

Equity and Reconciliation Joint Working Group

The mandate of the Equity and Reconciliation Joint Working Group was to “review the CRCP guidelines, practices in both policies and agreement language at other universities (with a focus on the comparator universities outlined in MOU 14 of the Collective Agreement) relating to equity-informed appointment processes, appointment of Indigenous scholars, and the assessment of Indigenous scholarship, as well as any other relevant documentation the working group agrees to, and develop a summary and recommendations based on this review.”

The **members** included Gary Saunders, Heidi MacDonald, Katy Haralampides, Natasha Simon, Susan Blair, and Van Lantz.

Approach

1. We reviewed the collective agreements from other universities looking for equity-informed language on appointments and assessment with a focus on Indigenous scholars and scholarship, as well as other general equity issues.
2. We collaboratively generated a shortlist of issues on which to focus.
3. Hayden Richardson (Human Rights and Positive Environment Office) presented the draft Unconscious Bias training module to the group.
4. We collected exemplary articles and policies to inform our recommendations to the bargaining teams.

Summary of Recommendations

1. Update the CA to use gender neutral wording instead of gender binary.
2. Integrate an Unconscious Bias Training module that ensures that all voices are represented into the joint workshop for assessment committee members.
3. Introduce wording that recognizes and values Indigenous and other non-Western forms of research, teaching, and service in faculty assessments.
4. Include language that considers the impact that increased service duties have on overall workload.
5. Allocate special funds to recruit diverse faculty, and include clear language in the CA requiring departments to consider the University’s employment equity gaps and goals when hiring.
6. Implement Article 51A (Employment Equity) as intended, assessing the status of all equity-deserving groups and establishing employment goals.
7. Ensure the removal of discriminatory barriers based on age during hiring at the Assistant level.
8. Include language that ensures that associated costs to provide reasonable accommodation are the responsibility of the University, not individual units.
9. Consider establishing a mentorship program for new faculty to create a welcoming environment and increased chance of success.

Appendix A: Gender neutral wording

Issue: Current wording is gender binary and should be updated to gender neutral.

How other CAs address this: Many don't. Those that do simply use gender-neutral wording throughout their CAs.

Recommendations: Use general-neutral wording in all CA and related documents.

Look at the following articles:

10.01d, 17B.01, 20A.02, 20A.04, 20A.08e, 20A.12b, 21A.04, 21B.04, 23A.09, 23B.09, 23C.09, 24A.07, 24A.09, 24B.09, 24C.09, 25B.03, 25B.06b x2, 25B.06c, 25C.04, 25C.07 x2, 30.11, 35.02, 36A.15, 38.04, 38.06, 48.04, 52.03, Appendix B (x2) "he/she"

Also consider removing the word "female" in the Maternity Leave article

Appendix B: Unconscious bias training

Issue: The existing joint workshop for assessment committees does not include UBT explicitly.

How other CAs address this: Many do not. Some suggest training modules.

Recommendations: Integrate Tri-council and/or UNB (in draft form presently) modules into the workshop, ensuring that all voices are represented.

Example from Guelph, though if it is integrated into existing workshop, then it is unnecessary to include it in the Collective Agreement.



Unconscious Bias in the Faculty Hiring Process

The Office of Diversity and Human Rights is pleased to introduce a new training module available now on Courselink. The Principles of Equitable Recruitment: Unconscious Bias in the Faculty Hiring Process, provides participants with the tools needed to apply an equity, diversity, and inclusion lens to the faculty hiring process in post-secondary education.

This module examines unconscious bias in the recruitment and selection process, provides a series of suggested steps and best practices that every hiring committee can undertake, and provides strategies to minimize bias at every step of the process.

Learning Outcomes

By the end of this module, you should be able to:

1. Contextualize the goals of employment equity within the department and faculty hiring process;
2. Define unconscious bias, how it manifests in individuals, and how it manifests within the faculty hiring process;
3. Identify strategies and challenges to minimize unconscious bias from impacting decision-making and interpersonal interactions within the search committee; and
4. Apply an equity, diversity, and inclusion lens to the faculty hiring process, in a methodical, deliberate step-by-step fashion.

