



Bargaining for Equity at MSVU: From Performativity to Transformation

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Abstract

In this paper, we reflect on our experiences in the Mount Saint Vincent University Faculty Association and our efforts to prioritize decolonizing, indigenizing, and Equity, Diversity, Inclusion, and Accessibility (EDIA) in the collective bargaining process. We examine the performative nature of EDIA efforts in negotiations by university administrators and the Board of Governors, outlining our employer's active resistance to proposals pertaining to EDIA, their lack of explicit Indigenous and EDIA expertise on their bargaining team, their sidelining and exclusion of university Indigenous and EDIA experts, as well as the absence of transparency and accountability in decision-making. We suggest that three actions — strengthening internal and external solidarity, democratizing governance, and pursuing legislative reform — offer a pathway to rethinking equity-based bargaining, challenging the instrumentalization of EDIA, and achieving genuine structural change.

Keywords bargaining, equity, decolonizing, indigenizing, university governance

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Négocier l'équité à l'Université Mount Saint Vincent : de la performativité à la transformation

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Résumé

Dans cet article, nous réfléchissons à nos expériences au sein de l'association du personnel académique de l'Université Mount Saint Vincent et à nos efforts pour donner la priorité à la décolonisation, à l'autochtonisation et à l'équité, la diversité, l'inclusion et l'accessibilité (EDIA) dans le processus de négociation collective. Nous examinons la nature performative des efforts d'EDIA dans les négociations menées par les administrateurs de l'université et le conseil des gouverneurs, en soulignant la résistance active de notre employeur aux demandes relatives à l'EDIA, son manque explicite d'expertise autochtone de même qu'en matière d'EDIA au sein de son équipe de négociation, sa mise à l'écart et son exclusion des experts autochtones et d'EDIA de l'université, ainsi que l'absence de transparence et de responsabilité dans la prise de décision. Nous suggérons que trois mesures à prendre — le renforcement de la solidarité interne et externe, la démocratisation de la gouvernance et la poursuite de la réforme législative — offrent une voie pour repenser la négociation fondée sur l'équité, remettre en question l'instrumentalisation de l'EDIA et parvenir à un véritable changement structurel.

Mots-clés négociation, équité, décolonisation, autochtonisation, gouvernance universitaire

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Introduction

This special edition of the *CAUT Journal* underscores the centrality of equity work for academic staff associations. With backlash and backsliding happening in public and private organizations, it is even more urgent for academic unions to continue to advance equity as labour justice at our institutions. The Mount Saint Vincent University Faculty Association (MSVUFA)² has prioritized decolonizing, indigenizing, and Equity, Diversity, Inclusion, and Accessibility (EDIA) during their last three rounds of negotiations. In this paper, we reflect on what we have learned from these experiences, particularly in our most recent round, which culminated in a 23-day strike. We argue that collective bargaining processes demonstrate the performative and branding-focused nature of EDIA for university administrators and the Board of Governors at Mount Saint Vincent University (MSVU).

Ample scholarship has demonstrated the gap between words and actions in academic settings when it comes to EDIA and decolonizing. Ahmed's (2007) work is particularly indispensable in understanding the institutionalization of diversity in post-secondary institutions. She details the role of "the ideal image of the university" and how diversity is marketed as a commodity, often framed within the language of globalization to attract students worldwide by promising them a social/economic "advantage" (Ahmed, 2007, p. 243). Universities often adhere to "mainstream 'diversity' discourses" (Dhamoon, 2020, p. 14) that are surface-level narratives of inclusivity, prioritizing perceptions rather than addressing systemic inequalities. As Ahmed argues, these approaches produce 'happy-talk,' superficial, feel-good discussions that avoid deeper systemic issues, and, as Dhamoon elaborates, pressure faculty from marginalized groups to assimilate by conforming to dominant cultural norms at the expense of their own identities. This emotional labour takes a significant toll, as Indigenous faculty, Black faculty, and faculty of colour hired to do and advance equity work are often expected to "fit" within their institutions in a manner that is deemed palatable and sometimes resign after their efforts prove futile (Tungohan, 2024, p. 9). Bernhardt (2024) found that the best strategy for Black feminist scholars to implement even surface-level changes was to be "reasonable" and not shift any balance of power (p. 21).

Motapanyane and Shankar (2022) draw attention to the problematic conflation of equity and decolonizing in universities, noting that "using a language of decolonization to speak of basic equity-oriented reform acts as a barrier to transformation by presenting the bare minimum, continuing gaps and exclusions, and performativity as radical metamorphosis. It is a sure means of pre-emptively averting decolonization" (p. 7). Grafton (2024) further explores how indigenizing

the academy can sometimes result in performative "deep colonizing" where indigenizing becomes a re-inscription and evolution of colonial practices, while coopting and assimilating Indigenous knowledge (p. 106). Without a critical examination and transformation of the epistemological basis of colonial versus Indigenous knowledge production, attempts at indigenizing often amount to the appropriation and commodification of Indigenous knowledge, adding yet another asset to the neoliberal university.

This research that names and catalogues the widespread, recurring, institutionalized superficiality of EDIA, decolonizing, and indigenizing efforts by university administrations is certainly borne out in our experiences with collective bargaining at MSVU, despite its reputation and mission of social justice and its tradition as a women's university. We outline our employer's active resistance to EDIA in negotiations, their lack of explicit Indigenous and EDIA expertise on their bargaining team, their sidelining and exclusion of university Indigenous and EDIA experts, as well as the absence of transparency and accountability in decision-making. We conclude by suggesting that three actions — strengthening internal and external solidarity, democratizing governance, and pursuing legislative reform — offer a pathway to rethinking equity-based bargaining, challenging the instrumentalization of EDIA, and achieving genuine structural change.

