Faculty of Law Equity Policy

Part One: Introduction

This Policy consolidates, revises and replaces five pre-existing Faculty of Law policies:
- Equity Plan for Female Faculty Members (adopted by Faculty Council in 1991, updated 1995);
- Aboriginal Equity Policy (1998);
- Visible Minorities Equity Policy (1999);
- Persons with Disabilities Equity Policy (2000); and

The consolidation and revision was undertaken to:
- harmonize and streamline the pre-existing policies;
- identify more clearly the aims and objectives of the Faculty of Law;
- identify strategies that are used and can be used to achieve the aims and objectives; and
- identify clearly the individuals and groups responsible for ensuring that: (i) the objectives and aims are being achieved; and (ii) the Faculty of Law Community is informed of the extent to which the objectives and aims are being achieved.

The revision has taken account of the following policies and amendments to existing policies approved by the University of Victoria (the University) in the intervening years:
- The Equity Policy for Employees at the University of Victoria (Policy 1100) (Approved by the Board of Governors May 1995; last amended September 2002)
- The Policy on Human Rights, Equity and Fairness (Policy 1105) (Approved by the Board of Governors May 2005)
- The Discrimination and Harassment Policy and Procedures (Policy 1150) (Approved by the Board of Governors April 1991; last amended November 2002)
- Policy Providing Accommodation for Students with a Disability (Policy 2340)
- Policy Providing Accommodation for Students for Days on Religious Observation (Policy 2350)
- Guidelines on Preferential or Limited Hiring (Policy 3100)
- The Senate Resolution on the University’s Commitment to Inclusivity and Diversity (1999)

This revision of the Faculty’s Equity Policy operates in conjunction with applicable provisions in the University’s collective agreements and the Faculty Framework Agreement.

1 Approved by Faculty Council: April 4, 2008.
This revision also takes into account various initiatives undertaken within the Faculty of Law in recent years.

DEFINITIONS

“Designated Groups” are the four groups recognized by the University and approved by the B.C. Human Rights Code for preferential or limited hiring: Women, Persons with Disabilities; Aboriginal Persons; and Members of Visible Minorities.

“Members of the Faculty of Law Community” include all students registered or enrolled in any course or program at the Faculty of Law, staff and faculty employed at the Faculty of Law, and anyone participating in a Faculty of Law activity.

“Recognized Groups” are the groups recognized in the five pre-existing Faculty of Law Equity policies (Women, Aboriginal Persons, Racialized Minorities, Persons with Disabilities, and GLBTQ Persons).

STATEMENT OF FUNDAMENTAL PRINCIPLES

Diversity, equity, fairness and respect are paramount values at the Faculty of Law and central to this policy.

The Faculty of Law, in all its policies, systems, processes and day-to-day operations shall strive to identify and eliminate barriers to equity, diversity, fairness and respect and shall address and remedy human rights problems and issues.

The Faculty of Law is committed to pursuing actively the following objectives in all aspects of its operations:

- To promote substantive equality for all Members of the Faculty of Law Community;
- To ensure that the processes and criteria of admission and recruitment to the Faculty of Law reflect fully the Faculty’s commitment to equity, diversity, fairness and respect;
- To establish and maintain an institutional environment that is safe, inclusive, welcoming and supportive to all individuals especially those from historically disadvantaged groups;
- To provide all Members of the Faculty of Law Community with the opportunity to participate fully and equally in the life of the community and to remove systemic barriers to their equal participation and success;
- To promote respect for groups that have suffered and continue to suffer systemic discrimination;
- To ensure that graduates of the Faculty of Law understand the diversity of Canadian society and the important contributions made by historically disadvantaged groups to Canadian life;

2 Note: This concept has been modified from “Members of Visible Minorities” to reflect preferred language usage.
- To promote respect for Aboriginal cultures and ways of learning; and
- To work with the legal profession in British Columbia and throughout Canada to secure these objectives in legal education, and in the profession and the practice of law.

GENERAL RESPONSIBILITIES

All Members of the Faculty of Law Community are responsible for the realization of this Policy.

