

This is what targeting a dissident tenured professor looks like in Canada

Harm suffered by Denis Rancourt at the University of Ottawa

*Statement prepared by Denis G. Rancourt
June 2011*

This is a partial chronological list of particulars regarding some main items of harm inflicted by the University of Ottawa against former full and tenured physics professor Denis Rancourt, 2005 to present. See the April 2009 "Statement by Denis Rancourt Regarding His Dismissal by the University of Ottawa" as introductory background. See background and supporting documents at rancourt.academicfreedom.ca.

Dean bursts into classroom, forced to apologize

In September 2005 the dean of the Faculty of Science barged into tenured professor Denis Rancourt's Physics and the Environment class unannounced to the students and declared that the class was cancelled and that professor Rancourt would be removed if needed before the course could be continued. This had a lasting negative impact on the course and caused damage to the professor's reputation and relationship to the class. The resulting grievance was settled by the union with a written apology from the university dated November 7, 2007. The university followed the dean's in-class outburst with a letter of discipline against Rancourt for allegedly subverting the content of the course. The latter discipline and false claim of subversion were overturned by a labour arbitration award (Michel G. Picher arbitrator; June 25, 2008).

Fabricated existence of a student complaint

In a letter dated October 25, 2005, the dean of the Faculty of Science threatened professor Rancourt with discipline regarding an alleged student complaint that the dean did not provide to professor Rancourt. When Rancourt grieved the matter and repeatedly asked to be shown the alleged student complaint by any mechanism (such as via a lawyer or accepted third party) to preserve the student's identity, a student complaint about the alleged matter was never produced. Instead, the grievance process led to the dean retracting in writing (November 22, 2005) all his letters and allegations of a student complaint in view of discipline. The University never apologized for or repaired the harm from the dean's demonstrably false claim and intimidation. (A further grievance that the dean had lied was not assumed by the professor's union.)

Ad hoc barriers against professor booking classrooms

Starting in 2006 and every semester until the 2009 wrongful dismissal of Denis Rancourt, the dean of the Faculty of Science, the chairman of the Department of Physics, the VP-Governance and the President interfered in numerous and coordinated ways to frustrate

and block my various bookings of classrooms for extra help sessions, workshop time related to scheduled courses, and a weekly documentary film and discussion series (Cinema Politica). Unprecedented administrative barriers were applied and ultimately the weekly film and discussion series was outright barred using the false pretext that I was an outside group and that these activities were not part of my professional service to the community, despite a dean's earlier (2006) written confirmation to the opposite. The same series was then allowed to be scheduled by a colleague who agreed to act as the guarantor of the classroom for Cinema Politica renamed Cinema Academica.

Illegitimate directives on grading methods

In December 2005 the dean of the Faculty of Science in writing arbitrarily forbade professor Rancourt from using the satisfactory/not-satisfactory (S/NS) grading method, claiming that this was not allowed. The dean went on to send a memo to all faculty staff reaffirming his claim that professors did not have the discretion to use the S/NS grading method. A labour arbitration award (Michel G. Picher arbitrator; June 25, 2008) established that my use of the S/NS grading method was protected under the purview of my academic freedom. In addition, a union association grievance caused the university to declare the dean's December 2005 memo to all staff retracted and without standing (February 2009 settlement). The University never apologized for or repaired its violation of my academic freedom regarding these grading directives.

Overtured discipline for "subverting" course

Following the successful completion of professor Rancourt's fall-2005 *Physics and the Environment* course and despite a signed September 2005 agreement with the university that it would allow the course to precede in the manner planned by professor Rancourt and the students, the dean of the Faculty of Science nonetheless disciplined me for having attempted to "subvert" the purpose of the course. The discipline was grieved and the grievance went to labour law arbitration. In a precedent-setting award (Michel G. Picher arbitrator; June 25, 2008), the arbitrator found that "... the major change being with respect to the pedagogical innovation of independent group studies, the involvement of the students themselves in identifying areas of interest and the introduction of the satisfactory/not-satisfactory grading system. The Arbitrator is satisfied that those pedagogical initiatives were legitimately within the purview of the academic freedom enjoyed by Professor Rancourt ...". A law journal review of the arbitration was entitled "Teaching Science Through Social Activism is Protected by Academic Freedom, Arbitrator Rules" (College and University Employment Law E-Bulletin, February 2009, Issue No. 23).