Background: MSVUFA & Equity-Based Bargaining

MSVU has a rich history dedicated to issues of social justice and responsibility, striving to make education accessible to those who have traditionally faced barriers in accessing it. Hence, it claims a strong commitment to promoting and fostering EDIA alongside the advancement of women and girls, which is central to the University's mission. There are certainly historical achievements at MSVU. In the Halifax Regional Municipality (HRM), and perhaps across Nova Scotia, MSVU is known as a champion of social justice. Of recent significance is the diversity hiring program, achieved not through bargaining but through persistent advocacy by the union and members in different venues, resulting in a five-year plan to increase diversity (2015-2019) and two cluster hires of Black and Indigenous scholars in 2021 and 2023 respectively.

However, since 2018, the MSVU Faculty Association has begun to question this reputation in light of the employer's approach to bargaining. In 2018, MSVUFA adopted a feminist framework to address key issues, which helped to mobilize and unify the membership. Given the ongoing mission to advance women and girls, we believed that securing Compassionate Care and Family Caregiver Leave and

Domestic Violence Leave would be readily accepted by the employer, but we encountered months of resistance. They were included only after two rounds of conciliation and a final eleventh-hour return to the table. Moreover, the amount of leave time is negligible — just two weeks, which is equivalent to our family emergency leave. In this latest round, the employer remained staunchly opposed to providing more time for these important leaves, undermining MSVU's claim to be committed to the advancement of women and girls.

Furthermore, in 2018, the parties agreed to include a Letter of Understanding (LOU) in the collective agreement (CA) in response to the Truth and Reconciliation Commission's calls to action, committing "to identify and initiate active measures to facilitate the recruitment and retention of Indigenous faculty, librarians, and lab instructors" (Mount Saint Vincent University Board of Governors and Mount Saint Vincent University Faculty Association, 2018). The resulting joint committee consisted of three faculty members and three members from the administration and included an Indigenous faculty member and the Special Advisor to MSVU on Indigenous Affairs. It produced 16 recommendations for the CA, and then, in 2021, a new university strategic plan titled "Strength Through Community" was developed for 2021-2028, which included EDIA and Truth and Reconciliation as two of the plan's seven key themes (MSVU, "Strategic Plan," 2021). Given the numerous interim positions within our senior administration in 2021, along with the pressures of the pandemic, we agreed to the employer's request to engage in negotiations for a rollover agreement rather than a full round of bargaining.

Although rollovers typically focus solely on financial matters, MSVUFA prioritized incorporating language from the Indigenization joint LOU committee, but the employer's team resisted by rejecting substantive changes until we stated that we would end rollover discussions and proceed with a full round of negotiations. As a result, in 2021, we successfully integrated some language from the joint LOU committee's recommendations, such as recognizing "community-engaged scholarship" as a valid form of scholarly activities for reappointment, tenure/permanence, and promotion and expanding peer review to include Indigenous community assessments of contributions to Indigenous knowledge. Additionally, we secured a one-term course release for new faculty members, reducing their first-year teaching load from the standard 3:2 to 2:2, which had an immediate impact on the newly hired cohort of Black scholars and the Indigenous cohort hire two years later. As part of this rollover negotiation, the parties also agreed to additional LOUs, one to improve recruiting, retaining, and supporting Indigenous members and one focused on advancing the recruitment, retention, and equitable treatment of faculty, librarian, and lab instructor members from equitydeserving groups. The latter LOU was initiated by the employer, which gave us reasonable hope for meaningful progress in the next round of negotiations.

MSVU took further steps to affirm its commitment to EDIA and its core mission, many of which were prompted by the work of the union. In July 2020, a university-wide Pandemic Equity Advisory Committee (PEAC) was established to examine MSVU's response to the COVID-19 pandemic through an equity lens and produced a detailed report that was widely circulated within the university community. In a ceremony held October 2021, the President "apologized on behalf of the university to survivors, their families and communities, as well as all Indigenous Peoples, for MSVU's role in the tragedy of residential schools in Canada, noting that the Sisters of Charity Halifax, the founders and previous owners of Mount Saint Vincent University, had members who staffed the Shubenacadie Residential School in Nova Scotia, which was open from 1930 to 1967, and the Cranbrook Residential School in British Columbia, which was open from 1890 to 1970" (MSVU, "MSVU Apologizes," 2021). This was a momentous apology, a long time coming. In this ceremony, the President also made commitments to hiring Indigenous Peoples and to Truth and Reconciliation.

In other areas of EDIA, the <u>MSVU Accessibility Plan 2022-2025</u> was released to provide "direction on how the MSVU Community will work to remove even more barriers and support our staff, students and visitors to our community" (MSVU, "Our Commitment to Accessibility," 2024). In regard to research, the MSVU Dimensions application was compiled and submitted in 2022 to maintain our standing in the federal Tri-Agency research council EDI-related program. In addition, MSVU completed its five-year diversity hiring program in 2019, followed by the two cluster hires mentioned above.

These initiatives seemed to demonstrate clear momentum and signs of the employer's commitment to decolonizing and advancing EDIA. Some significant actions had been taken, and newly hired administrators expressed a commitment to prioritizing EDIA, fostering optimism among members that transformative change was within reach. Members viewed bargaining as an opportunity to formalize these priorities and create lasting, material changes within the institution in accordance with the LOUs. Indeed, the next CA would be the first full agreement between the MSVU Board of Governors and MSVUFA to include the two new cohorts of Black scholars and Indigenous scholars, which gave our union added urgency to make progress in these negotiations, and we assumed the employer would be similarly motivated. However, this optimism proved to be misplaced. Despite the progress made outside the bargaining process, many of these critical initiatives failed to be formalized, or further developed, in the CA during the latest round of negotiations.

