

**COLLEGE OPERATIONAL PROCEDURE**

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| Policy Number: HR 121 | Procedure Title: **Hiring for Indigenous Designated Positions** |
| Supersedes Existing Procedure: No | Policy Sponsor: Vice-President, Human Resources |
| Associated Policy: Yes | Policy Owner: Manager, Talent Acquisition and Development |
| Next Review Date: February 2027 | Date Last Approved by the CET: February 14, 2024 |

# Introduction and Purpose

The purpose of this procedure is to verify the Indigenous identity of candidates for Indigenous designated employment opportunities at Loyalist College. This policy will supplement the *HR 120 Recruitment and Selection for All Positions* policy and procedure when Indigenous candidates are considered for Indigenous designated positions.

# Application

This policy applies to all candidates who are being considered for an Indigenous designated position as well as Faculty who have self-identified as Indigenous under the Job Classification procedure.

# Definition

***Candidate****.* A person who applies for a job.

***Indigenous citizenship***. The system has developed a modern understanding of this term based on the following:

* Self-identification as Indigenous peoples at the individual level and accepted by the community as their member.
* Historical continuity with pre-colonial and/or pre-settler societies.
* Strong link to territories and surrounding natural resources.
* Distinct social, economic or political systems
* Distinct language, culture and beliefs
* Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities

# *Rights bearing.* Means that the Indigenous nation/collective has section 35 rights of the *Constitution Act, 1982*, which means Aboriginal or Treaty rights in their territory.

# *Citizen Review Committee*: A committee composed of the following members:

* Hiring manager
* Executive Director, Indigenous Initiatives and Reconciliation, or designate
* Manager, Talent Acquisition or designate
* Member of ICE or Community member

# Procedure

***Step 1.*** The position is posted as a designated hire, which only Indigenous candidates will be considered.

***Step 2.*** The posted position will clearly stipulate that candidates must provide information to verify their Indigenous identity and will be expected to elaborate on the written information if invited to an interview (refer to section 6 below).

***Step 3.*** The identity verification process will be conducted with short-listed candidates only, prior to the candidates being invited to an interview.

# *Step 4.* The hiring manager will contact the short-listed candidates to inform them that they are being selected for an interview and to explain the next steps of the selection process using the template *Appendix A:* *Email for Citizenship Confirmation and Reference Check.* It is recommended that the hiring manager have a verbal discussion with the candidate prior to sending the template email.

***Step 5.*** The hiring manager/committee chair, in consultation with Human Resources, will collect the information required to verify the candidates’ Indigenous identity in accordance with the *Hiring for Indigenous Designated Positions Policy* and this procedure (please see section 5 Confirmation of Indigenous Identity).

***Step 6.*** The College may request additional information from the candidate to complete their assessment and/or consult with internal or external resources, as appropriate.

# *Step 7*. Only candidates whose identities have been positively verified may proceed to the interview stage of the hiring process (please see section 9 Citizenship Confirmed). Any exceptions will require an approval from the Executive Director, Indigenous Initiatives and Reconciliation.

**Step 8.** Documentation related to the identity verification process will be retained in accordance with document retention procedures for recruitment files and employment files.

***Step 9****.* If there are questions related to the documentation submitted by the candidate, advice and guidance may be sought by the Indigenous Citizenship Review Committee, legal or other advisors with particular expertise in Indigenous Identity.

# Indigenous Knowledge in Job Classifications

# Indigenous Knowledge, when hiring an applicant who is Indigenous and whose teaching and/or other assigned duties are partially or entirely related to Indigenous Ways of Knowing, Being, and Doing, will be factored into step placement for the purposes of job classification. All faculty positions at Loyalist College require instruction of Indigenous content and therefore Indigenous faculty who self-identify will be awarded additional steps for Indigenous knowledge and must provide information to verify their Indigenous identity (refer to section 6 below).

