

**MARJORIE GRIFFIN COHEN, LOUISE FORSYTH, GLENIS JOYCE,  
AUDREY KOBAYASHI, SHREE MULAY, SUSAN PRENTICE**

**Complainants**

**and**

**CANADA RESEARCH CHAIRS PROGRAM  
TRI-AGENCY INSTITUTIONAL PROGRAMS SECRETARIAT  
(Her Majesty In Right of Canada as represented  
by the Minister of Science and Sport)**

**Respondent**

**and**

**CANADIAN HUMAN RIGHTS COMMISSION**

**Commission**

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**SETTLEMENT AGREEMENT  
(Addendum to October 24, 2006 Settlement Agreement)**

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WHEREAS the Complainants and Respondent (the “Parties”) previously agreed upon and signed a Settlement Agreement, dated October 24, 2006 (the “Settlement Agreement”), which remains in force as signed and pursuant to the Order of the Federal Court dated May 3, 2017 (both attached as Appendix C) save where revised by this Addendum;

AND WHEREAS the Respondent acknowledges and recognizes the important contributions that the Complainants Dr. Marjorie Griffin Cohen, Dr. Louise Forsyth, Dr. Glenis Joyce, Dr. Audrey Kobayashi, Dr. Shree Mulay, Dr. Michele Ollivier, Dr. Susan Prentice, and Dr. Wendy Robbins, have made in improving the level of representation in the Canada Research Chairs Program (the “Program”) by way of their 2003 complaints and their efforts in the mediation processes which led to the 2006 Settlement Agreement and this Addendum in 2019;

AND WHEREAS the Respondent has implemented measures that are aligned with the principles of equity, diversity, and inclusion (EDI), including those outlined in Appendix A, such as adding diversity in terms of the representation of chairholders within the Program as a formal part of the Program’s objectives;

AND WHEREAS the Respondent and the Complainants recognize that achieving an equitable, diverse, and inclusive Canadian research enterprise is essential to creating excellent, innovative, and impactful research;

AND WHEREAS the Respondent and Complainants agree that representation within the Program should reflect representation within the Canadian population and the intention of this Addendum is to promote and enhance the achievement of such a goal;

AND WHEREAS the Parties have agreed that in order to resolve concerns regarding the terms of, and compliance with, the Settlement Agreement Order of the Federal Court in this matter, this further Addendum is required;

AND WHEREAS the Canadian Human Rights Commission (CHRC) participated in the creation of, and is in agreement with the terms of, this Addendum;

THE PARTIES HEREBY AGREE THAT:

Target Setting Implementation

1. The Program shall, from December 2019 to December 2029 (the “10-year period”), increase institutional targets for representation of women, visible minorities (members of groups that are racially categorized), persons with disabilities, and Indigenous peoples (the “Four Designated Groups” or “FDG”), to reflect representation within the Canadian population using the methodologies set out in the section “Data Used to Set Targets”.
2. The Program shall require that institutions set revised, incrementally higher, targets over the 10-year period at intervals specified by the Program, so that institutions progress toward and meet the December 2029 targets set out in the section “Data Used to Set Targets”.
3. The Program shall not restrict an institution from exceeding its targets for any of the FDGs.

Data used to set Targets

*Target Setting for Women and Visible Minorities*

4. Targets shall be based on general Canadian population representation for women and visible minorities using the 2016 census data to be reached over the 10-year period. These figures are 50.9% for women and 22% for visible minorities, subject to adjustment for subsequent census data, as available, or otherwise as set out in paragraph 8 below.

### *Target Setting for Persons with Disabilities*

5. Targets for persons with disabilities shall be set at 7.5% to be reached over the 10-year period. This goal shall be subject to review and revision by five years from the signing of this Addendum, to assess progress, and may be increased at the Program's governance committees' discretion. If the Program's governance committees consider that there is inadequate progress, the Program shall conduct an analysis based on engagement with stakeholders representing persons with disabilities on the challenges that exist for this group within the Program. The review and any revision of the target shall take into account the results of the stakeholder engagement (and prior engagement), progress made in representation of persons with disabilities within the Program (including nomination rates and overall representation), available and relevant data from the Canadian Survey on Disability, and other relevant information. Input may be sought from the Complainants and/or the CHRC.

### *Target Setting for Indigenous Peoples*

6. The Program shall engage in discussions with representatives of Indigenous communities, and re-assess and revise as required the management of the target setting approach for Indigenous peoples within the Program. In the interim, 2016 census data shall be applied for target setting with respect to Indigenous Peoples. This figure is 4.9%.

### *Tier 1 and Tier 2 level Targets for Large Institutions*

7. The Program shall require that institutions within the Program's "large category" (as defined by the Program) set and meet targets at the Tier 1 and Tier 2 levels, and not aggregated across the two levels.

### *Target Setting After the 10-Year Period*

8. The Program's equity target data shall be reviewed and revised after the 10-year period and every five years thereafter, provided that adequate updated data, including but not limited to census data, is available.

### Enforcement of Targets

9. The Program shall monitor and enforce the target deadlines. The Program may withhold peer review of new nominations for non-compliant institutions in cases where the nomination would not help to meet the institution's equity targets, as stipulated by the Program's governance committees.
10. The Program may permit a minus 10% variance (rounded up to a minimum of one chair) of the targets of an institution on an exceptional and limited basis within the Program's monitoring and enforcement processes. This variance acknowledges potential challenges faced by institutions in meeting targets such as (but not limited to): institutions not having empty allocations to address their gaps within the timelines specified; the Program's re-allocation process, which may see institutions lose allocation(s) every few years; early terminations of chairs (e.g., retirements, departures to other institutions, etc.); and self-identification being an individual's choice.
11. Institutions that consistently do not meet required targets may face additional measures, to be determined at the discretion of the Program's governance committees.

