

Questions and Answers

1. The Board of Directors of Universities Canada is recommending the addition of a new criterion for prospective and current members of Universities Canada. What exactly is the criterion to be considered by the membership this fall?

If approved by the membership, the following would be added to the criteria as stated in Universities Canada's by-laws:

“With respect to all institutional policies and practices, the institution affirms its commitment to equal treatment of all persons without discrimination, and without limitation, on the basis of race, religious beliefs, colour, gender, physical or mental disability, age, ancestry, place of origin, marital status, family status, sex, and sexual orientation.”

In addition to this criterion, the Board has approved a policy to further outline the requirements for members. Please find this policy and relevant definitions below. In order to fully understand and properly interpret the criterion it is important to read it within the context of the policy, including the definitions, as all of the provisions are inter-related.

Board Policy

The institution does not allow discrimination against faculty, staff and students in all aspects of their employment and/or education based on Protected Grounds, including but not limited to hiring faculty and staff, the employment relationship or the termination of the employment relationship, selection and admission of students, and the discipline or expulsion of students. The institution will not use any exemptions for bona fide occupational requirements in an employment relationship to discriminate based on Protected Grounds, whether or not such exemptions would otherwise be permitted under Applicable Human Rights law. For further certainty, nothing in this policy prohibits Ameliorative Programs, Specified Institutions or Programs, academic/professional codes of conduct or the enforcement of such codes of conduct, provided that none of the terms of the code of conduct are related to Protected Grounds.

Institutions are encouraged to have a policy that affirms the membership criteria with respect to non-discrimination set out on section [*] of the by-laws; however, institutions will not be required to put such a policy in place. No institution may have a policy that is not in accordance with the foregoing.



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“Ameliorative Programs” means any practice, program or activity that has as its object the amelioration or improvement of conditions of disadvantaged individuals or groups, including but not limited to practices, programs or activities aimed at addressing grounds set out in Applicable Human Rights Law.

“Applicable Human Rights Law” means the human rights legislation of the jurisdiction in which the institution is located and section 15 of the Canadian Charter of Rights and Freedoms (the “Charter”). For further certainty, although the Charter is not applicable to the association or Members, it is included herein as a tool for reference and interpretation.

“Protected Grounds” means any grounds or characteristics protected by Applicable Human Rights Law.

“Specified Institutions or Programs” means an institution or program that is primarily engaged in serving persons identified by a Protected Ground or that is restricted to persons identified by such a Protected Ground or a subset thereof and includes preferential hiring of staff and faculty or admission of students so identified.

2. Will the new criterion apply to all members of Universities Canada?

Yes. All members will need to review their policies and practices to comply with the criterion and ensure their practices do not discriminate on the basis of protected grounds.

3. When will the new criterion take effect?

Members of Universities Canada will have until 2020 to make sure they comply with the criterion. That is the year that members will need to affirm that they meet all of the criteria – a process that happens every five years pursuant to Universities Canada’s by-laws.

Prospective members wishing to apply for membership in Universities Canada will need to meet the criterion immediately, upon application.

4. Why is the Board recommending a new criterion on non-discrimination?

The criteria for membership reflect a shared definition of the values and attributes of Canadian universities that wish to belong to Universities Canada. In the Board’s view, the proposed new criterion aligns with the views of Canadians generally and of the majority of university leaders with respect to diversity and inclusion. The Board believes that a substantial majority of members share a commitment to non-discrimination and the proposed new criterion reflects these values.



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5. Where are the criteria for membership in Universities Canada stated, and how are changes made?

The criteria for membership are stated in the organization's by-laws. The [criteria](#) have changed – and continue to change – over time, reflecting the views of the membership of Universities Canada.

According to the *Act* that incorporated Universities Canada (then the Association of Universities and Colleges of Canada) the organization's by-laws can be changed only by a vote of at least two-thirds of the votes cast at a meeting of the Board of Directors **and** at least two-thirds of the votes cast at a business meeting of the organization. All changes to the by-laws must be done through a poll, rather than simply a show of hands. The rigorous process reflects the importance of any changes.

