



Understanding our Bias & Affirmative Action Procedures at York University

January 2020

Working Group on Affirmative Action Training at York University 2017

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Working Group Members

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Grateful for the input of the Joint Committee for Affirmative Action

Overview of Today's Workshop

I. Premise:

- Bias always informs our perspective.
- Knowing and mitigating our bias makes things better.

II. Background Knowledge:

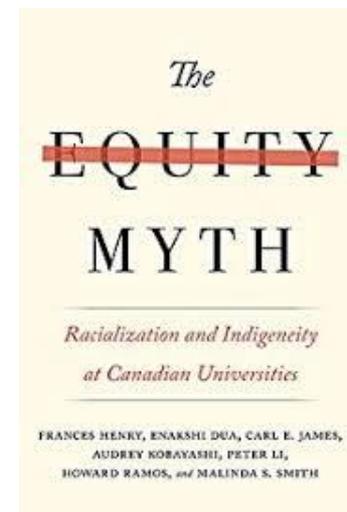
- Unconscious Bias in recruiting, Immaculate Perception, Diversity in the Workplace (video)
- The Dirty Dozen (The Equity Myth; Henry, Dua, James et al. 2017)

III. Applied Practice

- Ranking Applicants
- Formalizing the Informal

IV. York Affirmative Action Policies

- How to Apply AA Rules
- *New AA Report Template
- Understanding Citizenship Rules
- Affirmative Action Explanation & Algorithm
- Conflict of Interest



