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**Guy Rocher**  
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## 8. Student Autonomy and Advocacy in a Reflexive Society: The *Rapport Parent* and the Role of the Cégep

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# 8

## **Student Autonomy and Advocacy in a Reflexive Society: The *Rapport Parent* and the Role of the Cégep**

*Alexandra Juliane Law*



Young people under 18 years of age have more and more difficulty finding a stable and satisfying job: it is they who still constitute the most significant group of the unemployed. Mechanisation and automation are making many non-specialized jobs which used to be accessible to them progressively disappear. Employers, for various reasons, demand ever longer schooling. The adaptability which is necessary in a rapidly evolving technological world requires better basic training from every worker. For all of these reasons, one can say that an industrialised and competitive economy demands a longer education for all.

*Rapport Parent*, 1964, tome 2, vol. 2, par. 259

The reasons for it may vary over time, but the idea that education must adapt to change remains *unchanged* since the publication of the *Rapport Parent*.<sup>1</sup> Happily, other aspirations first expressed in the report have also retained their importance to present-day Quebec. Writing on the occasion of the 40<sup>th</sup> anniversary of the *Rapport Parent*, Guy Rocher reminded readers that the *democratisation* of education lay at the heart of the vast reform of the Quebec system which took place in the 1960s and 1970s.<sup>2</sup> Rocher and the other members of the Royal Commission

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1. Alexandra Juliane Law, LL. D., is teacher at Dawson College. The author gratefully acknowledges the support of the Social Sciences and Humanities Research Council for her doctoral studies. The opinions expressed in the following article are those of the author alone, and any errors are of course the author's responsibility.

2. Guy Rocher, "Les 40 ans du rapport Parent: démocratisation et droit à l'éducation," *Le Devoir*, April 7, 2010, online: [www.ledevoir.com/non-classe/24310/les-40-ans-du-rapport-parent-democratisation-et-droit-a-l-education](http://www.ledevoir.com/non-classe/24310/les-40-ans-du-rapport-parent-democratisation-et-droit-a-l-education).

of Inquiry on Education in the Province of Québec shared an ambitious vision of what a democratised education system would entail:

[...] equality of access, generalised access to education, meaning this great principle that each student, each child, each person, even an adult, has the right to the best possible education, according to his or her talents, tastes, aspirations, desires; regardless of surroundings, regardless of age, etc.<sup>3</sup>

Unlike many commission reports which are forgotten soon after publication, the *Rapport Parent* is not only remembered: it has become a symbol of the Quiet Revolution and one of its foundational documents.<sup>4</sup> Rocher has commented that the membership of the Commission was not representative of the population of Quebec, and that were it to be formed the same way today, the public would oppose the creation of such a homogeneous group to conduct a major overhaul of the education system.<sup>5</sup> The majority of members of this government-sponsored entity were drawn from private schools and private enterprises.<sup>6</sup> Nevertheless, in the end they endorsed a public vision for democratic education.<sup>7</sup> A sign of the enduring symbolic status of their work is Rocher's own observation that people still refer to

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3. Guy Rocher, "À la défense du réseau collégial" (Presentation delivered at the *Journées de réflexion et de mobilisation À la défense du réseau collégial* fneeq CSN, 12 and 13 February 2004), electronic version prepared by Professor Jean-Marie Tremblay, Université du Québec à Chicoutimi, online: Les classiques des sciences sociales <http://classiques.uqac.ca> at 17 (my translation).

4. Guy Rocher, "Un bilan du Rapport Parent: vers la démocratisation," *Bulletin d'Histoire politique*, vol. 12, n° 2, 2004, p. 117, electronic version prepared by Professor Jean-Marie Tremblay, Université du Québec à Chicoutimi, online: Les classiques des sciences sociales <<http://classiques.uqac.ca/>> at 6; Guy Rocher, "Preface," in Claude Corbo, *L'éducation pour tous: une anthologie du Rapport Parent*, Montreal, Presses de l'Université de Montréal, 2002, at 9; Claude Corbo, *L'éducation pour tous: une anthologie du Rapport Parent*, Montreal, Presses de l'Université de Montréal, 2002, at 12.

