



SUBJECT	Tools for Increasing Indigenous Representation Among Students, Faculty, and Staff
SUBMITTED TO	Indigenous Engagement Committee
MEETING DATE	February 3, 2021
SESSION CLASSIFICATION	Recommended session criteria from Board Meetings Policy: OPEN
REQUEST	For information only - No action requested
LEAD EXECUTIVE	Andrew Szeri, Provost and Vice-President Academic, UBC Vancouver
SUPPORTED BY	N/A

EXECUTIVE SUMMARY

In the attached memo to Deans of Faculties, Department Heads, Directors of Schools and Directors of Academic Units, Andrew Szeri outlines some concrete, practical steps UBC can take – using existing tools, mechanisms and structures – to diversify its campuses and to lead and thrive as a more equitable institution.

APPENDICES

1. Memo from A. Szeri

To: Deans of Faculties, Heads of Departments, Directors of Schools,
and Directors of Academic Units

From: Andrew J. Szeri, Provost and Vice-President Academic, UBC Vancouver

Date: November 24, 2020

Re: How to develop a BC Human Rights Commission Special Program
to diversify further UBC Students, Staff and Faculty

In this briefing, we outline some concrete, practical steps UBC can take – using existing tools, mechanisms and structures – to diversify its campuses and to lead and thrive as a more equitable institution. The key ingredients are: data collection on demographics, and information about the steps that can be taken to remedy under-representation and a history of disadvantage.

Data collection

There are efforts underway, led by the Equity & Inclusion Office (EIO), to develop demographic surveys for students, staff and faculty. This work complements recent work to survey all faculty members (tenured and tenure-track, and non-T-TT), and Canada Research Chairholders.

The earliest data available (estimated August 2021) will capture demographic data for incoming students. UBC Enrolment Services, with the EIO and with Planning and Institutional Research (PAIR), is working to develop the ability to collect the data at time of application.

In the three current decanal searches underway at UBC, applicants are required to answer an EDI questionnaire that collects personal and ancestry data and allows them to self-identify as a member of one (or more) of UBC's five designated groups. This is the first year of a two-year pilot. The aggregate EDI information is provided to the search committee, and will be used to assess how EDI concerns are reflected (or not) in long and short lists.

Since the Workday launch on November 2, 2020, UBC has a new Employment Equity & Inclusion Survey in Workday for all new staff, to be completed during their onboarding. As well, there is an applicant survey that will collect data on those people applying for positions at UBC through Workday. The survey has changed significantly from the original Employment Equity Survey and will allow UBC to collect disaggregated data. The survey will be available to all existing faculty and staff beginning in September 2021.

Recruitment and Admissions

The university can focus recruitment activities in communities where we seek to encourage applications. This does not violate the BC Human Rights Code; nor does it run afoul of Senate regulations.

We can reserve seats in a program for students from ‘certain demographic groups where [UBC] could establish that such groups were historically disadvantaged and underrepresented’, with a strong position that doing so does not contravene the Human Rights Code. UBC may already practice reserving seats in some of the professional programs. We are advised to seek BC Office of the Human Rights Commissioner (BCOHRC) approval of special programs to reserve seats if the objective is to ameliorate conditions of disadvantaged individuals who are disadvantaged because of race, colour, ancestry, place of origin, physical or mental disability, sex, sexual orientation, or gender identity or expression.

To pursue this, it is necessary to work with Louise Griep, Strategist, Institutional Initiatives in the EIO, and Sam Saini, Associate Registrar & Director, Undergraduate Admissions & Domestic Recruitment in Enrolment Services to propose a ‘special program’ to BCOHRC. There is more information on the application process below.

As an example of what could be accomplished with such an approach, suppose we determine that Indigenous students are under-represented in the School of Social Work through analysis of the demographics. The School (working with the EIO and Enrolment Services) could apply with the right arguments for a BCOHRC special program to reserve 5 seats in their MSW program for Indigenous students. In the future, once we have the data, it should be possible for the EIO to advise academic leaders about programs where under-representation appears acute.

Scholarships

In the area of scholarships, the idea would be to develop financial awards (university-wide or Faculty-specific) to attract diverse students to UBC and to enable them to complete their degrees. Student awards require Senate approval, and we are advised to obtain BCOHRC approval for the student award as a special program. Indeed, this is already underway in a university-wide scholarship program being developed by Enrolment Services and Development and Alumni Engagement.

