



Dr. Greg Keefe, Interim President
University of Prince Edward Island

August 10, 2023

Dear Dr. Keefe,

On July 14, in the context of discussing the creation of an action plan advisory group to guide the University's response to the Rubin Thomlinson Report, we asked you whether UPEI Administration would be providing this advisory group with an unredacted copy of the Rubin Thomlinson report in order to facilitate its vital work. You indicated that because provincial privacy legislation prevents the release of certain information, UPEI would not be in a position to provide the advisory group with an unredacted copy of the report.

In this meeting, you also clarified that the University's legal counsel had made these redactions based exclusively on the parameters outlined in the *PEI Freedom of Information and Protection of Privacy (FOIPP) Act*.

In the wake of the Rubin Thomlinson report, the UPEI Board of Governors and Administration have repeatedly and publicly committed to greater accountability and transparency. In our view, having an independent third-party review UPEI's redactions of the Rubin Thomlinson report would be an important first step in that direction, and would clearly demonstrate UPEI's good faith in this matter.

In our meeting, you suggested that we should bring our concerns over the redactions to the provincial privacy commissioner for a formal review. As you are no doubt aware from recent media reports, it often takes several years to receive a formal ruling from the provincial privacy commissioner:

<https://www.cbc.ca/news/canada/prince-edward-island/pei-analysis-access-information-reviews-1.6731017>

<https://www.cbc.ca/news/canada/prince-edward-island/pei-freedom-of-information-privacy-commissioner-1.6052317>

<https://www.cbc.ca/news/canada/prince-edward-island/pei-privacy-commissioner-busy-1.6244832>

Given the campus community's legitimate lack of trust in the Board and Administration, the Administration's ambitious timeline for developing an action plan, and the provincial privacy commissioner's backlog of cases, we are proposing the appointment of an independent arbitrator to produce a copy of the report with redactions that are based exclusively on the parameters outlined in the *PEI Freedom of Information and Protection of Privacy (FOIPP) Act*. The list of arbitrators in the UPEI/UPEIFA Collective Agreement (F2.13) could serve as a reasonable basis for selecting an arbitrator.

The cost of this would be divided 50/50 by the UPEI Board of Governors and the UPEI campus unions.

In our view, our proposal would represent an important first step in restoring the trust that is so vital for the future of our institution.

We look forward to your response.

Sincerely,

Dr. Michael Arfken, President
UPEI Faculty Association

Ashley Clark, Acting President
CUPE 1870

Crystal Squires, Shop Steward
CUPE 501

cc. Ms. Shannon MacDonald, Chair UPEI Board of Governors
Mr. Simon Lloyd, Vice President UPEIFA