The 'Train the Trainer' Model

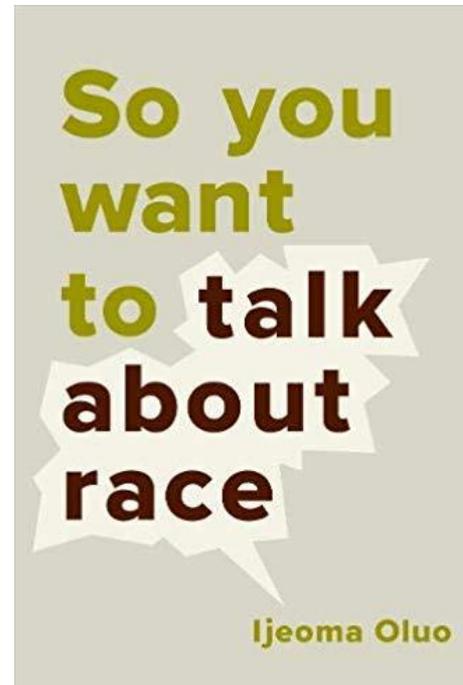
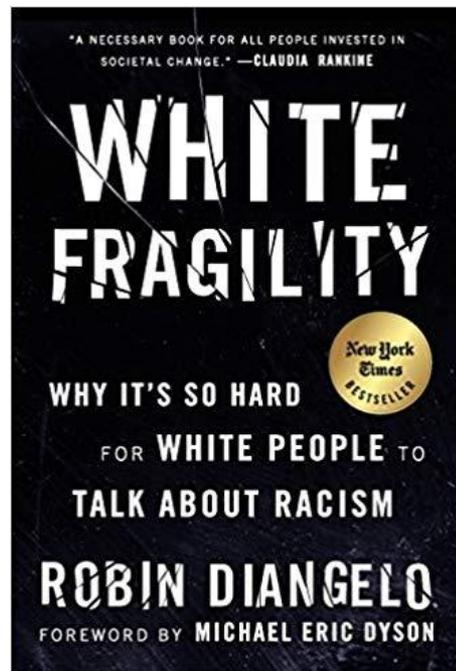
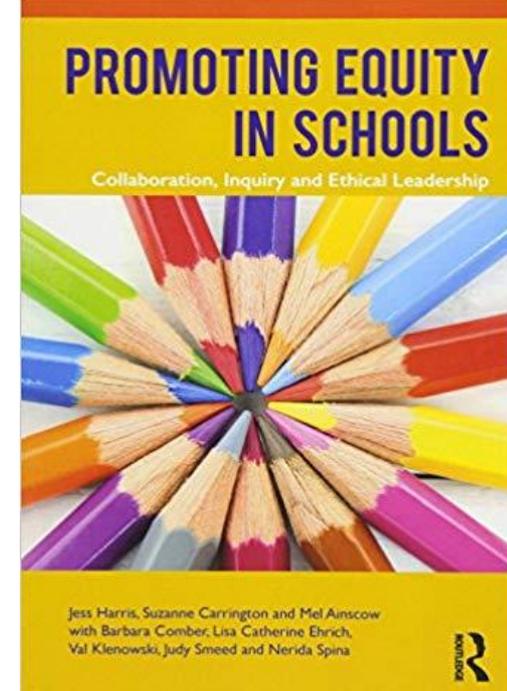
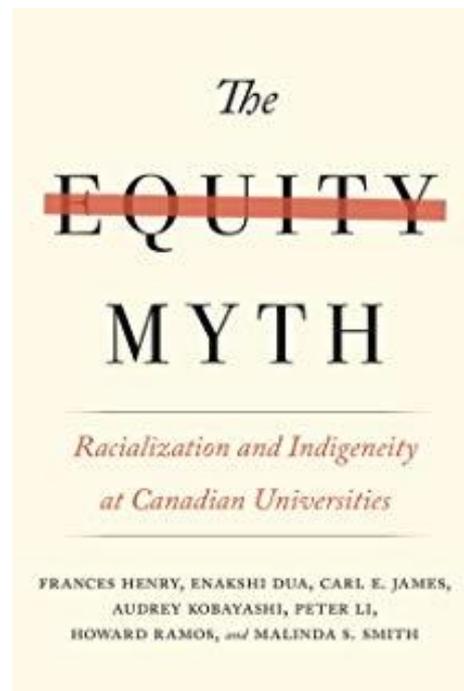
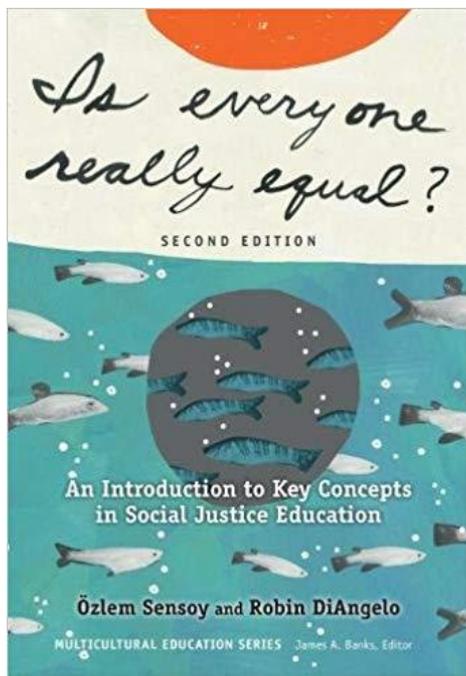
- Learn, Share, Apply (not asking you to be experts)
- Take notes today and ask questions to ensure understanding
- Important to take a quick read through the “Dirty Dozen” Chapter to understand the 12 layers of challenge faced by members of FDG

Questions? CJames@edu.yorku.ca, boodram@yorku.ca

TRAIN THE TRAINER MODEL

- **PRE-MEETING: Email them the slides handout, chapter, and handbook**
 - Ask your committee to read/print their slides and the guide (*“Enhanced Affirmative Action Training for Academic Hiring Committees”*) to bring to your meeting. Suggest they read or skim through the Dirty Dozen chapter.
- **DURING THE MEETING:** Go through slides 2-21 of the slide deck (including playing TEDx video). You will NOT be asked to facilitate the 2 exercises you are doing with the AA committee workshop (we provide take home message slides for discussion with your committee instead).
- Discuss any challenges to EDI that committee may bring up from the information presented and generate concrete practices to move your committee to better hiring practices.
- **AFTER THE MEETING: AA Reps will receive material to train search committee**
- Encourage discussion of unconscious bias at every step of the process.