Again, the approach is to work with Louise Griep, Strategist, Institutional Initiatives in the EIO to propose a special program to the BCOHRC. The EIO will help you consider what data there is to bolster the case. They will also provide guidance about whether or to what extent arguments can be made based on the purposes of the Human Rights Code (Code, [s.3](#)). Because awards must be approved by the Senate Awards Committee (where the Registrar, and the Dean and Vice-Provost of Graduate and Postdoctoral Studies are *ex officio* members), Stacey Robinson, Administrative Coordinator in the Office of the Provost, will provide assistance in the liaison with the Senate. More information on the special program application is given below.

As an example of what could be accomplished with such an approach, suppose the School of Population and Public Health would like to attract more Black students into their MPH program. They might argue the case based on being consistent with and advancing the purposes of the Human Rights Code (Code, [s.3](#)), or that students are under-represented through analysis of the demographics (challenging with limited data), and systematically disadvantaged based on other information. The School (working with the EIO and Enrolment Services) could apply for a BCOHRC special program to

fund scholarships for Black students in their MPH program. Staff in the Office of the Provost would provide assistance in the liaison with the Senate to gain approval of the award.

For university-wide undergraduate awards, there is an application system built in Qualtrics. It is possible to use the current adjudication process, supplemented by demographic information collected through the application for scholarships, in addition to ensuring students meet the criteria for specific awards.

Faculty or Staff Hiring

Here the idea would be to conduct a hiring process that is restricted to certain groups or where there is a preference to hire from a certain group, to remedy under-representation and a history of disadvantage, and to bring the advantages of diverse lived experiences into the ideas and approaches of departments and units. For each such hire, or sequence of hires, the cognizant leader would develop a proposal for a special program to the BCOHRC.

Academic leaders should work with Louise Griep, Strategist, Institutional Initiatives in the EIO and Doug Thorpe-Dorward, Managing Director, Faculty Relations and Support Services, to apply for a special program to BCOHRC related to faculty hiring. Faculty Relations can work with the Faculty Association to ensure there is agreement to pursue a special program for faculty hiring. Employee Labour Relations would work with the relevant union to do the same in the case of staff hiring. There is more information below about the special program application process.

What could be accomplished on the staff side? Suppose the UBC Sustainability Initiative would like to hire a staff coordinator to engage with Indigenous communities throughout BC. They may wish to restrict the hiring to target someone who is themselves Indigenous. This could be accomplished with the right arguments to the BCOHRC for a special program to cover the hire. If the position is represented by a union or association, having worked out in advance support for the special program would be advisable – or perhaps necessary.

What might be accomplished on the faculty side? Suppose the university would like to do a cluster hire of 10 Black faculty members. By making the right arguments, the hiring unit could apply to the BCOHRC for a special program and obtain approval for the hiring plan. Of course, having the support of the Faculty Association would be advisable. Note that this situation is not just ‘academic’; UBC already has special program approval from the BCOHRC for Canada Research Chairs hiring restricted to the four federally designated groups, with a preference for faculty with disabilities. This was necessary to meet the requirements of a Canadian Human Rights Tribunal decision. It may be possible to pursue a salary subsidy from the Provost’s Office for faculty members in certain groups¹. Of course, when it comes to the manner in which the search is conceived and conducted, there are many best practices about which academic leaders should educate themselves.

¹ We do this already at UBC Vancouver for Indigenous faculty members, but the small program (12) is not well publicized, and fully subscribed.

Elements of a special program application

Common to recruitment and admissions, scholarships, and hiring, is the special program approval at the BCOHRC. A Special Program Application (<https://bchumanrights.ca/human-rights/special-programs/>) involves completion of a straightforward form that solicits the following information:

- Contact information of the submitter
- Nature of the sponsoring organization
- Description of the proposed special program – including intended group, eligibility criteria and time frame
- Purpose of the special program – the disadvantage to be addressed, expected benefits
- Accountability and monitoring – who is responsible, monitoring and measuring success
- Third parties that might be affected by the program
- Timeline

The EIO is a primary resource in pursuing a special program application. Before employment/labour-related applications (i.e., faculty or staff hiring) are submitted to the BCOHR, the EIO will help ensure that they are reviewed by Human Resources. Likewise, the EIO may consult the Office of the University Counsel for all other applications, such as for admissions and awards. The EIO will maintain copies of all submitted applications to the BCOHRC. Successful applications will be available to managers and academic leaders contemplating a similar program, as a guide to a successful application. An example application, amendment and approval are attached. UBC had to pursue the special program in this example after a decision of the federal Human Rights Tribunal, related to the national Canada Research Chairs program.