### Data Collection

12. The Program shall, using best practices, collect disaggregated self-identification data from nominees and chairholders with respect to gender identity or expression, disability, Indigenous, race, and sexual identities, and sexual orientation, and publicly report such data on an intersectional basis subject to the federal Privacy Act.

13. The Program shall, by updating available Program materials and using best practices:

- a. encourage nominees and chairholders to self-identify to the Program in all groups that apply to them;
- b. conduct on-going surveys to refresh the Program's data, and provide active chairholders with opportunities to periodically update their self-identification data during their terms; and,
- c. individuals that belong to more than one of the designated groups shall be reflected in all groups as applicable within the Program's data on an intersectional basis subject to the federal Privacy Act.

14. Within twelve months of the signing of the Addendum and thereafter, the Program's self-identification form shall include the option for nominees and chairholders to self-identify as "white".

15. Within twelve months of the signing of the Addendum and thereafter, the Program's self-identification form shall include a question on gender identity or expression and sexual identity and orientation.

16. The Program shall continue to collect self-identification data on a disaggregated basis by available means (e.g., the self-identification form). The Program shall continue to monitor the level of representation within the Program.

## LGBTQ+

17. The Program shall, using the data collected, monitor the nomination rates and level of representation of the LGBTQ+ community within the Program, gather and implement sound approaches to increase representation by LGBTQ+ chairholders in the Program, and require institutional initiatives to implement such approaches (e.g., within their Equity, Diversity, and Inclusion Action Plans (“EDI Action Plans”)).
18. The Program shall revise its Best Practices Guide to include measures encouraging the nomination and retention of LGBTQ+ nominees and chairholders.

## Accountability

19. Subject to the federal Privacy Act, the Program shall make biennial public reports on representation at the Program level, on a disaggregated and intersectional basis. The Program shall require that institutions provide a link to this data on their public accountability and transparency web pages.
20. The Program shall continue to report the target goals set for each participating institution.
21. The Program shall, subject to the federal Privacy Act, report on institutional representation and target gaps on a disaggregated and intersectional basis.
22. The Program shall continue to require that institutions meet annual public accountability and transparency requirements, with the required information being made available on their public websites as stipulated by the Program.
23. The Program shall continue to require that institutions develop and implement an EDI Action Plan.

24. The Program shall continue to require that institutions make their EDI Action Plans publicly available on their public accountability and transparency web pages.
25. EDI Action Plan requirements for institutions with fewer than five chair allocations shall be adapted to reflect the capacity of these smaller sized institutions while maintaining a strong commitment to the principles of EDI.
26. The Program shall continue to engage an external EDI panel in the review of all institutional EDI Action Plans as stipulated by the Program's governance committees. The institutional results of the external review of the EDI Action Plans shall be made publicly available.
27. The Program shall continue to require that institutions report annually on their progress in implementing their EDI Action Plans, both to the Program and on their institutional public accountability and transparency web pages.

#### Compliance

28. The Program shall publish this Addendum on the Program website and shall require institutions to either publish or provide a link to the Addendum on their public accountability and transparency websites.
29. The Program shall continue to require that institutions follow the Program's recruitment and nomination requirements for every nomination.
30. The Program shall require that institutions provide the following for each new nomination (i.e., nominations other than renewals):



### *Chair Posting/Advertisement*

- a. The Program shall require that institutions continue to provide a link to all Chair advertisements to the Program on the day that they are posted. If the Program finds that an advertisement does not meet the requirements for Chair postings, it shall require that the institution revise and repost the advertisement for a minimum of thirty days before the recruitment process may proceed.

### *Mid-Point Attestation – Candidate Search / Committee Review*

- b. The Program shall require that institutions, before proceeding to the nomination stage to fill an empty chair allocation, submit to the Program a “mid-point attestation” by a senior university official, using a form provided by the Program. The attestation shall confirm that the institution has complied with the Program’s requirements for the recruitment and nomination stages completed to that point (i.e., Candidate Search and Committee Review stage).

### *Nomination Stage Attestation*

- c. The Program shall continue to require that all nomination packages for new nominations submitted by institutions include a final certification by a senior university official, using a form provided by the Program and attesting that the institution’s recruitment and nomination process complied with all Program requirements.
- d. The Program shall not proceed with the evaluation of a nomination and the nomination shall be withdrawn if an institution fails to provide the required certifications.

31. The Program shall continue to carry out regular monitoring exercises to ensure that institutions fully meet the Program's requirements, including a randomized review of the recruitment processes of a sub-set of nominations each nomination cycle. Based on the results of its monitoring exercises, the Program may refuse a nomination and require that the institution re-advertise the Chair position and conduct a new recruitment and nomination process.

32. The Program shall continue to implement its efforts to promote compliance with equity targets and EDI Action Plans, including:

- a. continuing to ensure that the Program's requirements take into consideration career interruptions for Tier 2 Chair eligibility and that Chair postings and advertisements specifically mention these measures;
- b. continuing to issue open letters to institutions from time to time to inform on progress, communicate changes, encourage initiatives, and promote EDI;
- c. continuing to update the publicly available EDI Best Practices Guide to assist institutions;
- d. maintaining EDI as part of the key responsibilities for senior Program positions;
- e. continuing to monitor exit surveys and progress reports submitted by chairholders to identify systemic barriers, and attempting to address such barriers, as required, within institutions' EDI Action Plans;
- f. maintaining an EDI Advisory Committee with a mandate to advise TIPS' governance committees on EDI measures for the Program;

- g. continuing to require all institutions to provide EDI related training (e.g., unconscious bias) to all key individuals involved in the recruitment and nomination processes of the Program;
- h. requiring all governance committee members and Program staff to undertake annual EDI training;
- i. undertaking a review of the Program's literature and adding EDI considerations where necessary;
- j. monitoring success rates on a regular basis to monitor for systemic barriers;
- k. requiring that EDI measures be included in all formal evaluations of the Program;  
and,
- l. adding the recognition of different research approaches as needed (e.g. Indigenous ways of knowing, research-creation, clinical research) and career pathways within the assessment of productivity guidelines for nominees to Chair positions.

