

# Bargaining for Indigenization of the Academy

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## Introduction

The Truth and Reconciliation Commission (TRC) Calls to Action, released in 2015, spurred much reflection and some action to support reconciliation and decolonization, including at universities and colleges. The passage of legislation to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), first in British Columbia in 2019, and federally in 2021, has also contributed to increased awareness and commitment.

Since CAUT first published a bargaining advisory on Indigenization in 2020, over 30 academic staff associations have advanced Indigenization through collective bargaining. This advisory provides an update to that earlier document, highlighting recent language and providing further guidance.

Lessons shared from associations that have prioritized Indigenization in bargaining include the importance of:

- recognizing Indigenization as distinct from equity, diversity and inclusion efforts, to respect the colonial context in which Indigenous peoples live and the Indigenous legal differences in Canadian society, which are upheld in the treaties, land agreements, the Constitution, *Canadian Charter of Rights and Freedoms* and UNDRIP
- creating and fostering spaces for dialogue and Indigenous leadership within the association and on the bargaining team
- enhancing understanding and awareness of Indigenous members' experiences and priorities
- building and supporting community-based relationships
- reconsidering association culture and norms to respond to the cultural needs and practices of Indigenous members<sup>1,2</sup>

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<sup>1</sup> [Dénomme-Welch, S. & Savage, L. "Indigenization through collective bargaining: Lessons and ideas for academic staff associations." \*Academic Matters\*, OCUFA, 2021.](#)

[Almond, J., Voyageur, E., McConomy, E., Ackland, S. & Wrye, J. "Indigenizing the collective bargaining process at North Island College." \*Academic Matters\*, OCUFA, 2021.](#)

Campbell, L., Dea, S. & McDonald, L. "The role of faculty associations following the Truth and Reconciliation Commission", *Academic Matters*, OCUFA, 2021.

[Union of Northern Workers. \*Labour Views: Decolonizing Collective Agreements\*. UNW, 2024.](#)

[Canadian Union of Public Employees. \*Indigenization of Post-Secondary Education\*, 2021.](#)

<sup>2</sup>[The Gubba Caucus. \*10 Point Plan for a Post Treaty Union\*, National Treasury Employees Union, 2002.](#)

Indigenization efforts can be seen as existing along a continuum.<sup>3</sup> On one end of the continuum is a focus on the numbers of Indigenous staff, leaders, students, curriculum changes and spaces. Resourcing reconnections to communities, cultures and languages moves along the continuum to decolonization efforts, which includes recognizing and respecting Aboriginal rights as well as systems of knowledge creation and dissemination. Decolonization efforts will result in “how we can best live together on a shared landscape (or a shared university) while still respecting the autonomy, independence, and differences of each other.”<sup>4</sup>

Collective bargaining is a key tool for academic associations to make gains, right wrongs, and create possibilities for a new vision of academia that is premised on mutual respect.

## Land acknowledgment and principles

Acknowledging territory shows recognition of and respect for Aboriginal Peoples. It is recognition of their presence, both in the past and the present. Recognition and respect are essential elements of establishing healthy, reciprocal relations. Land acknowledgments should be developed with Indigenous consultation in community and reflect Indigenous inclusion and representation within organizations. Land acknowledgments must not be done in isolation of more actions supporting Indigenization.

The University of Ontario Institute of Technology Faculty Association collective agreement begins with a land acknowledgment that recognizes the Nations upon whose land the agreement was negotiated, states why the land is being acknowledged, and concludes with:

This history is something we are all affected by as we are all treaty people in Canada. We all have a shared history to reflect on, and each of us is affected by this history in different ways. Our past defines our present, but if we move forward as friends and allies, then it does not have to define our future.<sup>5</sup>

A statement of principles should be negotiated, which recognizes the diverse processes for accessing, learning, sharing and disseminating Indigenous knowledges and “the scholarly

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<sup>3</sup> [Gaudry, A., & Lorenz, D. Indigenization as inclusion, reconciliation, and decolonization: navigating the different visions for indigenizing the Canadian Academy. \*AlterNative: An International Journal of Indigenous Peoples\*, 14\(3\), 2018.](#)  
[Newhouse, D. “The Meaning of Indigenization in our universities”, \*Bulletin\*, CAUT, 2016.](#)

[CBC Radio. ‘Universities don’t become different just by wishing for it’: Eve Tuck on the challenge of changing academia, 2018.](#)

<sup>4</sup> [Gaudry, A., & Lorenz, D. Indigenization as inclusion, reconciliation, and decolonization: navigating the different visions for indigenizing the Canadian Academy. \*AlterNative: An International Journal of Indigenous Peoples\*, 14\(3\), 2018.](#)

<sup>5</sup> [University of Ontario Institute of Technology Faculty Association Collective Agreement, 2021-2024.](#)

contributions of Indigenous knowledge systems, including their diverse ontologies, epistemologies and methodologies".<sup>6</sup>

The University of Victoria Faculty Association has negotiated such a statement in its collective agreement from 2022-2025, adding language to the preamble that states:

1.4 The Parties further acknowledge the role that our University, as an educational institution, has played in the perpetuation of colonial systems, both historically and in contemporary times. We acknowledge the need to learn and change, to demonstrate respect and to work towards reconciliation with Indigenous peoples and other marginalized populations.

1.5 The University, the Association and its Members are committed to upholding their responsibilities under British Columbia's Declaration on the Rights of Indigenous Peoples Act (DRIPA) pertaining to post-secondary institutions. We acknowledge the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which recognizes that "Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information" (UNDRIP, Article 15.1).<sup>7</sup>

## Valuing Indigenous knowledge

The "redistribution of intellectual privilege"<sup>8</sup> by the valuing of non-European knowledge systems is critical to achieving academic excellence and making progress on reconciliation and decolonization.

