



QUFA ALERT!

Queen's University Faculty Association Bargaining Alert

ALERT 7 • 3 OCTOBER 2022

Focus on Equity Issues

QUFA has made several Equity, Diversity, Inclusion, and Indigeneity proposals, some of which remain unresolved with the University

By Amy Kaufman
Co-Chief Negotiator, QUFA

and Leslie Jermyn
Co-Chief Negotiator, QUFA

As you will recall from QUFA meetings leading up to bargaining, Equity, Diversity, Inclusion, and Indigeneity (EDII) is a major theme for bargaining this round. The QUFA Executive constituted an EDII Committee in early 2021 consisting of Members from across the university. Grace Adeniyi-Ogunyankin, Yolande Bouka, Laeque Daneshmend, Stevenson Fergus, Elizabeth Hanson, Lynne Hanson, Peggy Smith (QUFA Staff), and Ashwini Vasanthakumar spent the better part of a year reviewing the Collective Agreement (CA), applying their expertise, bringing lived experience, and discussing innovative ideas brought forward by Members to create a report for the Bargaining Team. They dedicated themselves to identifying improvements crucial to the advancement of EDII, and their report drives our proposals related to advancing EDII at Queen's.

The QUFA Bargaining Team first tabled our EDII proposals on 14 June 2022. We received responses to parts of the proposals throughout the summer, with the final responses coming at the end of August. As we communicated in *QUFA Alert!* 5¹, the

QUFA's Equity Proposals

QUFA's equity proposals cover a broad range of Member-generated issues

1. Raise the profile of equity-related service work so it can be properly acknowledged and valued by naming it and providing examples of the different forms it can take
2. Acknowledge the many forms scholarship can take in context of appointments and Renewal, Tenure, and Promotion (RTP) and Renewal, Continuing Appointment, and Promotion (RCAP) processes
3. Provide training for Heads on bias in faculty evaluations as part of Department Head orientation
4. Expand the definition of "family" in employment equity considerations related to appointments and RTP processes to be commensurate with the more inclusive definition in Article 33.2.1.1 that reflects the diversity of family structures
5. Create a process for Special Equity Appointments and Targeted Hiring that clearly demonstrates compliance with all legal requirements with respect to QUFA's role in the process
6. Increase frequency of Human Rights and Equity Office's report on Bargaining Unit's progress toward equity from every 3 years to every year.
7. Narrow the exceptions to following established collegial appointments processes in order to expand the number of positions publicly available for application
8. Create a Recruitment and Retention Working Group

Administration agreed to a few of QUFA's EDII proposals but rejected quite a few others, often without giving reasons or speaking to QUFA's intentions. Given this situation, on 8 September, we presented the Administration with a list of questions about their responses—or lack thereof. They presented their answers last week. The QUFA team now has more clarity on the Administration's positions and can give you an update on the status of the major EDII-related proposals QUFA has tabled.

1. **Raise the profile of equity-related service work so it can be properly acknowledged and**

valued by naming it and providing examples of the different forms it can take

In various articles of the CA, such as those addressing applications for Adjunct Appointments, the content of Members' Annual Reports, and assessment of applications for renewal and tenure or continuing appointment, QUFA proposed explicitly naming equity-related work and providing an open-ended list of examples so that both Members and assessors can take proper account of it. The rationale for these proposals can be found in, among other work, the 2021 American Council of

SAVE THE DATE

General Member Meeting

The QUFA Executive has called a General Member Meeting to discuss ongoing bargaining issues:

**Friday 7 October 2022
9.00 a.m. – 11.00 a.m.
via Zoom**

Please e-mail Elizabeth Polnicky (ep43@queensu.ca) for Zoom link. Please watch your e-mail inbox for more details as they become available.

Education Report entitled “Equity-Minded Faculty Workloads” that demonstrates that equity goals are furthered by having clear indicators of expectations provided wherever possible.

The Administration has agreed that equity-related work is of importance to the university and should be named in the Annual Report; however, in all instances they have rejected the idea of any descriptors or examples to guide Members or assessors. They find the open-ended list of examples too prescriptive. When QUFA asked for more information about their rejection, they argued that the CA doesn’t lend itself to a listing of this nature.

In general, their proposals favour a broad articulation that equity-related work is valued, and reference Article 24 (Employment Equity) rather than QUFA’s approach of statements and examples related to EDII in specific contexts (appointments, promotion, and tenure or continuing appointment) at various points throughout the CA. The Administration also rejected having a separate category of equity-related work with examples on Members’ forms for Annual Reports, preferring to add a prompt to include work

advancing equity as it relates to the existing categories of teaching responsibilities, administrative service, and professional service.

We are concerned that their approach will not capture the many forms equity-related work can take that don’t fit neatly into existing categories and that by forcing Members to falsely subdivide equity-related service, teaching, and research, the totality of this work will be diminished in the eyes of assessors. This will not build processes that acknowledge the problem that Members of equity-deserving groups shoulder a disproportionate amount of this essential work and are not properly recognized for it.

Finally, in not providing examples of the kinds of equity work that should be reported and valued, there is the risk that Members and assessors continue to overlook or undervalue this work. Given that formally recognizing this work and its importance is relatively new, providing clear direction in the form of examples would be helpful for those relying on the CA for guidance.