All Members of the Faculty of Law Community are responsible for promoting, maintaining and supporting a learning and working environment that reflects the Faculty’s commitment to diversity, equity, fairness and respect.

The implementation of this Policy will be achieved through the promotion and support of the tenets of the Policy in the day-to-day activities and interactions of the University community.

Part Two: Admissions

General Policy Statement

The Faculty of Law acknowledges that the Recognized Groups are under-represented in Canadian law schools and in the law profession generally.

The Faculty of Law is committed to increasing diversity in the student body enrolled in its J.D., LL.M. and Ph.D. programs, making it more representative of the community that it serves.

The Faculty of Law is committed to the removal of systemic barriers that impede access of members of the Recognized Groups to Faculty of Law Programs.

The Faculty of Law shall respect a student’s privacy when assessing an admissions application. Applicants may not wish to disclose that they belong to a Recognized Group. The right of privacy in such cases is paramount and must be respected.

This consolidation of policies does not encompass all issues faced by members of Canadian society, but reflects the consolidations of the five pre-existing Equity policies. Please go to the Faculty’s Admission policies for more detailed information.
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<tr>
<td><strong>Admissions Criteria and Process</strong></td>
<td>The Faculty shall continue its current policy of allocating a minimum of fifteen spaces in the first year J.D. Program for Special Access applicants, whose “academic achievements have been adversely affected by physical, cultural or economic factors or family or similar responsibilities”.</td>
<td>Admissions Committee Graduate Studies Committee Associate Dean, Academic and Student Relations Dean Development Officer Student Financial Aid Committee</td>
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<td>The Faculty shall continue its current policy of allocating a minimum of eight places in each entering class of the J.D. Program for Aboriginal students.</td>
<td>The Admissions Committee shall conduct an annual review of its equity strategies and report its findings each October to Faculty Council.</td>
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<td>The Faculty shall continue its current policy of assessing Aboriginal applications to the J.D. program according to grades, LSAT scores and other indicia of success in law school (letters of reference, work experience, extra-curricular activities, community involvement and interviews). Assessments shall be made with the assistance of the Indigenous Law Students Association (ILSA).</td>
<td>The Report should continue to include comparative data with respect to the representation of ethnic diversity and gender in the incoming class and their representation in the population generally.</td>
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<td>The Faculty shall increase and maintain the number of Aboriginal graduates from the J.D. program to a benchmark based upon a ratio of Aboriginal students to total student population which is the same as the percentage of Aboriginal peoples in B.C. This translates to approximately eight students in each year.</td>
<td>The Graduate Studies Committee shall report annually to Faculty Council on its equity objectives and strategies.</td>
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<td>The Faculty acknowledges the important role that the Saskatchewan program of Legal Studies for Native People has played in facilitating the entry of Aboriginal students to Canadian law schools and strongly supports its continuation.</td>
<td>The Admissions Committee should continue to encourage Aboriginal students to attend this Program.</td>
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<td>The Associate Dean, Academic and Student Relation, is responsible for ensuring that those who have attended this Program are, in appropriate circumstances, provided with credit for first year Property Law.</td>
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<td><strong>Recruitment Efforts</strong></td>
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<td>The Faculty recognizes the need to make special recruitment efforts, both prospective and after offers are made to Aboriginal Persons, Persons with Disabilities, Racialized Minorities and GLBTTQ Persons.</td>
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Possible prospective measures include:
- outreach advertising in publications of special interest to Aboriginal Persons, Persons with Disabilities, Racialized Minorities, and GLBTTQ persons;
- special mailings of literature to university student organizations especially those representing Persons with Disabilities, Racialized Minorities, Aboriginal Persons and GLBTTQ Persons;
- providing names of individuals in the Faculty of Law working on issues relating to the Recognized Groups to which the applicant belongs,
- ensuring that admission literature (calendar, brochures, Faculty website) reflects the Faculty’s commitment to diversity and contains information with respect to the programs and resources that may be of interest to applicants of Recognized Groups;
- recruitment visits of university students by the Dean, members of the Admissions Committee, Director of the Academic and Cultural Support Program (ACSP), Indigenous Law Students Association (ILSA) representatives, members of the UVic Association of Women and the Law (UAWL) and the UVic OUTLaws; and
- continue faculty presence at Program of Legal Studies for Native People at the University of Saskatchewan.

