



## **Background/Context: Redevelopment of the UPEI Fair Treatment Policy**

### **Revision attempts pre-UPEI Review**

The existing Fair Treatment Policy was created as of August 1, 2003. It was updated as of November 21, 2005, and was to be reviewed as of October 15, 2007 (the “Existing Policy”).

Work on a revision to the Existing Policy began in 2009. A committee made up of administration, staff and faculty representatives was struck to review the Existing Policy (the “Review Committee”). The Review Committee ultimately proposed a revised policy as of December 4, 2012 (the “Revised Policy”). The Revised Policy was presented to the Human Resources Committee of the Board of Governors by the Vice-President Academic. The Board did not pass the Revised Policy and requested that it be reviewed by the University’s legal counsel. Ultimately, this resulted in a new Harassment and Discrimination Policy being drafted by legal counsel (the “New Policy”).

Once the New Policy was drafted, it was presented to a joint committee between the Faculty Association and the University by the Vice-President Academic. The faculty members were upset that the New Policy was drafted and that the Revised Policy they had worked on was not used as a starting point for the New Policy. Based on the faculty members’ disappointment at the abandonment of the Revised Policy, a clause-by-clause summary of the New Policy was requested from legal counsel. This clause-by-clause summary was completed and delivered to the Joint Committee in January 2015 by the Vice-President Academic. At around this time, there were meetings between the University and the Faculty Association to discuss the New Policy, but no agreement was reached with respect to it.

In June 2015, the University was undertaking a review of the Student Code of Conduct. As a result of the revisions to the Student Code of Conduct and its points of interaction with the New Policy, consideration had to be given to how these two policies would work together. Further revisions to the New Policy were necessary to ensure it dovetailed properly with the Student Code of Conduct. As soon as the University became aware that these changes would be necessary, the Faculty Association was advised of that necessity and that the University would provide an updated draft of the New Policy as soon as this work was complete.

When the revisions to the New Policy were completed in September 2015, the University provided the revised New Policy (“the New Revised Policy”) to the Faculty Association, along with a compared version which set out all the changes from the New Policy.

In early 2016, meetings were held between the University and the Faculty Association to review the New Revised Policy together clause by clause. The focus of the parties shifted in 2016 as the University and the Faculty Association entered collective bargaining later that year, the major issue of which was the pension plan. There is no further record that the New Revised Policy was discussed again between the parties.

## **Redevelopment work, post-UPEI Review and UPEI Action Plan**

The *UPEI Action Plan: Building A Culture of Trust, Safety and Inclusion* (the “Action Plan”) committed to a new harassment and discrimination policy for the University. This commitment was made in response to the *University of Prince Edward Island Review* by Rubin Thomlinson, which recommended the replacement of the current Fair Treatment Policy (FTP), following the motion passed by the UPEI Board of Governors on November 28, 2023, to this effect.

A Review Committee was struck, in accordance with the current Fair Treatment Policy (12.7.1), to engage in a university-wide consultative process, with the aim of arriving at a recommendation for a new Harassment and Discrimination Policy and Sexual Violence Policy.

*FTP 12.7.1 The President will constitute a committee composed of interested parties to review this policy every three years. The parties may include a broad cross section of the university community such as: The Board of Governors, administration, students, and employees. The Policy review committee may receive recommendations from the appropriate interest groups. The President may elect to involve health professionals, community representatives or other interested groups in the review process as resource persons. The Fair Treatment Advocate would also be a resource to the committee.*

The Review Committee was selected by the University among individuals who responded to a call for expressions of interest to participate, with a view to ensuring a broad representation across constituency groups in the UPEI community (with diverse experiences and backgrounds).

The Review Committee, co-chaired by President Wendy Rodgers and, as elected by the Review Committee, Lucky Fusca, Sexual and Gender Diversity Specialist, was mandated to develop a new Harassment and Discrimination Policy and Sexual Violence Policy, following a university-wide consultation process, in accordance with the following requirements.