EDIA Expertise and the Employer: Absence and Resistance

Bargaining at MSVU occurs between the Board of Governors (BoG) and the Faculty Association (FA). The BoG appoints a team to negotiate on its behalf, managed by a subcommittee of the Board, while the FA team is appointed by the Association Executive. Although we know little about the Board committee overseeing the employer's bargaining team, we do know that the Board is predominantly white and, in this last round of bargaining, had a white, cisgender male chair (white women have made up a large number of recent Board chairs at MSVU). This composition persists despite efforts by FA representatives on the BoG to diversify both the identities and the experiences of board members. It was only recently that expertise in EDIA was recognized as a desirable skill set for potential board candidates, though EDIA is siloed rather than being embedded across all other skill sets identified by the Board.

Research shows that "gendered constructions of academic value" often marginalize ways of knowing that are rooted in feminist epistemology and pedagogy (Crimmins, 2022, p. 316). We see parallels between the trivialization of feminist pedagogy and the treatment of our feminist bargaining expertise. The employer's bargaining team was composed of university staff, one dean, and an external lawyer hired as the lead negotiator (a first at MSVU, where the standard practice has been for one of the Vice-Presidents, most recently the VP Administration, to act as the employer's lead). As a result, only one team member had direct knowledge of the work that MSVUFA members do, and none seemed to possess tangible expertise in EDIA, decolonizing, or indigenizing (i.e., none was stated outright by any member of the employer's team during negotiations nor was it or the use of relevant research pointed to in the presentations of their proposals). This absence is particularly striking at an institution that has positions of EDIA Advisor and Advisor on Indigenous Affairs, staffed by individuals both with area expertise and lived experience.

In contrast, the MSVUFA's bargaining team collectively brought decades of experience in equity-based bargaining and organizing, feminist and intersectional policy analysis, gender and critical theory, EDIA advocacy, and occupational health and safety, as well as university finance. We also drew on the recommendations of the LOU committees, which included representatives from both sides, almost all of whom had scholarly expertise and/or lived experience in EDIA, decolonizing, and indigenizing and who drew on input from Indigenous and Black FA members to develop their recommendations. Despite this considerable expertise and despite having their own representatives on those LOU committees, the employer's team

consistently undervalued our insights as well as the contributions of the LOU representatives and FA members more broadly.

Early in negotiations, the Board's team presented their package of non-financial proposals, which had few items relating to EDIA and decolonizing. None were based on the recommendations of the joint LOUs, and some were highly problematic. Two of their proposed additions were important acknowledgements, one about "the value of diversity of people, knowledge, and ways of knowing in our community" and the other about MSVU's role in "the perpetuation of colonial systems" and "the need to learn and change" "to work towards reconciliation with Indigenous peoples and other marginalized populations." However, without other material changes, they remain symbolic, performative gestures. Two further proposals they made had more substance. The first proposed introducing the possibility for candidates applying for reappointment, tenure/permanence, or promotion to add written comments about their teaching from Indigenous organizations and/or community representatives, such as Elders or Knowledge Keepers. Adding these kinds of explicit statements is a positive step. The second proposed that "an Indigenous Member [applying for promotion to the highest professorial or librarian rank] may nominate a non-academic Indigenous referee to comment on their [application] file," but with the proviso that "the referee's qualifications or experience be determined by" the dean who oversees the external review process "to be appropriate to the assessment of the Indigenous Member's work." This proposal suggested a substantive positive change but one marred by the paternalistic qualifying language that compelled the candidate to get the dean's approval that their selection is appropriate, reinscribing colonial practices; we were successful in preventing this proviso from being included in the agreement, while maintaining the positive aspect of the proposal. Again, none of the above proposals were connected to the recommendations of the joint LOUs.

The most egregious proposal made by the employer's team was to include a definition for an Indigenous member as follows: "A member who has confirmed their Indigenous identity in a manner acceptable to the Employer." This proposal outright contravened the suggested action by the joint LOU committee, which recommended the implementation of Indigenous-led mechanisms for matters pertaining to Indigenous identity. We successfully rejected the addition of a definition of any kind to our CA.

In the case of workload, we were informed by scholarship such as Dhamoon's (2020), which argues that "racism is treated as a matter of equity or discrimination rather than an issue of workload" (p. 3). Dhamoon provides many examples of how "preparing for and responding to various kinds of everyday and institutional racism,

addressing and confronting racism and colonialism, and supporting others who experience racism and colonialism" (p. 7) create additional teaching, service, research, and "miscellaneous work/fugitive work/institutional cultural work" for "Black people, people of colour and Indigenous peoples" (p. 9). She emphasizes that both employers and unions bear responsibility for overlooking this labour (Dhamoon, 2020, p. 3). We took this responsibility seriously, making it a priority in this round of bargaining to address the "equity tax" or "identity tax" (Misra et al., 2021), namely, the additional burden of service that disproportionately falls on members of equity-seeking groups. These efforts built on the work of the FA's Equity Action Committee (EAC) and the Joint Committee for the Administration of the Collective Agreement, both of which have been focused on this issue for the last several years.

The employer's team had only a superficial understanding of the equity tax and how it might be addressed, while our solution was well researched and carefully crafted. Despite this, we encountered fierce resistance to our proposal addressing the equity tax/identity tax in our workload article. Given that our existing CA included an article granting deans the authority to provide faculty members with course releases for additional work, we viewed this as an appropriate place to expand its application to account for the equity tax, building on efforts that had been underway prior to bargaining. However, the employer's team opposed it regardless of the rationales, evidence, and research we presented — or the fact that equity-seeking members had requested this remedy. In efforts prior to bargaining, the administration also refused to address the equity tax, confusing equity with equality. They questioned, for instance, how a dean could assess whether the additional workload from the equity tax warranted a course release comparable to other forms of academic work, using these doubts as an excuse not to employ the existing article, which led us to propose a relevant subclause to the article in this round. Throughout bargaining, it was evident that the employer's team still did not comprehend the issue and/or was not interested in providing a genuine solution.