2. Acknowledge the many forms scholarship can take in context of appointments and Renewal, Tenure, and Promotion (RTP) and Renewal, Continuing Appointment, and Promotion (RCAP) processes

We were pleased to see that the Administration has accepted our proposals to include consideration of the many forms scholarship can take in assessment in these areas.

3. Provide training for Heads on bias in faculty evaluations as part of Department Head orientation

The Administration originally rejected this, but once we asked them for more information as to why, they have now said they think it is a good

idea and are prepared to instruct the organizers of Department Heads’ orientations to include this in orientation, but do not want to enshrine it in the CA. We are glad to see movement on this and we are considering their new position.

4. Expand the definition of “family” in employment equity considerations related to appointments and RTP processes to be commensurate with the more inclusive definition in Article 33.2.1.1 that reflects the diversity of family structures

We have heard from Members that in appointments and RTP processes, where “applicants shall not be disadvantaged by reason of minor career interruptions caused by family responsibilities” (Article 24.1(c)), “family” has been interpreted quite narrowly, failing to capture the diversity of Members’ family structures. To remedy this, QUFA proposed using the much more inclusive definition of family, found at Article 33.2.1.1, which is used in the context of bereavement and compassionate leave.

The Administration rejected this proposal and countered by linking the definition of family to that found in the Ontario Human Rights Code. The problem with this counterproposal is that while there is movement towards expanding the interpretation of “family status” under the Code, on its face, the Code defines “family status” as “being in a parent and child relationship.” We are concerned that the Administration’s counterproposal, therefore, will not solve the problem of accounting for diverse family responsibilities in appointments and RTP processes.

5. Create a process for Special Equity Appointments and Targeted Hiring that clearly demonstrates compliance with all legal requirements with

respect to QUFA's role in the process

QUFA proposed updated language so that any Special Equity Appointment, or, as termed in the Queen's Policy, Targeted Hiring, follows a procedure that clearly matches the applicable law and guidelines—whether that is the Ontario Human Rights Tribunal's requirements for a special program or, for federal appointments, such as Canada Research Chairs, the Employment Equity Act. This in turn requires meaningful consultation and engagement with QUFA so that we can help to ensure that the process is legally correct and succeeds in creating an effective foundation for welcoming those who are hired to Queen's, and, just as importantly, retaining them. Steps include ensuring the Administration has collected and shared the data to support the need for the special hiring program as well as that they have developed an implementation plan addressing how the Targeted Hiring program will recognize and maintain the dignity of the group(s) targeted for hiring and retain the new employee(s). QUFA is here to work with the Administration on these and other steps, and we want it enshrined in the CA.

6. Increase frequency of Human Rights and Equity Office's report on Bargaining Unit's progress toward equity from every 3 years to every year.

We were pleased to see the Administration accepted our proposal here. Increasing the frequency of the report, called the JCAA Equity Compliance Report, will better help us track our progress and identify areas that need to be addressed immediately.

7. Narrow the exceptions to following established collegial appointments processes in order to expand the number of positions publicly available for application

QUFA made a number of proposals to narrow the exceptions to following established appointments processes with the goal of expanding the number of positions that are publicly available for application and to maximize the number of appointments that proceed with the procedural safeguards around equity. When someone is appointed without the established process, for instance on an emergency basis, there are no procedural safeguards, and this risks the position only being open to people within the networks of the person doing the appointing. The potential hiring pool for appointments needs to be broadened, not limited, wherever possible.

The Administration largely rejected these proposals. They counter-proposed that the person doing the appointing would need to "bear in mind the requirements of equity (in 25.4)" when making these departures from established appointments procedures, such as waiving the posting requirement or appointing someone directly. When we asked them for further explanation, they contended that the existing exceptions are not too broad and are appropriate for the fulfilment of the operational needs of the university. They reported that they are not aware of any instances that these departures have been used inappropriately.

We have heard different experiences from Members, and we are considering our counterproposal in this area.

8. Create a Recruitment and Retention Working Group

We heard both from the EDII Committee and from numerous Unit visits of the need for more support for recruitment and retention of Members to Queen's and Kingston. Being able to attract and retain people from equity-deserving groups

to work at Queen's is absolutely vital to any progress we want to make around EDII at Queen's. Kingston is a small place, a city without the sort of diversity found in larger centres. It can also lack supports and resources for new faculty, whether they are Members of equity-deserving groups or not, such as family doctors, day-care spots, and employment opportunities for spouses, to give a few examples.

These are complex issues that implicate more than just Queen's and QUFA and call for creative solutions. To that end, back on 14 June, we proposed a Recruitment and Retention Working Group to tackle these important issues. When a response from Administration still didn't come with the final responses to our EDII-related proposals at the end of August, we prompted them again for their answer. The Administration responded last week that they believed there was a shared interest in principle but wished to hear from us again on this proposal before formalizing the terms of reference for such a working group. We reviewed our proposal with them once again last week and await their response.

Do you have reflections, comments, or questions you would like to share with the Bargaining Team? We want to hear from you! QUFA has a General Members Meeting to Discuss ongoing bargaining issues on Friday 7 October from 9.00 a.m. to 11.00 a.m. via Zoom. Please e-mail Elizabeth Polnicky at ep43@queensu.ca for the link. You can also e-mail us at any time.

Note

¹<https://www.qufa.ca/wp-content/uploads/2022/09/5-QUFA-Alert-6-Sept.-2022.pdf>

Amy Kaufman and Leslie Jermyn can be reached at qufa@queensu.ca.