Questions? CJames@edu.yorku.ca, boodram@yorku.ca



York University: A Profile of our Faculty

Total # 71 Departments

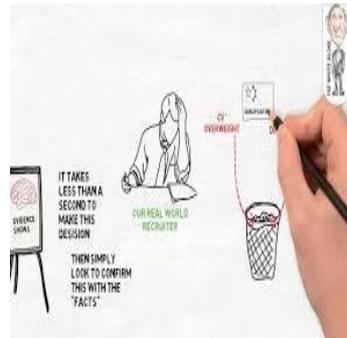
41% of Total # of Departments have less than
40% women

66% of Total # of Departments have less than
25% racialized persons

Introducing the Concept of Implicit or Unconscious Bias
Jerry Kang, Vice-Chancellor, UCLA,
Tedx San Diego 2013 Talk



Unconscious bias in recruiting



Quantifying which practices bring diversity in the workplace
Paolo Gaudiano



Inspiring the next generation of female engineers: Debbie Sterling



Intersectionality will save the future of science: Shawntel Okonkwo



The term “racialized”

- “Visible minority” refers to “persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour” (Statistics Canada 2015) . It is the term used in Canada’s human rights legislation and in Statistics Canada data. Per statistics Canada the visible minority population consists mainly of the following groups: South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean and Japanese.
- Some individuals prefer the term “people of colour”, while others prefer more specific language (e.g., Black, Chinese, Somali). Still others prefer the term “racialized” because it acknowledges the fact that the barriers faced are rooted in the historical and contemporary racism of society.

"To combine all non-whites together as visible minorities for the purpose of devising systems to improve their equitable participation, without making distinctions to assist those groups in particular need, may deflect attention from where the problems are greatest."

<https://www.theglobeandmail.com/opinion/visible-minority-a-misleading-concept-that-ought-to-be-retired/article12445364/>
[Frances Woolley](#)

Special to The Globe and Mail

Published June 10, 2013 Updated November 26, 2017

<http://www23.statcan.gc.ca/imdb/p3Var.pl?Function=DEC&Id=45152>

https://www.cawi-ivtf.org/sites/default/files/publications/racialized-people-snapshot_en.pdf

Definitions...

- **Employment Equity**

- As defined in federal Canadian law by the Employment Equity Act, requires federal jurisdiction employers to engage in proactive employment practices to increase the representation and institute positive policies for hiring, training, retention and promotion of four designated groups: women, people with disabilities, Aboriginal peoples (indigenous), and visible minorities (racialized).
- The act states that "employment equity means more than treating persons the same way but also requires special measures and the accommodation of differences".

- **Affirmative Action**

- An active effort to improve the employment or educational opportunities of members of marginalized groups
- To establish fair access to employment opportunities
- Create a workforce that is an accurate reflection of the demographics of the qualified available workforce in the relevant job market
- Affirmative Action is typically accomplished through targets

<https://www.canada.ca/en/employment-social-development/programs/employment-equity/federal-contractor-program.html>

...Definitions

- **Equity**

- The fair treatment, access, opportunity, and advancement for all people
- Striving to identify and eliminate barriers that have prevented the full participation of some groups
- Improving equity involves increasing justice and fairness within the procedures and processes of institutions or systems, as well as in their distribution of resources. Tackling equity issues requires an understanding of the root causes of outcome disparities within our society.

- **Diversity**

- Diversity is often used in reference to race, ethnicity, and gender, as well as, age, national origin, religion, disability, sexual orientation, socioeconomic status, education, marital status, language, and physical appearance
- Also includes diversity of thought: ideas, perspectives, and values.
- Intersectionality is important to highlight

- **Inclusion**

- Inclusion is the actions related to policies and practices that accept and support diversity
- The act of creating environments in which any individual or group are welcomed, respected, supported, and valued to fully participate
- An inclusive climate accepts differences and offers respect in words and actions for all people
- Authentically bringing traditionally excluded individuals and/or groups into processes, activities, and decision/policy making in a way that shares power

It's important to note that while an inclusive group is by definition diverse, a diverse group isn't always inclusive. Increasingly, recognition of unconscious or 'implicit bias' helps organizations to be deliberate about addressing issues of inclusivity.