Instead, their response fell into all the traps that scholars have warned against, suggesting that members could simply approach the dean to help them avoid extra commitments (what we referred to as their "just say no" clause), rather than providing a meaningful mechanism to remedy the equity tax. Fundamentally, the employer's team failed to grasp that equity work is not a matter of choice. Students and colleagues often seek out diverse members for their lived experiences and/or scholarly expertise, and the institution's EDIA-related initiatives all depend on the participation — and thus the additional workload — of equity-deserving members.

Most importantly, the very sustenance, survival, and flourishing of diverse communities within the institution rely on the extra labour of these members. Moreover, boards and administrators often take satisfaction in any positive publicity that arises from the efforts of equity-seeking members, sometimes claiming credit for this labour, while minimizing the challenges faced by those who have had to fight against a system rigged against them — a system that these same boards and administrators continue to uphold.

Once again, familiarity with the relevant research on the part of the employer's team would have been beneficial. For example, Paterson (2024) demonstrates that emotional labour is "expected" and often "required" of "mostly female faculty, especially BIPOC and/or queer folks, who find themselves mending the seams of a broken system without acknowledgement or compensation" (p. 159). Consequently, suggestions that faculty should 'just say no' to additional service are both unhelpful and uninformed. Likewise, advising faculty to appeal to the dean reflects the infantilizing discourse of protection that Mason and Shankar (2024) critique as being pervasive in universities (p. 5). Only after a sustained strike effort did the MSVUFA manage to secure an addendum to the existing article, recognizing that members may bear additional work burdens due to their identity and establishing a mechanism for workload reduction. While the final outcome is a weaker version of our original proposal and continues to embody elements of paternalism, it provides a basis on which to build in the future.

In a related example, tenure, permanence, and promotion for women are more likely to be delayed due to family responsibilities, a trend that became particularly evident during the COVID-19 pandemic. We drafted a proposal that provided a mechanism in which members who defer their application for reappointment or tenure/permanence due to specific leaves (e.g., pregnancy and parental) would move to the salary step they would have attained for promotion had they not deferred. However, the employer framed this structural gender issue as a matter of personal 'choice' made by women, which supposedly accounts for career delays. This perspective disregards well-established feminist research, including from MSVU's own Pandemic Equity Advisory Committee, which demonstrate that men's careers remain unaffected by similar 'choices.' The unequal distribution of social reproduction and care work continues to disproportionately impact women's careers, both professionally and financially (PEAC, 2021; Dunn et al., 2023; Carruthers Thomas, 2023). Despite this evidence, the employer's bargaining team failed to recognize this body of research, obstructing the opportunity to implement an innovative and equitable solution.

Distinguishing between ignorance and hostility can be challenging, as the former often serves as a convenient guise for the latter. It is evident though that, in some cases, the employer's team was actively choosing ignorance. As a case in point, we proposed implementing an exit survey for FA members who resign to gather data on their reasons. Such data is vital for holding the institution accountable for its processes and for monitoring progress on its commitments. Yet the employer rebuffed this proposal for an exit survey, despite themselves having proposed a self-identification survey for candidates applying to the University. Their justification was that they saw no need for an exit survey and, perplexingly, claimed that individuals with diverse identities would feel more comfortable having a one-on-one conversation with the VP Academic & Provost than participating in a confidential survey. This stance undermines the importance of gathering systematic feedback. This feedback could challenge the employer's narrative that diverse members leave solely for better prospects — such as higher pay or rank at larger institutions with more resources — rather than due to systemic failures at MSVU to fulfil its stated mission, values, and strategic plans.

The resistance to adding meaningful accountability connects directly to the employer's broader approach to EDIA in this round. The Board of Governors' lack of understanding of EDIA matters is evident in their appointed team's rejection of the FA bargaining team's proposal — based on a joint recommendation from one of the LOUs — that EDIA training be mandatory at all levels of decision-making in the reappointment, tenure/permanence, and promotion process. The employer's team insisted only FA members undergo such training but refused to extend this requirement to senior administrators, citing "managerial rights" as justification. This refusal reveals a troubling irony: those with the greatest decision-making power and influence over equity outcomes remain exempt from the training necessary to understand and address systemic inequities. This pattern of resistance aligns with arguments about social unionism, outlined below, which seeks not only to better immediate working conditions but also institutional and systemic transformation to uphold equity, diversity, inclusion, and accessibility as core values.

Overall, the union's bargaining team came to the table with the requisite knowledge and clearly drawing on the joint recommendations provided by the joint LOUs to engage in a genuine process of applying a feminist, EDIA lens and decolonizing our CA. This same knowledge and application of these LOUs was not evident in the proposals and approach taken by the employer's team. They did not show an openness to learn from those who brought this expertise to the table, including from their own advisors and administrators (who served on the joint LOU committees and formulated the recommendations). At an institution such as MSVU,

appointing a negotiating team composed of members who have feminist, EDIA, decolonizing, and Indigenous expertise and can explicitly make use of it at the table, both in proposals and in response to the FA team's proposals, should be a priority for the Board.³

Indigenous and EDIA Experts: Sidelined and Excluded

In this round, the Board of Governors' dismissal of the time, effort, and knowledge that FA members and university staff and administrators invested in the prebargaining phase suggests a disregard for the value of EDIA labour. This dismissal appears to extend beyond a mere lack of recognition; it can also be interpreted as a tacit reinforcement of entrenched privilege and power with the institution. As noted earlier, the 2018 bargaining round resulted in an LOU focused on the recruitment and retention of Indigenous faculty, librarian, and lab instructor members at MSVU. While some of the recommendations from this LOU were incorporated into the 2021 rollover agreement, the 2021 round itself led to the development of additional joint LOUs addressing EDIA, indigenizing, and decolonizing, with corresponding joint committees established to implement them.