33. The Program shall identify participating institutions that repeatedly fail to meet the Program's recruitment and nomination requirements for Canada Research Chairs, and the Program shall engage in targeted monitoring activities of such institutions and address compliance and enforcement as needed.

34. The responsibility of implementing the Settlement Agreement and this Addendum in good faith shall be added to the terms of reference of the Program's governance committees.

35. A formal assessment of the implementation of the Settlement Agreement and this Addendum shall be conducted by the Program's internal audit team of the Social Sciences and Humanities Research Council (or by an external audit team) three years after the Addendum is signed and every five years thereafter with the resulting report to be made publicly available.
36. The Program shall hire an external consultant to complete an Equity (GBA+) analysis of the Program. The analysis shall include a review of broader systemic issues within the academy which impact the Program.

#### Enforcement

37. Institutions that do not meet EDI Action Plan requirements shall have their peer review withheld for all new nominations other than those that help meet targets, at the discretion of the Program's governance committees.
38. Institutions that are found not to meet public accountability and transparency requirements or EDI Action Plan requirements shall be subject to additional measures to enforce compliance, at the discretion of the Program's governance committees.

#### Revisions and Updating of Program Literature

39. The Program shall:
- a. require all nominees to include information regarding EDI training strategies in their nomination package;
  - b. require institutions to address EDI requirements related to the institutional environment and support (e.g., mentorship) in the nomination package;
  - c. add a question to the chairholder progress report to monitor the EDI requirements within the chairholder's training plan as outlined in the nomination package;

- d. add a question to the chairholder progress report that allows chairholders to report to the Program on potential systemic barriers;
- e. add a section to the institutional EDI Action Plan progress report template regarding addressing systemic barriers more broadly within institutions;
- f. require that institutions, in their EDI Action Plans, develop a plan to adopt best practices for applying an intersectional lens in implementing EDI measures and to report publicly on the representation within their chair allocation on an intersectional basis, while respecting the federal Privacy Act;
- g. conduct a review of the Program's evaluation criteria, Program literature, peer review literature, and nomination packages with the goal of supporting and promoting an inclusive view of research excellence;
- h. provide additional training for the College of Reviewers and peer review committee members regarding unconscious bias, an inclusive view of research excellence, and recognizing all types of career paths; and,
- i. add best practices for applying an intersectional lens in implementing EDI measures to the Program's EDI Best Practices Guide.

40. The Program shall develop, maintain, and implement a communications strategy to promote the self-identification of individuals from underrepresented groups who participate in the Program, to highlight the research excellence of individuals from underrepresented groups who participate in the Program, and to promote the links between EDI and research excellence.

41. The Chair Program's annual EDI institutional award shall be renamed the "Robbins-Ollivier Award for Equity, Diversity, and Inclusion Excellence" and include a research grant to the institution.

## Miscellaneous

42. The Parties further agree that:

- a. this Addendum was originally prepared in English. A French translation will be prepared by the Respondent and made public with this Addendum. Should any conflict arise between the originally prepared English version and any translation, the originally prepared English version will take precedence;
- b. this Addendum to the Settlement Agreement shall be in effect and have force as of the latest date of signing;
- c. this Addendum shall be a public document in its entirety, including the original Settlement Agreement;
- d. this Addendum may be signed separately by the parties, all signed versions to be identical in force and effect;
- e. should there be disagreement between the parties in respect of the terms of, or compliance with, this Addendum or the Settlement Agreement, the parties agree to participate in constructive discussion prior to taking other steps;
- f. this Addendum may be revised upon written agreement and consent of all parties;
- g. the terms and conditions of this Addendum are as between the signatory Parties only, and may not be assigned, transferred, or otherwise passed to any individual or entity; and,
- h. the terms of this Addendum do not preclude the Program from implementing additional, complementary measures, as deemed necessary, to increase the level of EDI within the Program and promote best practices.

**Signatures – Complainants**

*Marjorie Griffin Cohen*

\_\_\_\_\_  
Dr. Marjorie Griffin Cohen

Date: May 16, 2019

Witness: *P. H. [Signature]*  
\_\_\_\_\_

*Louise Forsyth*

\_\_\_\_\_  
Dr. Louise Forsyth

Date: May 16, 2019

Witness: *P. H. [Signature]*  
\_\_\_\_\_

*Joyce*

\_\_\_\_\_  
Dr. Glenis Joyce

Date: May 16, 2019

Witness: *P. H. [Signature]*  
\_\_\_\_\_



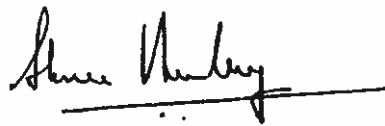
**Signatures – Complainants**



\_\_\_\_\_  
Dr. Audrey Kobayashi

Date: May 16, 2019

Witness:  \_\_\_\_\_

  
\_\_\_\_\_

Dr. Shree Mulay

Date: May 16, 2019

Witness:  \_\_\_\_\_



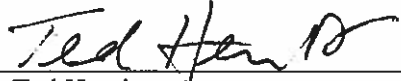
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Dr. Susan Prentice