Indigenous or traditional knowledge, as described by the Social Sciences and Humanities Research Council, following deep consultations with Aboriginal communities, is "specific to place, usually transmitted orally, and rooted in the experience of multiple generations."

Traditional knowledge is usually described by Indigenous peoples as holistic, involving body, mind, feelings, and spirit. Knowledge may be expressed in symbols, arts, ceremonial and everyday practices, narratives and, especially, in relationships. The word "tradition" is not necessarily synonymous with old. Traditional knowledge is held collectively by all members of a community, although some members may have particular responsibility for its transmission. It includes preserved knowledge created

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<sup>6</sup> [Social Sciences and Humanities Research Council, Indigenous Research Statement of Principles, Accessed online 1 October 2024.](#)

<sup>7</sup> [University of Victoria Faculty Association Collective Agreement, 2022-2025 Article 1.4 and 1.5.](#)

<sup>8</sup> [Gaudry, A., & Lorenz, D. Indigenization as inclusion, reconciliation, and decolonization: navigating the different visions for indigenizing the Canadian Academy. \*AlterNative: An International Journal of Indigenous Peoples\*, 14\(3\), 2018.](#)

by, and received from, past generations and innovations and new knowledge transmitted to subsequent generations. In international or scholarly discourse, the terms “traditional knowledge” and “Indigenous knowledge” are sometimes used interchangeably.<sup>9</sup>

For Traditional Indigenous Scholars at Trent University’s Chanie Wenjack School for Indigenous Studies, traditional knowledge is defined as:

knowledge of the language and traditional customs, rites, rituals, histories, teachings of a particular group of Indigenous people or peoples. Most people will have acquired this knowledge through active and lengthy participation in particular cultural structures and processes and a careful study and reflection of the philosophical underpinnings of them. In many cases, they will have studied with a knowledgeable and well respected Elder.<sup>10</sup>

The Windsor University Faculty Association defines Traditional Knowledge Systems as:

1:01 [...] many layers in interconnections of being, knowing, and methods of expression, which are neither static nor homogeneous, and are rooted in the different lands and environments of Indigenous Peoples. Traditional Knowledge Systems promote practices that are sustainable, equitable, peace building, community centred, provide a good life within natural surroundings, and also critically interrogate and examine challenges to their continued existence. This includes language and/or traditional customs including protocols, spirituality, traditions, practices, ceremonies, histories, and teachings of a particular group of Indigenous People or Peoples. This knowledge may be acquired through lived experience including listening and learning in an Indigenous language and within the contexts of living on the land; active and lengthy participation in Indigenous forms of self-determination and governance, cultural structures, and processes; and a careful study and reflection of philosophical underpinnings. Aspects of Traditional Knowledge Systems may or may not be acquired through written documents, as acquiring this knowledge will have involved studying with an Indigenous Elder or Traditional Knowledge Carrier/ Keeper. The parties further acknowledge the definition of Traditional Knowledge Systems is an evolving and fluid concept and that ongoing consultation with the Aboriginal Education Council and local Indigenous communities may warrant future revision.<sup>11</sup>

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<sup>9</sup> [Tri-Council Policy Statement, \*Ethical Conduct for Research Involving Humans\*, Government of Canada, 2022.](#)

<sup>10</sup> Newhouse, D., Indigenous Studies at Trent University, Presentation, CAUT Advancing Indigenization conference, 2018.

<sup>11</sup> [Windsor University Faculty Association Collective Agreement, 2021-2025, Article 1.01.](#)

The Ontario Public Sector Employees Union (OPSEU) CAAT-A division, representing academic staff at Ontario colleges, received an arbitration award in September 2022 regarding the definition of Indigenous Knowledge for the purposes of appointment factors in the Job Classification Plans. The Kaplan Award specified that the definition of Indigenous Knowledge would be developed based on respectful consultation with Indigenous Elders and it directed that the parties jointly identify the Indigenous Elders who would be consulted. The objective is to establish a circle of Elders, whose membership and mandate are based in consultation and are consistent with the principle of “nothing about us without us.”<sup>12</sup>

To remove barriers to the recognition of Indigenous knowledge production, dissemination, learning and languages, some associations have sought changes to:

- recruitment and appointment processes
- a narrow or exclusive definition and overvaluation of the conventional distribution (40-40-20) of scholarly activity – research, teaching and service
- preference for settler colonial languages, conventional teaching approaches and publications
- requirements for a doctoral degree without equivalences

## **Appointments (hiring, tenure, regularization and promotion)**

While some progress has been made, Aboriginal academic staff remain under-represented in the academy. According to the 2021 Census<sup>13</sup>, 1.9% of university professors and 3.3% of college instructors identify as Aboriginal, up modestly from 1.3% and 3% respectively in 2016. In comparison, those with Aboriginal identity represent 5% of the general population. Addressing this under-representation is not itself decolonization, but will help facilitate efforts to break the hegemony of Eurocentricity in the academy.

Associations should review language in collective agreements governing recruitment, tenure and promotion processes to remove biases against Aboriginal scholars and Indigenous knowledge systems. Associations should work to ensure the collective agreement includes:

- recognition and respect for Indigenous knowledge production, oracy and other forms of dissemination and pedagogy, including recognition of:

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<sup>12</sup> CAAT-A Divisional Executive. “*College Faculty: Indigenous Knowledge Update*”, OPSEU, 2022.

<sup>13</sup> Statistics Canada, 2016 and 2021 Census; custom data request.