5. Corbo, *supra*, note 4 at 32.

6. Corbo, *supra*, note 4 at 40; Rocher, *À la défense...*, *op. cit.*, at 13.

7. Corbo, *supra*, note 4 at 40.

the *Rapport Parent* when arguing about education, without appearing to have read the actual text.<sup>8</sup>

The symbolic importance of the *Rapport Parent* is augmented by the fact that its historical context and the institutions it created are bound together with the coming-of-age story of a single, influential demographic group, now approaching retirement.<sup>9</sup> As secondary and post-secondary students in the new system, they witnessed dramatic changes in the relationship between students and their schools, and more broadly between citizens and legal institutions in Quebec. Students now entering cégep have no memory of a time in Quebec when one could not choose between trade school and university as a young adult, the educational path having been formally determined at childhood. The 2012 cohort may be blissfully unaware that before their grandparents' time, post-secondary education was an almost exclusive privilege (though not yet a right) of males.<sup>10</sup> Guy Rocher has remarked on the short memory of his own colleagues, who forget the very existence of the *primaire supérieur* level of study.<sup>11</sup> Students who attended the *primaire supérieur* could not receive a secondary school diploma in Quebec because the *secondaire* label could only be applied to private classical colleges run by the clergy, a practice Rocher likens to the *appellation contrôlée* of fine wines.<sup>12</sup> Present-day students have little to no direct experience of the elitism which prevailed in Quebec education before the reforms, just as they have no experience of the comparatively strict classroom environments which predominated at the time. By now, many teachers also lack this

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8. Rocher, *supra*, note 4 (2002) at 9. In the spirit of full disclosure, the author of the present article has read the second volume of the *Rapport Parent*, as well as some paragraphs of the first volume.

9. Corbo, *supra*, note 4 at 17.

10. Corbo, *supra*, note 4 at 15.

11. Rocher, *supra*, note 3 (2004) at 8.

12. *Ibid.*

direct experience, having been educated in the student-centred model advocated in the *Rapport Parent*.

Given the lack of personal memory of the Quiet Revolution among young adults in 2012, one might expect Quebec students to be complacent about the democratisation of education to which the *Rapport Parent* aspired and the creative achievement which the reforms represent. This would be a mistake. Many post-secondary students are actively working for the democratic ideal, notably through their participation in the Quebec student movement. The movement for accessible tuition levels is the most public face of the continued desire for democratisation of education among Quebec students. Today, the student movement works to democratise access to education and prevent a generation of students from being saddled with unsustainable debt. However, the present paper addresses a less public example of democratisation: that of the educational *process*. Below it will be argued that the *cégep* democratises education beyond the classroom by giving students room to discover their own legal subjectivity and to act as reflexive community members.

### **“The best education for all”**

The *cégep* system is one of the best-known results of the Commission’s work. The *cégep* (*collège d’enseignement général et professionnel*) is a unique Quebec institution. Even Anglophones use the French acronym in daily speech. It is also a public institution, as private colleges are not officially called *cégeps*.<sup>13</sup> Its conception as a necessary middle ground between secondary school and the workplace or university was part of a broader set of commission recommendations aimed at reducing the rate of abandonment of school among youth. As early as the 1950s,

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13. Fédération des *cégeps*, “Questions fréquentes,” no date, online: <<http://www.fedecegeps.qc.ca/questions-frequentes/>>. See also: *General and Vocational Colleges Act*, R.S.Q., c. C-29, s. 2. Of course, in casual conversation a private college is often referred to as a *cégep*.

there was growing public criticism of the dropout rate as a threat to the economic prosperity of Quebec.<sup>14</sup> The commission studied briefs from individuals, associations and educational institutions across Quebec.<sup>15</sup> It came to several conclusions about why young people might abandon their studies before graduation, and how students might be encouraged to pursue post-secondary education.

The commission writes that one significant reason for dropping out was a sense among students that their secondary studies did not engage them during the years it took to complete the program. This conclusion is reflected in the commission's recommendation that secondary studies should last for a maximum of five years. Any more time spent in secondary school risked having a 'sterilizing effect' on the student, making him or her lose interest in further studies.<sup>16</sup> This perspective opposes the notion of the school as a mere 'parking place' for youth who are deemed unready to take on adult roles in society, but who cannot be allowed to roam the streets freely with nothing to do.<sup>17</sup>

The sections of the report dealing with secondary and post-secondary education encourage a wholesale reform of teaching and learning as they were understood prior to the 1960s. The

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14. Corbo, *supra*, note 4 at 16.

