



IN THE MATTER OF AN ARBITRATION

BETWEEN:

LAURENTIAN UNIVERSITY

("the University")

AND:

LAURENTIAN UNIVERSITY FACULTY ASSOCIATION

("the Union")

IN THE MATTER OF:

Dr. MICHAEL PERSINGER

SOLE ARBITRATOR:

Kevin M. Burkett

FOR THE UNIVERSITY:

Kathryn J. Bird - Counsel

FOR THE ASSOCIATION:

David Wright - Counsel
Peter Barnacle - Co-Counsel

Hearing in this matter was held in Sudbury, Ontario on October 30, 2019

CONSENT AWARD

These grievances concern the academic freedom of Dr. Persinger. This award disposes of both the merits of the claim and the remedy.

1. It was improper and contrary to the Collective Agreement for the University to have removed Dr. Persinger from teaching PSYC 1105 EL in December 2015 and to have issued the related email dated December 5, 2015 to students in that course and in doing so to have failed to consider Dr. Persinger's academic freedom.
2. In future, prior to the removal of a professor from a classroom, the parties will engage in a consultative process which shall include full consideration of Collective Agreement principles including academic freedom, health and safety of the University Community, the rights, responsibilities and duties of academics, and the right to a full and proper investigation.
3. The University will develop a scholarship to be awarded yearly over a ten year period commencing in 2020/2021, in Dr. Persinger's name that will be awarded to a student enrolled in neurosciences as long as that program remains in operation, or otherwise in psychology, in the amount of \$500.00 per year (full terms of reference to be determined).
4. All documents pertaining to the Milne investigation are to be removed from any University file, with exception of the arbitration file held by the Office of the

University Secretary and General Counsel, pertaining to Dr. Persinger, by the end of November 2019 with confirmation to be sent to LUFA.

5. All copies of the Milne report, except one copy to be stored in the EDHR office, are to be destroyed by the end of November 2019 with confirmation to be sent to LUFA. The copy retained in the EDHR office shall be destroyed in accordance with the EDHRO's normal retention schedule.
6. Other than publicizing the general complaints processes pursuant to the University's policies and procedures, the University agrees that it will not publicly invite complaints against faculty members, and will never again utilize a stand alone telephone number for complaints.
7. Arbitrator Kevin Burkett shall be seized with respect to any dispute as to the interpretation of implementation of the terms of these minutes of settlement and any such disputes shall be resolved as expeditiously as possible, including conference call as appropriate.

Dated this 6th day of November, 2019 in the City of Toronto.

Kevin Burkett

KEVIN BURKETT