After offers have been made, applicants from the four groups identified in recruitment efforts shall be contacted personally by telephone or email.

| The Annual Report of the Admissions Committee should identify the recruitment methods it has used and make recommendations to the incoming Admissions Committee. |

| The Chair of The Admissions Committee |
Financial Assistance

The Faculty recognizes the financial burdens faced by some members of the Recognized Groups and is committed to alleviating these burdens.

The Student Financial Aid Committee will document the connection between financial needs and membership in a Recognized Group.

The Dean and Development Office shall continue efforts to increase the number and amount of scholarships and bursaries for students generally and shall make special efforts to find sources of financial support for members of the Recognized Groups. The Dean shall report annually on the success of these efforts.

The Student Financial Aid Committee shall report annually on efforts to alleviate financial burdens of members of the Recognized Groups.
Part Three: Appointments

Historically, appointments searches have been conducted as open competitions. An open competition invites applications from all applicants but the Faculty may state that it encourages applications from members of the Recognized Groups. For example, the following has been included in a Faculty of Law advertisement.

The University of Victoria is an equity employer and encourages applications from women, persons with disabilities, visible minorities, aboriginal peoples, people of all sexual orientations and genders, and others who may contribute to the further diversification of the University.

The University has received approval under the B.C. Human Rights Code to conduct preference or limited competitions in relation to only the Designated Groups. Under a limited competition, the competition is restricted to consideration of equity candidates from Designated Groups only. Under a preference hiring competition candidates from the Designated Groups are considered first and short listed. Only after they are assessed may other candidates be short listed and assessed. Preference and limited competitions are intended to be used in a number of circumstances including where a group is seriously under-represented.

The Appointment's Advisory Committee (AAC) is established according to the terms of the Framework Agreement. While in practice the AAC takes its direction from Faculty, the AAC is responsible for the overall administration of the appointments process including the development of search criteria and evaluation standards, the preparation of a short list, the organization of recruitment visits and the recommendation of a candidate to the Dean.

In addition to regular faculty, and subject to appropriate modification, this Policy applies to the recruitment of all non-regular instructors (e.g. sessional lecturers, visiting professors) and designated visitors (e.g. Lansdowne Visitors). It is recognized that the University and the three trade unions representing staff of the University have struck an Equity Working Group to develop equity plans with respect to the Designated Groups. Accordingly, while this Policy applies to staff in the Faculty of Law, it is understood that this is subject to applicable collective agreements and the recommendations of the Equity Working Group.
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<td><strong>General</strong></td>
<td>The Faculty is committed, in appropriate circumstances, to adopting a preference or limited hiring format for the Recognized Groups. While there may be circumstances in which preference or limited hiring is not appropriate, in light of the severe under representation of members of the Recognized Groups, the use of this format must be considered in every recruitment process.</td>
<td>Appointments Advisory Committee (AAC)</td>
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<td><strong>Recruitment Pool</strong></td>
<td>Strategies to achieve this objective include: - encouraging UVic law students from Recognized Groups to consider post-graduate studies; - monitoring law reviews and student journals to identify members of Recognized Groups who are emerging as scholars; - consulting law deans, graduate supervisors and faculty at other law schools about potential candidates from Recognized Groups; - contacting law clerks from Recognized Groups to identify those who are interested in pursuing academic careers; - &quot;outreach&quot; advertising in publications of special interest to Recognized Groups; - addressing members of the Recognized Groups in job advertisements and encouraging them to apply; - An extensive list of strategies to ensure a fair process is found in the Appointments Advisory Committee (AAC)</td>
<td>The AAC should identify in its annual report which strategies were employed.</td>
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<td>The Faculty is committed to increasing the number of candidates for regular faculty positions from the Recognized Groups.</td>
<td>The Chair of the AAC is responsible to ensure that all members of the AAC</td>
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Appointment Process

The Faculty is committed to an appointments process that is consistent with employment equity principles and is conducted in a manner that is respectful to candidates from Recognized Groups. The Faculty acknowledges the tendency to assess other persons according to one’s own experiences and culture. It is the legacy of this tendency that employment equity initiatives seek to correct. Thus, it is important that the AAC work to ensure that its selection processes are fair to those candidates from Recognized Groups whose experiences and cultures may differ.