15. For the list of briefs, see: *Rapport de la Commission royale d'enquête sur l'enseignement dans la province de Québec* (hereinafter *Rapport Parent*). Troisième partie ou tome III (suite): *L'administration de l'enseignement. B. Le financement. C. Les agents de l'éducation*, Québec, Gouvernement du Québec, 1966), electronic version created by Marcelle Bergeron, Université du Québec à Chicoutimi, online: Les classiques des sciences sociales <http://classiques.uqac.ca> at 5.

16. *Rapport Parent*. Deuxième volume ou Tome II: *Les structures pédagogiques du système scolaire*, Québec: Gouvernement du Québec, 1966, electronic version created by Marcelle Bergeron, Université du Québec à Chicoutimi, online: Les classiques des sciences sociales <<http://classiques.uqac.ca>> at par. 268.

17. For a critical account of the notion of the school as a 'parking place,' see Violaine Lemay, *Évaluation scolaire et justice sociale*, Saint-Laurent, Éditions du Renouveau pédagogique, 2000, at 87 and following.

commission argues for flexible, student-centred learning, in contrast to the traditional approach which the Commission describes as 'monolithic':

Only a radical transformation can give hope that we will be able to keep interested and active students for a longer time. There is a great danger in fact that classes will be weighed down by the presence of indifferent and passive students. It is therefore necessary to undertake a profound reform of teaching, to create and maintain among youth the necessary motivation. We know that to do this one must be able to offer to each the kind of teaching which responds to his or her tastes and aptitudes. Lazy or undisciplined students become active and interested when we bring them into a workshop; others, put off by certain subjects for which they are less talented, transfer their dissatisfaction to the whole of their studies; a great number abandon their studies prematurely because of the too-monolithic character of the programs and institutions. We have heard the eloquent testimony of young workers who regret having left school too early, but explain it by the fact that the educational regime neither captured nor maintained their interest.<sup>18</sup>

The commission encouraged educators to work at keeping students interested, and even excited about the possibilities offered by post-secondary education. This student-centred approach can be contrasted with more authoritarian models of education, in which the teacher is a powerful sovereign in the classroom, with little concern for fuzzy ideas like student engagement. For an example of this approach, one needs look no further than the character of Professor Kingsfield in the Hollywood film *The Paper Chase*.<sup>19</sup> This fictional Harvard Law professor terrifies his students, calling on them at random,

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18. *Supra*, note 16 at par. 262. My translation.

19. *The Paper Chase*, 1973, VHS, Beverly Hills (Calif.), Twentieth Century Fox Home Entertainment, 1998. For a critical discussion of Professor Kingsfield's approach to legal education, see John O. Mudd, "Thinking Critically about 'Thinking Like a Lawyer,'" *Journal of Legal Education*, vol. 33, 1983, p. 704 and following.

tolerating no interruptions, and berating hapless pupils for lacking the right answers. Students must adapt or drop out. Today this style of teaching and the mentality behind it are the subject of caricature.<sup>20</sup> However, in the 1960s the student-centred approach advocated in the *Rapport Parent* was groundbreaking. No longer should students be expected to adapt themselves to a rigid institution with no room for negotiation. Teachers, administrators and other institutional actors are encouraged to see education from the perspective of the student, and to respond to the expressed needs of each person. Arguably, the present system has retained some elements of the earlier approach, including the practice of evaluating student work and issuing grades. The impact of grading on power relations between teachers and students should not be underestimated.<sup>21</sup> Nevertheless, the vision of student success described in the second volume of the *Rapport Parent* moves away from obliging students to conform to the needs of institutions, and toward a model based on cooperation between students and educators with the shared goal of maintaining engagement in post-secondary studies. By including student engagement as an indicator of institutional efficacy, the above-quoted paragraph does more than suggest a means of keeping students in school. It advocates a change in the power balance between students and institutions of learning in Quebec. How does the cégep fit into this vision?

### **An easier transition**

In the course of its investigations, the Commission travelled far afield, observing educational practices in the United States, in

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20. See for example the Hollywood film *Legally Blonde* 2001, DVD, MGM and Mark Platt Productions, 2001, which re-enacts the classic lecture hall scene from *The Paper Chase*, this time for comedic effect.