6. Who can vote at business meetings of the membership?

The business meeting, which is held twice a year as part of Universities Canada's membership meetings, is closed. Only members may attend. The executive head of each institutional member of Universities Canada is entitled to one vote.

7. When will the membership vote take place?

The business meeting of the membership to consider the proposed new criterion will be held on Wednesday, October 26, 2016 at 10:15 a.m. EDT.

8. Who decides whether universities can join Universities Canada?

When an institution applies for membership in Universities Canada, a “paper” review of the application is conducted by staff. If the application, following initial review, appears to meet the criteria for membership, staff recommend to the Board the establishment of a site visiting committee, made up of three seasoned university presidents. The visiting committee carefully reviews the application, and visits the applicant institution at least once to meet the Board, senate members, senior leadership, faculty, staff, students and other stakeholders. Careful and lengthy discussions are held with each of these groups to determine whether the institution meets the criteria for membership.

If the visiting committee believes that the institution meets the criteria, it recommends approval to the Board. The Board must approve the committee's recommendation with a two-thirds vote in favour.

If the Board approves the application, it recommends to the membership at the next business meeting that it approve the institution as a member of the organization. Again, a two-thirds majority is required.



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9. What about current members – is there a process to disqualify members who no longer meet the criteria?

A similar process is followed for disqualification of current members. The process is rigorous and lengthy, and includes the establishment of a review committee that conducts at least one site visit. Throughout the process, lines of communication with the member being reviewed are kept open. Disqualification of any member requires approval from both the Board and the membership.

10. Do the proposed by-law amendment and policy preclude special programs to promote equity – for example, increasing the number of women faculty, or programs to help indigenize the academic community?

No, nothing in the proposed amendment or policy precludes such programs. The policy states that nothing prohibits ameliorative programs, specified institutions or programs, academic/professional codes of conduct or the enforcement of such codes of conduct, *provided that none of the terms of the code of conduct are related to protected grounds*. These protected grounds are defined in the criterion and policy.

That means that institutions cannot take actions that discriminate – nor can they have policies or codes of conduct that include discrimination based on protected grounds.

11. Does the proposed by-law amendment and policy preclude institutions that are intended to serve a group identified by protected grounds? For example, an institution specifically mandated to serve indigenous students or a faith-based institution?

No, as noted above, the policy specifically allows for specified institutions that are primarily engaged in serving persons identified by a protected ground or that are restricted to persons identified by such a protected ground.

12. The policy says “*The institution will not use any exemptions for bona fide occupational requirements in an employment relationship to discriminate based on Protected Grounds, whether or not such exemptions would otherwise be permitted under Applicable Human Rights Law.*” Does this mean that members cannot use bona fide occupational requirements in employment relationships?

No, the policy does not preclude the use of bona fide occupational requirements in employment relationships; however, it is drafted to preclude the use of bona fide occupational requirements to work around the requirements of the new criterion. For example, a faith-based institution hiring based on faith can continue to do so; however, it cannot require a candidate to be never-divorced as a bona fide occupational requirement, as this would be discriminating based on the protected ground of marital status. However, it would not be contrary to the amendment and policy to require a security guard to not be visually impaired as a bona fide occupational requirement.



13. Do universities in Canada need to belong to Universities Canada to grant degrees?

No. Degree-granting powers are governed by provincial legislation. Membership in Universities Canada is voluntary, and some institutions that grant degrees have chosen not to apply for membership. Others are not eligible for various reasons – for example, universities that are not federated with other member institutions need to have a minimum of 500 FTE students enrolled for at least three successive years.

14. How can members make their views known before the October 2016 business meeting?

All members may make their views known before the business meeting on Wednesday, October 26, 2016. Members have been invited to submit their views in writing by Monday, September 12, 2016. These comments will be shared with all members prior to the meeting. (Please provide your comments in electronic format, no more than 15 pages in length, to plandon@univcan.ca.)

15. I'm relatively new to the membership of Universities Canada. Is there an opportunity for more information and background?

For many university executive heads, this issue is new. Universities Canada held an extensive, thorough and respectful discussion on this matter at its Winnipeg membership meeting in 2014. Since that discussion, over 25 new presidents have joined the organization. That's why Universities Canada will offer webinars this September open to all members to respond to questions and provide background information.