This module is available on [Courselink](#) now.

Note

Under s. 19.10 of the Collective Agreement between the University of Guelph and the University of Guelph Faculty Association, all faculty members who participate in faculty hiring are required to complete this module once in the term of the Collective Agreement. A faculty member should not participate on a search committee without having completed this training. While this training recommends best practices from an equity, diversity, and inclusion lens, all members of the Search Committee should review the relevant sections of the Collective Agreement, and in particular section 19 ("Faculty Appointments") to ensure that their recruitment and selection process complies with all requirements of the Agreement.

Appendix C: Criteria for assessment

Issue: There is a need to recognize that faculty members may engage in diverse forms of research, teaching and service, and that committees assessing those faculty members should value this diversity and account for it during the assessment. This is particularly the case with Indigenous and other non-Western forms of research, teaching and service.

How other CAs address this:

<p>Natasha's notes, current AUNBT/UNB MOU, Victoria, SFU</p>	<p>UNB is situated on unceded Wolastoqiyik traditional territory. This acknowledges the dispossession of Indigenous people from their land, a dispossession affected by western, settler systems of knowledge. As we move beyond acknowledgement towards the spirit of piluwitahasuwawsuwaken, we must act together toward what is good – a process also acknowledged by the Peace and Friendship treaties – by making space for Indigenous knowledge systems. To that end, AUNBT and UNB will work together to make space for these systems to be considered equitably (such as considerations for the inclusion of an Indigenous person (elder) in the assessment process) during the Assessment process as outlined in Article ..and by making space for recognizing indigenous knowledge systems in the assessment of research, both in the breadth of activities that are considered research under section .. of the Collective agreement and the range of example criteria. Indigenous knowledge systems are predicated on Community engaged and community-based research and learning, which includes but is not limited to:</p> <ol style="list-style-type: none"> a. participation in ceremonies and talking circles b. creation of specific research agendas to meet social, political, or legal goals of a particular Indigenous community, which may have oral deliverables in addition to or in lieu of formal publications c. community based teaching and learning including land-based, as well as elder and knowledge-holder led learning d. research outputs which are applicable to re-establishing indigenous knowledge such as the creation of courses, curricula (visual, print, audio or digital materials) and training programs, development of innovative teaching, coaching or professional methods and creation of, maintenance of or contributions to databanks, registries, tables or collections of existing knowledge recognized or used by others. e. participation in programs integrating various bodies of knowledge and a range of cultural values within academic knowledge and teaching praxis <p>Although Indigenous communities may place encumbrances on the use of Indigenous-based research from their community to avoid intentional or unintentional appropriation of Indigenous knowledge, it is recognized that these encumbrances on use are separate from the dissemination of the</p>
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	<p>research and therefore such encumbrances are not be a factor in assessing the research under the Collective Agreement. Since a purpose of community-based research and engagement is to contribute to the resurgence of Indigenous cultures and knowledge systems, the dissemination of Indigenous knowledge within the Indigenous community is a recognized form of making the research available and accessible under 16A.05(c) and (d).</p> <p>In light of the spirit of piluwitahasuwawsuwakon, it is recognized that “peer review” for Indigenous research involves Indigenous scholars and Indigenous community members from the communities involved in the research and may not be in a written form.</p> <p>Additionally, the extended nature of community-based research that involves prolonged periods of relationship building is a condition that is also acceptable for a deferral of probation or tenure assessment under 23A.01 or 23A.07.</p>
<p>SFU: Criteria for Assessing Diverse Forms of Scholarship</p>	<p>28.28 Without diminishing the requirement of faculty to demonstrate a record of achievement consistent with the relevant provisions above, the parties recognize that certain faculty members or groups of faculty members may engage in diverse forms of scholarship.</p> <p>28.29 Examples of such contributions include but are not limited to:</p> <p>28.29.1 Indigenous or other non-Western forms of scholarship and/or teaching;</p> <p>28.29.2 public dissemination of scholarly work through engagement with government or community organizations;</p> <p>28.29.3 technology transfer of discoveries, innovations and inventions (including patents and licensing);</p> <p>28.29.4 work that bridges traditionally academic and traditionally artistic forms of knowledge production;</p> <p>28.29.5 products of community-engaged scholarship that bridge the boundaries of teaching, research, and service.</p> <p>28.30 Faculty members who expect to engage in such scholarship are encouraged to consult with their TPC Chair well in advance of a contract renewal, tenure, and/or promotion application to discuss how this work might be best presented for evaluation by the TPC.</p> <p>28.31 In particular, consideration should be given to presentation of:</p> <p>28.31.1 the complexity or time taken to produce the work;</p> <p>28.31.2 the nature of peer or public review, the standards needed to appear in the chosen venue, and the view/usage rate of the product;</p> <p>28.31.3 the impact made by the work.</p> <p>28.32 A faculty member may request that one external referee have expertise consistent with the work to be reviewed; where appropriate, and with agreement of the TPC, this referee may be a person with expertise and stature who may not have academic credentials.</p>