Selection Criteria

Selection criteria must be fair to applicants from Recognized Groups.

Evaluation

An applicant’s achievements and potential in the areas of scholarship, teaching and contributions to the community shall be evaluated in a manner

In order to ensure fairness, the AAC, when revising or developing new selection criteria, shall:
- consult with members of Recognized Groups in the Faculty, or elsewhere in the University and at other law schools; and
- seek assistance from the University's Equity Office, and review draft criteria to ensure they are relevant (reflect actual faculty responsibilities) and do not have an adverse discriminatory impact on candidates from Recognized Groups.

Strategies to ensure a fair evaluation include:
- the express identification of evaluation standards;
- consultation with members of
that takes account of the Faculty’s commitments to equity and diversity.

Recognized Groups in the Faculty elsewhere in the University and at other law schools;
- obtaining assistance from the University’s Equity Office for instruction on the development of competency-based criteria;
- being responsive to the particular environmental needs a candidate may have;
- all faculty members must address equity balance specifically in providing their assessment of candidates; and
- when the Dean recommends an appointment of a candidate, the Dean should provide reasons for the recommendation that specifically address the relationship between the candidate’s qualifications and the Faculty’s commitments to equity and diversity.

Consult *Aid to Equity Hiring for Faculty*

In the shortlist process, the chief considerations of the AAC are the quality of the candidate’s record, (which includes the relationship between the candidate’s qualifications and the Faculty’s commitments to equity and diversity) and the need to achieve a visible and meaningful balance reflective of equity objectives.

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3 This recognizes our commitment on this issue.
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<th>Recruitment Visits</th>
<th>Retention</th>
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<td>Interviewing candidates from Recognized Groups must be done in a manner that is respectful of their diversity and avoids unfairness to them in relation to candidates that are not members of a Recognized Group.</td>
<td>Recruitment visits shall accommodate the needs of candidates from Recognized Groups. Candidates are entitled to be treated with respect and consideration during their visits. This is an obligation imposed on all members of the Faculty. In the case of candidates from Recognized Groups, this obligation encompasses respect for their differences, including cultural, social and experiential differences, throughout their visits.</td>
<td>The Faculty recognizes that the goal of an equity-based recruitment process must also involve a consideration of retention measures.</td>
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| For example, in recognition of those candidates with a disability, adjustments in the timing and format of interview sessions will be made. The Faculty will ensure that where possible and appropriate, candidates from the Recognized Groups are given an opportunity to meet separately in a relaxed social setting with one or more Faculty members from the same group to discuss issues of concern to them. Members of the AAC should be familiar with modes of planning interviews found in the *Aid to Equity Hiring For Faculty*. | In the case of visits by candidates from Recognized Groups, the AAC shall:  
- consult with candidates before their visits and in particular should solicit requests for any special needs;  
- provide candidates with relevant information concerning the activities and policies of the Faculty and the University in relation to Recognized Groups; and  
- provide candidates with an opportunity to meet informally with any individuals or groups who are of special interest to them. | Service contributions by all faculty members within and on behalf of the University shall be acknowledged in reappointment, tenure, promotion, and salary decisions to the extent permitted by the University’s Framework. |

Promotions, Re-appointment and Tenure Committee
The unique demands likely to be placed on Faculty members belonging to one or more of the Recognized Groups to serve as representatives in the University, and the community more generally, must be addressed.

The Faculty is fully committed to ensuring that salaries and benefits remain equitable.

The Faculty recognizes the validity of career patterns that may differ from those patterns typically characterized as the norm.