Each joint committee consisted of two faculty members and two members from the administration. On the administration side, the committee for the LOU on decolonizing and indigenizing the agreement included the Special Advisor on Indigenous Affairs and the Dean of Education, while the committee for the LOU on the recruitment and retention of equity-deserving faculty, librarians, and lab instructors had the Associate Vice-President of Research and the Dean of Professional Studies and Graduate Studies. The membership on these joint LOU committees included recognized experts with lived experience in indigenizing, decolonizing, and EDIA, such as an Indigenous Advisor with decades of experience in policy and public institutions, an Associate Vice-President Research whose entire career has been dedicated to equity research, and faculty members with unparalleled credentials in these fields. Over the course of more than a year, these committees worked intensively to produce comprehensive reports with specific, joint recommendations designed to guide the next round of bargaining.

In the 2023-2024 round, the FA applied an EDIA, indigenizing, and decolonizing lens to all key issues, as we did with our feminist lens in 2018. The two joint LOUs served as our foundation, but the employer rendered these LOUs meaningless during negotiations, despite their proven success in previous rounds. The joint LOUs went unused by the employer, who stated in our earliest meetings that they were not binding and subsequently failed to reference them for the remainder of the

negotiations. As a result, the groundbreaking, collaborative equity work carried out by these committees was effectively for naught, with their efforts to advance systemic change ignored. This blatant disregard undermined the gendered and racialized service work undertaken by the committee members, showing lack of respect for their contributions and the values of equity and inclusion these LOUs were designed to uphold.

Moreover, it appears that none of the University's diversity advisors were consulted by the employer during the negotiations, which is particularly confounding given the seeming lack of expertise on their team, as previously noted. The employer's team also repeatedly dismissed proposals we put forward to elevate the role for these experts in the CA, such as those concerning appointment, reappointment, tenure/permanence, and promotion processes. This situation reflects a broader issue identified in the literature concerning the challenges faced by women in positions of power who are Indigenous, Black, and People of Colour, including negative physical and mental health impacts, tokenization, and overwork. These challenges are exacerbated when "EDI senior administrators still have a layer or two of predominantly white veto power above them," highlighting the need for systemic changes to ensure meaningful representation (Motapanyane & Shankar, 2022, p. 12). It is no surprise that those "doing diversity," as Ahmed (2007) notes, often become overburdened or fatigued due to the persistent lack of real progress. Ahmed pinpoints a catch-22: "having an equity unit can allow the refusal of a more collective sense of responsibility" by confining equity efforts to a specific unit (p. 250). Conversely, when diversity is "mainstream[ed]" across all departments, it often results in no one actually advancing equity or in the misconception that such efforts have already succeeded (Ahmed, 2007, p. 250). Having these advisors at MSVU is essential, but if they are not consulted or involved in substantive matters such as during bargaining CAs, when real resources are at stake — their capacity to effect meaningful institutional transformation will be perpetually undermined.

The sidelining of these specialists is particularly troublesome given the all-white senior leadership team at MSVU (the President, two Vice-Presidents, four Associate Vice-Presidents, and three Deans). This includes a white cisgender male as Associate Vice-President of People and Culture (newly created), overseeing an Indigenous Special Advisor on Indigenous Affairs, an EDIA Advisor who is Black, and a Black Student Support Advisor who is Black, as well as acting in a decision-making role over faculty hired through the diversity hiring program, Black scholar cluster hire, and Indigenous cluster hire (MSVU, "Leadership Team," 2024). Problematically, faculty, staff, and students were not invited to participate in discussions about the creation of this new AVP position and what it might entail.

This is a glaring governance deficiency, underscoring the disconnect between MSVU's leadership structure and its commitments to decolonizing, indigenizing, and EDIA.

Governance: Transparency and Accountability

Research shows that "the democratic and academic collegial structures within our universities have been undermined and supplanted" as administrative and governmental control tightens its grip on university structures, enforcing departmental budget cuts (Folk-Dawson, 2019). This round of bargaining starkly highlighted the significant lapses in governance at MSVU. While the Board has been planning a governance review for some time, the model of governance they have been enacting and seem poised to strengthen, shaped by corporate consultants, threatens the voices of FA members and students; indeed, in recent years, the Board has made implicit and explicit attempts to exclude and silence those who oppose this corporate model, undermining the principles of bicameral and collegial governance that are foundational to universities. ⁴ The erosion of democratic collegial governance not only weakens the University's ability to function as a space of inclusive and critical discourse but also contradicts the core principles of EDIA. True EDIA is inherently part of democratic governance, as it requires meaningful representation and participation from all stakeholders to ensure diverse perspectives are acknowledged and valued. By sidelining these voices, the Board is effectively reinforcing exclusionary practices that contradict the University's stated commitments to equity. In these dangerous times, marked by global challenges such as climate crises, social unrest, and systemic inequalities, Indigenous ways of knowing offer transformative insights that could inform and strengthen governance practices. These approaches emphasize interconnectedness, collective decisionmaking, and a long-term view of sustainability and community well-being, principles that are critical for navigating the complex challenges universities face today. Incorporating Indigenous ways of knowing into governance models could help restore trust, advance EDIA, and create governance structures that are both inclusive and resilient, fostering the collective strength needed to address the crises of our times. Unfortunately, the MSVU Board, like many other university boards, misunderstands the difference between corporate governance and university governance. The performative approach to equity in our obstacle-laden negotiations reflects a flawed understanding of bicameral and collegial governance, a narrow and overly rigid interpretation of fiduciary duty, and a misinterpretation of collegiality and representation.