Date: May 16, 2019

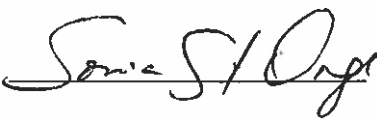
Witness:  \_\_\_\_\_



**Signatures – Respondent**

  
\_\_\_\_\_  
Dr. Ted Hewitt  
President  
Social Sciences and Humanities Research Council

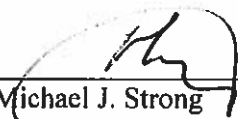
Date: 21 May, 2019

Witness:   
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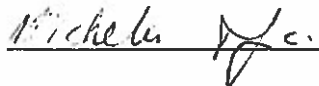
\_\_\_\_\_  
Dr. Digvir S. Jayas  
Interim President  
Natural Sciences and Engineering Research Council of Canada

Date: \_\_\_\_\_, 2019

Witness: \_\_\_\_\_

  
\_\_\_\_\_  
Dr. Michael J. Strong  
President  
Canadian Institutes of Health Research

Date: 22 May 2019, 2019

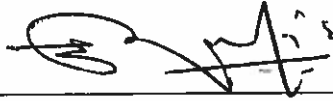
Witness:   
\_\_\_\_\_

**Signatures – Respondent**

Date: \_\_\_\_\_, 2019

\_\_\_\_\_  
Dr. Ted Hewitt  
President  
Social Sciences and Humanities Research Council

Witness: \_\_\_\_\_



Date: May 17, 2019

\_\_\_\_\_  
Dr. Digvir S. Jayas  
Interim President  
Natural Sciences and Engineering Research Council of Canada


Witness: W. Paul Corneock

Date: \_\_\_\_\_, 2019

\_\_\_\_\_  
Dr. Michael J. Strong  
President  
Canadian Institutes of Health Research

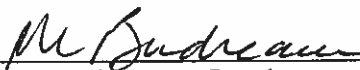
Witness: \_\_\_\_\_

**Signatures – Respondent**

  
\_\_\_\_\_  
Dr. Dominique Bérubé  
Vice-President Research Programs  
Social Sciences and Humanities Research Council


Date: May 21, 2019

Witness: Danielle Coe

  
\_\_\_\_\_  
Ms. Marie-Lynne Boudreau  
Deputy Director, Policy, Performance, Equity and Diversity  
Tri-agency Institutional Programs Secretariat

Date: May 21, 2019

Witness: Sonia St-Onge

  
\_\_\_\_\_  
Ms. Sally Booth  
Senior Policy Analyst  
Tri-Agency Institutional Programs Secretariat

Date: May 21, 2019

Witness: Sonia St-Onge

**Signature – Commission**

The Canadian Human Rights Commission is in agreement with the terms of this Addendum.



Sheila Osborne-Brown  
Senior Counsel  
Canadian Human Rights Commission

Date: May 17, 2019

Witness:

  
V. PILLAY

## **Appendix A**

Equity, diversity, and inclusion measures implemented by the Program include (and is not limited to) some of the following:

1. In 2006, sending a letter to all university Presidents participating in the Program emphasizing that the recruitment processes for CRCs must be transparent, open, and equitable;
2. In 2006, adding to the Institutional Nomination Form a mandatory sign-off for the institution to confirm that the recruitment and nomination process was transparent, open, and equitable;
3. In 2007, implementing the self-identification form that was agreed upon by the two parties and systematically collecting self-identification data from all nominees and chairholders since that time;
4. In 2007, establishing an ongoing Advisory Committee on Equity Policy mandated to advise the Program on equity issues;
5. Since 2009, requiring institutions to set equity targets and reporting on their strategy to address any under-representation of members of the FDGs and during each target setting exercise sharing EDI best practices with institutions;
6. Updating the equity targets every three years where reliable and robust data was available;
7. In 2009, retaining an external consultant to conduct a gender and diversity-based analysis of the Program and including a review of systemic barriers within each formal evaluation of the Program (10<sup>th</sup> and 15<sup>th</sup> year evaluations);

8. In 2011, conducting a monitoring review of institutions' recruitment and nomination procedures which led to the development of Program guidelines for an open and transparent recruitment and nomination process;
9. In 2011, publishing guidelines for ensuring a fair and transparent recruitment and nomination process, which institutions were expected to follow;
10. In 2011, identifying a number of factors to be taken into account from an equity perspective when assessing nominations, which were shared with peer reviewers;
11. Requiring Program staff to undertake training on gender-based analysis and equity, diversity, and inclusion on an annual basis;
12. Monitoring Exit Surveys and Institutional and chairholder annual reports to identify and address potential systemic barriers;
13. Since 2012, recognizing institutions with strong equity practices in recruiting, nominating, and appointing Chairs on an annual basis as part of the exemplary equity and diversity practices recognition process;
14. Identifying the Program's commitment to the federal government's policies on non-discrimination on its publicly facing website and Program literature;
15. Posting on the Program website the contact information of a person to whom complaints about equity issues can be addressed;
16. In 2014, revising its guidelines for letters of reference for chairholder nominees to raise awareness and limit unconscious bias;
17. In 2016, publishing the equity targets and gaps of all participating institutions on the Program's website;