Failed attempt to discipline for "anti-Semitism", hyperbolic claim

In November 2005 the dean of the Faculty of Science in several letters falsely and boldly claimed anti-Semitism based solely on a campus Jewish student association's (Jewish Student Association, JSA) complaint about a guest speaker, himself a professor, in one of Rancourt's classes. The accusation was that the guest professor had shown a map of the Middle East from a web site (having articles critical of Israel) that the JSA considered anti-Semitic. Despite the obvious concocted nature of the JSA claim aimed at attacking the guest professor, the dean went after Rancourt. Following a grievance, the university

in a September 2009 settlement agreement retracted and declared void all of its letters of allegations in the matter.

Failed attempt to discipline for critical comments

Also in November 2005 the dean of the Faculty of Science in several letters pursued Rancourt under the threat of discipline to retract critical statements Rancourt had broadcast about the lack of fundamental understanding of physics concepts by teachers and teacher assistants at the University of Ottawa -- as part of Rancourt's broad explanation of his pedagogical methods in a course which the dean was attacking (*Physics and the Environment*, fall-2005). Following a grievance, the university in a September 2009 settlement agreement retracted and declared void all of its letters of allegations in the matter.

Condoned campaign of defamation and intimidation

In the two-year period 2006-2007 the dean of the Faculty of Science and the university administration condoned repeated and sustained unethical, defamatory and libellous attacks (approximately 100 incidents) against professor Rancourt by Chairman of Chemistry Alain St-Amant. These attacks included several derogatory broadcasts about Rancourt's courses and an unsubstantiated claim in the media that one course was replete with anti-Semitic content. St-Amant also publicly insulted and belittled students who were openly supportive of Rancourt's courses. Following many student complaints against St-Amant, a grievance, and several letters to the administration, St-Amant was ordered to stop only in late 2007 and this was confirmed by a letter from the dean to Rancourt dated November 6, 2007. Professor St-Amant was never made to correct his many false broadcasts or to apologize to students and Rancourt. No reparations were ever made.

Covert information gathering campaign, 2006-2008

In the period 2006-2008 the university organized and operated a broad campaign of covert information gathering against professor Rancourt and several students. It hired a student journalist for this purpose. The student took on a false Facebook identity to integrate student groups and also reported on live student political campaign meetings and governance meetings directly to the dean of the Faculty of Science and the university Legal Counsel. The covert campaign included gathering voice recordings, obtained under false pretexts, of professor Rancourt's talks on other campuses, as far as British Columbia. Weekly reports were provided by the student reporter, as shown in access to information documents. The matter is extensively documented thanks to access to information (ATI) results. The teacher assistant union grieved the covert campaign and struck a pre-arbitration settlement. The university has to date continued to illegally refused to proceed with professor Rancourt's grievance about its covert campaign.

Abuse of process to intimidate and suppress

In 2007 the dean of the Faculty of Science improperly used his right to call informal information meetings with an employee as a device to make several aggressive face to face interrogations with the purpose of applying discipline in relation to ridiculous charges including: (1) making me responsible for a statement in a third party press

release, (2) that there had been improper course content in my fall 2006 Science in Society course (in the absence of any investigation), and (3) that I had hired an unqualified non-student to do specialized scientific research about environmental nanoparticles. Charge (3) was dropped without an apology and never resurfaced after the dean's intimidation sessions. Charge (1) led to a disciplinary reprimand that would make a professor responsible for what others, in a press release, say he said and that is demonstrably false. The latter discipline is grieved by the union and awaits arbitration. Charge (2) led to a disciplinary reprimand (without due investigation) in which the choice of invited speakers in the course was argued to be inappropriate. The latter discipline is grieved by the union and awaits arbitration.