EXAMPLE**BC Human Rights Tribunal**

1270 - 605 Robson Street
Vancouver, BC V6B 5J3
Phone: (604) 775-2000
Toll Free: 1-888-440-8844

Fax: (604) 775-2020
TTY: (604) 775-2021

Tribunal Stamp**INSTRUCTIONS FOR RETURNING THIS FORM**

- **Email** us your form by attaching a saved copy and sending it to:
BCHumanRightsTribunal@gov.bc.ca
- Or click Print, and **fax, mail, or hand deliver** a copy of your form to us

CONTACT INFORMATION

Name of organization:		
Name and position of person completing this form:		
Mailing Address:		
City:		
Province:		Postal Code:
Tel:	Fax:	Cell:
Email:		

Purpose of collecting contact information:

The Tribunal uses your contact information to process your application.

NATURE OF SPONSORING ORGANIZATION EXAMPLE

Describe the nature of the organization or the part of the organization that is proposing the special program.

I have attached more information on _____ extra page(s)

PROPOSED SPECIAL PROGRAM

EXAMPLE

Describe the proposed special program, including:

- the disadvantaged group or individual that the program intends to help;
- the eligibility criteria for the program; and
- anticipated timeframe for the program.

For example:

Restrict hiring to women or to work with female survivors of sexual abuse

Preferential hiring of people with disabilities to improve representation of persons with disabilities in the workplace

Restrict program participants to racialized youth to benefit those youth

PURPOSE OF THE SPECIAL PROGRAM **EXAMPLE**

Describe:

- the disadvantage that the special program is intended to address; and
- the anticipated benefits of the special program.

I have attached more information on _____ extra page(s)

ACCOUNTABILITY AND MONITORING

EXAMPLE

Describe who is responsible for monitoring the special program, and how success will be measured. How will you measure the anticipated benefits?

I have attached more information on _____ extra page(s)

THIRD PARTY INTERESTS

EXAMPLE

Identify any third parties affected by the special program. For example:

Unions or employee associations

Local community groups

For each identified third party, you must:

- attach a written statement from the third party, setting out its position on the special program; and
- provide a copy of this application to the third party.

Name of affected third party organization:		
Contact person and position:		
Mailing Address:		
City:		
Province:		Postal Code:
Tel:	Fax:	Cell:
Email:		

Name of affected third party organization:		
Contact person and position:		
Mailing Address:		
City:		
Province:		Postal Code:
Tel:	Fax:	Cell:
Email:		

I have attached more information on _____ extra page(s)

EXAMPLE

If you have not identified any third parties, describe how you have consulted with employees or other people or groups who may be affected by the special program.

I have attached more information on _____ extra page(s)

TIMELINE

Identify any relevant timelines that the Tribunal should be aware of in processing your application. In particular, please identify if there is any urgency to your request.

For example:

- *The special program must be implemented before the start of school in September*
- *The position in the special program must be filled as quickly as possible*



EXAMPLE

September 6, 2019

British Columbia Human Rights Tribunal
1270 – 605 Robson Street
Vancouver, BC
V6B 5J3

Attention: Diana Juricevic, Chair

Dear Ms. Juricevic:

Re: Request for Amendment of Special Program Approval granted July 3, 2019

Thank you for your letter of July 3, 2019, granting the University of British Columbia special program approval to allow it to advertise and preferentially hire twelve Canada Research Chairs (at Tier 2 this was three people with disabilities and at Tier 1, three women, three people with disabilities and one Aboriginal person). UBC hereby requests an amendment to that special program based on the following new information.

On July 31, 2019, the Tri-agency Institutional Programs Secretariat released an [Addendum to the 2006 Canadian Human Rights Settlement Agreement](#) (also attached). This Addendum outlines a number of measures that will be implemented in the Canada Research Chairs Program over the coming years. Subsequent conversations with Marie-Lynne Boudreau, the Deputy Director, Policy, Performance, Equity and Diversity, Tri-agency Institutional Programs Secretariat, and others in the Canada Research Chair Program (CRCP), have confirmed that as of December 2019 UBC will be unable to nominate any candidates who do not self-identify as belonging to one or more of the designated equity groups under the *Employment Equity Act* until UBC meets its equity targets for proportional representation.