18. Since 2016, monitoring chair postings to ensure that they include EDI statements, including wording regarding Tier 2 Justifications (career interruptions) and statements encouraging women, persons with disabilities, Indigenous peoples and visible minorities to apply;
19. In 2016, 2017, and 2018 issuing open letters to University Presidents urging them to increase their efforts on EDI;
20. In 2017, launching an EDI Action Plan for the Program to improve the governance, transparency and monitoring of EDI within the Program, in response to its 15<sup>th</sup> year evaluation;
21. In 2017, requiring all institutions to meet public accountability and transparency requirements to enhance the transparency of how chair allocations are managed by institutions, and requiring that these be revised and updated by institutions on a yearly basis;
22. In 2017, developing and publishing a best practices guide vetted by national and international EDI experts to be used as a tool for institutions and other stakeholders, in addition to publishing an online training module for limiting unconscious bias;
23. In 2017, re-constituting its Advisory Committee on Equity, Diversity, and Inclusion Policy and holding yearly face-to-face meetings;
24. In 2017, requiring all institutions with an allocation of five or more chairs to develop their own EDI Action Plans following specific criteria stipulated by the Program and requiring that annual progress reports be completed;
25. In 2017, committing to reviewing and revising the target-setting methodology to ensure its alignment with the Program's EDI objectives;
26. In 2018, requiring that the EDI Action Plans be formally evaluated by an EDI panel made up of external experts;
27. In 2018, implementing revised recruitment and nomination requirements to ensure the openness and transparency of institutional processes, in addition to a revised attestation

form that must be signed and submitted by an institutional representative attesting that the Program's requirements have been followed;

28. In 2018, committing to conducting monitoring exercises to ensure that institutions are following the recruitment and nomination requirements;
29. In 2018, requiring all institutions to provide training on unconscious bias to all key individuals who take part in the recruitment process for Chair awards;
30. In 2018, requiring all governance committee members and peer review committee members to take training on unconscious bias;
31. In 2018, restructuring the Program's staffing structure to devote more resources to implementation, monitoring, and enforcement by establishing a dedicated EDI team;
32. In 2018, implementing a revised self-identification form which collects disaggregated data to enhance the Program's ability to monitor and report on the level of representation within the Program, in addition to FAQs which encourage self-identification;
33. In 2018, committing to conducting a success rates analysis on a regular basis to monitor for systemic barriers; and
34. In 2018, adding diversity in terms of chairholder representation within the Program as a formal objective of the Program.

**Appendix B**

**May 2019 Letter from Complainants**

Dr. Dominique Bérubé  
Vice-President Research  
Social Sciences and Humanities Research Council  
350 Albert Street  
PO Box 1610  
Ottawa ON  
K1P 6G4

Ms. Sally Booth  
Senior Policy Analyst  
Tri-Agency Institutional Programs Secretariat  
350 Albert Street, 16<sup>th</sup> floor  
PO Box 1610  
Ottawa ON  
K1P 6G4

Ms. Marie-Lynne Boudreau  
Deputy Director, Policy, Performance, Equity,  
Diversity and Inclusion at TIPS  
Tri-agency Institutional Programs Secretariat  
350 Albert Street, 16<sup>th</sup> floor  
PO Box 1610  
Ottawa ON  
K1P 6G4

Dr. Danika Goosney  
Associate Vice-President  
Tri-Agency Institutional Programs Secretariat  
350 Albert Street, 16<sup>th</sup> floor  
PO Box 1610  
Ottawa ON  
K1P 6G4

Dear Dr. Bérubé, Ms. Booth, Ms. Boudreau, and Dr. Goosney,

**RE: Marjorie Griffin Cohen, Louise Forsyth, Glenis Joyce, Audrey Kobayashi, Shree Mulay, Susan Prentice and Canada Research Chairs Tri-Agency Institutional Programs Secretariat – 2019 Addendum to 2006 Settlement Agreement**

We are writing as members of the CRC 2006 Settlement Group, and in honour of our late colleagues Wendy Robbins and Michèle Ollivier. The following letter describes our view of the Addendum settlement and provides context for it in light of ongoing systemic inequities in the academy.

We wish to emphasize that this struggle for equity, diversity and inclusion has taken much energy, time and effort on our part. Given that we filed our initial complaint in 2003, what we hope is the resolution has taken over fifteen years. That being said, we are pleased with the settlement as set out in the 2019 Addendum to the original 2006 Settlement Agreement, to which this letter is attached.

The aim of the settlement is to support and advance academics who are members of the four designated groups (FDGs) – women, members of groups racially categorized, people with disabilities and Indigenous peoples, – as well as members of the LGBTQ+ community. This aim will be achieved through the creation of targets in each of the groups corresponding to their representation in the Canadian population. We believe that, given the manifold barriers to success experienced by academics in the designated groups, these targets, accompanied by effective measures to ensure compliance to them in a timely way, are a necessary step to support a real and lasting cultural change in the academic profession in Canada.

The Addendum and the 2006 Settlement itself are an essential step in acknowledging the scholarly contributions and the central place of academics who are members of the affected groups. In implementing this step, the CRC Program is demonstrating leadership in equity, diversity and inclusion policies and practices. This Addendum settlement can and should serve as a model throughout the post-secondary sector of Canada. This means identifying systemic barriers to academic success and fulfilment by those seeking to enter the academy and develop as they progress in their academic careers. It also means the maintenance within the CRC program of ongoing critical attention and

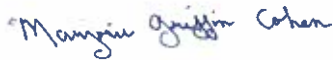
adaptation to differences from present norms that are likely to occur in the career paths of members of the FDGs and LGBTQ+ communities, as well as differences that are likely to occur in the selection of research areas and methodologies.