21. Lemay, *supra*, note 17 at 77-78.

France, even in the Soviet Union.<sup>22</sup> This was an eye-opening experience for the members of the commission, as they discovered the elitism of the Quebec system and the problems it shared with its counterparts elsewhere.<sup>23</sup> University teachers and students in the rest of Canada and in the United States told commission members that new undergraduates were ill-prepared by the secondary system for the challenges of university studies.<sup>24</sup> Secondary schools failed to adequately prepare their students for post-secondary study, while universities failed to provide adequate help for students adapting to their new learning environment. As in Quebec, there was no intermediate space for students to develop independent work habits, or an understanding of the expectations and assumptions which were part of post-secondary study. Too frequently, students would gain acceptance to university and begin their first year, only to discover that they were not equipped to supervise themselves, work independently and adjust to a large institution where they were not followed closely by teachers and administrators. The result was that many potential graduates would not receive a diploma.<sup>25</sup> The commission members explain:

The principal difficulty met by students upon entry to university, especially those coming from public secondary school, is to have to work independently, without the support of a rigid framework. We stated in the preceding chapters that learning to work independently must happen early and in a progressive manner: the pre-university and professional level will be its culmination. Before reaching employment or higher education, the young adult must have definitively acquired independent work habits, the spirit of initiative and research, a taste for discovery.<sup>26</sup>

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22. Rocher, *supra*, note 3 (2004) at 15.

23. *Ibid.*

24. *Ibid.* at 18.

25. *Ibid.* at 18-19.

26. *Supra*, note 16 at par. 279. My translation.

The commission suggested that a transitional institution would help to prepare students for independent study with a minimum of supervision. The *institut* they proposed, later created as the *cégep*, would give students room to grow as independent, critical thinkers while offering institutional support to help them prepare for post-secondary study or the workplace.

### A diversity of programs

In addition to providing a transitional space, the *cégep* also placed students seeking technical training and immediate entry into the workforce in many of the same classes as students desiring to attend university. Rocher has suggested that the *cégep* model, in which students in academic and technical disciplines live side-by-side in the same institution, is more reflective of the actual society we should inhabit than the earlier model of education which separated academic and technical streams.<sup>27</sup> Today, some argue that not enough respect is given to post-secondary technical education among policy makers. "Given the intrinsic richness of manual work – cognitively, socially, and in its broader psychic appeal – the question becomes why it has suffered such devaluation as a component of education."<sup>28</sup> Referring to education in his home country, American philosopher and motorcycle mechanic Matthew B. Crawford writes of this serious error:

It is a rare person who is naturally inclined to sit still for sixteen years in school, and then indefinitely at work, yet with the dismantling of high school shop programs this has become the one-size-fits-all norm, even as we go on about 'diversity'.<sup>29</sup>

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27. Rocher, *supra*, note 3 (2004) at 19.

28. Matthew B. Crawford, *Shop Class as Soulcraft*, New York, Penguin Books, 2010, at 27.

29. *Ibid.* at 73.

In contrast, ideally the *cégep* is meant to include students with varied interests taking several general classes together, while recognizing that each will apply their knowledge differently in their chosen field. For example, students in humanities classes come from a cross-section of programs related to the social sciences, mechanical technology, the arts, health care, and others. Having taught in this context, the author has yet to identify any correlation between one's chosen program of study and one's ability to distinguish a consequentialist from a deontological ethical perspective. Certainly, most students do not go on to make a living in philosophy, but the point of taking a common course such as humanities is not to train full-time philosophers. It is to develop critical thinking skills and to encourage members of different disciplines to practice those skills together. Rocher is correct in stating that this system may best reflect our actual society. The combination of specialized programs and common courses ensures that people with different perspectives on life and work have the chance, even the obligation, to argue about their differences and share their skills in an institutional community.

### **Beyond the classroom – the student as a legal subject**

This is the ideal, at least, and perhaps it is an example of what Rocher means when he speaks of the importance of the *cégep* in present-day society. In remarks made at a conference, once again on the occasion of the 40<sup>th</sup> anniversary of the *Rapport Parent*, Rocher observes that one of the great changes brought about during the Quiet Revolution is that we now live in a 'reflexive society.'<sup>30</sup> By reflexivity, Rocher means the ability to think and communicate critically. He argues that reflexivity is

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30. Rocher, *supra*, note 3 (2004) at 23.

both a right and a duty of every citizen.<sup>31</sup> He describes the place of the *cégep* in a reflexive society as follows:

In the network of our education system and in our society, the *cégep* is a privileged place of learning among youth, by youth, of this reflexivity. And this seems to me to be promising for the future. It is a foundation of democracy, it is a foundation of the democratisation which must still continue.