- Indigenous languages
- land knowledge and land-based practices
- community activity
- and any other relevant considerations, such as lived experiences within Aboriginal communities
- recognition and respect for disproportional or higher levels of service demands within the institution and in the community
- Aboriginal academic staff and/or community inclusion on hiring, tenure and promotion committees of Aboriginal scholars
- new governance models and approaches at all levels to prioritize Aboriginal faculty and community involvement and control over Indigenization

### **Job advertisements**

To assist in recruitment, the University of Ontario Institute of Technology Faculty Association collective agreement requires job advertisements to include a land acknowledgment as well as a statement noting its commitment to Indigenization and decolonization.

15.02 a) vi. [...] Ontario Tech University is actively committed to equity, diversity, inclusion, indigenization and decolonization (EDIID), and welcomes applications from all qualified candidates, while especially encouraging applications from First Nations, Metis, Inuit peoples, Indigenous peoples of North America, racialized persons, persons with disabilities, and those who identify as women and/or 2SLGBTQ+.<sup>14</sup>

### **Indigenous scholarly activity**

Many associations have negotiated for the recognition of Indigenous scholarly activity in all its forms for hiring and promotion. The Brock University Faculty Association agreement has negotiated language to value Indigenous knowledge and scholarship in the general requirements for appointments.

*19.02 b ii. the type of advanced degrees or equivalent Indigenous knowledges; [...]*

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<sup>14</sup> [University of Ontario Institute of Technology Collective Agreement, 2021-2024, Article 15.02.](#)

iv. the quality (but not necessarily the quantity) of published work; or where relevant, the quality of artistic output and/or diverse forms of Indigenous scholarship.<sup>15</sup>

The University of British Columbia Faculty Association agreement notes various forms of scholarly activity, beyond written publication.

4.03 For Indigenous scholarly activity, evidence may include a diverse set of outputs outside the general norms of any given discipline, such as but not limited to curation or creation of artistic or cultural exhibits, significant oral dissemination of research, policy development, and community engaged scholarship under the ownership of Indigenous nations. Evidence of oral dissemination shall be accessible for peer review and demonstrate impact.<sup>16</sup>

The University of Prince Edward Island Faculty Association agreement of 2022-2025 acknowledges how Indigenous scholarly activity may differ from Western definitions as it relates to teaching, research and service and the balance between them.

Section E-7 Research in Indigenous contexts and work with other historically disadvantaged groups must be viewed through a holistic lens recognizing significant overlap of teaching, scholarly endeavours and service, and may often include valuable group authorship and dissemination methodologies and processes within those communities.<sup>17</sup>

Memorial University of Newfoundland Faculty Association's 2023-2026 collective agreement has also recognized diverse knowledge, noting:

10.30 (b) [...] Indigenous knowledges include, but are not limited to, knowledge of the language and customs, rites, rituals, histories, teachings of a particular group of Indigenous People or Peoples. Many Indigenous Faculty Members will have scholarship based in and informed by principles and methods appropriate to an exploration and explication of Indigenous knowledges as well as those of the Western academic disciplinary tradition.<sup>18</sup>

Toronto Metropolitan University Faculty Association negotiated a Memorandum of Understanding on the hiring and evaluation of Indigenous faculty members and librarians that recognizes differences in Indigenous scholarship:

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<sup>15</sup> [Brock University Faculty Association Collective Agreement, 2023-2026, Article 19.02.](#)

<sup>16</sup> [University of British Columbia Faculty Association Collective Agreement, 2022-2025, Part 4, Article 14.03.](#)

<sup>17</sup> [University of Prince Edward Island Faculty Association Collective Agreement, 2022-2026, Section E-7.](#)

<sup>18</sup> [Memorial University of Newfoundland Faculty Association Collective Agreement, 2023-2026, Article 10.30 \(b\).](#)



26.4 It is acknowledged that your Scholarly Research and Creative (SRC) activities may in part be demonstrated through Indigenous community-based/community-engaged SRC, Indigenous-specific creative projects, and the dissemination of your SRC through mechanisms that include writing for Indigenous audiences, Indigenous peer review processes and recognition of Indigenous protocols when presenting research findings (Indigenous feasts, newsletters, oral presentations, and reports to the Indigenous community) that recognize the ethics of and responsibilities to collaborate with Indigenous communities. Your service to external bodies may also include participation in or service to Indigenous organizations that might not be considered learned societies and/or professional associations.<sup>19</sup>

### **Indigenous research**

The Social Sciences and Humanities Research Council (SSHRC) Indigenous Advisory Circle has crafted a definition of Indigenous research, which SSHRC uses to inform its work. With the guidance of the Indigenous Advisory Circle, SSHRC also created an [Indigenous Research Statement of Principles](#) and landmark resources to support and guide Indigenous research and talent, including [Guidelines for the Merit Review of Indigenous Research](#).

SSHRC defines Indigenous research as:

Research in any field or discipline that is conducted by, grounded in or engaged with First Nations, Inuit, Métis or other Indigenous nations, communities, societies or individuals, and their wisdom, cultures, experiences or knowledge systems, as expressed in their dynamic forms, past and present. Indigenous research can embrace the intellectual, physical, emotional and/or spiritual dimensions of knowledge in creative and interconnected relationships with people, places and the natural environment.

Whatever the methodologies or perspectives that apply in a given context, researchers who conduct Indigenous research, whether they are Indigenous or non-Indigenous themselves, commit to respectful relationships with all Indigenous peoples and communities.

[...] Research by and with Indigenous peoples and communities emphasizes and values their existing strengths, assets and knowledge systems.