The mediation process with TIPS, CHRC and Justice that has led to this settlement has been a positive experience. Representatives of these bodies, and particularly those who have responsibility for the administration of the CRC Program, have shown themselves willing to listen to our points of view, to respond in a meaningful and substantive way to them. The conversations were fruitful. This went so far as to take the initiative in programme actions recently taken, as well as important symbolic initiatives such as renaming the equity award in recognition of the leadership role played by Wendy Robbins and Michèle Ollivier, for whom we all had great affection and respect.

We wish here to acknowledge the sustained moral, practical and financial support given to us by the Canadian Association of University Teachers through Executive Director David Robinson and CAUT staff, without which it would have been impossible for us to engage effectively in this mediation process. We wish, in particular, to mention the congeniality and real assistance for our collaboration with CAUT General Counsel Peter Barnacle and to recall the effectiveness of our original CAUT counsel, Rosemary Morgan.

In our world where differing opinions lead too often to polarization, stalemate, dislike and even violence, our exchanges have consistently maintained our shared objectives for equity and shared educational opportunity for all. Our exchanges fruitfully brought to light the differing ways in which these objectives can be achieved and furthered both through the national CRC office and in universities across the country. This process, in and for itself and despite the many long years in which the goals remained out of reach, can serve as a model in educational institutions and in society for enhancing in many ways both the bases of our entire body of knowledge and the quality of all lives in every province across our country, particularly as the country's demographics continue in their rapid evolution.

Respectfully,



Dr. Marjorie Griffin Cohen



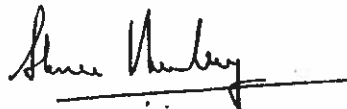
Dr. Louise Forsyth



Dr. Glenis Joyce



Dr. Audrey Kobayashi



Dr. Shree Mulay



Dr. Susan Prentice

CC

David Robinson, Executive Director, CAUT  
 Peter Barnacle, General Counsel, CAUT  
 Pam Foster, Director of Research & Political Action, CAUT  
 Louise Birdsell Bauer, Research Officer, CAUT

**Appendix C**

**Federal Court Order dated May 3, 2017 with Settlement Agreement, dated October 24, 2006.**

Federal Court



Cour fédérale

**Date: 20170503**

**Docket: T-1757-16**

**Ottawa, Ontario, May 03, 2017**

**PRESENT: The Honourable Mr. Justice Bell**

**BETWEEN:**

**CANADIAN HUMAN RIGHTS COMMISSION**

**Applicant**

**and**

**MARJORIE GRIFFIN COHEN, LOUISE  
FORSYTH, GLENIS JOYCE, AUDREY  
KOBAYASHI, SHREE MULAY, SUSAN  
PRENTICE, WENDY ROBBINS AND HER  
MAJESTY THE QUEEN IN RIGHT OF  
CANADA**

**Respondents**

**ORDER**

**UPON** a motion pursuant to Rule 369 of the *Federal Courts Rules*, SOR/98-106 in respect of a settlement approved by the Applicant, the Canadian Human Rights Commission, pursuant to section 48 of the *Canadian Human Rights Act*, RS 1985, c H-6, as amended (the “Act”), for an Order making the settlement an Order of the Federal Court for the purpose of enforcement;

**AND UPON CONSIDERING** s 57 of the Act and *Attorney General v National Indian and Inuit Community Health Representations Organization*, [2000] FCJ 1083;

**AND UPON CONSIDERING** the materials filed;

**THIS COURT ORDERS** that:

1. The Final Settlement Agreement, attached hereto and marked as Appendix "A", between Marjorie Griffin Cohen, Louise Forsyth, Glenis Joyce, Audrey Kobayashi, Shree Mulay, Susan Prentice, Wendy Robbins and Her Majesty the Queen in Right of Canada, executed on or about October 24, 2006, and approved by the Canadian Human Rights Commission on November 1, 2006, pursuant to subsection 48(1) of the Act, is hereby made an Order of this Court, enforceable against the parties according to its terms, on a without costs basis.

**"B. Richard Bell"**

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**Judge**



**CANADIAN HUMAN RIGHTS TRIBUNAL**

BETWEEN

**MARJORIE GRIFFIN COHEN, LOUISE FORSYTH, GLENIS JOYCE, AUDREY  
KOBAYASHI, SHREE MULAY, MICHELE OLLIVIER, SUSAN PRENTICE  
AND WENDY ROBBINS**

Complainants

- and -

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA AS REPRESENTED  
BY THE MINISTER OF INDUSTRY**

Respondent

**SETTLEMENT AGREEMENT**

WHEREAS the Complainants filed eight complaints pursuant to section five of the *Canadian Human Rights Act* against Industry Canada in respect of the Canada Research Chairs Program ("Chairs Program") on May 7, 2003;

AND WHEREAS those eight complaints were investigated together by the Canadian Human Rights Commission (the "Commission"), and referred together to the Canadian Human Rights Tribunal (the "Tribunal") on or about November 21, 2005;

AND WHEREAS the Complainants, the Commission, Industry Canada and the Chairs Program (the "parties") participated in a mediation held by the Tribunal on May 29, 2006;

AND WHEREAS the Chairs Program is funded by the Natural Sciences and Engineering Research Council (NSERC), the Canadian Institutes of Health Research (CIHR) and the

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Social Sciences and Humanities Research Council (SSHRC), and reports administratively to the SSHRC which is accountable to Parliament through the Minister of Industry;

AND WHEREAS the Chairs Program is responsible for performing the Respondent's obligations as described hereafter;

AND WHEREAS the parties wish to address the equity issues identified in the complaints in a speedy and forward-looking manner;

AND SUBJECT TO the approval of the Canadian Human Rights Commission pursuant to subsection 48(1) of the *Canadian Human Rights Act*;

THE PARTIES HEREBY AGREE THAT:

A. Collection of Information on the Status of Chair Nominees:

1. The Chairs Program agrees to collect and retain information on the status of Chair nominees in the following four protected groups: women, persons with a disability, Aboriginal Peoples and visible minorities (the "four protected groups"). To facilitate the collection of this information, the Chairs Program agrees to modify its nomination forms within 30 days after the Commission's approval of this Agreement to include a section where the nominees can report, on a voluntary basis, their membership in the four protected groups. A draft of the modified form is attached as Schedule A to this Agreement.