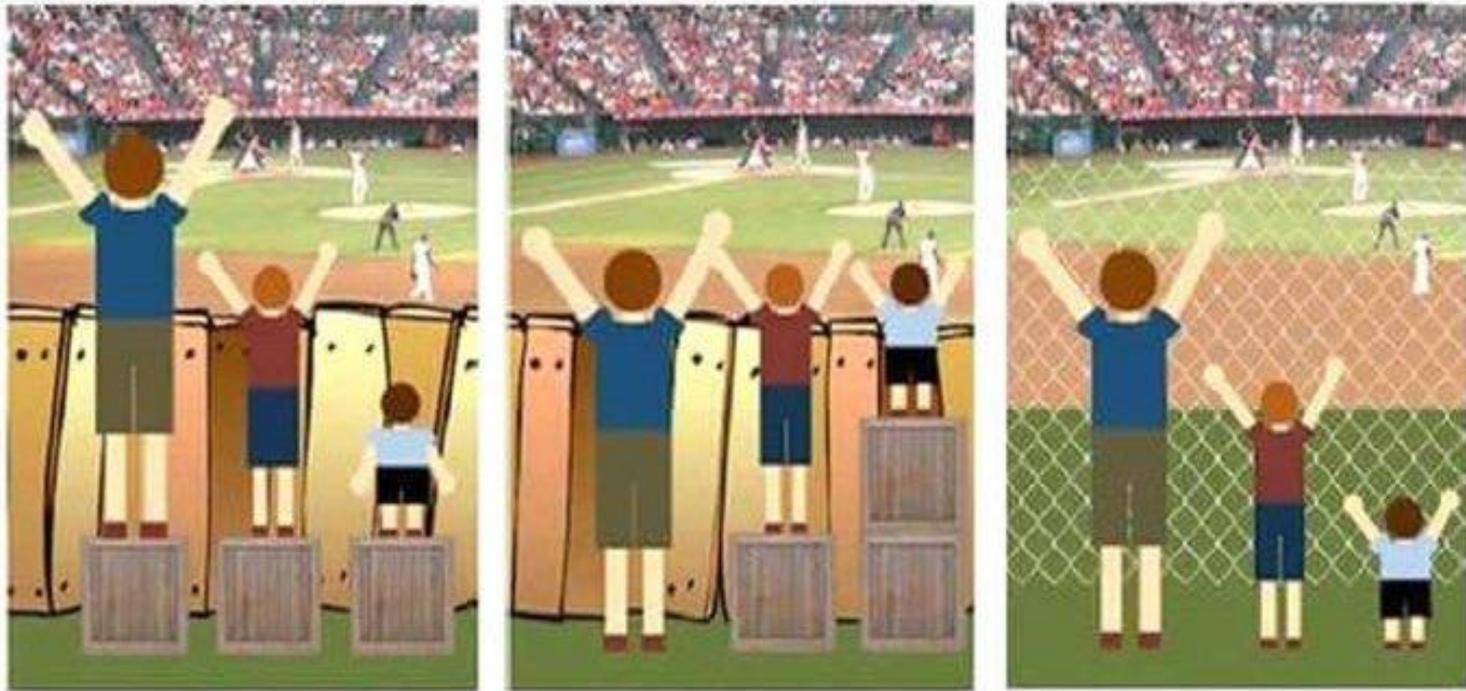
Equity vs. Equality

	Equity	Equality
Meaning	Equity is the virtue of being just, even-handed and impartial.	Equality is described as a state, where everyone is at the same level.
Recognizes	Differences, and attempts to counteract unequal individual opportunities.	Sameness and treats everyone as equal.
Ensures	People have what they need.	Providing everyone, the same things.

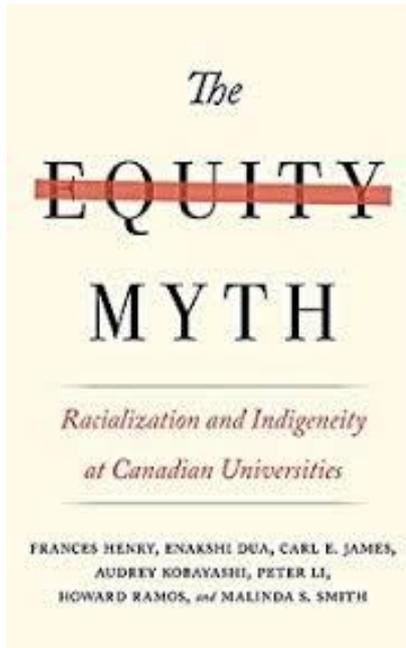
Equity cannot be achieved, through treating all the people equally rather it can be achieved through treating all the people in an equitable manner, i.e. as per their circumstances. Moreover, equality works, only if the starting point of every individual is same.

