

MEMORANDUM OF SETTLEMENT

Between

University of Prince Edward Island Board of Governors

("the Employer")

- and -

University of Prince Edward Island Faculty Association

("the Association")

WHEREAS the Association filed a grievance on February 5, 2021 alleging that the Employer breached the Collective Agreement in the conduct of Student Evaluations of Teaching (SOTS) since the onset of the COVID-19 pandemic (FA-21-02-A);

AND WHEREAS the Grievance was referred to arbitration and proceeded by mediation/arbitration on March 14, 2022 before an Arbitration Board comprised of Bruce Outhouse, Q.C., Kerri Carpenter, and Neil Tudiver;

AND WHEREAS the Parties have agreed to resolve the Grievance on the following terms and conditions;

NOW THEREFORE the Parties agree as follows:

1. For SOTS completed for the Spring 2020, Summer 2020, Fall 2020, and Winter 2021 terms, all course instructors shall have the discretion to include or not include the SOTS results in any matters related to review, hiring, tenure, and promotion. For Sessional Instructors, this includes the option to remove the SOTS results from their employee file so they cannot be accessed in employment decisions.
2. A course instructor's decision not to include SOTS results from those terms in a review, hiring, tenure, or promotion process shall not be considered in the decision resulting from the process.
3. The Administration will ensure that all persons participating in review, hiring, tenure, and promotion processes are made aware of the above terms of this Memorandum of Settlement.
4. When SOTS are conducted online in the Winter 2022 term and any term thereafter, SOTS will be hidden from students and will not be visible or accessible to students until the course instructor decides.

5. The terms and conditions of this settlement agreement are without prejudice to any other matters between the Employer and the Association.

DATED this 30th day of March, 2022.

B. Bottschall - Pass
UPEI

[Signature]
Witness

[Signature]
Michael Arfken
UPEIFA

Witness