All research involving Indigenous peoples must be undertaken in accordance with the second edition of the Tri-Council Policy Statement: Ethical Conduct for Research

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<sup>19</sup> [Ryerson Faculty Association Collective Agreement, 2020-2023, Memorandum of Understanding 26.4.](#)

Involving Humans, and, in particular, Chapter 9: Research Involving the First Nations, Inuit and Métis Peoples of Canada.<sup>20</sup>

The Canadian Institutes for Health Research (CIHR) similarly defines Indigenous Health Research as:

Indigenous health and wellness research embraces the intellectual, physical, emotional and/or spiritual dimensions of knowledge in creative and interconnected relationships with people, places and the natural environment. Such research is based on the right to respectful engagement and equitable opportunities; it honours culture, language, history, and traditions.<sup>21</sup>

Many collective agreements contain language recognizing Indigenous research. For example, the First Nations University Regular Academic Staff agreement provides for the following:

2.3.4 Members of the University academic community shall exercise their rights and freedom with an ethic of sensitivity encompassing the following understandings: a) that First Nations traditional methods and protocols for researching and disseminating knowledge and understanding be recognized as valid; b) that academic staff members have the right to research, preserve, and promote knowledge in ways consistent with both First Nations and non-First Nations paths to knowledge.<sup>22</sup>

St. Francis Xavier Association of University Teachers' collective agreement has adopted the SSHRC definition in its clauses on scholarly activity.

2.2.1.3.6.1 Indigenous Scholarship is defined as research in any field or discipline that is conducted by, grounded in, or engaged with, First Nations, Inuit, Métis, or other Indigenous nations, communities, societies or individuals, and their wisdom, cultures, experiences, or knowledge systems, as expressed in their dynamic forms, past and present. Indigenous research can embrace the intellectual, physical, emotional, and/or spiritual dimensions of knowledge in creative and interconnected relationships with people, places, and the natural environment.

2.2.1.3.6.2 Whatever the methodologies or perspectives that apply in a given context, researchers who conduct Indigenous research, whether they are Indigenous

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<sup>20</sup> [Definitions of Terms, Social Sciences and Humanities Research Council, Accessed online 1 October 2024.](#)

<sup>21</sup> [Canadian Institutes for Health Research. "Defining Indigenous Health Research", CIHR, online 1 October 2024.](#)

<sup>22</sup> [University of Regina Faculty Association representing the First Nations University Academic Staff Members Collective Agreement, 2018-2022, Article 2.3.4.](#)

or non-Indigenous themselves, commit to respectful relationships with all Indigenous peoples and communities.

2.2.1.3.6.3 Research by and with Indigenous peoples and communities emphasizes and values their existing strengths, assets, and knowledge systems.<sup>23</sup>

### **Valuing and recognition of service**

The Trent University Faculty Association Collective Agreement has expanded the definition of service to include:

VII.6.2(e) official and ceremonial functions in community or professional organizations;

(f) work with and within Indigenous communities;

(g) equity, diversity, inclusion, and Indigenization work at the University and in the community; and

(h) mentoring, community service, and committee work that follow from belonging to an underrepresented group.<sup>24</sup>

York University Faculty Association has negotiated a fund in recognition of higher service demand on Indigenous and racialized faculty.

19.33 Effective May 1, 2022, the University will provide an annual fund in the amount of \$100,000 for the purpose of providing a course load reduction to support service relating to/in support of Equity, Diversity and Inclusion (EDI) by faculty and librarians and archivists who self-identify as Indigenous or as members of racialized groups.<sup>25</sup>

The University of Saskatchewan Faculty Association expanded the definition of service to explicitly include Indigenization and reconciliation work:

(ix) Outreach activities, which may include Indigenous advocacy and community engagement, Indigenization and reconciliation work, and fostering respectful relationships with Indigenous communities<sup>26</sup>

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<sup>23</sup> [St. Francis Xavier Association of University Teachers' Collective Agreement, 2022-2026, Article 2.2.1.3.6.](#)

<sup>24</sup> [Trent University Faculty Association Collective Agreement, 2022-2025, Article VII.2.](#)

<sup>25</sup> [York University Faculty Association Collective Agreement, 2021-2024, Article 19.33.](#)

<sup>26</sup> University of Saskatchewan Faculty Association, 2023-2026, Article 11.5.2 ix.

Additionally, the association made this work eligible for the same Special Increase in salary that may be awarded to an employee who has demonstrated excellence in other fields:

17.2.12 Indigenization, Decolonization, and Reconciliation. A Special Increase may be awarded to an employee for excellence in Indigenous advocacy, Indigenous community work or engagement, Indigenization and reconciliation, decolonization, or fostering respectful relationships with Indigenous communities.<sup>27</sup>

### **Valuing Indigenous languages**

Laurentian University's agreement recognizes the importance of Indigenous language skills:

3.30.1 [...] The Employer and the Union acknowledge the distinct role and the important contribution of Aboriginal languages and cultures in particular programs at Laurentian University [...] and agree [...] to waive the requirement for French/English bilingualism and recognize as bilingualism the knowledge and/or demonstrated study of an Indigenous language and one (1) of the two (2) official languages of Laurentian University.<sup>28</sup>

St. Francis Xavier University Association of University Teachers' collective agreement recognizes the value of Indigenous language scholarly work:

3.6.4 When evaluating research, special qualifications and contributions shall be considered including development and sharing of Indigenous knowledge and languages<sup>29</sup>

### **Community involvement in appointments and appeals**

Language should be negotiated to ensure Indigenous community involvement, as identified by the candidate, in the assessment of traditional knowledge or dual scholarly activity for the purposes of recruitment, regularization, tenure and promotions. The persons chosen need not be academics. In the case of some knowledge keepers, it may not be possible to obtain written assessments, in which case a personal visit and interpreters may also be required.