The Faculty affirms that decisions made in regard to hiring and career advancement shall not be adversely affected by career interruptions related to family responsibilities, illness, injury, disability, or personal circumstances.

Agreement. The comparatively substantial service component undertaken by the relatively low proportion Faculty members from Recognized Groups will be taken into consideration when making such decisions. In assigning administrative and teaching responsibilities, the Dean will take into account a Faculty member’s contribution to University governance.
### Part 4: Curriculum

**Objectives**

The Faculty is committed to offering a curriculum that reflects the perspectives and concerns of Members of the Recognized Groups (and members of other historically disadvantaged groups)

**Strategies**

**Communication of Commitment in Course Outlines**

The University Senate's Resolution on Commitment to Inclusivity and Diversity is or will be incorporated into all course outlines: "The University of Victoria is committed to promoting, providing and protecting a positive and supportive and safe learning environment for all its members."

**Specialized Courses and Instructors**

The Faculty is committed to pursuing the following strategies:

- encouraging the development and growth of feminist legal scholarship, in part through offering a course on Feminist Legal Theory;
- offering a permanent course on GLBTQQ issues, perspectives, law and related concerns on an annual basis when possible;
- offering a permanent course that focuses on issues relating to racialized minorities;
- sustaining efforts to secure funding for the establishment of an Aboriginal Law term;
- identifying and recruiting sessional instructors and visiting professors with an expertise in Aboriginal issues;
- providing notice to students of Aboriginal courses in other Departments on campus that may be taken with the permission of the Associate Dean, Academic and Student Relations;
- developing joint offerings with other Departments;
- engaging in collaborative efforts with other law schools to offer Aboriginal courses utilizing distance education methodologies;
- promoting the use of Law 391 and 399 courses as vehicles for exploring the perspectives and concerns relating to members of the Recognized Groups in

**Responsibility for Monitoring Implementation**

Curriculum Committee

Responsibility for monitoring and reviewing the curriculum components of the Equity Policy rests with the Curriculum Committee. The Committee is to conduct an annual review of the curriculum components and report its findings to Faculty Council.

Dean

All Faculty, in particular the Associate Dean, Administration and Research, should inform and encourage students to consider these possibilities;
all areas of legal studies; to rely on Faculty members (including those whose areas of specialty may not encompass Aboriginal issues) as supervisors and external co-supervisors (other university faculty, government and practicing lawyers);

- addressing issues of access to relevant materials for Law 391 and 399 by identifying relevant materials through consultative procedures developed for library acquisitions generally; developing linkages with library resources outside the school on and off campus; identifying Law 391/399 topics early and communicating with the Law Library to facilitate access through inter-library loan procedures; developing an Aboriginal Legal Issues Bibliography/Source Book housed in the library;

- securing co-op placements that will enable an exploration of legal issues surrounding and affecting the Recognized Groups.

**Materials**

The Faculty is committed to preparing bibliographic materials related to the perspectives and concerns of the Recognized Groups in all areas of legal studies.

**Curriculum Development**

“All new course proposals, including Law 343 proposals shall include an analysis of equity diversity in their content material and methodology.” (Faculty Council resolution, March 14, 1997)

In September 1997, the Curriculum Committee inserted the following into the curriculum guidelines:

The Law Librarian in consultation with ILSA and interested faculty members prepare an Aboriginal Legal Issues Bibliography/Source Book.

Faculty members make a special effort to identify appropriate materials for legal issues related to the Recognized Groups, through the consultative procedures developed for Library acquisitions.

Law Librarian assess and report back to Faculty Council on the current state and adequacy of the Law library's collection of books, journals and other materials related to equity and diversity.
new course proposal form:

*Course rationale*

(d) analysis of applicability of equity and diversity issues in content, material and methodology.