2. Within 30 days after the Commission's approval of this Agreement, the Chairs Program will contact all current chairholders to offer the option of voluntarily declaring their status in terms of the four protected groups.

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3. In both cases, the Chairs Program will advise of the benefits of self-identification so that accurate statistics can be maintained by the Chairs Program.

4. The Chairs Program agrees to avoid double-counting individuals who identify themselves as members of more than one protected group in accordance with established federal government practices for the collection and reporting of employment equity statistics.

B. Targets for the Representation of Members of Protected Groups:

5. The Chairs Program agrees to require universities to establish targets for the representation of members of the four protected groups among chairholders.

6. The Chairs Program agrees to hire an external consultant to develop a methodology to be used by universities. The consultant will also develop a framework, for use by the Chairs Secretariat, to monitor the adherence of universities to the targets they set. The following process will apply to the selection, hiring and collaboration with the external consultant:

- a. The Chairs Program will receive suggestions for potential external consultants from the Complainants and a decision will be made collaboratively.
- b. The Chairs Program will make reasonable efforts to hire a consultant within 90 days of the Commission's approval of this Agreement.
- c. The Chairs Program agrees to make reasonable efforts to obtain data from the Federal Contractors Program in respect of universities. If available, this material will be provided to the external consultant for consideration, along with available pertinent data from Canadian granting agencies and

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other national sources, in establishing the methodology to set targets for the four protected groups.

- d. The development of the methodology will be based on Canadian statistics and information but may also include readily available data from the major international pools from which Canada Research Chairs nominees are primarily drawn (currently the US and the UK). In the future, the targets may be refined as more data become available; however, the acquisition of data that are not readily available will not delay communicating the methodology for setting targets to universities.
- e. The deadline for delivery of the methodology for setting targets to the universities will be within 90 days of hiring the consultant. This deadline may be extended by agreement of the parties, which will not be unreasonably withheld.
- f. The Chairs Program will require universities to communicate their targets to the Chairs Secretariat within 60 days of receiving the methodology for setting targets.

7. Once targets have been set by universities, the Chairs Program agrees to monitor adherence and progress in terms of established targets. The Chairs Program will require universities to communicate to the Canada Research Chairs Secretariat their strategy to remedy any systemic under-representation of members of the four protected groups in Canada Research Chairs at their institution. This strategy must be implemented by the university in subsequent Chair nominations.

8. The Chairs Program agrees to ensure that the targets established for the representation of members of the four protected groups are updated or refined at least every three years.

C. Gender and Diversity-Based Analyses:

9. No later than 180 days after universities establish targets for the representation of members of the four protected groups in Chairs, through the process outlined above in paragraphs 5-8, the Chairs Program agrees to conduct and complete a gender-based analysis and a diversity-based analysis of the Chairs Program.

10. The Chairs Program agrees to consult with the Complainants and the Commission in the selection of an expert and in the development of Terms of Reference for the gender-based and diversity-based analyses.

D. Transparent, Open and Equitable Nomination Processes:

11. The Chairs Program agrees to advise all of the universities participating in the Chairs Program that all Canada Research Chair recruitment processes they undertake for the appointment round ending in April 2007 must be transparent, open and equitable. In particular, these processes should be consistent with the principles and safeguards embodied in the universities' existing tenure-track hiring practices (collective agreement or equivalent), and must contain features such as: open advertising with a statement of commitment to equity in the nomination and appointment process; encouragement for persons in protected groups to apply; active recruitment measures for members of underrepresented groups; and involvement in the Chair recruitment, nomination and appointment process by university equity officers, or equivalent. The Chairs Program further agrees to send a letter to universities within 10 days after the Commission approves this Agreement encouraging them to comply with these new process requirements for all nominations being submitted for the December 2006 nomination deadline, as well as advising them of the target requirements set out in this Agreement that will be implemented in the Program over the next year.

12. The Chairs Program agrees to require universities to confirm, for all nominations that are submitted, that the nominee was recruited in accordance with the recruitment and nomination processes outlined above. Nomination forms will be modified within 10 days of the Commission's approval of this Agreement to include a provision that requires universities to confirm their compliance with the recruitment and nomination processes outlined above for the appointment round ending in December 2006 (the December appointment round) and all subsequent rounds. The Chairs Program agrees to periodically monitor, by random review, universities' adherence to the recruitment and nomination processes outlined above. The Chairs Program agrees to work with universities to find solutions, and in appropriate circumstances to take remedial action, in order to increase awareness of, and adherence to, the above principles in their Chair recruitment and nomination processes.

E. Reviewing Systemic Barriers:

13. The Chairs Program agrees to include a review of systemic barriers to people in the four protected groups in the upcoming Chairs Program midterm review and all subsequent Chairs Program reviews.

14. The Chairs Program agrees to the ongoing monitoring of the reasons individuals decline initial Chair appointments or renewals, or resign their Chair appointments, using the current process of exit surveys. The data will be analyzed for trends, such as systemic barriers to persons in the four protected groups, and the Chairs Program agrees to work with universities to identify and develop means to eliminate those barriers. Follow-up with universities will occur at the discretion of the Canada Research Chairs Program Secretariat.