Memorial University of Newfoundland Faculty Association negotiated the following as part of procedures for obtaining external appraisals of candidates for tenure:

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<sup>27</sup> Ibid, Article 17.2.12.

<sup>28</sup> [Laurentian University Faculty Association Collective Agreement, 2017-2020, Article 3.30.1.](#)

<sup>29</sup> [St. Francis Xavier Association of University Teachers Collective Agreement, 2022-2026, Article 3.6.4.](#)

10.11 Notwithstanding Clauses 10.10 and 10.20, and upon the request of the Faculty Member potential referees may include Indigenous Elders and/or Traditional Knowledge Carriers/Keepers who shall be deemed commensurate with all other referees.<sup>30</sup>

Brock University Faculty Association negotiated the inclusion of an Elder or knowledge keeper at the request of a member in tenure and promotion appeal processes:

21.A.02 k. [...] In the case of an Indigenous member, an Indigenous Elder or Traditional Knowledge Carrier/Keeper may additionally accompany the member with notification to the Secretary.<sup>31</sup>

### **Process for Indigenizing tenure and promotion criteria**

Associations have worked closely with Indigenous members and the Indigenous community to develop bargaining proposals such as those reflected above. Some associations, such as the Association of Professors of the University of Ottawa, have negotiated a joint committee to:

identify potential challenges that may arise for Members engaged in Indigenous-led and Indigenous centred teaching, research and scholarly activity who are seeking promotion or tenure; and to propose potential changes to the wording in Articles 23, 24 and 25 of the Collective Agreement on the conditions and criteria for and processes of promotion and tenure to help address the challenges identified.<sup>32</sup>

### **Indigenous identity substantiation**

The colonization of Aboriginal peoples in Canada has resulted in what many have called a cultural genocide. Through the arrival of the European settlers, to the residential school crisis and the Sixties Scoop, many Aboriginal people today are without community and were raised outside of traditional knowledge systems and languages. Today, Aboriginal Peoples are in the process of reclaiming identity, community, culture, language and rights.

There are also those with known or assumed Aboriginal ancestry who are self-identifying as Indigenous but have unknown Aboriginal citizenship or community membership and were raised with Western and not traditional knowledge. Called “New Identifiers” by some, their existence poses challenges to increasing representation of Aboriginal staff.<sup>33</sup>

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<sup>30</sup> [Memorial University of Newfoundland Faculty Association Collective Agreement, 2023-2026, Article 10.11.](#)

<sup>31</sup> [Brock University Faculty Association Collective Agreement, 2023-2026, Article 21.A.02 k.](#)

<sup>32</sup> [Association of Professors of the University of Ottawa, Letter of Understanding, 2021-2024.](#)

<sup>33</sup> Watt, Elizabeth, and Emma Kowal. “To Be or Not to Be Indigenous? Understanding the Rise of Australia’s Indigenous Population since 1971.” *Ethnic and Racial Studies*, 42(16): 63–82, Taylor & Francis Online, 2018.

As more cases of Indigenous identity fraud have come to light, institutions and associations are developing Indigenous identity substantiation processes. CAUT's Aboriginal Post-Secondary Education Working Group has developed guidelines that recommend identity verification:

- be guided by Indigenous community members both inside and outside the institution
- respect the complexity of Indigenous identities in the 21st century
  - It may be useful to speak of an identity journey as a way of framing the emergence of Indigenous identities
- treat Indigenous identity claims in the same way as any other national identity claim
- include a clear process that can be used by the institution to review disputed claims of Indigenous identities
  - This process should be administered by an agreed upon group of Elders and Traditional Persons, Indigenous faculty and senior administrators and members of the academic staff association if the process involves a faculty member
- consider the substantiation requirements for international Indigenous peoples, recognizing that these may be different from Canadian documentary standards<sup>34</sup>

Trent University Faculty Association negotiated a committee to establish a process for the verification of Indigenous identity:

Appendix X The committee will ensure there is Indigenous community consultation, including, the Indigenous Knowledge Keepers Council, and the Indigenous Education Council, as part of the development of their recommendations.<sup>35</sup>

### **"Cluster hiring"**

Many institutions have promised cluster hires of Indigenous academic staff, unilaterally by the employer. In addition to increasing representation, a cluster hire is thought to promote the emergence of scholarly communities and mitigate some of the problems faced by Indigenous scholars hired into workplaces where they are very significantly

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<sup>34</sup> [CAUT Discussion Paper: Indigenous Identity Substantiation Policies, Aboriginal Post-Secondary Education Working Group, 2024](#)

<sup>35</sup> [Trent University Faculty Association Collective Agreement, 2022-2025, Appendix X.](#)

underrepresented and without the full support of colleagues. Most cluster hires are employer initiatives, but some are negotiated by the association.

The following is in the York University Faculty Association Memorandum of Settlement for the renewal of their collective agreement, but not in the body of the agreement:

The University commits to the appointment of at least nine (9) Indigenous candidates to tenure stream positions to start on or before by July 1, 2024.

It is anticipated that these appointments will be requested in the regular annual appointments exercise. [...] The Provost & Vice-President Academic may, at their discretion, provide incentive funding to assist in making any of the nine (9) appointments described above.

In the event that a total of nine (9) appointments have not been made under this program to start on or before July 1, 2024 the program will continue until a total of nine (9) appointments have been made.

Advertising for appointments under this program will appear in specifically indigenous media as well as other sites or publications and will indicate that the appointments are open only to Indigenous candidates. A report will be provided to JCOAA by June 30th of 2022, 2023 and 2024. The report will identify the approved positions and will indicate the outcome of the searches.

