

**York University Faculty Association and York University Board of Governors
Collective Agreement; Article 12.21 to 12.25**

Affirmative Action

12.21 Consistent with the principle expressed in Article 12.15 that the principal criterion for appointment to positions at York University is academic and professional excellence, and as an affirmative action program to promote equity in employment of members of the four designated groups in the Federal Contractor Program (FCP), which consist of women, racialized groups (visible minorities), Indigenous (Aboriginal) peoples and persons with disabilities, the parties agree to the measures set out below (to be read in conjunction with Article 12.32).

While not designated under the FCP, the parties have defined 2SLGBTQ+ as an equity group under the collective agreement and wish to remove any employment barriers for employees who self-identify as 2SLGBTQ+. The implementation of 2SLGBTQ+ as an equity group within the Collective Agreement will not interfere with the Employer's FCP obligations.

No candidate shall be recommended who does not meet the criteria for the appointment in question.

Candidates are substantially equal unless one candidate can be demonstrated to be superior.

Academic unit level thresholds for tenure-stream faculty and continuing-stream librarians and archivists:

- Women: 45%
- Members of racialized groups: 28%
- To determine whether 45% of the tenure-stream faculty and librarian and archivist positions are filled by women and whether 28% of the tenure-stream faculty and librarian and archivist positions are filled by members of a racialized group, jointly appointed faculty are counted in conformity with the fraction of their appointment in each unit. Seconded faculty are counted only in their home unit.

(a) Affirmative Action Measures

When no candidate can be demonstrated to be superior, the measures in (i-iii) apply. Provided that Affirmative Action thresholds for women (45%) and members of racialized groups (28%) have been met in the relevant unit, then in assessing substantially equal candidates where none has self-identified solely as Indigenous or persons with disabilities, preferences may be given to a candidate who self-identifies as a member of two or more FCP groups over candidates who are members of one or fewer FCP groups.

Units With Less Than 45% Women and/or Less Than 28% Members of Visible Minorities (Racialized Groups)

- (i) In units where fewer than 45% of the tenure- stream faculty and librarian and archivist positions are filled by women and fewer than 28% of the tenure-stream faculty and librarian and archivist positions are filled by members of a racialized group, a candidate who self-identifies as a woman and as a member of a racialized group shall be recommended for appointment. If no candidate who self-identifies as a woman and as a member of a racialized group is recommended for appointment, then a candidate from the more underrepresented group (a woman or member of a racialized group) shall be recommended, with preference to candidates who have also self-identified as members of another FCP group. If no candidate who is a member of either group is recommended, then a member of another designated FCP group (a person with disabilities and/or an Indigenous person) shall be recommended. If no member of either group is recommended, then a candidate who self-identifies as 2SLGBTQ+ will be recommended. If no candidate who self-identifies as a member of an FCP group or as 2SLGBTQ+ is recommended, then a candidate who is neither a member of an FCP group nor 2SLGBTQ+ may be recommended.
 - (ii) In units where one of the thresholds for tenure- stream faculty and continuing-stream librarians and archivists has not yet been met (45% or more women, 28% or more members of racialized groups, a candidate who self-identifies as a member of the group whose threshold has not yet been met shall be recommended for appointment, with preference to candidates who have self-identified as a member of another FCP group. If no candidate who self-identified as a member of the group that is below the threshold is recommended for appointment, then a member of another FCP group (a person with disabilities and/or an Indigenous person) shall be recommended. If no member of an FCP group is recommended for appointment, then a candidate who self-identifies as 2SLGBTQ+ will be recommended. If no candidate who self-identifies as a member of an FCP group or as 2SLGBTQ+ is recommended, then a candidate who is neither a member of an FCP group nor 2SLGBTQ+ may be recommended.
 - (iii) In units where 45% or more of the tenure- stream faculty and librarian and archivist positions are filled by women and 28% or more of the tenure-stream faculty and librarian and archivist positions are filled by members of racialized groups a member of another FCP group (a person with disabilities and/or an Indigenous person) shall be recommended. If no member of an FCP group is recommended for appointment, then a candidate who self-identifies as 2SLGBTQ+ will be recommended. If no candidate who self-identifies as a member of an FCP group or as 2SLGBTQ+ is recommended, then a candidate who is neither a member of an FCP group nor 2SLGBTQ+ may be recommended.
- (b) Units with 45% or more women and 28% or more members of racialized groups shall review their affirmative action plans with a view to proactively increasing the

representation of faculty/ librarians and archivists who are Indigenous people and persons with disabilities using the diversity of the populations of the Canadian workforce as a guideline (from the most recent census).

- (c) In units where fewer than 17% of the tenure-stream faculty and librarians and archivists are women, such units shall revise their affirmative action plan with a view to proactively increasing the representation of women faculty and librarians and archivists.
- (d) In units where fewer than 12% of the tenure-stream faculty and librarians and archivists are members of a racialized group, such units shall revise their affirmative action plan with a view to proactively increasing the representation of faculty and librarians and archivists who are members of a racialized group.