All courses approved by the Curriculum Committee are subject to this requirement.
Part 5: Environment

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<tr>
<td>Providing a Safe Environment</td>
<td>The Faculty is committed to working with the University's Resource Centre for Students with a Disability to ensure that it maintains accommodation practices and a level of sensitivity that take into account the safety concerns of those who have to cope with various disabilities.</td>
<td>While it is recognized that every member of the Law Faculty community is responsible for promoting and maintaining a safe environment, the Dean and Associate Dean, Academic and Student Relations, are ultimately responsible for ensuring that a safe environment exists.</td>
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<td>The Faculty is committed to the principles contained in the University's Discrimination and Harassment Policy and in particular does not tolerate behaviour that amounts to “abusive, unfair or demeaning treatment” of students from the Recognized Groups nor attitudes and practices that create a hostile, offensive or intimidating environment for these students.</td>
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<td>The Faculty is committed to ensuring that all members of the Recognized Groups are aware of their rights and of the relevant Faculty policies.</td>
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<td>The Faculty is committed to ensuring that members of the Recognized Groups and all others are aware of how to raise concerns about the environment in the Faculty.</td>
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<td>The Faculty is committed to promoting greater knowledge of and understanding of the experiences of members of the Recognized Groups.</td>
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<td>The Faculty also recognizes that members of Recognized Groups may be subjected to harassment or discrimination or stigmatized as a result of the implementation of equity initiatives. It is committed to examining the manner in which equity initiatives are implemented and to ensuring that</td>
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<tr>
<td>Providing a Supportive Environment</td>
<td>The Faculty recognizes the importance of contacting students before they arrive in order to provide information on support that is available for members of the Recognized Groups and to give students the opportunity to build relations with upper year students who are also members of the Recognized Groups. The Faculty acknowledges the important role played by student groups in fostering a welcoming environment and applauds the role played by these organizations in the past. The Faculty recognizes that throughout the Fraser Building, particularly in the Library, the Moot Courtroom and the Main Hallway, images are used to reflect the importance of the achievements of historical and present day personalities. The Faculty recognizes the importance of celebrating and giving prominence within the Fraser Building to the achievements and struggles of members of the Recognized Groups, particularly where the struggles have related to the actions of other individuals whose achievements are celebrated and given prominence.</td>
<td>Admissions Office, Admissions Committee Librarian, Administrative Officer Associate Dean, Academic and Student Relations</td>
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<tr>
<td>Space</td>
<td>The Faculty is committed to assisting students who require space to find the required space first within the Fraser Building or, if none is available, as near as possible elsewhere on the campus.</td>
<td>Associate Dean, Academic and Student Relations</td>
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4 The ADC recognizes the need for the development of a Religious Observance policy.
### Educational Support and Accommodation

The Faculty recognizes that students with disabilities have a legal right of access to policies and practices that respond to the disadvantage and the physical, mental and emotional challenges that they face.

The Faculty recognizes that students with special needs may be reluctant to let them be known. The Faculty is committed to providing confidential and non-threatening opportunities to students to allow them to seek accommodation to which they are entitled.

These policies and practices relate both to the learning environment, to the assessment of performance and to the completion of the degree program and include but are not limited to technological assistance in the classroom, more flexible schedules and adjusted examination arrangements.

The Faculty recognizes the need to accommodate students' religious and spiritual practices, particularly when they coincide with scheduled requirements such as classes, examinations and other methods of assessment. The practices and policies of the Faculty shall ensure that students will not suffer educational disadvantage on account of their religious or spiritual beliefs.

All students shall be informed of their rights under accommodation policies that have been developed by the Faculty. Information shall be made available both at the beginning of each semester and in advance of examination periods.

### Academic and Cultural Support Program

The Academic and Cultural Support program was established to provide academic instruction and support for students in the Recognized Groups. The continuation and enhancement of this program is a *sine qua non* of the Faculty’s Equity Policy.

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Associate Dean, Academic and Student Relations

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Associate Dean, Academic and Student Relations
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<td>The Faculty recognizes that entering the profession of law can be intimidating for any student and may present special difficulties for some members of the Recognized Groups.</td>
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| The Faculty recognizes the dearth of role models in legal careers for such students. It is committed to working with the Equity and Diversity Committee of the Law Society of British Columbia, with lawyer groups, the Career Development Office and with alumni from the identified groups, to ensure assistance and information be made available. |

| Career Development Office |