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Recommendations: UNB/AUNBT's FT CA should introduce wording (similar to that of SFU) that recognizes and values Indigenous and other non-Western forms of research, teaching and service in faculty assessments.

One issue with the SFU CA wording, however, relates to the first sentence of Article 28.28 where it implies that Indigenous and non-Western contributions cannot substitute for Western contributions. Further discussion about this is needed. Additionally, Article 28.28 focuses on 'scholarship', while 28.29.1 and 28.29.5 refer to a combination of scholarship, teaching and/or service. Need to be consistent.

Appendix D: Workload of equity-deserving groups

Issue: Often members of equity-deserving groups experience higher service workload because of the need or desire to have representation on many committees, and for outreach activities, etc. (related to assessment of members)

How other CAs address this: Only 2 CAs found that speak to considerations of workload issues for EDI representatives on committees. Manitoba's CA focuses on gender-balance requirements (see Appendix 6). SFU considers under-represented groups more generally.

University	Articles in Collective Agreements
Manitoba	19.A.2.4.3.2: " Where, in order to fulfill gender-balance requirements on committees, some faculty members are required to assume increased service duties, the University shall implement a reasonable workload adjustment so that the Member's responsibilities under this Article may be fulfilled."
SFU	Article 28.17: "members may have exceptional service duties or expectations due to their membership in a particular group. These contributions should be taken into account in the context of the faculty member's overall contribution encompassing teaching, scholarly activity, and service".

Recommendations: If UNB's FT faculty CA incorporates language that requires EDI representatives on committees, it should also include language that considers the impact this has on their workload, similar to the wording in SFU's CA. Also, see if this can be made more explicit in workload forms or service descriptions. Mention during the mandatory joint UNB/AUNBT workshop training so that it can be considered during assessment deliberations.

Appendix E: Advertising provisions for equity-seeking groups when hiring

Issue: UNB has an [Employment Equity Policy](#) that outlines, among other things, how it advertises for positions. Under 4.6 (ADVERTISING OF VACANT POSITIONS): Notices and advertisements for vacant positions contain the statement: "The University of New Brunswick is committed to the principle of employment equity". We need to check if the CA refers to this, and if additional wording is needed; there are policy gaps in addressing EDI in the recruitment process.

How other CAs address this:

Clear language in the CA requiring departments to consider diversity when hiring, especially in departments with few or no women, Indigenous, racialized or disabled faculty; special funds to recruit diverse, in-demand faculty