And it is a foundation of real citizenship. To be a citizen is to be a person who practices the right to reflexivity and if one day the *cégep* had to disappear, I believe that it would be to the great impoverishment of Quebecois culture and of the social life of Quebec.<sup>32</sup>

One can read Rocher's words and think of the important role of education for critical thinking in technical education, in the sciences, the humanities, in physical education, and other fields. The familiar argument holds that a healthy democratic society requires an educated population which is capable of thinking critically. "[...] [D]emocracy thrives in an environment where learning is valued, where the ability to think is the mark of responsible citizenship, where free speech and the will to dissent is accepted and encouraged."<sup>33</sup> The commission goes a step further, describing the practical relationship between accessible education and democracy:

Democratic society is, as we have said, based on the direct or indirect participation of the citizens not only in political power but in diverse other organizations in all sectors of social life. To be real and effective, democratic participation requires that each be sufficiently informed to make a judgment, to hold public office, to cooperate in collective decisions. The complexity of the modern world, the accelerated rhythm of events, the power of mass information make more imperative than ever the necessity of

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31. *Ibid.* at 24.

32. *Ibid.* at 25. My translation.

33. Bell Hooks, *Teaching Critical Thinking: Practical Wisdom*, New York, Routledge, 2010, at 17.

instruction for the whole population, if we want each to take the rights and responsibilities that are his.<sup>34</sup>

A reflexive person not only thinks critically, but communicates that critique to the community and acts positively on it. A cégep class is a privileged space for the development of critical thought and communication. However, the cégep also provides education for reflexivity beyond the classroom. For many students, the cégep is the first institutional environment where they are seen as adults with rights and duties separate from those of their parents, and where their own power and responsibility may shift accordingly.

### **A change in jurisdiction**

Primary and secondary schools function like small societies, with student codes of conduct and hierarchical relationships between community members based on rank and occupation. A cégep is also a mini-society. However, unlike in cégep, most members of primary and secondary school societies are children. Children are recognized as rights-bearing people, even at international law,<sup>35</sup> and they can be held responsible for their behaviour if they make incorrect ethical choices. However, even teenaged 'children' lack full control over their own educational process. A student attending secondary school is kept under close surveillance. His or her attendance in class is monitored, and absences are brought to the attention of parents or guardians. These measures are intended to protect students and foster their intellectual growth in a safe environment, however:

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34. *Rapport Parent*, reproduced in Corbo, *supra*, note 4 at 84. My translation. The male gender is used only to simplify the text.

35. United Nations, *Convention on the Rights of the Child*, November 30, 1989, UNTS, vol. 1577, p. 3, online: <<http://www.unhcr.org/refworld/docid/3ae6b38fo.html>>.

This state of constraint opens the school to no more, no less than a logic of incarceration. What counts is no longer only that one learns, but that one remains there for the duration of the prescribed time, submitting with docility to forced work and to imposed tests.<sup>36</sup>

At the same time, the constraints of the school act in concert with parental authority to offer certain advantages to the student from the perspective of conflict resolution. Should a dispute about grading or discipline arise, it is customary for a parent or guardian to advocate on the student's behalf. Communicating with parents on these matters is assumed to be part of the schoolteacher's job description. In this way, the student may be insulated from direct conflict and negotiation with authority figures over evaluation and disciplinary sanctions.<sup>37</sup> In addition, a student can be excused from a test, relieved of an assignment, even freed for an entire school day with a stroke of the parental pen. The continued validity of the *Note from Home* within the secondary school reinforces the student's status as belonging to the jurisdiction of the family.<sup>38</sup>

Imagine then, the experience of trading this supervised and protected environment for a workplace where one is expected to take initiative and act responsibly, or a university where one is free to attend class – or not – and live with the consequences. The transition from secondary school is difficult not only because of the level of study required. It is a change in institutional membership which requires a change in outlook for the

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36. Lemay, *supra*, note 17 at 92. My translation.

37. Of course, this does not eliminate the presence of conflict between students and other institutional actors. The point is specific to evaluation and disciplinary procedures and policies – not to momentary conflicts among students, or between students and teachers.