When offering institutional critiques or opposing decisions made by the Board, faculty and student representatives are often regarded as disruptors or unwelcome, rather than as critical contributors to the effective functioning of a university. Furthermore, the Board demonstrates limited understanding of how financial decisions impact academic matters. Faculty Association presidents serving on the Board have frequently encountered hostile environments, despite being elected to represent faculty interests. Unlike other board members, who are not required to set aside their professional identities while serving, faculty, particularly in significant union roles, are explicitly asked to distance themselves from these roles during their term. At a recent Board orientation session led by a hired, external consultant, board members were told that Faculty Association presidents and Students' Union presidents are inherently in a conflict of interest and should not serve on the Board, thereby prejudicing the atmosphere against any incoming FA President and Students' Union President. The past three FA presidents, all of whom are from equity-seeking groups, have been labelled "aggressive," have had their concerns and critiques dismissed, and have experienced behaviours from the Board that felt bullying and coercive, reflecting broader patterns of discrimination and power imbalances. Despite MSVU being a public institution, there were repeated efforts to compel them to sign confidentiality agreements, with the two most recent presidents ultimately forced to do so based on changes the Board made to its policies. Additionally, all board members are instructed to leave meetings presenting a unified stance, regardless of the diversity of opinion expressed during the discussions. These challenges are not merely the result of individual interactions but reflect a structural issue, where external appointees to the Board often demonstrate a limited understanding of how universities function within the framework of collegial and bicameral governance.

For example, collegiality — a foundational concept for universities — is often unfamiliar to some and misunderstood by other board members. Properly defined, collegiality signifies "the capacity to work together" and "does not require colleagues to agree with or like each other" (Coburn et al., 2024, p. 54). However, boards frequently misinterpret collegiality so that it is "framed to distinguish between who fits into dominant (white) norms and (white) networks and who does not, with real professional consequences," and "disciplining for collegiality is deployed against nonwhite, Indigenous, and other critical scholars who question the benevolence of institutions" (Coburn et al., 2024, pp. 54-55). In this way, collegiality is transformed into a catch-all mechanism that reinforces white, masculine interests, while marginalizing and penalizing non-white and feminist advocacy.

Although accountability is a publicly declared value at MSVU (MSVU, "Themes," 2024), Board meetings are closed, and information is tightly controlled or withheld. Even basic contact information for most board members is not available on the University's website. This lack of openness and transparency poses a serious problem for an institution that is still understood to be public and for one that says it holds accountability as a key value. Indeed, many community board members are accountable to no one, unlike constituency board members such as faculty and students. Furthermore, there is limited dialogue between the Board and the University Senate, and sometimes senior administrators bypass the Senate in academic decision-making.

It is in this context of decisions, practices, and behaviours that serve to undermine transparency and accountability that our recent round of bargaining took place. It is telling that, during our three-and-a-half-week strike, the employer's team rejected our proposal to hold semi-open negotiations as a means to facilitate reaching a tentative agreement. The proposal entailed inviting all board members and all FA Executive members to be present while the bargaining teams negotiated outstanding items. Given that we believed in the value of all our proposals and their alignment with the LOU recommendations, the mandate given to us by our members, and MSVU's mission, we viewed this as a viable path forward. Unsurprisingly, our proposal was not accepted, and it remains unclear whether all members of the Board of Governors were even informed of it. Revealingly, the first Board of Governors meeting scheduled after the strike was cancelled due to an alleged lack of new business, casting doubt on whether board members fully understood the real reasons for our strike, which was only the second strike in our history, with the first MSVUFA strike occurring in 1989 and leading to our first CA.

The governance issues noted throughout this article impeded significant progress on and in many cases blocked numerous equity-based proposals. For example, these proposals, had they been implemented, would have improved the hiring process for appointing members to make it more equitable; specified the involvement of the MSVUFA Grievance Officer, alongside the member, in negotiations regarding accommodations; created an equity-based mechanism to support members who fall behind in salary when deferring reappointment, tenure/permanence, and promotion due to leaves; entrenched cluster hires; and expanded Compassionate Care and Family Caregiver Leave and Domestic Violence Leave. Yet these proposals were rejected by the employer.

The Board of Governors claims a fiduciary duty to act in the University's best interests, yet its failure to prevent the strike and the prolonged finalization of the agreement raise serious questions about its commitment to this duty. Our CA

expired on 30 June 2023, and our strike ended on 5 March 2024, with a tentative agreement ratified by both parties. However, the finalized agreement was not signed until 28 November 2024, delaying the implementation of financial and other advances for nearly half its term (the new CA expires 30 June 2026). This delay carried significant costs, including unnecessary expenditures, lost trust and goodwill, a delayed reappointment, tenure/permanence, and promotion process, and strained institutional relationships. As the first full agreement implemented since the hiring of Black and Indigenous scholars through two cluster hires, these delays were particularly troubling. Good governance requires transparency, accountability, and representation in decision-making — all of which were undermined by the Board's (mis)handling of this last round of negotiations, underscoring the urgent need for governance practices that genuinely reflect principles of decolonizing, indigenizing, and EDIA and meaningful change.

In this fraught governance environment, it is difficult not to view the employer's behaviour as retaliatory against the union and its members who have resisted the increasing corporatization of our Board. MSVUFA members consistently work across various venues to hold MSVU — its leaders, its policies and procedures, and its constituents, including the union — accountable, ensuring that its mission and values are upheld and promoted throughout the institution.

Lessons Learned and Looking Forward

We know that the performativity of EDIA is not unique to MSVU. Across the higher education sector, various unions have experienced strikingly similar tactics — delays, refusals to engage, fearmongering, silencing, and gaslighting — used by employers intending to obstruct the implementation of decolonizing and EDIA principles. We must reject the notion that these tactics represent the new standard in academic negotiations. But how can we achieve change? We identify three interrelated factors as critical for resistance and transformation: strengthening internal and external solidarity, democratizing governance, and pursuing legislative reform.

Internal and External Solidarity: Gendered Social Unionism

Continuous membership engagement is essential to ensure that negotiations remain a central focus of union activities, not just during bargaining at the table but also throughout all union meetings and initiatives. To achieve this, we need to provide regular educational opportunities for new and current members to understand the CA, the contract negotiation process, and key roles within the union

(such as lead negotiator, grievance officer, president, and vice-president), which supports effective succession planning. Members should be prepared for the anti-union tactics they might encounter from the employer and learn how they can support the bargaining team before, during, and after negotiations. This could involve staying informed about the relevant issues, communicating effectively with other members, and crafting persuasive emails to administration. Additionally, we must encourage members to call out hypocrisy wherever it occurs whether at the Board, the Senate, or the union, in committee meetings, or in individual discussions with administrators. Building trust and fostering a culture where members see themselves as part of a collective are also crucial, and social activities play a vital role in achieving these.