Equity is a process and a necessary condition to be fulfilled

EQUALITY, EQUITY, and THE ULTIMATE GOAL



The Equity Myth



Based on: Malinda Smith, with Kimberly Gamarro and Mansharn Toor (2017). In *The Equity Myth*. pp. 263-296

1. The 'pipeline' leaks at the source



- Getting Responses to Supervisor Inquiries for Graduate School (Milkman, Akinola & Chugh, 2015)
 - 87% of white males received a response versus 62 % of women and visible minority (racialized) applicants
 - All professors (gender and ethnicity) preferentially responded to white males
 - All disciplines showed bias except fine arts; worst was business academia
 - 6548 professors, 89 disciplines and 259 universities
- Leads to early discouragement of disadvantaged groups to enter graduate school



2. Will you accept this reference?

- Reference letters are a critical academic passport
- Similar biases exist for teaching evaluations for students
 - In-group bias for candidate, if evaluator knows the letter writer or their institution (Sagarin 2003)
 - Biology and Chemistry letters study (n=866 letters); use of biased language for women (Schmader et al., 2007)
 - Did one letter use more feminine adjectives (spunky, supportive, helpful) versus male adjectives (assertive, confident, ambitious)?
 - More 'grindstone' than 'standout' and doubt-raisers in letters for females (Rudman & Glick, 2001)
 - Letters for minorities were of equivalent length but did differ in use of achievement words, particularly women (Kretchmar et al. 2011)



3. It's not what you know, it's who you know and who you're like...

- Harder for visible minorities and females to break into elite 'old boys' networks
- Networks of white male scholars are commemorated in numerous ways perpetuating feelings of 'not belonging' and 'unworthiness'
- Homosocial reproduction (Kanter, 1977, Roper, 1996)



4. Who are the leaders?

- Homosocial Reproduction. Again.
- In Canada, this means that
 - Racialized minorities take up 7% of the top leadership roles (all males)
 - Women are 19.6% of University Presidents, 27% of Vice-Presidents Academic and 23% of Vice-President's Research (Charbonneau 2013)
 - Worst group for promotion? Minority females.
- The Matilda Effect (Margaret Rossiter as cited by Monroe 2014)
- Understanding glass ceilings and sticky floors



Exercise 1: Who would you choose?

WHO YOU ARE:

You are a part of a multidisciplinary organized research unit entitled Global Fundamental Action Research in Social Sciences, Commercialization, and Economics, also known as Global FARSCE. You have been selected to be on the hiring committee for Full Time Tenure Stream - Assistant Professor in Sociology for your organized research unit. You do not have any training in Sociology but you have equal say in the hire as all members of the multidisciplinary hiring committee.

Exercise 1:

Who would you choose and WHY?

WHAT YOU HAVE TO DO:

In a real scenario, you would have more information. But for this exercise you are asked to make a choice between 2 candidates with the information you are given (and any other information you may have). Some additional information about 'rule of thumbs' for excellence in Sociology is in your package.

- **Carefully read** through **the job ad** (hiring criteria embedded in job ad. E.g. excellence in research, ability to get tri-council funding, build up Global FARSCE's reputation internationally, pedagogical and teaching innovation, and good ORU citizen) and **the two CVs** on your own.
- **Jot down notes** about the strength and weaknesses of each candidate.
- Using the CVs provided and any knowledge you bring with you to make a choice. We would like everyone to make a choice for the exercise.

Exercise 1:

Who would you choose?

1. Based on the discussion of how choices were made and your knowledge of unconscious biases, how might members of marginalized groups (women, racialized, indigenous, persons with disabilities, LGBT2Q) be disadvantaged or discounted?
2. How much would a mediocre reference letter (not a bad reference letter) lower your assessment of any of the candidates? Again, how might this impact marginalized groups differently?

Exercise 2:

What Does a 'Good Fit with our Department' mean?

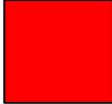
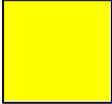
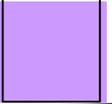
- What are interpersonal skills or 'good fit' criteria you look for when participating in less-structured pieces of the selection process (lunches, dinners, hallway conversations)
- How important should interpersonal skills or 'good fit' with the committee members be relative to teaching, research, etc.?
- How can you make social or less-structured pieces (such as lunches and dinners) of the hiring process a 'more even playing field' for individuals who do not share the same gender, culture, ethnicity, nationality, mobility ability, etc.?