Abusive letter alleging mental wellbeing concern

In September 2007 the dean of the Faculty of Science sent me a disturbing letter expressing without explanation that "The University of Ottawa has developed some concerns regarding your physical and mental wellbeing." An access to information request and appeal documented that the dean first alleged to the IPC (Information and Privacy Commissioner) that he had acted alone in this matter based only on informal conversations with an undisclosed number of unidentified colleagues and that there were no respondent records; whereas on appeal to the IPC a large number of respondent records established that the disturbing letter had arisen from a broad covert process with several university executives and staff.

Violation of academic freedom, research project denied

In 2007 I was barred from offering a research project course about "politics and ethics in the physics profession", in violation of established practice for research project courses and in violation of academic freedom. The course was not allowed on the schedule and students were barred from registration.

A plan develops to focus on grades as a pretext for dismissal

In November 2007 the dean of the Faculty of Science imposed a disciplinary reprimand for high student grades in a winter-2006 introductory physics course, without any investigation and based solely on the university-approved grades being higher than in previous years. This late and fabricated charge, following university (department and faculty) approval of the high grades, is now used as supporting discipline for the 2008 grades pretext used in my dismissal (see below).

Failed attempt to silence by lawsuit intimidations

In 2007 my "U of O Watch" blog was attacked using several threats of libel lawsuits against me, two students and a student newspaper. The threats of lawsuits came from the University of Ottawa VP-Resources Victor Simon using the BLG law firm directed in Ottawa by Marc Jolicoeur who, at the time, was President of the university's Board of Governors (BOG). The university and Mr. Simon objected to documented blog posts showing that Mr. Simon had altered a document and fraudulently used the altered document and that the President argued that this was acceptable because Mr. Simon "was trying to make a point".

Unjustified barring from all large first-year-level courses

In 2007 I was barred from all the first-year (introductory-level) science and physics courses that I had developed and always given, including the unique courses *Science in Society* and *Physics and the Environment*. I was barred from all large classes and assigned only small advanced physics courses. This was done without explanation and caused much added re-scheduling efforts for other professors. The *Science in Society* course was the result of significant student effort to have it approved and it was only ever offered once (fall-2006).

Illegitimate use of copyright law to violate academic freedom

In 2007 I received a disciplinary reprimand and in 2008 I was disciplined by unpaid suspension for using images from the university's web site on my "U of O Watch" blog which is critical of the university. An administrative directive allows images from the university web site to be used by professors "solely for the positive promotion of activities related to the University". The administrative directive is a violation of academic freedom and is thereby void. All the images and many more remain on my blog and have not led to further attempts of discipline or legal challenges despite the university's initial charge from Legal Counsel that it "may take whatever action it deems necessary to protect its intellectual property rights."

> June 2008 is the start of Allan Rock's first mandate as president of the university.

Summarily removed from all teaching

In 2008 I was barred from all teaching using the pretext of an on-going "investigation" into the student grades to the 23 students in one course of the winter-2008 semester. Despite being a tenured professor, I was never allowed to teach any courses after the winter-2008 semester. I was not allowed to practice my profession until the university's fast-track dismissal of me in 2009.

Bogus attempt to remove graduate supervision credentials

In 2008 I was subjected to an orchestrated campaign to remove my membership in the school of graduate studies, using criteria (bogus administrative technicalities) other than the only accepted criteria (of research supervision and research expertise) for membership in the school. Irregularities in the planned fast-track removal of my credentials caused the campaign to be delayed and it could not be completed before the 2009 dismissal. My eight graduate students and post-doctoral fellow rejected the campaign and affirmed my qualities as a supervisor and researcher.

Violation of academic freedom in undergraduate research project supervision

In 2008 I was barred from supervising or co-supervising a research project course about "the influence of advances in human thought (all disciplines) in the development of physical theories" because it was ruled – based only on a title and short promotional description to prospective physics students – to not be a "physics" research project. A registered physics student keen to pursue this course was improperly deregistered by the university to prevent the course from being offered by any professor.