- The new Harassment and Discrimination Policy shall adhere to the following set out in the *UPEI Action Plan* at Goal 4, Action 3:
  - Replace the Fair Treatment Policy with a comprehensive Harassment and Discrimination Policy that covers all campus members and reflects the new structure of the EDI and Human Rights Department
  - Ensure the new policy incorporates all recommendations of the UPEI Review
  - Ensure the new policy reflects feedback from survivors of harm at the University
  - Ensure the policy is trauma-informed and procedurally fair
  - Ensure the new policy aligns with legislative requirements, such as PEI Occupational Health and Safety Act and Employment Standards Act
  
- The revised Sexual Violence Policy shall adhere to the following set out in the *UPEI Action Plan* at Goal 4, Action 4:
  - Finalize revisions to the UPEI Sexual Violence Policy
  - Ensure the new policy is comprehensive and implements all the recommendations of the UPEI Review
  - Ensure the revised policy is procedurally fair, and conforms to legislative requirements
  - Ensure that the experiences of victims of sexual harassment/assault, including within the context of student residences, are in the revisions to the Policy

A list of members and meeting dates is included in Appendix A.

In addition to reviewing peer-reviewed research and policies from other universities, the Committee consulted broadly, including hosting information sessions, inviting feedback from the university community on draft policies and seeking targeted input from key groups and individuals. Preliminary and final legal reviews were also completed on draft policies. A list of consultations and participation numbers is provided in Appendix B.

### **Review and development timeline/process**

- November to December 2024 –Planning and committee selection
- November 2024 – Dedicated page on external-facing UPEI web page established (for communicating information related to the Fair Treatment Policy Review)
- January 21, 2025 – Review committee announced
- January and February 2025 – Research and review
- February 2025 – Emails from committee members requesting input from co-workers on priorities to consider when developing the new policies
- March and April 2025 – Community information sessions with Q and A
- April 22, 2025 – Draft policies released online to UPEI community for feedback
- April 28, 2023 - Preliminary legal opinion
- July 3, 2025 – Revised legal opinion
- August 2025 – Policies in final draft

### **Policy highlights**

The new Harassment and Discrimination Policy and Sexual Violence Policy are built on the University's ethical and legal responsibility to maintain an environment free from discrimination, harassment, sexual harassment, and sexual violence.

The policies provide:

- Mechanisms for prevention of Discrimination, Harassment and Sexual Harassment and Sexual Violence at the University and in the conduct of university business.
- Processes to investigate and address reports of Discrimination, Harassment, Sexual Harassment and Sexual Violence.

Each policy includes seven stages beginning with “Contacting a Safe Disclosure Officer,” who will advise the person regarding their options under the policy. When allegations of sexual harassment are raised, the Safe Disclosure Officer will consult the Sexual Violence Policy and the Harassment and Discrimination Policy to determine which policy best applies to the matter.

The policies are comprehensive, trauma-informed, incorporate feedback from survivors of harm, and comply with relevant legislation.

The Equity, Diversity, and Human Rights Department is responsible to administer the policies, while the Vice-President People and Culture is responsible to monitor effectiveness and recommend policy amendments.

The Board of Governors is responsible for:

- approving the policies,
- approving periodic reviews of the policies, and

- addressing allegations of violations of the policies where the Respondent is the President or a Board member.

The Fair Treatment Policy Replacement Committee endorsed the final versions of the Harassment and Discrimination Policy and the Sexual Violence Policy at a committee meeting, confident that it has fulfilled its mandate and exercised due diligence in developing policies that will significantly contribute to creating a culture of trust, safety, and inclusion in our teaching, learning, research, work and all that we do at UPEI.

### **Appendix A: Fair Treatment Policy Redevelopment Committee**

The Fair Treatment Policy Replacement Committee was comprised by way of invitation to interested parties to provide an expression of interest in November 2024. As of December 2, 2024, forty expressions were received. Selections were then made to represent all constituencies of the university community. Once the selections were made, the committee met and identified gaps that included lack of representation of two unions, who were subsequently invited to nominate representatives. These individuals were added to the committee.

A special consultation meeting was held with individuals not selected to the committee to enable them to have early input on the process and to relay their thoughts on content and on processes related to the policy. This meeting was held on February 3, 2025.

