

TERMS OF REFERENCE

On December 6, 2021, a disclosure was made involving allegations of workplace misconduct against the University of Prince Edward Island's (the "**University**") then President & Vice-Chancellor, Dr. Alaa S. Abd-El-Aziz. Dr. Abd-El-Aziz was informed of these allegations and resigned from the University on December 7, 2021.

The disclosure of allegations followed media coverage about the use of non-disclosure agreements ("**NDAs**") at the University, and working conditions in the context of discrimination, harassment, and fair treatment.

On December 8, 2021, the University's Board of Governors (the "**Board**") announced that it would conduct an independent third-party review of practices and processes at the University with respect to harassment, discrimination, and fair treatment, as well as the allegations against the former President (the "**Review**"). The University has retained Rubin Thomlinson LLP (the "**Reviewer**") to conduct the Review.

This document outlines the Terms of Reference for the Review. The Terms of Reference have been reviewed and commented on by representative leadership of constituency groups within our community, including students, faculty, staff, alumni and the Board, and by the Reviewer to ensure the Terms of Reference will best ensure the effectiveness of the Review in achieving its purposes. That said, the Terms of Reference are subject to change during the process to address other incidents, should other incidents become known during the Review, and to address any other changes necessary.

Terms of Reference

The University is committed to providing students outstanding programs and experiential learning opportunities in an environment that fosters inclusion, equity and fair treatment and is also committed to maintaining a healthy workplace. Accordingly, the Review will:

1. Conduct a systemic review of the University's workplace policies, procedures and practices concerning harassment, discrimination, and fair treatment, and the processes relating to making disclosures and complaints regarding same;
2. Conduct a survey of current and former students, faculty and staff ("**Members**") to determine their views as to whether the University has created a safe, respectful and positive environment for Members;
3. Solicit information and input from Members, through the use of the confidential email address upei@rubinthomlinson.com, who have complaints, concerns or experiences they wish to share regarding harassment, discrimination, or fair treatment that they may have experienced at the University;
4. If Members have a specific complaint that they wish to have investigated, the Reviewer will investigate that complaint as appropriate and in accordance with applicable University policies, legislation and/or best practice;

5. Given that on November 16, 2021, the Prince Edward Island legislature unanimously passed Bill 118, the *Non-Disclosure Agreements Act*, the Review will examine the use of NDAs by the University to determine the rationale behind their use;
6. Based on determinations under #1, #2, #3, #4 and #5 make recommendations to the University as to how it should ensure a safe, respectful and positive environment for all those in the University community;

In making recommendations, the Review shall consider:

7. Whether the mandate and activities of the Fair Treatment Advisory Committee and the Fair Treatment Advocate, are able to effectively deal with complaints under the Fair Treatment Policy;
8. Whether the mandate and activities of the Sexual Violence Prevention and Response Office are able to effectively deal with complaints under the Sexual Violence Policy;
9. Suggesting amendments to the Fair Treatment Policy and Sexual Violence Policy;
10. If desired by individual complainants, whether the University can and should take steps to have individual complainants released from their obligations under NDAs entered in respect of allegations of harassment or discrimination;
11. Any other matter or consideration determined by the Review to be of relevance to making recommendations under #6;

In addition, the Review will make findings and recommendations, as applicable, to the University:

12. On the steps the University must or should take to ensure that it provides a safe environment for all members of its community in accordance with the commitments it has made in Fair Treatment and Sexual Violence Policies; and
13. On any other matter arising from the Review on which the Reviewer decides to make findings, recommendations or findings and recommendations.

The review will be conducted:

1. In accordance with survivor/victim centered principles and values;
2. With a view to anonymizing individual information to the greatest extent possible;
3. With fairness; and
4. On a confidential basis, to the extent permitted or required by applicable law.

A final report will be submitted to the Executive Committee of the Board. A high-level summary of the findings and recommendations of the Review, with appropriate redactions in accordance with applicable law to protect individual privacy, will be released to the community. In preparing the report, the Reviewer should assume that part or all of the report will become public.

If you believe that you may be prevented from participating the Review because you have previously signed a NDA or confidentiality agreement with the University, please contact Erin Porter at eporter@fasken.com. The University is committed to trying to ensure that all those who are interested in participating in the Review will have an opportunity to do so.