved:		
Unique to this case or interesting facts:		



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ARTICLE #2

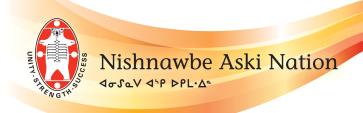
Name:			

#### CLASS ACTION LAWSUITS: ARTICLE REVIEW CHART

In your expert group, read and discuss one article. Fill in the chart for your article. You will then be divided into teaching groups, where you will share the information from your article with your classmates. It is your job to teach each other about the article that you were responsible for. Be a good teacher...there will be a quiz to follow this activity!

## JUDGES APPROVE RESIDENTIAL SCHOOL DEAL

Issue:	
Outcome:	
People Involved:	
Unique to this case or interesting facts:	



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ARTICLE #3

Name:			

#### CLASS ACTION LAWSUITS: ARTICLE REVIEW CHART

In your expert group, read and discuss one article. Fill in the chart for your article. You will then be divided into teaching groups, where you will share the information from your article with your classmates. It is your job to teach each other about the article that you were responsible for. Be a good teacher...there will be a quiz to follow this activity!

#### **SCHOOL ABUSE VICTIMS GETTING \$1.9 BILLION**

Issue:	
Outcome:	
People Involved:	
Unique to this case or interesting facts:	



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**QUIZ** 

Name:
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## **CLASS ACTION LAWSUITS**

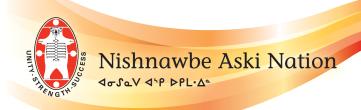
Answer the following questions on lined paper. Use full sentences and provide as much information and detail as possible from the articles discussed in class.

## Article #1 - Indian Day School Survivors Launch \$15B Dollar Lawsuit

- 1. What is the hope of this Class Action lawsuit?
- 2. What was the reasoning behind the legal document going through a sweat lodge and traditional pipe ceremony?
- 3. Why is the Spirit Wind survivors group seeking \$15 billion in damages?
- 4. Contrast and compare residential schools with day schools.
- 5. Why is this case especially important to First Nations people?

#### Article #2 - Judges Approve Residential School Deal

- 1. Approximately how many people are involved in this deal?
- 2. What is the payout amount of this deal?
- 3. What is the hope of the settlement according to Phil Fontaine?
- 4. This settlement includes individual payouts for residential students. What else will the money go towards?
- 5. Over the past two decades, how many lawsuits have been filed against the government and/or churches involved in cases of abuse?



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QUIZ - continued...

#### Article #3 - School Abuse Victims Getting \$1.9B

- 1. This article states that victims would be paid and programs funded as compensation for abuse experienced in residential schools. What do you think is a more meaningful form of compensation? Individual payouts or funding programs and projects. Explain.
- 2. Who else needs to accept this agreement before it is approved?
- 3. What must individuals receiving a compensation payout agree to?
- 4. What does Karen Shaboyer, a former residential school student, hope will be an outcome of the agreement? Give an example.
- 5. How would you interpret the following quote made by the New Democrat MP: "The government is doing the honourable thing, but it does have the stink of desperation to it"?

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#### TEACHER MASTER COPY

#### **QUIZ ANSWER KEY**

#### **CLASS ACTION LAWSUITS**

Answer the following questions on lined paper. Use full sentences and provide as much information and detail as possible from the articles discussed in class.

## Article #1 - Indian Day School Survivors Launch \$15B Dollar Lawsuit

- 1. What is the hope of this Class Action lawsuit?
  - It lead to healing
  - It includes all victims of abuse, not just students of residential schools
- 2. What was the reasoning behind the legal document going through a sweat lodge and traditional pipe ceremony?
  - "To pray for the statement and bring it to life just like past ancestors did with treaties. The document is alive now".
- Why is the Spirit Wind survivors group seeking \$15 billion in damages?
  - Physical and sexual abuse
  - Stripping of language, culture, and heritage
- 4. Contrast and compare residential schools with day schools.
  - Contrast students boarded at residential schools, whereas students returned home while attending day schools
  - Comparisons funded by the federal or provincial government and run by the churches
- 5. Why is this case especially important to First Nations people?
  - Some members of First Nation communities feel left out of present settlements that include survivors of residential schools. Everyone who experienced some form of abuse at school, whether it be residential or day school, should be compensated for damages.



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#### QUIZ continued...

## Article #2 - Judges Approve Residential School Deal

- 6. Approximately how many people are involved in this deal?
  - 80,000
- 7. What is the payout amount of this deal?
  - 1.9 Billion
- 8. What is the hope of the settlement according to Phil Fontaine?
  - He was one of the first people to come forward and speak of his experience in a residential school. The settlement will mark an end to that era of Canadian history.
- 9. This settlement includes individual payouts for residential students. What else will the money go towards?
  - The Aboriginal Healing Fund, truth and reconciliation process, commemorative projects, lawyers and fees
- 10. Over the past two decades, how many lawsuits have been filed against the government and/or churches involved cases of abuse?
  - 12,000

#### Article #3 - School Abuse Victims Getting \$1.9B

- 11. This article states that victims would be paid and programs funded as compensation for abuse experienced in residential schools. What do you think is a more meaningful form of compensation? Individual payouts or funding programs and projects. Explain.
  - Answers will vary
- 12. Who else needs to accept this agreement before it is approved?
  - 7 courts in different provinces that have been dealing with class-action suits



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#### QUIZ continued...

- 13. What must individuals receiving a compensation payout agree to?
  - One cannot sue the federal government and the churches running the schools except in cases of sexual and serious physical abuse.
- 14. What does Karen Shaboyer, a former residential school student, hope will be an outcome of the agreement? Give an example.
  - She hopes it will open the eyes of non-native people. For example, not making judgment of those people who are "staggering on the street", and knowing that they are experiencing a lot of pain and do not know how to deal with it.
- 15. How would you interpret the following quote made by the New Democrat MP: "The government is doing the honourable thing, but it does have the stink of desperation to it"?
  - Answers will vary.