38. A doctor's note has the same redeeming effect on the student's situation. See Lemay, *supra*, note 17 at 92: "L'absence aux cours devient progressive-ment un 'crime' passable de sanction. Seul le 'sauf-conduit' du médecin permet de se disculper."

student to become an empowered and independent person. The student moves from an environment where one needs special permission to use the restroom, to a place where one's attendance in lectures is not monitored and one is free to get up and walk out at will – whether from boredom or to protest what the lecturer is saying, or to take part in a student strike. The process of becoming a reflexive citizen, within the meaning given to it by Rocher, is also the process of becoming an empowered citizen. This means that along with responsibility for independent study, should come the confidence to take care of oneself, to pursue one's own goals and discover new ambitions both for oneself and for the future society.

Just as the student is taking on these tasks, he or she may discover the increasingly complex problems of the adult world. One no longer *gets in trouble* as one did in childhood, when trouble equalled a stern lecture or the loss of some privilege enjoyed at home. Trouble takes on new forms. These have names such as unemployment, failure, poverty, debt, professional jealousy, rejection. To ease the transition, the Commission Parent envisioned institutional supports which would respect the growing autonomy of the adult student:

[...] most students will require the assistance of enlightened guidance counsellors and educators. But we must remember that at their age they can analyse and recognize their needs: they will participate actively in their own orientation and will learn to evaluate their academic results in this perspective. Parents should also be engaged in these decisions; however, they will take care to do so with all the necessary objectivity without seeking to exercise undesirable pressure.<sup>39</sup>

As many of them learn to grapple with new, adult concerns, students in *cégep* thus enjoy certain advantages over students outside Quebec who must make an abrupt transition from high

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39. *Rapport Parent*, *supra*, note 16 at par. 272. My translation.

school to trade school, university or employment. For example, while students need not worry that their attendance record will be shared with their families, their teachers may take attendance and remind them of the importance of coming to class regularly. This provides a middle ground where the teacher may raise the issue of frequent absences, but the student is the only recipient of such comments and can respond as he or she sees fit.

Teachers also express concerns about academic performance directly to students and not to their parents. The ideal of moderate parental involvement described by the commission may not prevail in all families, but from the perspective of the school, academic results are the concern of the individual student only. Communication with parents or guardians does not happen in the same way as before. If a parent calls a cégep teacher to discuss grades, the parent may be surprised to learn that out of respect for his or her child's privacy, the teacher will not even confirm whether the student is enrolled in the class.<sup>40</sup> Upon entering cégep, the student gains a right to privacy denied in the secondary school environment, while benefiting from the continued support of educators who see him or her as a young adult.

The corollary to the above is that if a student feels that a grade does not reflect his or her true achievement, parents cannot adopt the role of advocate as they may have done in secondary school. With entry to cégep comes entry into a new normative order, one in which the student must learn to find helpful resources and defend his or her own interests without the con-

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40. In the near future, parental involvement may be a new fact of university life as the "Millennial" generation begins its post-secondary academic career. Some universities have created programs to help *parents* wishing to stay involved in their (adult) children's education adjust to university. See Alan Galsky and Joyce Shotick, "Managing Millennial Parents," *The Chronicle of Higher Education*, January 5, 2012, online: <<http://chronicle.com/article/Managing-Millennial-Parents/130146/>>. By creating an explicit institutional framework for the transition to university education, Quebec has arguably placed itself ahead of this trend.

stant intervention of parents. This process may contribute more than we realize to the development of the student as a reflexive citizen and an empowered legal subject upon graduation. Complaints about marks are a source of minor irritation or sometimes even dread, for some educators. The stereotypical student who bargains for every possible mark is a caricature in education as recognizable as the Professor Kingsfield-type teacher. However, students who use the available review processes in their *cégep* are engaged in a legal proceeding of sorts, possibly for the first time in their lives. Whether they recognize it or not, learning to negotiate or contest an evaluation result may be an important step in a student's adult life.

Each *cégep* has policies dealing with disputes over evaluation, discipline and academic integrity. The rules are available to students, though from the author's own experience, it appears that many do not read the policy unless something goes wrong.<sup>41</sup> This is a tendency which *cégep* students share with their fellow adults outside school. Many people first learn of their formal rights and recourses only when they encounter a problem. This is the argument raised in favour of an obligation of support between *de facto* spouses: couples who move in together without marrying may assume that the obligation of support already exists. Only when they separate do many people first learn the legal rules governing their relationship.<sup>42</sup>

Now consider the legal information aimed directly at youth in our society. The Youth Zone of the website Éducaloi is a popular and accessible example.<sup>43</sup> Just as divorcing parents or

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41. In the author's own classes, one of the first lessons introduces the Institutional Student Evaluation Policy as a legal document, including an explanation of grading policies and student rights and obligations.