Violation of academic freedom in supervising planetary warming physics research

In October 2008, while I was a tenured and full professor and a leading scientific researcher in several areas of science including environmental science, the dean of the Faculty of Science covertly intervened at high levels within the university to bar me from supervising research in my chosen research area of the physics of planetary warming processes. As a result, a prospective scholarship physics graduate student was barred from applying to my research group. This was only discovered after the University was ordered (IPC Order PO-2909-I) on appeal to release a key access to information record.

Illegitimate sudden lock out of all researchers from the laboratory

In November 2008 all my research graduate students and post-doctoral fellow (eight persons supervised by me) were ejected and locked out of my laboratory of 22 years for which I was legally responsible, without any forewarning or explanation. Only a four-hour physical standoff with my foot in the door and surrounded by Ottawa Police, campus police and a union representative produced a union-negotiated agreement that the university would explain itself at a mediation meeting the following week. The university provided a bogus excuse based on a “radiation security policy” that was being developed and agreed to re-open the laboratory. On re-entering the laboratory it was found that essential research materials (radioactive sources) for which I was legally responsible had been removed, again without notice or explanation, thereby blocking all scientific experiments.

Unannounced summary dismissal of research associate of 12-years

In November 2008 my post-doctoral fellow (research associate) of more than 12 years was summarily fired and locked out of her office and my laboratory without notice or explanation. She sued the university and (by settlement) this produced her legal fees, a cash reparation, and a letter of apology/explanation.

Arbitrarily barred from campus under threat of police arrest

In December 2008, while I was a full and tenured professor with outstanding 22-year research and teaching record, having developed several of the most novel and popular graduate and undergraduate courses in the Faculty of Science and having obtained some of the largest research funding awards in the Faculty of Science, I was summarily barred from all campus grounds and facilities under the threat of police arrest and accompanied off campus by campus police, with the pretext given that it had been recommended to the Board of Governors that I be fired for attributing high grades in one course from the winter-2008 semester.

Coercion and blackmail for graduate students to change supervisors

The latter barring from campus was accompanied by a university campaign to coerce the resisting graduate students to immediately abandon me as their research supervisor and accept alternative supervisors, under the pretext that I had been suspended from my supervisory role and all administrative duties. Several students filed lawsuits (later

abandoned for reasons of cost) and unresolved/on-going internal complaints about the heavy handed intimidation (such as threats of loss of scholarship) to abandon their supervisor.

Illegal barring from allowed venues using Ottawa Police force

The December 2008 barring from campus was explicitly extended to bar me from my weekly campus radio show (since 2005) at the studio legally occupied by the CHUO 89.1 FM corporation and explicitly extended to bar me from the weekly public documentary film and discussion series that I hosted continuously for many years (2005-2009), in an auditorium where the legal occupier was a colleague who had duly reserved the space. In January 2009, while I was still a full and tenured professor, the university had me arrested, handcuffed and removed by Ottawa Police for attending the film and discussion series, improperly using the charge of “trespass”. The charge was abandoned at trial on the second hearing date before the judge.

Violation of natural rights to a fair process

In January-March 2009, during the required process following the December 2008 recommendation for dismissal, several violations of process and natural justice were perpetrated by the university, including: (1) demanding student examination copies as alleged key evidence followed by refusal to consider this evidence when provided under duress, and (2) refusal to admit and consider duly submitted written submissions to the Board of Governors for making its final dismissal decision. These process violations compounded the fact that, using its ad hoc pretext of fraudulent grading, the university systematically refused to duly investigate or consider the pedagogical context of my grading method; my teaching was never investigated by a committee of my peers or by any of the process steps foreseen in the procedural rules for tenured professors.

Public defamation, interference and bias

During the January-March 2009 period, in an atmosphere of intense local, national, and international media attention in the dismissal process, the university ignored its often stated position that it cannot bias or harm on-going legal processes by making public comments, and released two press communications (still present on its web site; one was modified after first release) that attacked my professional reputation. In addition, high-ranking executives of the university (including the President) have made various inappropriate written statements siding with the university position and commenting on the process.

Following Rancourt’s applications for unfair labour practices to the Ontario Labour Relations Board (OLRB), a binding labour law arbitration trial was initiated in 2011 over the dismissal case. Hearing dates are scheduled into 2012.