<b>Committee Member</b>	<b>Role on Committee</b>	<b>Role at UPEI</b>
Wendy Rodgers	Co-Chair	President and Vice Chancellor
Lucky Fusca	Co-Chair	Sexual and Gender Diversity Specialist
Patricia Boland	Voting Member	Lab Technician (CUPE 1870)
Ann Braithwaite	Voting Member	Faculty
Bobby Cameron	Non-Voting Member	Chief of Staff
William Clement	Voting Member	Security Services (CUPE 501)
Vanessa Corless	Voting Member	Student
Kelly Drummond	Voting Member	Associate Vice President, Human Resources
Ayodhya Foneska	Voting Member	Office of Study Abroad and International Partnerships
Kathy Gottschall-Pass	Voting Member	Faculty
Sushil Khatri	Voting Member	Student
Christian Lacroix	Voting Member	Faculty
James Reddin	Voting Member	Student Affairs

Margot Rejskind	Voting Member	Faculty Association
Travis Saunders	Voting Member	Faculty
Jonathan Spears	Voting Member	Faculty
Brian Thompson	Voting Member	Board of Governors
Geoff Tierney	Non-Voting Member	Principal, GTL Corporation
Hexi Wang	Voting Member	Graduate Student
MJ Wardle	Voting Member	Facilities Management (IBEW Members)

**Committee Meeting Dates**

- December 18, 2024
- January 16, 2025
- February 13, 2025
- February 20, 2025
- February 27, 2025
- March 3, information sharing event for UPEI community at Andrews Hall
- March 13, 2025
- March 20, 2025
- March 27, 2025
- March 31, 2025
- April 10, 2025
- April 17, 2025
- April 29, 2025
- May 15, 2025
- May 16, 2025
- August 22, 2025

**Appendix B – Policy Consultations**

**UPEI Faculty Association notified in virtual meeting with W. Rodgers on November 22, 2024**

**Community Information Sessions (including Q&A)**

- Fair Treatment Policy Redevelopment Information Sharing Session – March 3, 2025
- Fair Treatment Policy Redevelopment Information Sharing Session – April 3, 2025
- Fair Treatment Policy Redevelopment Information Sharing Session – April 7, 2025

**Campus Feedback Requests (Form)**

- Online Feedback form – January 21, 2025

- Requesting feedback regarding experiences with the current suite of policies and/or comments or suggestions to bring forward for the Committee's attention.
- Twenty-nine responses were received from faculty, staff, students, alumni, and others
- Online Feedback form – April 22, 2025
  - Requesting feedback on the draft Harassment and Discrimination Policy.
  - Twenty-two responses were received

### **Targeted Consultations**

- External legal review with expertise in trauma and EDI
  - Counsel was selected and agreed to by the FTP Replacement Committee
  - Nijhawan, McMillan, & Conlon, of Halifax was contracted
  - First review received on April 28, 2025
  - Second review of revised policies received on July 3, 2025 (Harassment and Discrimination Policy) and July 9, 2025 (Sexual Violence Policy)
- UPEI Sexual Violence Prevention and Response Office
  - April 28, 2025, letter – member of office
  - April 28, 2025, letter – another member of office
- Joint Occupational Health and Safety Committee
  - May 19 version – feedback dated June 2, 2025
- Director of EDI and Human Rights Department
  - April 28, 2025
- Fair Treatment Advocate – HR Atlantic
  - April 28, 2025
- EDI and Human Rights Department
  - Summary from Special Advisor and full department on August 19, 2025
- Survivors of Harm
  - Summary document provided by Brian Thompson on January 16, 2025
  - Confidential summary provided by Shannon MacDonald, who worked with survivors, to Wendy Rodgers and Brian Thompson
  - Wendy Rodgers met with survivors virtually May 9, 2025
  - Wendy Rodgers received confidential follow-up email May 11, 2025
- Student Union
  - Feedback from Student Union members collected in person by Dr. Jane Ngobia, August 5, 2025
  - Follow-up notes received from SU on August 5, 2025
- The unions were all invited to elect a representative to serve on the committee
- All unions selected a representative to participate on the committee
- The UPEI Faculty Association has a unique relationship with the policy in that the existing Fair Treatment Policy is included in their collective agreement and cannot be amended without express written consent. We have been aware of that need through the entire development process for the new policies. We had originally intended to have the new policies approved and then work with the Faculty Association to have them replace the existing Fair Treatment Policy. The Faculty Association proactively pointed out this obligation in advance of the governance approval process. We responded inviting them to agree to accept the new policies at the time of approval. The Faculty Association sent the policies for further review. The committee was then re-engaged for the second phase with Brian Thompson as Chair, and Kelly MacMillan as mediator and legal counsel.