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2010-2011 Officers & Staff

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To: All Members of the Faculty Association
Date: June 7, 2010
Subject: Remedies Decided In Discrimination Cases

Following its February 18, 2010 decision that the University's Mandatory Retirement Policy is discriminatory, the Human Rights Commission issued its follow-up Decision and Order regarding remedies on June 4, 2010. Most importantly, the University has been ordered to "Cease the contravention complained of, namely, mandatory retirement" and to "Refrain in the future from committing the same or similar contravention, namely, mandatory retirement".

Remedies for the faculty complainants include reinstatement to their positions and compensation for lost income. Moving forward, the Association will work to ensure that the collective agreement rights of those being reinstated, of the departments involved, and of other members in those departments are all respected.

Of significant note is that the Commission ordered the University to pay the Association approximately \$52,000 for its legal expenses incurred in defense of this important principle of human rights.

In his memo to campus this morning, the Vice-President Finance and Facilities confirms that the University intends to comply with this Order. Nevertheless, the Association has ensured that the Commission's Order will be filed with the PEI Supreme Court to hold the Administration to this commitment.

In this same memo, the Vice-President Finance and Facilities seems to suggest that the Administration is now focused on two issues: 1) its financial challenge and 2) its perceived need for more robust performance review.

While the University must now pay a considerable sum of money to the complainants, it must be noted that the responsibility for this lies entirely with the Administration. The Human Rights Commission did determine that the University's mandatory retirement policy contravened the Human Rights Act. It is only appropriate that the University now compensate these individuals for this discrimination.

While the Administration argues financial woes, its argument lacks credibility given that it continues to spend significant University resources in an attempt to circumvent this basic human right. The Vice-President's memo confirms that the Administration continues to seek a Supreme Court judicial review of the Commission's decisions.

It is unfortunate, though, that the Vice-President's memo also seems to threaten the entire University community in response to the Commission's Decision and Order. Specifically, the Vice-President indicated that restrictions on hiring and on discretionary expenditures are anticipated and that the system of performance review must be addressed. This is especially concerning given that we are now in negotiations.