END OF SLIDES ON UNCONSCIOUS/IMPLICIT BIAS

Agenda

Affirmative Action Procedures



- 1  What is Affirmative Action (AA).
- 2  Joint Committee on Affirmative Action (JCAA) & Role
- 3  AA Plans – gender data, WMRG data
- 4  AA Files Review Process (timing, file content)
- 5  Search Committee Process & Guidelines
- 6  Conflict of Interest/Apprehension of Bias
- 7  Canadian Priority
- 8  Ontario Human Rights - accommodations

What is York's Affirmative Action (AA) Program?

- Based on Federal Contractors Program, established in 1986: Universities are required to implement employment equity and are subject to compliance reviews/audits
- Designed to further the goal of achieving workplace equity for the four designated groups that experience discrimination in the Canadian labour market:
 - Aboriginal (Indigenous) People
 - Women
 - Visible Minorities (Racialized Groups)
 - Persons with Disabilities
- AA Program sits in Articles 12.21 to 12.25 of YUFA collective agreement
- Includes Indigenous Priority Hire Program

AA Advertisement Wording

York University is an Affirmative Action (AA) employer and strongly values diversity, including gender and sexual diversity, within its community. The AA program, which applies to Aboriginal people, visible minorities, people with disabilities, and women, can be found at www.yorku.ca/acadjobs or by calling the AA line at 416-736-5713. All qualified candidates are encouraged to apply; however, Canadian citizens and permanent residents will be given priority

Self-Identification Process

- Candidates must self-identify in order to be considered under the AA program
- Applicant/candidates self-identify based on own perception
- Applicants can self-identify up until the search committee decides who to appoint
- Self-identification can be stated in application, using Self-Identification form, or orally to the AA rep
- Is confidential to search committee
- Never categorize based on your observation

Affirmative Action Program

- Workshops designed to inform all members of hiring committees, esp. Affirmative Action Representatives, on Collective Agreement provisions, principles, objectives, recent history and best practices with respect to employment equity, including the recruitment of members of the four designated groups
- Candidates are not recommended if they do not meet the criteria for appointment
- Principle criterion for appointment is academic and professional excellence (or promise of excellence)
- AA is used as a tie-breaker for candidates who are substantially equal
- Merit-based

AA Self-ID Form

- Link in ad
- Send when confirming receipt of applications



CONFIDENTIAL

SELF-IDENTIFICATION FORM

AFFIRMATIVE ACTION

York University values diversity and welcomes applications from qualified national and international academics. York University has an Affirmative Action Program with respect to its faculty and librarian appointments. The designated groups are: women, visible minorities (members of racialized groups), persons with disabilities and Aboriginal (Indigenous) Peoples. Self-identifying as a member of one or more of these designated groups is optional but is required in order to be considered in the Affirmative Action Program. We encourage you to self-identify by checking the appropriate box(es) below which may apply to you. The information provided will be used solely for the purpose of Affirmative Action hiring.

For further information about the Affirmative Action Program, please contact the Affirmative Action line at 416-736-5713.

NAME OF CANDIDATE: _____

Woman

Member of a Visible
Minority (Racialized Group)

Person with Disabilities

Aboriginal (Indigenous) Peoples of Canada

SIGNATURE: _____

DATE: _____

Note: The Federal Contractors Program contains the following definitions:

1. "Members of Visible Minorities (Racialized Groups)" means persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour regardless of birthplace.
2. "Persons with Disabilities" means persons who have a long-term or recurring physical, mental, sensory, psychiatric or learning impairment and who (a) consider themselves to be disadvantaged in employment by reason of that impairment, or (b) believe that an employer or potential employer is likely to consider them to be disadvantaged in employment by reason of that impairment, and includes persons whose functional limitations owing to their impairment have been accommodated in their current job or workplace.
3. The Constitution Act, 1982, section 35(2) defines Aboriginal Peoples to include all Indigenous people of Canada - Status Indians, Non-Status Indians, (First Nations), Métis and Inuit people.

Updated August 14, 2018

Please return the declaration form to the department/unit/area to which you applied.