# Confirmation of Indigenous Identity

***6.1 Option one: Government Documentation***

The candidate must provide one of the following documents as a requirement of their candidacy:

* “Certificate of Indian Status” issued by Indian and Northern Affairs Canada that is current and not expired;
* Certified copy of a Métis Nation Citizenship card from one of the four provincial affiliates (Métis Nation of Ontario including "complete citizenship" confirmation letter from the MNO Registrar, Métis Nation Saskatchewan, Métis Nation of Alberta, Métis Nation British Columbia) of the Métis National Council; or a valid membership card from one of the Metis Settlements of Alberta, the Northwest Territory Métis Nation, or the Manitoba Métis Federation;
* Certified copy of a Nunavut Trust Certificate card or Inuit Enrollment card associated with one of the Land Claim Agreements in the claim regions of Nunavut, Nunatsiavut, Nunavik, and Inuvialuit;
* Citizenship identification issued by a First Nation that has a modern Treaty and / or self-government agreement;
* Membership card or other documentation indicating that the person is a Non-Status First Nation person who is a member of an Indigenous organization negotiating a treaty or other agreement with the federal and/or provincial governments; or
* American Indian, Alaskan Native, or Native Hawaiian citizenship document from tribes that are state or federally recognized or recognized by the [National Congress of American Indians](https://www.ncai.org/).

***6.2 Option Two: Candidate Self-Declaration***

If a candidate does not possess proof of the documentation listed in Option one, they must submit a statement about their existing lived experiences and ongoing relationship to a legally recognized and rights bearing Indigenous community, Nation, or People. This includes an ancestral connection to a specific First Nation, Inuit, or Métis community and a current day connection to the nation that extends no further than a grandmother or grandfather.

The candidate will also be required to provide a letter of verification issued by a recognized First Nation, Inuit, or Métis community claimed by the candidate.

# Review and Verification of Indigenous Identity

The Indigenous Citizenship Review Committee will review the citizenship related documentation/information submitted and once reviewed, will forward a decision to the Manager, Talent Acquisition & Development with a copy to the hiring manager. Individual membership cards/letters documents presented and reviewed by the Committee will also be forwarded to be included in the Human Resources employee files.

If the documentation criteria of a citizenship/citizenship card or letter/confirmation/story sharing the connection from community cannot be met, candidates may submit for review a personal written story with respect to their Indigenous roots, kinship documents or research completed (for example records of scrip that the family received). The submission can be reviewed by the College.

# Insufficient Information and/or Inability to Confirm Citizenship

The review will be led by the Hiring Manager along with the Indigenous Citizenship Review Committee. Should there be concerns whereby Indigenous citizenship cannot be confirmed one of the following actions will follow:

* Further information will be requested from the candidate.
* A decision may be made not to proceed with an offer (where the candidate clearly does not have Indigenous ancestry or meet the role requirements following review of the Indigenous Citizenship Review Committee).
* If necessary, further review and/or consultation will be conducted with the involvement of an external party to review and provide an assessment and recommendation to the College with respect to the candidate’s Indigenous citizenship.

If there is difficulty obtaining an Indigenous citizenship confirmation a conditional offer may be extended following the employment reference checks with approval from the Indigenous Citizenship Committee. The offer letter must state that the offer is conditional based on the Indigenous Citizenship Check Confirmation being successfully completed and confirmed by the College.

# Citizenship Not Confirmed

Should the determination be that Indigenous ancestry is not confirmed, the Vice-President, Human Resources will be informed. Following this, the Manager, Talent Acquisition and Development, on behalf of the Citizen Review Committee, will verbally communicate the determination to the candidate. If the candidate is not available for a discussion, a written correspondence will be sent to them outlining the reason for the decision. This communication is required prior to proceeding with alternate candidates where possible.

# Citizenship Confirmed

Once the Indigenous citizenship confirmation process is complete an email will be forwarded to the candidate by the Talent Acquisition Specialist or designate to notify them that the College will be proceeding to Employment Reference Checks and to confirm completion of the Indigenous Citizenship Confirmation process.

# Current Employees Holding Roles Designated for Indigenous Peoples

The College will request confirmation of citizenship from existing employees who hold roles designated for Indigenous people. The College through this confirmation of citizenship process will inform decisions regarding continued employment. Should confirmation of citizenship not be demonstrated to the satisfaction of the College, this could lead to the end of the employment relationship.

Should a current Indigenous employee who does not have their citizenship confirmation completed by the College be offered an internal position designated for an Indigenous employee, the citizenship confirmation will be implemented as it would for any new employee.

# Related Documents or Links

# *HR 121 Hiring for Indigenous Designated Positions Policy*

# *HR 121 Appendix A* *Citizenship Confirmation and Reference Check Email Template*

# *HR 120 Recruitment and Selection for All Positions Policy*

# *HR 120 Recruitment and Selection for All Positions Procedure*

# References

* *United Nations – Indigenous Peoples. Indigenous Voices*
* *FNUC Report, Indigenous*
* *Voices on Indigenous Identity; Queen’s University; University of Saskatchewan*
* *Constitution Act, 1982*