UVic	<p>A LOU: Indigenous Recruitment Support Fund: 362,987 available on July 1, 2021, to attract Indigenous scholars.</p> <p>Art 16: "... Together, the Parties are also committed to the recruitment of a diverse workforce and to the identification and removal of discriminatory barriers in all processes related to the selection, hiring, promotion and training of Faculty Members and Librarians in equity seeking groups."</p> <p>16.3.(b): [exception to 'discrimination' appointments or accommodations made under an employment equity program including, but not limited to, preferential or limited hires under the BC Human Rights Code...."]</p>
McMaster	<p>https://secretariat.mcmaster.ca/app/uploads/SPS-A1-Recruitment-and-Selection-of-Faculty-Members.pdf</p> <ul style="list-style-type: none"> • Inclusive Excellence 8. McMaster's faculty hiring processes aim to attract a diverse talent pool from which to identify qualified candidates who are suited to position requirements, and to the strategic goals of the relevant Department, Faculty and the University. To achieve this aim, faculty hiring processes will be guided by inclusive excellence principles, which maintain that diversity is integral to quality and which call for expanded ways to assess merit in research, teaching and service." • Fairness and Equity 9. The qualifications for positions and criteria for assessing merit will be established in a fair, equitable and transparent manner, which seeks to surface and mitigate explicit or implicit biases. If, among the selection finalists, there are self-identified members of equity-seeking groups², departments shall consider the University's employment equity gaps and goals in the active recruitment of women, persons with disabilities, First Nations, Métis and Inuit peoples, persons who are members of racialized communities [visible minorities], and LGBTQ+ identified persons, thereby advancing inclusive excellence. Aggregate-level data on the representation of equity-seeking groups is available from Human Resources Services.
McMaster	<p>https://macfaculty.mcmaster.ca/app/uploads/2021/11/2021-09-24-MUFA-Equity-Report.pdf</p> <p>SPS A1 The equity-facilitating practices of SPS A1 should be implemented across all competitive selection processes. In particular, clear rubrics for evaluation should be created early in the process, all candidates at a given stage in the search must go through the same assessments, and at least one member of each committee should have completed the Equity Facilitator training be charged with ensuring an equitable procedure is followed.</p> <ul style="list-style-type: none"> • The university should augment efforts to build EDI capacity among academic leaders. • The university should augment efforts to hire women and members of racialized communities into faculty ranks and disciplines where they are underrepresented and into academic leadership positions.

Recommendations: That the faculty CA require departments to consider the University's employment equity gaps and goals in the active recruitment of women, persons with disabilities, First Nations, Métis and Inuit peoples, persons who are members of racialized communities [visible minorities], and LGBTQ+ identified persons, thereby advancing inclusive excellence.

Appendix F: Hiring/employment goals of equity-deserving groups

Issue: UNB's AUNBT/UNB CA has Article 51A (Employment Equity), where an Employment Equity Committee is charged with assessing the status of all designated groups and establishing employment goals. We need to check these provisions to ensure they are up-to-date and are sufficient.

How other CAs address this:

Windsor CA (Article 30 Employment Equity)	30:04 The Review Committee provided for in clause 30:03 shall be responsible for: (i) identifying where there is a serious under-representation of members of the designated groups in any AAU and/or Library; (ii) recommending reasonable goals and timetables for hiring by any AAU and/or Library where serious underrepresentation of members of the designated groups exists. "Serious under-representation" occurs when members of a designated group are fewer than sixty percent (60%) of the agreed-upon pool data for AAUs and Library; (iii) reviewing action taken within the University to achieve the hiring goals recommended under (ii).
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Recommendations: UNB/AUNBT need to work together to implement Article 51A as intended.

Appendix G: Address age bias in hiring (restricted to Assistant level)

Issue: Current hiring practices at UNB restrict hires to the Assistant level even when the best candidate may be more senior. Further, even if that individual wants to accept the position at this level, there can be issues owing to the Credit in Rank calculations making them ineligible and or resulting in subsequent challenges to the assigned Credit in Rank. This appears to be unintentional discrimination based on age, which is likely to lead to unconscious, and possibly even conscious bias during a Search process.

How other CAs address this: most reference the removal of discrimination in the hiring, as well as other processes. Included among discriminatory biases is ‘age’, but it is typically not as fully developed as other categories (e.g. gender).