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Joint Committee on Affirmative Action



Joint Committee on Affirmative Action

The role and responsibilities of the Joint Committee on Affirmative Action (JCAA) include:

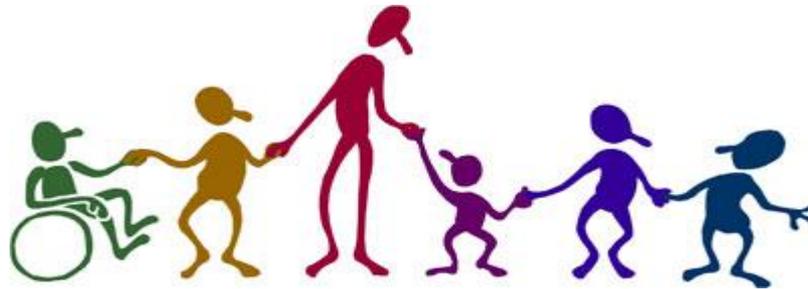
- Comprised of 3 members appointed by the Employer and 3 members appointed by YUFA, the AA EIO (ex-officio, non-voting) and the AA Coordinator (ex-officio, non-voting)
- Reviewing and approving affirmative action plans for individual units (including ensuring that gender and minority/racial statistics in the plan are up to date)
- Reviewing appointment files **prior** to appointments being made
- Empowered to recommend to the President that an appointment not be made if a unit's plan or procedures do not meet the Committee's standards for affirmative action

Proposed Appt. (Search) File Flow

1. To Dean/Principal
2. To AVP & Provost's Office and JCAA for review
3. Files with counter offer expedited
4. Any questions from JCAA directed to AA Rep., Search Committee Chair, unit Chair (or combination of three)
5. JCAA Decision to support/not support sent to AVP Provost's Office
6. Potential for President not to follow JCAA's decision

Calculating Priority Groups

- % for W and VMRG updated annually
- Sent by AA Coordinator to unit Chairs/Directors.
- Annotate AA plans accordingly with data and date
- 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. (Based on FTEs)



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Affirmative Action Plans

- All academic units making full-time appointments are required to prepare an AA plan showing willingness and ability to conform to procedures guaranteeing affirmative action for the 4DGs, and to demonstrate that it has followed these procedures in its search and selection process (Article 12.23)
- **AA Plans must be created before job postings are created**
- View plans at <https://yulink.yorku.ca/group/academic-resources/affirmative-action>

Setting Tie Breaker Priority Targets

HIRING UNIT SCENARIO	TARGET	PRIORITY ORDER
WE MEET OUR AA TARGETS	W > 40% and VMRG > 25%	1. A or PD 2. All
WE MEET OUR WOMEN TARGET ONLY	W > 40% and VMRG < 25%	1. VMRG 2. A or PD 3. All
WE MEET OUR VMRG TARGET ONLY	W < 40% and VMRG > 25%	1. W 2. A or PD 3. All
WE DO NOT MEET OUR AA TARGETS	W < 40% and VMRG < 25%	1. W and VMRG 2. W or VMRG (whichever is more underrepresented) 3. A or PD 4. All
<p>W=Woman, VMRG=Visible Minority (Racialized Group), A=Aboriginal, PD=Person with Disabilities *whichever is more underrepresented</p>		

Excellence is always the priority

Hiring Goals beyond Standards



- A unit may apply to the Joint Committee on Affirmative Action (JCAA) for support for specific hiring goals which might appear to contravene the specific of Article 12.21 but which, in fact, support its underlying intention.
- Such requests must be approved by the VPA or designate prior to the position being advertised. (Article 12.23d)

Role of the Hiring Committee Affirmative Action Representative

- Review and update unit's AA plan with the Search committee
- Train the committee on Unconscious Bias and York's AA Process
- Ensure unit's AA plan is followed
- Oversee and record all aspects of the search (especially where AA issues are concerned) and serve as a resource person to the search committee
- Provide relevant documentation for applicants
- Include list of all candidates who have self-identified, why they were not short-listed; and if short-listed, the rationale for their ranking
- Meet 1:1 with all short-listed candidates, not only those who have not yet self-identified, to explain the AA program