12.22

- (a) In order to ensure that academic units conform to the requirements for selecting candidates set out in Article 12.21, and further, to ensure that units actively seek out and give fair consideration in their selection processes to candidates designated in the first paragraph of clause 12.21, the parties agree to continue a Joint Committee on Affirmative Action for Faculty and Librarians and Archivists. This Committee will approve academic unit affirmative action plans in order to ensure that policies already established are implemented. Any substantive revision to a unit's plan must be submitted to the Joint Committee on Affirmative Action for approval.
- (b) The Joint Committee on Affirmative Action shall comprise three (3) members appointed by each of the Employer and the Association within thirty (30) days of the ratification of the Collective Agreement.
- (c) The Employer agrees to provide funds for professional, administrative and programme support, such funds not to exceed the equivalent of four (4) full course directorships at the prevailing cupe 3903 Unit 2 rate in each year.
- (d) Professional support shall be provided by an Affirmative Action, Equity and Inclusivity Officer to be selected by the Committee following an open call for nominees and appointed by the Employer, and who shall sit as ex-officio non-voting on the Committee. The appointment shall normally be for two (2) years.
- (e) The Joint Committee on Affirmative Action will also be supported by an Affirmative Action Coordinator from the Office of the Vice-President People, Equity and Culture as a non-voting, *ex officio* member.
- (f) The Joint Committee on Affirmative Action will undertake a post-audit on an annual basis concerning short listings of women and designated group candidates, recommendations for and appointments of women and designated group candidates and the percentage of tenure-stream faculty/librarian and archivist positions which are filled by women and members of the designated groups.
- (g) The Joint Committee on Affirmative Action will prepare an annual report to the JCOAA and the Office of the Vice-President Equity, People and Culture, and which may include recommendations for discussion through the JCOAA.
- (h) The Joint Committee on Affirmative Action may organize three (3) meetings yearly of all the unit affirmative action representatives to report on and discuss

affirmative action issues. Such meetings will provide information and support for the work in their units with respect to the hiring process and development of equity plans.

- (i) The Employer agrees to submit to the Joint Committee on Affirmative Action employment equity survey data related to the YUFA bargaining unit, including:
 - presentation of data for each of the employment equity groups by rank, faculty and unit (with 10 or more employees), and range of years since the most recent full-time faculty appointment at York;
 - intersectional data for all employment equity groups.

12.23 Academic unit(s) wishing to make a full-time appointment(s) shall be required to prepare an Affirmative Action Plan (the “Plan”) showing its willingness and ability to conform to procedures guaranteeing affirmative action for the four FCP groups - women, members of racialized groups, Indigenous peoples and persons with disabilities, and to demonstrate that it has followed that Plan in its search and selection process. Inclusion of 2SLGBTQ+ in the Plan will not interfere with the Employer’s FCP obligations per Article 12.21 above. Once prepared, unit plans shall be updated as required to reflect current Affirmative Action data. Further, units are expected to review their Plans prior to making appointment requests in subsequent years.

- (a) Academic unit(s) must have new and substantively revised Plans (i.e. where the revisions to the Plan are more or other than updated Affirmative Action data for the unit) approved by the JCAA.
- (b) Confirmation that the unit has an approved Plan must be submitted to the Office of the Provost and Vice-President Academic at the time that the unit makes a request for an appointment authorization.

12.23.1 Affirmative Action Representatives

To assist with the requirements in Article 12.23 above, each unit shall name at least one Affirmative Action representative such that each appointments committee shall have as a voting member an Affirmative Action representative (“AA representative”). AA representatives must be tenured and may be a member of the unit in which the appointment will be made or from outside the unit. AA representatives are responsible for monitoring and reporting the hiring process and, if a member of the unit, helping in the development and/or revision of the unit’s Plan.

12.23.2 (a) In those instances where a unit wishes to pursue a specific hiring goal pursuant to its Plan, for example a hiring process with the goal of selecting an applicant from a particular FCP group, that might appear to contravene the specifics of Article 12.21 but which, in fact, support the Article’s underlying intention, the unit or the Office of the Provost & Vice-President Academic at the request of the unit may apply to the JCAA for its support for the hiring goal. Such requests must be approved by the Provost & Vice-President Academic or designate prior to the position being advertised.

- (i) Where the JCAA does not support the unit’s hiring goal, it shall give reasons why and shall recommend any remedial actions to address its reasons in writing.

- (ii) Giving careful consideration to the JCAA's response as per (i) above, the Provost & Vice-President Academic will decide whether to proceed with the appointment and will advise the unit and the JCAA accordingly in writing.
- (b) Units shall send self-identification forms with the letter acknowledging a candidate's application and inviting them to self-identify (the self-identification form is available at www.yorku.ca/acadjobs). The Plan will include a provision that the hiring committee shall review self-identification information for all candidates from the outset of the process.
- (c) A unit's recommendation to make a full-time faculty appointment, along with the Affirmative Action Report (the "Report") prepared by the Affirmative Action representative on the appointments committee, a copy of which shall be made available to the appointments committee, shall be submitted to the Office of the Provost & Vice-President Academic and to the Joint Committee on Affirmative Action.
- (d) The Joint Committee on Affirmative Action is empowered to recommend for the consideration of the President that such an appointment not be made when a unit's plan or the procedures that it followed did not meet the Committee's standards for affirmative action.
- (e) The Joint Committee on Affirmative Action shall deal expeditiously with the units' plans and recommendations for appointment.

12.24 The Joint Committee on Affirmative Action shall organize workshops to inform unit Chairs, Affirmative Action Representatives, all members of hiring committees, and members of tenure and promotion committees on Collective Agreement provisions, principles, objectives, recent history and best practices with respect to employment equity, including in particular the recruitment of qualified members of racialized groups (visible minorities), Indigenous (Aboriginal) people, and persons with disabilities. Affirmative Action Representatives and other persons who serve on hiring committees shall complete a workshop prior to assuming their responsibilities. Workshops should be no more than twenty-five (25) people and can cross units. Such workshops will be facilitated by the Affirmative Action, Equity and Inclusivity Officer. The program of such workshops will be approved and reviewed annually by the Joint Committee on Affirmative Action. In addition, the Affirmative Action, Equity and Inclusivity Officer or designate may be invited to meet additionally at least once per year with the hiring committee(s) of each academic unit.

12.25 Affirmative Action Plans and search/selection procedures shall be subject to the requirements of Articles 12.15, 12.18, 12.19, and 12.21 of this Agreement.