[...] Indigenous faculty hired under this program for whom a PhD is a prerequisite of the position and who have not yet completed their PhD will be provided with a 0.5 teaching load reduction in the first year of probation.

[...] In the event that the University receives notice of the resignation or retirement of two or more Indigenous faculty to take effect on or before July 1, 2024, the parties will meet to discuss the possible extension of the Program to 2024-2025 for the appointment of up to two Indigenous candidates in 2024-2025 for a total of up to eleven appointments overall under the Program.<sup>36</sup>

Ideally, cluster hires should be negotiated rather than left to the employer's discretion. When the promise is negotiated, it is not only enforceable but also linked to the other provisions of the collective agreement that require support for success throughout the career process, not just at the point of hire – and not only from Indigenous colleagues but from the institution.

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<sup>36</sup> Memorandum of Settlement for a Renewal Collective Agreement, York University Faculty Association and York University, March 18, 2022.

Cluster hiring is a relatively new phenomenon and success, in terms of retention, has yet to be determined or evaluated. Anecdotally, the retention rates associated with cluster hires are low. If Indigenous faculty choose to leave a position before completing tenure and promotion processes, their reasons for leaving, including any preventable negative experiences, are typically not recorded. Associations can be more diligent about requiring the institution to conduct exit interviews when individuals leave within the first three to five years of their position to understand individuals' experiences.

## Workload

Associations should review the workload language in their agreements to ensure that it adequately recognizes the specific situations confronting Aboriginal academic staff.

Aboriginal academics have long reported that Aboriginal students seek them out as mentors who can help them deal with systemic discrimination within a department, faculty or the larger institution. Such mentoring needs to be acknowledged as part of the workload.

Like the York University Faculty Association, the University of Victoria Faculty Association has negotiated a fund to support course release for Indigenous faculty that have academic and professional responsibilities greater than their normal workload:

The Parties hereby agree that:

1. An Indigenous and BPoC Knowledge Connection Fund shall be established on July 1, 2022 in the amount of \$500,000.
2. Indigenous and BPoC Members who are undertaking assigned or approved work related to their Academic and Professional Responsibilities that promotes or supports University initiatives in the area of equity, diversity, inclusion, decolonization, Indigenization or anti-oppression may apply for a course release in support of that work.
3. The maximum course release an Indigenous or BPoC Member can receive from the current fund is normally 1.5 units per year.<sup>37</sup>

Grant MacEwan University Faculty Association has negotiated a workload definition for members cross-appointed to its Indigenous Centre:

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<sup>37</sup> [University of Victoria Faculty Association Collective Agreement, 2022-2025, Appendix O-LOU, 1, 2 and 3.](#)



12.1.4 Workload components undertaken for kihew waciston, including community-facing work, will be understood to fit within the categories of this Article (teaching, scholarly activity, service) for the purposes of assigning, reporting on, and evaluating workload.<sup>38</sup>

## Leaves

Collective agreements should provide leaves for different cultural needs and practices, including those that are grounded in land and community-based attachments. As well as an equity issue, support for land and community connection sustains Indigenous knowledge systems.

### Ceremonial leave

Paid leaves for participation in traditional ceremonies varies across agreement. The University of Regina – First Nations University provides one of the longest paid leave entitlements for this purpose – seven days for “the purpose of participating in traditional First Nations ceremonies. A University policy on this will be developed in consultation with First Nations Elders and academic staff members.”<sup>39</sup>

The University of Victoria University Faculty Association agreement’s special leave provisions provide up to two weeks of special leave (including “where an Indigenous member needs to be absent to attend an Indigenous ceremonial gathering or cultural activity in fulfilment of cultural obligations”). In “exceptional circumstances” the Vice-President Academic and Provost may approve a longer leave.<sup>40</sup>

### Holidays

Some associations have bargained for Indigenous members, or all members, to receive paid leave for the National Day for Truth and Reconciliation, National Indigenous Peoples Day and Treaty Day.<sup>41</sup>

<sup>38</sup> [Grant MacEwan University Faculty Association Collective Agreement, 2020-2024, LOU Cross-Appointment of Academic Staff Between Academic Units and kihew waciston.](#)

<sup>39</sup> [University of Regina Faculty Association representing the First Nations University Academic Staff Members Collective Agreement, 2018-2022, Article 26.6.1.](#)

<sup>40</sup> [University of Victoria Faculty Association Collective Agreement, 2022-2025, Article 44.1 c\) and 44.2.](#)

<sup>41</sup> For example, the Mount Saint Vincent University Faculty Association Collective Agreement, 2023-2026, Article 28 and the [Nipissing University Faculty Association Collective Agreement, 2023-2027, Article 36.12.](#)

## Unpaid leave for public office

The University of Northern British Columbia recognizes leaves of absence for “when a Member stands for or has been elected to a First Nations office.”<sup>42</sup>

The Nicola Valley Institute of Technology Employees’ Association agreed that:

23.4.2 [...] Public Duties may be applied to duties that include First Nations governance and Indigenous community boards.<sup>43</sup>

The British Columbia Institute of Technology Faculty and Staff Association has negotiated a general clause on leave for public office that applies equally to those in Indigenous governance:

The Employer shall grant, on written request, leave of absence without pay:

9.10.1 to any Employee to seek election in a Municipal, Provincial, Indigenous Government or Federal Election.

