

**York University Faculty Association and York University Board of
Governors 1 May 2015 – 30 April 2018 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 women, members of visible minorities (racialized groups), Aboriginal (Indigenous) people and persons with disabilities, the parties agree to the measures set out below (to be read in conjunction with Article 12.31).

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: 40%
- Visible minorities (members of racialized groups): 20%

To determine whether 40% of the tenure-stream faculty and librarian and archivist positions are filled by women and whether 20% of the tenure-stream faculty and librarian and archivist positions are filled by members of a visible minority (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.

*Units With Less Than 40% Women and/or Less
Than 20% Members of Visible Minorities (Racialized Groups)*

- (i) In units where fewer than 40% of the tenure-stream faculty and librarian and archivist positions are filled by women and fewer than 20% of the tenure-stream faculty and librarian and archivist positions are filled by members of a visible minority (racialized group), a candidate who is a visible minority woman (a woman who is a member of a racialized group) shall be

recommended for appointment. If no visible minority/racialized woman is recommended for appointment, then a candidate from the more underrepresented group (a woman or member of a visible minority/racialized group) shall be recommended. If no candidate who is a member of either group is recommended, then a member of another designated Affirmative Action group (a person with disabilities or an Aboriginal/Indigenous person) shall be recommended. If no member of either group is recommended, then a candidate who is not a member of a designated Affirmative Action group shall 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 (40% or more women, 20% or more visible minorities (members of racialized groups), a candidate who is a member of the group whose threshold has not yet been met shall be recommended for appointment. If no candidate who is a member of the group that is below the threshold is recommended for appointment, then a member of another designated Affirmative Action group (a person with disabilities or an Aboriginal or Indigenous person) shall be recommended. If no member of these groups is recommended for appointment, then a candidate who is not a member of a designated Affirmative Action group will be recommended.
 - (iii) In units where 40% or more of the tenure-stream faculty and librarian and archivist positions are filled by women and 20% or more of the tenure-stream faculty and librarian and archivist positions are filled by members of a visible minority (members of racialized groups) a member of another designated Affirmative Action group (a person with disabilities or an Aboriginal or Indigenous person) shall be recommended. If no member of these groups is recommended for appointment, then a candidate who is not a member of a designated Affirmative Action group will be recommended.
- (b) Units with 40% or more women and 20% or more visible minorities (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 Aboriginal (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 15% 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.

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 Implementation 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 Affirmative Action Committee 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 Affirmative Action Committee 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.
- (f) The Joint Affirmative Action Committee will prepare an annual report to the parties through the JCOAA.
- (g) The Joint Affirmative Action Committee 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.
- (h) The Employer agrees to submit to the Joint Affirmative Action Committee 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 a plan showing its willingness and ability to conform to procedures guaranteeing affirmative action for women, members of visible minorities (racialized groups), Aboriginal (Indigenous) people and persons with disabilities, and to demonstrate that it has followed those procedures in its search and selection process. Units shall send self-identification forms with the letter acknowledging a candidate's application and inviting him/her 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.

- (a) Academic unit(s) must have Affirmative Action Plans approved by the Committee. Each unit shall name at least one (1) Affirmative Action representative. Representatives must be tenured and may be a member of the unit or from outside the unit. Affirmative Action representatives may be men or women. Representatives will be responsible for monitoring and reporting the hiring process and helping in the development of the unit equity plans.
- (b) All recommendations to make full-time faculty appointments shall be submitted to the Committee which is empowered to recommend to 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.
- (c) The Committee shall deal expeditiously with units' plans and recommendations for appointment.
- (d) In those instances where a unit determines that Article 12.21 interferes with specific affirmative action programs relevant to its area and outlined in its academic plans, a unit may apply to the Joint Affirmative Action Committee for support for specific hiring goals which might appear to contravene the specifics of Article 12.21 but which, in fact, support its underlying intention. Such requests must be approved by the Vice-President Academic or designate prior to the position being advertised.

12.24

The Joint Affirmative Action Committee 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 visible minorities (racialized groups), Aboriginal (Indigenous) people, and persons with disabilities. Affirmative Action Representatives shall complete a workshop and other persons who serve on hiring committees shall be strongly encouraged by the Dean/Principal/University Librarian to attend a workshop prior to assuming their responsibilities. Workshops should be no more than fifteen (15) 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 by the Joint Affirmative Action Committee. 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.