42. Women's Legal Education and Action Fund, "LEAF Intervening in *Eric v. Lola* Equality Rights Challenge Common Law Spouses in Quebec Entitled to Access Family Law Protections" (press release), January 16, 2012, online: <[www.leaf.ca](http://www.leaf.ca)> at 2.

43. Éducaloi, no date, online: <[www.jeunepourjeunes.com](http://www.jeunepourjeunes.com)>.

parties to a lawsuit can consult Éducaloi for general information on how courts work, young people can consult the site for information on a variety of topics. These include criminal law, the legal effects of marriage, legal aspects of moving out on one's own, and the responsibilities involved in having a credit card. However, despite its usefulness, plain-language information on rights and obligations cannot convey to a young person what it *feels like* to negotiate a dispute. Lawyers know that the majority of civil cases can be resolved through negotiation. Even when armed with knowledge of their rights, many people faced with a possible dispute decide to negotiate, withdraw from conflict, or just "lump it" rather than engaging in litigation.<sup>44</sup>

Suppose that to become a critical thinker and actor, it is insufficient simply to know how to identify or structure an argument, be aware of one's rights and have a well-developed sense of justice. Critical *practice* may be a helpful addition to public legal education. In this case, cégep may play an important role. When a student negotiates with a teacher or other institutional actor over grades or academic integrity, the experience can be unpleasant. However, for many students, this represents the first time that they must advocate for themselves outside the family setting. In this way, it is a valuable learning opportunity.

People develop the capacity to negotiate with authority figures early in life, often first practicing on their parents. Where bedtimes are concerned for example, self-interested advocacy is second-nature to small children.<sup>45</sup> However, negotiation with people outside one's family is different. Notions of

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44. Marc Galanter, "Why the Haves Come out Ahead: Speculations on the Limits of Legal Change." Originally published in *Law and Society Review*, vol. 9, n° 1, 1974, online: *Law for Life: the Foundation for Public Legal Education*, [www.lawforlife.org.uk](http://www.lawforlife.org.uk)

45. This phenomenon has recently inspired a very popular book for parents of young children. Adam Mansbach's *Go the F\*\*k to Sleep* (New York, Akashic Books, 2011) is a primer in toddler negotiation techniques.

impartiality, fairness and precedent, once limited to siblings and parents, are extended to cover larger populations. The cégep is a low-risk environment where one can learn to advocate for oneself as a member of one such large community.<sup>46</sup>

Negotiation processes internal to the cégep can help the student gain the experiential knowledge to engage with large administrative bodies and be heard. This knowledge is acquired prior to entry into university or the workforce, and it is arguably as important as the development of consistent study habits. This is not to say that students would never acquire this experiential knowledge without the intermediate step of cégep. However, it is arguably better to practice negotiation for the first time over a grade than over a contract of employment, car lease or divorce settlement. In addition, grade review procedures present an opportunity for critical engagement with the institution on a practical level. Participation requires that the student learn about institutional structures, power and hierarchy in a way that is potentially useful post-graduation.

### **Finding and using resources**

In addition to the experience of advocating for oneself, cégep offers a chance to learn how to use institutional resources to one's advantage. The cégep student in need of advice or academic help may consult a college ombudsman, tutoring centre, academic advising office, career centre, plus the college administration and the student association. It has to be said that students may find this complex institutional environment confusing, even frustrating, when first trying to resolve a problem. It may feel at times that there is too much to navigate. The Commission

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46. The *Rapport Parent* suggests that a realistic minimum student population of the "institut" which would later become the cégep be set at 1500. The goal was to create an organization in which it was not necessary for the principal to know each person, but where students would not feel lost in the crowd. See below.

appears to have been concerned with finding a balance between serving a large student population and ensuring that no single student felt lost in the crowd in this way.<sup>47</sup> Despite the work involved, learning to get help from the available resources at school is training for when the student must navigate other, even larger and more complex institutions, often without the help of a lawyer or other professional.