Meaningful EDIA progress cannot be achieved without a shared sense of values and commitment and a willingness to sometimes prioritize collective goals over individual gains to advance equity more broadly. Indeed, during our recent job action, our members voted 97% in favour of the strike, displaying a remarkable sense of internal solidarity based on a broader understanding and appreciation among our members of the equity-driven mandate. Moreover, because obstructive tactics used by employers have been used throughout the country, collective sharing and collaboration are imperative. This can be achieved through regular forums and meetings hosted by the Canadian Association of University Teachers (CAUT), regional engagement via provincial associations such as the Association of Nova Scotia University Teachers (ANSUT), and locally through stronger ties among unions at higher education institutions within the same or nearby cities. Two of our bargaining team members also served as delegates to the Halifax-Dartmouth & District Labour Council, enabling them to stay connected to the local labour movement, remain informed about current union activism, and provide regular updates on our bargaining process. These relationships — CAUT, ANSUT, the broader labour movement, and other social movements — ensured fervent support on the picket line from local and national faculty unions, other labour unions, students, local labour leaders, progressive media, politicians, and the surrounding community. Notably, students stood beside us on the picket line, produced wonderfully creative social media content, voiced their support for us to the administration, and spoke eloquently to the media. They made all the difference.

This internal and external solidarity aligns with the principles of social unionism (Ross, 2013), which call for a breaking away from narrow union economism "by linking the demands of their members with the concerns both of unorganized workers and of social movements" (Fudge, 1993, p. 245). In essence, social unionism promotes more "inclusive forms of unionism" that "improve[s] the wages

of conditions of workers, many of whom are women, at the bottom" (Fudge, 1993, p. 246). Such social unionism is "part of a long-term strategy of movement-building" that extends beyond the workplace (Ross, 2013, p. 67) and generates active participation from both members and the wider communities (Moody, 1988).

A deep commitment to social unionism will require a fundamental shift for labour unions. Briskin (2023) refers to:

'gendered social unionism,' which informs, reconstitutes, and reimagines the collective bargaining agenda. It challenges the assumptions of a generic worker with a homogeneous and self-evident set of (class) interests among workers and among union members. It accepts not only the significance of gender, but that of other social positions based on racialization, sexuality, ability, and citizenship. (pp. 287-288)

An apt example of this can be seen in calls from some members to focus exclusively on salary, which often results in the marginalization of equity measures and the preclusion of opportunities for transformative change. Coburn et al. (2024) view the building of connections and coalitions between caring solidarities as integral to their vision of "feministing" in the academy.

In their work, Ng and Wall (2021) argue that "the labour movement needs to sharpen its focus and be clear about naming and addressing white supremacy. If the labour movement continues to talk in broad EDI terms, it will continue to tiptoe around white supremacy, treating it as a mystery it wishes it could do something about" (p. 128). Similarly, Mills and McCreary (2021) call for a form of social unionism that moves beyond tokenistic gestures, such as ceremonies that merely historicize and exoticize Indigenous culture; while these gestures may be "safer" and more palatable ways for non-Indigenous people to engage with Indigenous communities, they do little to build genuine community support.

Democratization of Governance: Getting Our House in Order

There is a crisis in university governance. A 2022 study by ANSUT, titled A Culture of Entitlement: An Overview of Administrative Compensation at Eight Nova Scotia Universities 2011/12 – 2020/21, shows that:

spending on administrative positions rose eight per cent in ten years. Of this, the total spent on presidents' salaries rose 41 per cent (not including bonuses), spending on vice- presidents' salaries increased 76 per cent, spending on deans rose 86 per cent, directors and managers rose 88 per cent and 63 per cent respectively. Other positions, such as executive secretaries, university counsel, and registrars, rose 119 per cent in the past decade. Much of the rise can be attributed to an increase in the number of positions rather than a rise in pay. (CAUT, 2023)

Alongside the proliferation of new and often unnecessary administrative positions, there is also a high rate of turnover. McInnis (2024) attributes this instability to the increasing reliance on executive search firms, which "creates a new cadre of careerist administrators whose loyalties lie not with their institutions but rather with their individual advancement," producing "a travelling band of administrators" (p. 5). Savage and Ross (2024) highlight the related trend in which "universities and colleges have also moved away from 'open' and towards secretive 'closed' searches for senior administrators, to the benefit of headhunting firms and the detriment of transparency and collegial governance" (p. 18). The solution for McInnis as well as Savage and Ross lies in the strengthening of collegial governance. Indeed, as Savage and Ross (2024) argue:

more than ever, effective academic staff association advocacy is needed to contest and reverse efforts to undermine collegial governance and shared decision-making structures. To relegate our unions to bargaining wages and working conditions every few years is to miss an important opportunity to defend collegial institutional governance that gives the academic community its proper voice. (p. 19)

We must also assess and rethink the composition of university boards. It is essential to develop strategies to ensure board members understand and share the values of the university's specific mission and values. Board members should have a deeper understanding of higher education and avoid treating the institution like a corporation. They should reflect substantial diversity and be genuinely committed to decolonizing, indigenizing, and EDIA efforts, going beyond performative actions.

Diversification and equity efforts should not be viewed as concluded when the Board has recruited a few members from a handful of historically marginalized groups. It is crucial to understand the processes through which board members are selected and to encourage individuals who are well qualified and dedicated to the university's mission to apply for these positions.