Currently, using the targets outlined in the Addendum and based on an allocation of 205 CRCs we estimate that UBC will need to nominate 17 people with disabilities; eight (8) women; four (4) racialized people, and at least eight (8) Indigenous people by 2029 (or in accordance with other targets set by the CRCP).

In addition, because of the length of the appointments for Tier 1 and Tier 2 Canada Research Chairs, and the fact that these appointments do not occur on a set date, the individuals within the program change regularly. This adds further variability to the proportional representation in such a small population and makes it harder to predict exact numbers of people required to meet or exceed each of the equity targets. For this reason, the CRCP has made it clear that UBC is welcome to exceed its equity targets, but is not able to nominate anyone who does not self-identify as belonging to one of the designated equity groups until such time as it is within 10% of meeting each of the targets for each of the designated groups.



EXAMPLE

To ensure clarity and transparency in UBC's recruitment, selection, and nomination process for Canada Research Chairs, UBC is respectfully requesting an amendment to the special program approval granted July 3, 2019 to reflect these changes, and to allow it to advertise for, hire, or nominate Canada Research Chairs who are restricted to those self-identifying as one or more of the designated equity groups (Indigenous [Aboriginal, Metis and Inuit], persons with disabilities, racialized people/members of visible minorities, and/or women) until such time as UBC reaches the targets established by the CRCP.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Szeri'.

Andrew J. Szeri
Provost and Vice President, Academic



British Columbia Human Rights Tribunal

1270 – 605 Robson Street
Vancouver BC V6B 5J3

Phone: (604) 775-2000
Toll Free: 1-888-440-8844
TTY: (604) 775-2021
FAX: (604) 775-2020
Internet: www.bchrt.bc.ca

October 23, 2019

EXAMPLE

University of British Columbia
2329 West Mall
Vancouver, BC V6T 1Z4

Attention: Andrew Szeri, Provost & Vice-President, Academic

Dear Mr. Szeri:

Re: Special Program Approval (Canada Research Chairs) - Amendment

On July 3, 2019, the Tribunal approved UBC's special program to allow it to advertise and preferentially hire a specified number of Indigenous persons, women and persons with disabilities for a total of 12 Canada Research Chair program positions. The requested approval was granted for a five-year term through to July 3, 2024.

UBC advises that on July 31, 2019, the Canada Research Chairs Program Tri-Agency Institutional Programs Secretariat released an Addendum to the 2006 Canadian Human Rights Settlement Agreement. Per the Addendum, UBC must now meet certain mandated equity targets for proportional representation among its complement of Canada Research Chairs.

As a result of this change, UBC seeks to amend its special program approval to allow it to advertise and exclusively hire for Canada Research Chair Program positions as follows until the following levels of representation are achieved among its Canada Research Chairs:

Tier 1 Canada Research Chair:

- persons who self-identify as Indigenous (Aboriginal, Metis and Inuit) – 4.9%;
- persons with disabilities – 7.5%;
- racialized persons – 22%; and
- women – 50.9%.

Tier 2 Canada Research Chair:

- persons who self-identify as Indigenous (Aboriginal, Metis and Inuit) – 4.9%;
- persons with disabilities – 7.5%;
- racialized persons – 22%; and
- women – 50.9%.

EXAMPLE

The University of British Columbia Faculty Association supports UBC's requested amendment.

I am prepared to grant UBC's requested amendment to its existing special program approval. Aside from the specific amendments identified above, the terms of the approval granted under s. 42(3) of the *Human Rights Code* on July 3, 2019 will continue to apply.

I confirm that the mid-term report concerning this special program approval continues to be due on **January 3, 2022** and that the final report continues to be due on **July 3, 2024**.

Please note that UBC's Special Program approval will automatically expire on July 3, 2024. If you intend to apply for a renewal of the Special Program approval you are asked to do so well in advance of its expiration. If you wish to apply to renew the Special Program you must do so before that date. Information, including the appropriate forms can be found on the Tribunal's website: www.bchrt.bc.ca, under "Employment Equity and Other Programs."

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Juricevic".

Diana Juricevic
Chair