

Board Gap Analysis,

Hamilton Community Legal Clinic/
Clinique juridique communautaire de Hamilton

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Summary

Social Location

Facet	Assessment	
Gender (male and female)	no concerns	
Experience of a minority gender identity ¹	not assessed	
Francophone ²	representation / below bylaw requirement	
First language other than English or French	representation	
Older adult	no representation	
Younger adult	representation	
Indigenous	representation	
Black	representation	
Racialized, neither Indigenous nor Black	representation	
Visible or non-visible disability	representation	
Experience of mental health challenges	representation	
Experience of substance use concerns	no representation	

¹ People who self-identify as transgender, gender-diverse, or non-binary or people whose gender identity does not match gender assigned at birth

² Bylaw 8.4 requires at least two directors be bilingual

Sexual orientation minority experience	representation	
Experience of homelessness or precarious housing	representation	
Experience of arriving to Canada as a refugee	no representation	
Experience of arriving to Canada as an immigrant	representation	
Affiliation with minority organized religion	representation	

Knowledge and Skill

Facet	Assessment	
Board experience	achieved	
Management experience	achieved	
Financial training and/or experience	not present	
Accounting designation ³	not present	
HR or labour relations experience	achieved	
IT experience	achieved	
Lawyer ⁽³⁾	achieved	
Communications or public affairs experience	achieved	
Social justice work experience	achieved	
Municipal government experience	achieved	
Provincial government experience	achieved	
Federal government experience	achieved	
Resource development experience	achieved	

³ Bylaw 8.4 recommends at least one director have past experience as a client of the clinic, least one be a lawyer, and at least one have an accounting designation

Recommendation

The recommendation of this report is that the nominating committee:

1. use the gap analysis summary to decide how and where invitations to apply for a board vacancy are shared in Hamilton with the goal of reaching people who bring unrepresented experience and missing skills and knowledge to the board,
2. use the summary to highlight experiences, skills, and knowledge that would be considered by the nominating committee to be assets to the board when posting advertisements of board opportunities and communicating with candidates,
3. **not** use the gap analysis summary as a tool when assessing candidates, and
4. use aspects of the gap analysis summary to narrow the final slate if a greater number of suitable candidates than vacancies are identified.

Further, the Board should modify the Gap Analysis Tool as described in [Changes to the Gap Analysis Tool](#).

Interpretation

In the *Social Location* table the following classification terms are used:

No representation	This is a gap. The survey exercise did not identify at least one board member with this social location, and this is a social location identified by the governance committee as important to the work of the Board of Directors.
Representation	Monitoring of this facet is a lower priority.
no concerns	The survey exercise did not uncover an issue to be resolved, but for this facet a pass/fail indication isn't appropriate.
not assessed	The survey exercise did not provide sufficient data to develop an assessment

- Two classification terms used in previous summaries to qualify levels of representation ("low representation" and "good representation") have been removed. Where representation is reported, additional investigation may still be needed to avoid tokenism, burn-out, or loss of representation as terms end.
- Where a requirement in a governance document is not met that is noted as part of the assessment.

In the Knowledge and Skill table, the following classification terms are used:

Not present	This is a gap in skill or knowledge that the governance committee has identified as important to a well-functioning Board of Directors.
Achieved	No apparent gap in this facet at this time.

- The classification term "low" used in previous summaries has been removed.

In both tables the colour key used is:

Red ()	There is a gap that the Board, the Governance Committee, and nominating committees consider addressing.
Green ()	These areas should be monitored but are at a lower priority than other areas.
No colour ()	The Board may need to revise or augment the Gap Analysis Tool to track this facet.

Methodology

Three members departed the board in September 2023 and two were appointed in January 2024. There are up to three current vacancies and a fourth expected vacancy coming in September 2024 that the Board may consider addressing.

The methodology that was developed for the March 2020 board gap analysis – as described in the report for that analysis – was applied with minor modification to the reporting of results, as explained in the notes in [Interpretation](#).

Concerns

1. The questions about "working with or in" the three levels of government are unclear about whether working in a position where specific knowledge about government -- for example within a program that is government-funded, or with a government in the management of government funding to the public sector -- would meet the skill/knowledge the questions target.
2. When a stigmatized identity reported in the Gap Analysis Tool is reported as "no representation" in a specific summary and changes to "representation" in a

subsequent summary, that may unintentionally pierce confidentiality. (e.g., if only a single person joined in the interim.)

Changes to the Gap Analysis Tool

The following changes, gathered over three iterations of analysis, are recommended for implementation prior to the next use of the tool:

1. Use the methodology section of the 2020 report as a guide and create a procedures document for the tool so it's easier to administer consistently.
2. Provide at least seven days to complete the survey.
3. Add "experience as client of the clinic" as a tracked facet.
4. Include experience in for-profit environments and experience gained while on this board as tracked skills (i.e., reword the questions to broaden what experience is being measured)
5. Replace "Black" with "Black or African-Canadian"
6. Instead of 'Racialized but not x, y, z' and the term 'otherwise racialized' ask 'Are you from a racialized group?' and list options like African-Canadian, South Asian, Southeast Asian.
7. Clarify the question about experience as a refugee with phrasing like "determined to be a refugee"
8. Use language like "do you self-identify as" rather than "are you..."

Other changes that the Governance Committee should consider in due course:

1. Track additional facets: socioeconomic status ("income level"), involvement with sex work, literacy level, level of education achieved, involvement with the legal system and/or the justice system, conviction status, neurologically atypical patterns of thought or behavior.
2. Revisit the impact on confidentiality when using an online survey platform to gather data does not suit all participants.
3. Consider whether questions about experience of disability are sufficient for the Board's needs with respect to appropriate representation. (e.g., a board with no members that self-identify as having a physical disability could be assessed 'representation', which may ultimately be misleading.)
4. Consider what the feedback about the religion question from the Jul 2021 summary is requesting, and whether it is in line with the information the tool is intended to capture ("For the religion question, add belief system or spiritual as a minority choice instead of just religion focused.")
5. Investigate whether closer relationships with community agencies with representation we lack (like Keeping Six) could provide adequate guidance to board decision-making processes, and what kind of relationship would be required for that to be effective.