We need administrators driven by the university's mission and not by personal ambition. The kind of leaders needed at universities differs significantly from those typically valued by corporate recruiters or business-oriented board members. Imagine if, following Paterson (2024), our leaders prioritized empathy, listening, affect, and diverse and multiple perspectives. In a recent LinkedIn post, Motapanyane (2024), one of our MSVU colleagues, explains the concept of servant leadership:

Servant leadership fosters a culture of trust, mutual respect, and collective direction. Listening, genuine curiosity and care for people, and a sense of responsibility for the well-being of the collective positively channels the diverse talents, insights, and allegiance of community members. The absence of servant leadership in academia produces a cascade of negative outcomes, e.g., erosion of trust and mutual respect within the academic community.

This view of leaders as facilitators could shift the organizational landscape for the good.

At its core, collegial governance represents workplace democracy (Savage & Ross, 2024), and we must remain vigilant in safeguarding and amplifying this principle. However, as Savage and Ross note, "even if boards were more representative and senior administrators were more committed to shared decision-making, many of the problems universities and colleges face cannot be resolved internally because the true sources of these problems originate with government," namely underfunding and interference (2024). Addressing these problems requires attention to and action at the policy and legislative levels.

Legislative Reform: Systemic Change

During and after the strike, we received many suggestions about how certain pitfalls might be avoided in the future. These discussions are undoubtedly important conversations to have. But what is often missing from advice about tactical 'solutions' is a recognition of the structural power imbalance between employers and workers. Suggestions such as if we had done X instead of Y to prevent employer delays overlook the reality that, because the legislative deck is stacked

against us, employers always have ways to stall the process. In our case, the root of the problem lies in Nova Scotia's weak labour laws, and only systemic change can address this. The Trade Union Act in Nova Scotia needs a major overhaul to make the Labour Board more effective in dealing with poor labour relations and to close loopholes that consistently disadvantage unions. There needs to be legislated accountability for employers' bad faith negotiating tactics, rather than relying on mere "naming and shaming."

Achieving such legislative and policy changes will require the broad-based collective solidarity mentioned earlier. Ultimately, even the most progressive labour legislation cannot eliminate the structural inequality inherent in labour-employer relations, which is why collective action through striking remains indispensable. After all, despite the employer's "new" obstructionist, contrived, collusive tactics, the solution for the MSVUFA was, in fact, an old fashioned one: a strike. Workers exercised their collective, structural power to resist. So, what can we do? We did it. We stuck together. We went on strike — still the most important tool we have.

Conclusion

The MSVUFA achieved a significant number of advances in decolonizing and EDIA in this round, such as the inclusion of a Land Acknowledgement in the CA; a shift to gender-neutral language, while recognizing the historical and political significance of our tradition of using feminine pronouns; expanded qualifications for appointment to recognize a broader and more inclusive range of experiences, knowledge, and skills; mandatory training for members of appointments and review committees to complete EDIA training; consultation with Indigenous and EDIA advisors in the appointment process and to provide guidance to the Joint Committee for the Administration of the Collective Agreement when relevant; extending previous decolonizing and equity initiatives for faculty to librarian and lab instructor members; adding the National Day for Truth and Reconciliation as a paid holiday and a new Cultural, Community, and Ceremonial Leave; initial steps to address the 'equity tax'; an entirely new route for promotion to full professor (Outstanding Record of Internal and External Collegial Service); and an equitable and rational process for professional expense reimbursement.

These improvements were accomplished in the face of great resistance and refusal on the part of the employer to engage meaningfully with the joint LOUs and our proposals. These gains took weeks of conciliation, a strike, and then eight months of struggle with the employer who refused to honour the tentative agreement, ultimately achieved only through labour board intervention.

Just envision what might be possible if boards of governors and university administrators chose to work with us rather than against us. What if they treated decolonizing, indigenizing, and EDIA as genuine commitments rather than public relations exercises? What if they took time to educate themselves on these issues and truly valued the knowledge and expertise of those who have dedicated their careers to transforming unequal power relations on campus? What if they came to the table prepared to engage thoughtfully with our proposals and collaborate on meaningful improvements, rather than having a ready "no" at hand? What if they practiced transparency and accountability, as they claim to do? What if their actions and decision-making premises aligned with the University's feminist and social justice mission? The good news is they still can. And we would be happy to work with them. That's what collegial governance is all about.

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Endnotes

- ¹ Contributors are listed in alphabetical order. Geneviève Boulet, Tammy Findlay, Diane Piccitto, and Kelly Resmer were members of the 2023-24 MSVUFA Bargaining Team. They live and work in Kjipuktuk, part of Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq. There is also a rich history and enduring presence of African Nova Scotians in the region, whose contributions have shaped the community for over 400 years. Michael Gillis was an active supporter and student leader during the strike and our research assistant on this article. Michael studies at Concordia University, which is located on the unceded Indigenous lands of the Kanien'kehá:ka Nation, in Tiohtià:ke/Montréal. The MSVUFA Bargaining Committee for this round consisted of settler cisgender women (only the second time in our history that we had an all-woman team), one of whom is Asian-Canadian, one of whom is francophone, and one of whom is queer, while the former and current MSVUFA presidents are from equity-deserving groups and saw us through negotiations and our strike and led the association in our recent efforts to have the employer honour the tentative agreement and sign it. The bargaining team included faculty representatives from each faculty (Arts and Science, Education, and Professional Studies) and one lab instructor. We would like to thank all those who supported us during this round of negotiations, including the MSVUFA membership, the MSVUFA Executive, MSVU students and staff, our legal counsel, other academic staff associations and local labour unions. We would also like to thank the peer-reviewers for providing valuable suggestions on this article.
- ² MSVUFA represents full-time faculty, librarians, and lab instructors.
- ³ Significantly, in personal communications, a former Vice-President Academic & Provost at MSVU saw it as essential that the CA be overhauled using these lenses.
- ⁴ For a comparison and assessment of boards in Nova Scotia, see ANSUT's report *Board of Governors Structures at Nova Scotia Universities*.