USE NEW SCRIPT NOTES TO GUIDE DISCUSSION

Demographic Tracking Throughout the Process

Applicant Name	Citizenship (Canadian, Permanent Resident, or Non- Canadian)	AA Group	Short-Listed (Yes or No)	Reason Applicant was not short-listed (Hiring Criteria)
	C	W&A	N	Wrong discipline
	NC	VM	N	Incomplete references
	C	PD	N	Met basic qualification but not hiring standard-limited publication record
	NC		N	Incomplete application
	C	A	N	PhD in wrong area
	C		Y	Withdrew
	C		N	Lack of excellence

Template for Recording Search Outcome of ALL Applicants

Considerations

- Deciding between two substantially equal target AA candidates
- Language: demonstrably superior non AA candidate
- Non traditional career paths
- Stop outs and productivity
- Time equity (recent PhD v. more senior)
- Skype interviews
- Conferences/pre-interview screening
- Lunch/Dinner observations

Canadian Priority



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- Work Status Form (Mandatory)
- Treat application as incomplete if either the form is not complete or citizenship not stated in application
- CLA and CRC positions (modified process and ad language) are certain situations such applicants may be treated as equivalent to Canadians

Canadian Priority...cont'd



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- **CLA position** from the United States, Mexico or Chile are covered by the provisions of the North American Free Trade Agreement (NAFTA) and Canada-Chile Free Trade Agreement, and as such are treated the same as Canadians
- **A CRC position** is Labour Market Impact Assessment (LMIA) exempt, so York would not need to apply to the government for approval to hire a non-Canadian CRC, and proof we could not find a qualified Canadian would therefore not be required. However appointment to a tenure-stream professorial position usually accompanies the CRC offer, yet professors are not LMIA exempt positions. This means that in searches the following treatment of candidates applies under the differing scenarios:
 - **Tenure-stream and CRC position contingent on successful government approval**
If both the CRC position and accompanying tenure-stream position are contingent on government approval of the CRC nomination and the start date for the position is after this approval the following applies:

Canadian priority is not a factor, i.e. no need to give priority to qualified Canadian candidates. You may revisit and offer to lower ranked Canadians.
 - **Tenure-stream position NOT contingent on approval of CRC position**
If the CRC position start date is prior to government approval, or a tenure-stream position granted even if the CRC nomination is not approved, the following applies:

The position is subject to Canadian priority provisions so the breakdown of applicants by Canadian/non-Canadian status must be recorded.

Conflict of Interest & Apprehension of Bias

- See “Search Committees and the Search Process” section in handbook, subsections on self-identification and conflict of interest.
- Also found here
<http://acadjobs.info.yorku.ca/files/2019/09/The-Search-updated-August-2019.pdf>
- Onus on Search Committee Chair to record in report how satisfactorily resolved



Ontario Human Rights Code

(See Handbook)

- Ask to advise of need for accommodation when coming in for a site visit
(Accessibility for Ontarians with Disability Act)
- Do not ask for proof of self-identification category
- Do not ask interview questions related to...

- Age
- Ancestry, colour, race
- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability
- Family status
- Marital status (including single status)
- Gender identity, gender expression
- Receipt of public assistance (in housing only)
- Record of offences (in employment only)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation

AA Report TIPS



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AA Report TIPS

-  SEE SUGGESTED SCRIPT NOTES FOR YOUR 1:1 MEETINGS
-  SEE OPTIONAL REPORT TEMPLATE IN PACKAGE (Note: AA Report must also include tracking chart for ALL applicants)

- State % W and VMRG, and priority upfront in AA report
- Define selection criteria in writing prior to review of any applications
- Include table of all applicants and explain journey, esp. AA applicants
- Record AA Rep. meeting 1:1 with short-listed candidates
- Show demonstrable superiority, especially if successful candidate is a non AA candidate
- Canadian Priority trumps AA program, typically, deem all Canadians as not qualified prior to offering to non-Canadian

THE BIG PICTURE

Search File (Proposed Appointment File) Contents:

1. Short listed applicant's CVs and references
2. Search Committee Chair's report
3. **AA Representative's report (See NEW sample template for report; include Tracking Chart for all applicants)**
4. Letter of recommendation from the Dean
5. Unit's up-to-date (updated prior to hiring cycle beginning) AA plan
6. AA Self Identification forms
7. Copies of the job ad
8. other documents as required i.e. eligibility for appointment to graduate studies.



Questions ?

**PLEASE COMPLETE
EVALUATION FORM**