UVic	<p>16. Equity & Inclusion. 16.1 ... ‘Together, the Parties are also committed to the recruitment of a diverse workforce and to the identification and removal of discriminatory barriers in all processes related to the selection, hiring, promotion and training of Faculty Members and Librarians in equity seeking groups.’ 16.2 ‘There will be no discrimination, interference, restriction or coercion exercised or practiced regarding any term or condition of employment, including but not limited to: 16.2.1... ‘by reason of age (except as provided in s. 16.3)’ ... 16.3 Notwithstanding the above, s. 16.2 does not apply to: a) any personnel benefits that have been mutually accepted by the Parties or which make actuarial distinctions on the basis of age;</p>
SFU	<p>4.2 ‘In particular the parties will not discriminate based on any of the following grounds subject to any limitations outlined in the <i>Human Rights Code</i> and related jurisprudence: 4.2.14 Age’ Article 13: Employment Equity 13.2 Consistent with the Employment Equity Policy, the University and the Association are committed to the identification and removal of discriminatory barriers to the selection, hiring, and promotion of persons in designated equity groups, specifically aboriginal people, persons with disabilities, visible minorities, and women, and any other group as required by law or this Agreement. (Article 4.2.14 above includes ‘age’ in this list.)</p>
Trent	<p>I.2.4 Discrimination and Harassment I.2.4.1 The parties agree that there shall be no discrimination, interference, restriction or coercion exercised or practised by either of them with respect to any member in regard to any matter including salaries, rank, appointment, promotion, tenure, permanency, re-appointment, dismissal, sabbatical leave, fringe benefits, or any other terms and conditions of employment by reason of age (except as required by statute or the retirement provisions of the Trent University Pension Plan), race, language (except where the lack of language competence would clearly prevent the carrying out of the required duties), creed, colour, ancestry, ethnic origin, place of origin (birth place), citizenship, political or religious affiliation or belief, sex, pregnancy, gender identity, gender expression, sexual orientation, marital status, family status, number of dependents, clerical or lay status, disability (except where the disability would clearly prevent the carrying out of the required duties), place of residence (except where place of residence at such distance from the University significantly restricts members from carrying out their duties and responsibilities), or membership or activity in the Association or other legal associations.</p>

Recommendations: We need clear policies on hiring candidates. If the position is advertised at the Assistant level, but the best candidate is Associate level they are currently rejected in our process. Is this simply a case of the candidate being overqualified for the position rather than discrimination based on age?

Appendix H: Address accommodation issues - new and existing employees

Issue: Current policies at UNB require Departments and Faculties to find funds in their existing budgets to manage accommodation requests. This could have the unintended consequence of individuals not requesting and or units not consenting to fund necessary accommodation requests, which in the longer term are likely to be beneficial to all stakeholders from the individual in need of the accommodation to UNB as an institution. Further, knowing that accommodations will be coming from the unit's budget can lead to unconscious, and possibly even conscious bias during Search processes resulting in unintended discrimination based on the need for accommodation by an applicant.

How other CAs address this: most have strong wording However, it is not clear from most CA's where the responsibility lies to cover the associated costs.

UVic	"The University and the Association are committed to ensuring equal opportunities for Members and to ensuring that no systemic discrimination or unnecessary barriers (including discriminatory or hostile environments) to the full participation of Members exist or arise. Together, the Parties are also committed to the recruitment of a diverse workforce and to the identification and removal of discriminatory barriers in all processes related to the selection, hiring, promotion and training of Faculty Members and Librarians in equity seeking groups."
UVic	"The duty to provide reasonable accommodation to the point of undue hardship is a legal duty that falls upon the University as the Member's employer. Members will not be denied accommodation on the grounds that funds are not available".
UVic	UVic specifically provides Terms of Reference for their 'Central Accommodation Fund', which has the institutional Human Resources office listed as the 'Responsible Unit'. All this indicates a dedicated fund with central management of Accommodation requests thus removing that responsibility from the individual units.

Recommendations: We need similar wording in the CA to ensure that requests for accommodation do not result in unconscious and possibly conscious bias owing to resource limitations at the unit level. These requests need to be funded and managed through P&C, not by the individual units thus removing the likelihood of bias in the latter.

Appendix I: Additional Issues

- Consider changes in hiring policies – e.g., CRC open call for Indigenous researchers; cluster hires, etc.
- Consider explicitly mentioning Domestic Violence leave under 32C, though ‘Special Leave’ probably covers it.
- Consider establishing a mentoring program for new faculty, creating a welcoming environment to succeed.
- Consider examining the assessment process and committee composition, as well as hiring committee composition.