This navigation, and the confidence it requires, can be developed even in the absence of a dispute. Cégep is also where students first learn important aspects of building professional relationships, such as how to ask for a letter of reference. In Quebec, it is possible for a student at cégep to apply to professional programs such as law without completing an undergraduate degree. Many cégep graduates also plan to enter the workplace directly. In both instances, a student may be required to provide references from teachers as part of an application. Cégep is often the first point in a student's academic career when he or she must ask a teacher, who may not know the student well, to take the time to write a letter detailing the student's suitability for the program or position in question.<sup>48</sup> Learning to ask for a recommendation from a semi-stranger is an important lesson for young adults, especially in times of high unemployment. In an economic environment where recent graduates may be expected to complete one or more unpaid 'internships' before even being considered for a job, it is essential to learn how to ask for a reference early in one's career.<sup>49</sup>

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47. *Rapport Parent*, *supra*, note 16 at par. 292. See also Corbo, *supra*, note 4 at 224.

48. For a detailed discussion of letters of recommendation, see Roderick Macdonald and Alexandra Law, "On Letters of Reference as Frames of Reference," *Dalhousie Law Journal*, vol. 29, 2006, p. 159.

49. The practice of offering unpaid internships to students and recent graduates is controversial. Although some organizations provide a learning experience, others are accused of violating employment standards by using unpaid labour. See Canadian Press, "Unpaid Internships Exploit Young

Though it may seem counterintuitive, seeking out helpful institutional supports can actually foster the growing autonomy of the student. Just as a student is developing a sense of autonomy, the availability of services to assist the student reinforces the fact that throughout life we are all in some way dependent on others.<sup>50</sup> In her study of an American community legal clinic, Corey Shdaimah observes that far from being a disempowering experience, “the marshalling of resources, including professional advice, is an exercise of agency and self-determination that further enables clients to retain or regain control of their lives in difficult circumstances.”<sup>51</sup> Cégep is an intermediate environment where a person can work at finding a balance between dependency and autonomy. Learning to find and use institutional resources is an important part of that process.



Above, it was argued that the cégep contributes to the development of reflexive citizenship outside the classroom by providing opportunities to practice institutional navigation, professional relationship building and negotiation. However, it must be added that not all students are able to benefit from these opportunities equally. The cégep shares with the State legal system a

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Workers: Lawyer,” *CTV News*, June 25, 2011, online: <<http://edmonton.ctv.ca/servlet/an/local/CTVNews/20110625/unpaid-internship-exploit-workers-110625/20110625/?hub=EdmontonHome>>; Vicky Tobianah, “The Harsh Reality of Competing for Unpaid Internships,” *The Globe and Mail*, November 16, 2010, online: <<http://www.globecampus.ca/blogs/class-career/2010/11/16/harsh-reality-competing-unpaid-internships/>>; Christine Dobby, “Canada Turning into Intern Nation,” *The Financial Post*, June 11, 2011, online: <<http://business.financialpost.com/2011/06/11/canada-turning-into-intern-nation/>>.

50. See Martha Albertson Fineman, *The Autonomy Myth: A Theory of Dependency*, New York, The New Press, 2004.

51. Corey Shdaimah, *Negotiating Justice: Progressive Lawyering, Low-Income Clients, and the Quest for Social Change*, New York, New York University Press, 2009 at 97.

disparity in the legal education of its members. Broad-based education in the administrative remedies available to students is not a uniform or routine practice in all schools. A lack of awareness of evaluation policies and helpful resources may prevent some students from coming forward, and may contribute to a lack of confidence in one's ability to negotiate a fair resolution. It has also been argued that the existence of the school as a semi-autonomous legal system may promote injustice by insulating academic decision-making from State judicial oversight.<sup>52</sup>

In the spirit of reflexive citizenship then, perhaps it is worth considering how to minimize disparities in institutional knowledge *between* cégep students and how to promote greater justice within the cégep as we know it today. One step might be to broaden our gaze beyond the classroom, to recall that the institution as a whole is a locus of critical thought and action.<sup>53</sup> "Know your rights" is a slogan we often think of in connection with the *Charter*, and in particular with rights under arrest. However, these are not usually the contexts in which Quebec students first become aware of themselves as legal subjects and citizens of a reflexive society. For many, their first experience as a member of a large institutional community is the cégep. The democratisation of education succeeds when all students can become empowered actors in this community. As educators, this requires us to recognize the important, if sometimes challenging, role of grading disputes, letters of reference and institutional navigation in education for reflexive citizenship.

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52. Lemay, *supra*, note 17.

53. It is worth noting that when it conceived the 'institut' as an intermediate stage between secondary school and the workforce or the university, the Commission also had the foresight to recommend the direct involvement of students in the governance of their own school: *Rapport Parent, supra*, note 16 at par. 295.