9.10.2 to any Employee elected to public office.<sup>44</sup>

## Compassionate care/bereavement leaves

The definition of family should be expansive as kinship circles and responsibilities for Indigenous peoples often differ from the dominant culture. The Federation of Post-Secondary Education of British Columbia’s definition of family is exemplary, recognizing immediate, extended and foster family relations, including:

Whether or not related to an employee by blood, adoption, marriage or common-law partnership, an individual with a serious medical condition who considers the employee to be, or whom the employee considers to be, like a close relative.<sup>45</sup>

The Kwantlen University Faculty Association collective agreement acknowledges Indigenous differences in defining family in its bereavement leave clause:

13.03 (a) For the purpose of this clause, family member is defined as a faculty member’s parent, step-parent, spouse, child, sibling, step-sibling, sibling-in-law, parents-in-law, children’s spouses, foster parent, step-child, foster child, grandchild, grandparents and any other person living in the same household who is dependent on the employee. For Indigenous employees this includes

<sup>42</sup> [University of Northern British Columbia Faculty Association Collective Agreement, 2023-2025, Article 62.5.2.](#)

<sup>43</sup> [Nicola Valley Institute of Technology Employees’ Association 2022-2025 Article 23.4.2](#)

<sup>44</sup> [BCIT Faculty and Staff Association Collective Agreement, 2022-2025, Article 9.10.1 and 9.10.2.](#)

<sup>45</sup> [Federation of Post-Secondary Education of BC Common Agreement, 2019-2022, Appendix I.](#)

an Indigenous elder\* or any individual an Indigenous employee considers family consistent with their Indigenous cultural practices.

\* An Indigenous elder is designated as such by their community.<sup>46</sup>

### **Grievance and arbitration**

Even with association support, it can be difficult for members to challenge the employer's actions. This task can be particularly difficult for those with additional workplace vulnerability, including Aboriginal members. The solution is extra effort by the union to welcome and support all members in the grievance process.

OPSEU CAAT-A has negotiated that an employee who identifies as Indigenous shall be able to bring an Indigenous Elder/Traditional Knowledge Keeper to the grievance meeting as an advisor and/or support person for the employee.

The Colleges agree to bear the reasonable costs of the attendance of an Indigenous Elder / Traditional Knowledge Keeper at a WMG meeting pursuant to article 11.02 B 2 and at a grievance meeting pursuant to article 32.02.<sup>47</sup>

OPSEU also negotiated a letter of understanding to find two Indigenous arbitrators to add to the agreed list within the collective agreement.

Brandon University Faculty Association has negotiated support for alternative conflict resolution approaches within the grievance process, in the grievance article of their agreement:

4.3 [...] Participation is voluntary and, with the agreement of the parties to the conflict, the Employer shall facilitate resolution of such conflict (Member-on-Member, Member-on-Administrator) using means such as restorative justice and culturally appropriate mechanisms (e.g., healing circles); the Union may assist Members engaged in such a process. Even with an appropriate and timely process, conflict resolution is not guaranteed.<sup>48</sup>

Nicola Valley Institute of Technology Employees' Association (NVITEA) recognizes Indigenous approaches to dealing with complaints of personal harassment:

28.3 Employees are encouraged to process complaints using traditional Indigenous methods of conflict resolution. Alternatively, an employee may follow the process of

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<sup>46</sup> [Kwantlen University Faculty Association Collective Agreement, 2022-2025, Article 13.03 \(a\).](#)

<sup>47</sup> [OPSEU CAAT-A Divisional, Academic Employee Collective Agreement, 2021-2024.](#)

<sup>48</sup> [Brandon University Faculty Association Collective Agreement, 2023-2027, Article 4.3.](#)

mediation and/or investigation as set out in Article 27.4.3 and 27.4.4 excluding the option of proceeding to third party arbitration.<sup>49</sup>

Article 27 of the NVITEA agreement deals with mediation and investigation of harassment specifically, so both the option for Indigenous methods of conflict resolution of harassment complaints and more standard investigation and mediation of complaints fall outside of the grievance procedure of the agreement. The Association has also negotiated a joint working group to explore the development of an Indigenous Dispute Resolution framework based on Indigenous epistemology, laws, and values.<sup>50</sup>

The University of British Columbia Faculty Association has agreed to a joint committee to identify alternative dispute mechanisms for the informal resolution stage of their grievance procedure, noting: "Particular consideration should be given to Indigenous approaches to dispute resolution, and other "non-Western" forms of ADR."<sup>51</sup>

Such alternative conflict resolution options must always be voluntary and require the agreement of all parties. Associations should be vigilant to monitor that these alternative procedures are not misused by employers seeking to diminish the reality of workplace conflict or harassment or to discourage the pursuit of grievances.

## Intellectual property

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.<sup>52</sup>

There is a fundamental conflict between Western concepts of intellectual property and Indigenous understandings of the origin, use and control of creative works. For Indigenous communities, such works may arise from close, multi-generational attachment to the broad natural and spiritual worlds – not simply from sudden bursts of inspiration,

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<sup>49</sup> [Nicola Valley Institute of Technology Collective Agreement, 2022-2025, Article 28.3.](#)

<sup>50</sup> Ibid, Letter of Understanding #5.

<sup>51</sup> [The Faculty Association of The University of British Columbia Collective Agreement, 2022-2025, Appendix D.](#)

<sup>52</sup> United Nations Declaration on the Rights of Indigenous Peoples, 2007, Article 31.

laboratory research, or specific fieldwork. They may be embedded in local cultural traditions including language, land use practices, and spirituality under the permanent custodianship of communities or designated elements within communities and not be privately owned for finite time periods.

Academic staff collective agreements typically provide Western, individual intellectual property rights to members of the bargaining unit. Agreements should seek ways to ensure custodianship, dissemination and compensation for scholarship based on Indigenous traditional knowledge, so that intellectual property rights remain within community.