F. Other Matters:

15. The Chairs Program agrees to ensure that within six months after the Commission's approval of this Agreement, and then on an ongoing basis, all of its employees and management personnel responsible for developing, implementing and monitoring the Chairs Program receive gender-based and diversity-based analysis training, as well as training on systemic discrimination.

16. In time for the December appointment round and then on an ongoing basis, the Chairs Program agrees to communicate information on the issues of equity and systemic discrimination to the members of the Chairs College of Reviewers and the Chairs Interdisciplinary Adjudication Committee.

17. Within six months after the Commission's approval of this Agreement, the Chairs Program agrees to continue to consult with chairholders on policy and procedural issues. The current ad hoc committee will become an ongoing advisory committee. The committee will address equity issues as a standing item on its meeting agendas, along with other areas where the Secretariat seeks advice. Committee members will continue to be drawn from existing chairholders, taking into consideration representation from the three granting agencies, two tier levels, required expertise, and membership in one of the four protected groups. To address the agenda standing item on equity issues, the committee will draw upon the advice of external experts where necessary.

18. Immediately following the Commission's approval of this Agreement, the Chairs Program agrees to post, on the Canada Research Chairs Web site, the name, title, postal and email addresses of a person to whom complaints about the equity issues addressed in this Agreement can be addressed.

19. Within six months after the Commission's approval of this Agreement, the Chairs Program agrees to establish a process for providing recognition, on an annual basis, to

universities with exemplary equity practices in recruiting, nominating and/or appointing Chairs and meeting equity targets.

20. The Chairs Program agrees to publicly state that it is committed to the federal government's published policies on non-discrimination and equity in employment.

21. In respect of the December appointment round and for subsequent rounds, the Chairs Program agrees to inform universities in Program documents and on the Program website that the goals of equity and excellence are not mutually exclusive, and that equity ensures that the largest pool of qualified candidates is accessed without affecting the integrity of the selection process for the program.

22. The parties may execute this Agreement in any number of counterparts and all such executed counterparts taken together will constitute one and the same Agreement. The Complainants and the Respondent undertake to forward three (3) originally executed copies of this Agreement to the Commission forthwith.


23. The Complainants shall discontinue their complaints before the Commission and agree to take no further legal action or pursue any avenues of redress against Her Majesty the Queen in right of Canada, her servants, agents or employees in respect of the matters set out in their complaints.

24. The Complainants and Respondent understand and agree that the Respondent enters into this settlement without prejudice and without admission of liability or wrongdoing with respect to the incidents alleged in the complaints.


25. The Complainants and Respondent agree that all communications between the parties and non-parties to this Agreement about the matters addressed in this Agreement will reflect the understanding set out in paragraph 24 above.

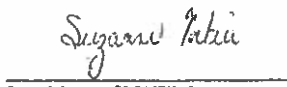


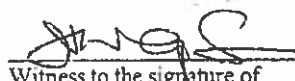
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this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

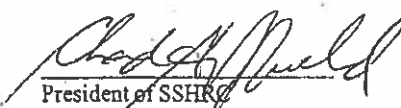
  
Witness to the signature of \_\_\_\_\_

  
President of CIHR

  
Witness to the signature of \_\_\_\_\_

  
President of NSERC

  
Witness to the signature of \_\_\_\_\_

  
President of SSHRC

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Witness to the signature of \_\_\_\_\_

\_\_\_\_\_  
For Her Majesty the Queen in Right of  
Canada as represented by the Minister of  
Industry

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Witness to the signature of \_\_\_\_\_

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Marjorie Griffin Cohen

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Audrey Kobayashi

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this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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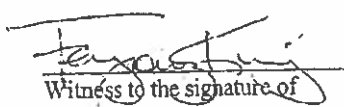
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For Her Majesty the Queen in Right of  
Canada as represented by the Minister of  
Industry

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Witness to the signature of

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Louise Forsyth

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Glenis Joyce

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Witness to the signature of

\_\_\_\_\_  
Audrey Kobayashi

SIGNED AT Ottawa, in the Province of Ontario,  
this 24 day of October, 2006.

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Witness to the signature of

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President of CIHR

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Witness to the signature of

\_\_\_\_\_  
President of NSERC

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Witness to the signature of

\_\_\_\_\_  
President of SSHRC

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Witness to the signature of

\_\_\_\_\_  
For Her Majesty the Queen in Right of  
Canada as represented by the Minister of  
Industry

Louise D'Arjona  
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Witness to the signature of  
Louise D'Arjona

Maureen Webb  
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of Maureen Webb on behalf  
of Marjorie Griffin Cohen

Louise D'Arjona  
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Witness to the signature of

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of Maureen Webb on behalf  
of Louise Forsyth

Louise D'Arjona  
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of Audrey Kobayashi

Paul Simon  
Witness to the signature of

Maureen Webb Maureen Webb on behalf  
of Shree Mulay

Paul Simon  
Witness to the signature of

Maureen Webb Maureen Webb on behalf of  
of Michele Olliver

Paul Simon  
Witness to the signature of

Maureen Webb Maureen Webb on behalf  
of Susan Prentice

Paul Simon  
Witness to the signature of

Maureen Webb Maureen Webb on behalf  
of Wendy Robbins

Approved by the Canadian Human Rights Commission at Ottawa, Ontario  
this 1<sup>st</sup> day of November, 2006,  
pursuant to subsection 48(1) of the *Canadian Human Rights Act*.

Sibel Ergonen  
Canadian Human Rights Commission  
Secretary to the Commission