Data sovereignty should be considered as a central aspect of respecting Indigenous intellectual property. As expressed by the federal research agencies: "Data sovereignty is an important principle and Indigenous Peoples call for the direct control of the research data that is gathered on Indigenous Peoples, their cultures, their histories, their languages, their knowledge systems and their traditional and sacred lands."<sup>53</sup>

To include Indigenous understandings of intellectual property, academic staff associations should consider the following:

- outreach to community to learn of local protocols
- First Nations principles of Ownership, Control, Access, and Possession (OCAP®)
- CARE principles for Indigenous Data Governance
- SSHRC Statement of Principles on Indigenous Research
- Tri-Council Policy Statement on Research Involving the First Nations, Inuit and Métis Peoples of Canada
- Utility, Self-Voicing, Access, and Inter-Relationality (USAI) Research Framework developed by the Ontario Federation of Indigenous Friendship Centres to guide research processes and decisions by and with urban Indigenous communities
- The USAI framework principle of Self-Voicing affirms that communities must be fully recognized as authors and knowledge holders, not simply as "trusted informants, confidants, and advisors"<sup>54</sup>

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<sup>53</sup> [Setting New Directions to Support Indigenous Research and Research Training in Canada. Canada Research Coordination Committee, Government of Canada. Accessed online 1 October 2024.](#)

<sup>54</sup> [Ontario Federation of Indigenous Friendship Centres, \*Utility, Self-Voicing, Access, and Inter-Relationality \(USAI\) Research Framework\*, 2020.](#)

The First Nations University collective agreement includes as a provision that the university consider the following principles regarding intellectual property:

[...] The University adheres to the following principles with respect to the ownership and dissemination of Indigenous knowledge:

28.1.1 The effective protection of Indigenous Peoples heritage will be of long-term benefit to all.

28.1.2 Indigenous Peoples are the primary guardians and interpreters of their cultures, arts, and sciences, whether created in the past or developed by them in the future.

28.1.3 Indigenous Peoples' ownership and custody of their heritage is collective, permanent, and inalienable as prescribed by the customs, rules, and practices of each people.

28.1.4 To protect their heritage, Indigenous Peoples must exercise control over all research conducted within their territories, or which uses their people as objects of study.

28.1.5 The free and informed consent of the traditional owners should be an essential precondition of any agreements that may be made for recording, studying, using, or displaying any Indigenous Peoples' heritage. The traditional owners must be determined in accordance with Indigenous Peoples' own customs, laws, and practices.<sup>55</sup>

## Governance

Structural change is necessary to truly transform the academy. It will come about by shifting power relations and fundamentally altering decision-making so that Indigenous Peoples are in control of Indigenous programs and shared governance is a reality.

According to Universities Canada, more than two-thirds of Canada's post-secondary institutions are working to include Indigenous representation within their governance or leadership structures.<sup>56</sup> The Action Plan to implement B.C.'s Declaration of the Rights of Indigenous Peoples Act includes identifying legislative amendments needed to ensure all public post-secondary institution boards include at least one Indigenous person. The

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<sup>55</sup> [University of Regina Faculty Association. University of Regina Faculty Association representing the First Nations University Academic Staff Members Collective Agreement, 2018-2022, Article 28](#)

<sup>56</sup> [Advancing reconciliation on campus means going beyond the classroom, Universities Canada, Universities Canada, 2017](#)

newly formed National Indigenous University Senior Leaders' Association brings together Indigenous senior administrative leaders from academic institutions to network and to engage in dialogue and actions that pertain to their leadership roles and responsibilities.<sup>57</sup>

Academic staff associations can negotiate to ensure that Indigenous representation and consultation are not pro forma or tokenistic, but ensure Indigenous members have decision-making power. Associations can also use Joint Committee structures to address employment equity issues.

The University of Regina-First Nations University agreement, for example, has a joint internal relations committee to "promote harmonious relations in keeping with First Nations cultures and values by acting as a liaison between the Faculty Association and the University."<sup>58</sup>

The Faculty Association of the University of St. Thomas negotiated a Memorandum of Agreement for the Joint Committee of union and employer representatives to explore ways to decolonize and Indigenize the full-time and part-time collective agreements.<sup>59</sup>

The British Columbia Institute of Technology and the BCIT Faculty and Staff Association have established a working group to discuss and develop recommendations to advance reconciliation and Indigenization, consistent with BCIT's Indigenous Vision.<sup>60</sup>

## Conclusion

Indigenization of the academy requires that we think carefully about the language, structures and processes of our work as academic staff and that we adjust these to ensure that it supports the work that Indigenous members want to do. It must also ensure that others in the institution understand and act in ways that create organizational cultures that not only are amicable to Indigenous peoples but also affirm Aboriginal and treaty rights of First Nations, Inuit and Métis peoples as recognized in the Canadian Constitution.

Indigenizing the academy is, among other things, "a commitment to undertake proactive measures aimed at restoring, renewing, and re-generating Indigenous practices,

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<sup>57</sup> [National Indigenous University Senior Leaders' Association. First Nations University of Canada, 2022.](#)

<sup>58</sup> [University of Regina Faculty Association. University of Regina Faculty Association representing the First Nations University Academic Staff Members Collective Agreement, 2018-2022, Article 8.1.1.](#)

<sup>59</sup> [Faculty Association of the University of St. Thomas Collective Agreement, 2022-2025, MOU Decolonizing/Indigenization of the Agreements](#)

<sup>60</sup> British Columbia Institute of Technology, *Letter regarding a working group on Indigenization and Reconciliation*. Letter to British Columbia Institute of Technology (BCIT)., June 2023

languages, and knowledge.”<sup>61</sup> The examples in this advisory can guide us as we continue to pursue Indigenization through collective bargaining.

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<sup>61</sup> [CAUT Policy Statement on Indigenizing the Academy, October 2021](#)