

From: "Nathalie Des Rosiers" <ndesrosiers@ccla.org>
To: Jeff Schmidt
Date: Tue, 20 Apr 2010 08:09:21 -0400
Subject: RE: CCLA matter

Dear Mr. Schmidt,

Thank you for your email. Allow me to provide some clarifications :

1. I was Dean of Law (Civil Law Section) starting in 2004. In the summer of 2008, I was approached by CCLA and accepted to become General Counsel on a pro bono basis (without pay) during my year of administrative leave from the University starting July 1st 2009. My research interests are in constitutional law (including many civil liberties issues), women's issues and law reform. My intentions were and are to take an unpaid leave of absence from the University as of July 1st, 2010 to complete some CCLA work, however I will continue to teach constitutional law on a part-time basis.

2. In October 2008, the President of the University of Ottawa asked me to take the "Secretary" position for the University on an interim basis while a search was being conducted for a replacement. I did so, and ceased being the Dean of Law on December 1, 2008 and assumed the position of first Secretary and then VP-Governance on an interim basis until July 1st 2009, when I went on leave and became General Counsel to CCLA.

3. I had no direct role in the Dean of Science's decision to recommend his dismissal Prof. Rancour, except to witness that indeed the Dean did give him the said dismissal letter on December 10, 2008. Pursuant to the U of O collective agreement, the recommendation for disciplinary action is initially the Dean's and is then forwarded to the Executive of the Board of Governor. The Secretary- VP Governance does not have a vote at the Executive of the Board of Governor but acts as its "Secretary", he or she is present at the meeting, takes the minutes, etc. The decision is subject to a grievance process, which I think, is underway presently. Both sides will be heard through this process which hopefully will resolve the contentious issues.

4. As VP governance, I had the job of requesting compliance with University's decisions, including the suspension from campus, and did so.

5. I certainly was not part of nor did I have knowledge of any attempt by the University to conduct covert surveillance of Mr. Rancourt's activities. Indeed, the debate between the parties was and continues to be very public, Prof. Rancourt having put on line all the elements of the dispute. My understanding is that on the one hand, Professor Rancourt claims that he was entitled to announce and decide to give the same A or A+ mark to all his students as part of his academic freedom while the University would argue, in part, that academic freedom has a collective aspect, which allows departments and faculties to establish some rules regarding curriculum and marking schemes. In addition, the decision to give the same top mark to all students may detrimentally affect other students who are not in the class but compete for graduate school entrance and

scholarships. In any event, the issue will hopefully be resolved through the grievance process.

6. When Mr. Rancourt approached the CCLA Board, the case was referred to our most senior lawyer to investigate and report directly to the Board without my involvement.

Although Prof. Rancourt has suggested that I should resign, I do not intend to do so at this stage. I think that I do bring skills to the CCLA in light of my prior work in law practice, legal academia and law reform.

I hope that this clarifies certain issues. Thank you again for your interest in CCLA.

Nathalie Des Rosiers

From: Jeff Schmidt
Sent: April-19-10 11:20 AM
To: Nathalie.DesRosiers@uOttawa.ca; ndesrosiers@ccla.org
Subject: CCLA matter

Civil liberties organization director helped to silence university professor

To: Nathalie Des Rosiers

Dear Nathalie,

Your name appears on a highly unusual letter from the Canadian Civil Liberties Association justifying the University of Ottawa's firing of a dissident physics professor.[1] It seems odd that a civil liberties organization would take that position -- and do so without conducting any investigation -- until one learns that the organization's director is working for the university (at \$182,500.08 per year, 2009 salary) and played a direct role in the firing as the university's vice president for governance.[2][3]

As a physicist and educator, I followed professor Denis Rancourt's innovative teaching with great interest. He pioneered new ways of addressing the well-known problem that students commonly emerge from physics courses without grasping the concepts, no matter what grades they received. One of Rancourt's courses was so popular that it had to be held in the largest auditorium on campus. But his promotion of student activism and his outspoken criticism of undemocratic university practices drew the ire of administrators, who subjected him to an escalating series of repressive measures, such as taking away his large classes, and ultimately fired him.[4][5][6]

The university's pretext for firing Rancourt was that he gave all high grades in a small class for advanced physics students, and that the students didn't deserve those grades,

something that Rancourt disputes. At every major university, there are professors who routinely give all high grades in such classes and are never even questioned about it, but Rancourt was fired for doing it one time in a 23-year teaching career. Freedom-of-expression advocates across North America see the grading issue as a pretext for getting rid of a dissident professor. Every independent party that has studied the case -- except for your organization -- has found the grading to be a false pretext.[6] Your organization, however, all-too-conveniently chose to accept the university's position as fact. Thus, CCLA refused to investigate Rancourt's firing and the role of CCLA director Nathalie Des Rosiers, because, in the words of CCLA board of directors chair John McCamus, "a university disciplining a professor for giving A+ grades to all of his students regardless of the merits of their work is not a matter that necessarily raises either academic freedom or civil liberties issues." [1]

I don't think that I will be the only one to see CCLA's position, as expressed in the letter on which your name appears, to be a poorly disguised excuse to avoid investigating the role of CCLA director Des Rosiers in the firing of Rancourt. I have seen an exchange of correspondence between Des Rosiers and Rancourt related to his firing that establishes that CCLA director Des Rosiers played a direct role, including in banning Rancourt from campus, from his campus radio show, from his cinema discussion series, and from working with his research graduate students. I have also seen documents and media reports that show CCLA director Des Rosiers, as the university's vice-president for governance last year, refusing to investigate a broad, three-year-long university campaign of covert surveillance targeting Rancourt, which the university revealed on 29 September 2009 in response to a Freedom of Information and Protection of Privacy Act request.[3][7]

Simply put, the Canadian Civil Liberties Association is willing to stab a dissident in the back to protect its director. I am going to publicize that unethical behavior, along with the names of any CCLA supporters who decline the opportunity to distance themselves from it. You may distance yourself from it simply by publicly asking your organization to replace its convenient summary judgment with due process, such as an independent investigation in which Des Rosiers recuses herself.

For me to believe that you take this matter seriously, I would need to hear from you, Nathalie, directly, not through an intermediary. Please, within two weeks, at least indicate if you will be responding. Your considered response can be posted on the various websites where I will be reporting this story.

Best wishes,

Jeff Schmidt

Author of Disciplined Minds

cc: American Civil Liberties Union

References

1. Letter from Canadian Civil Liberties Association to Denis Rancourt, 25 February 2010:
<http://rancourt.academicfreedom.ca/Data/Documents/ccla/2010-02-25=CCLA-Letter-from-J-McCamus.pdf>
2. Request from Denis Rancourt to all CCLA members, 11 November 2009:
<http://uofowatch.blogspot.com/2009/11/call-for-resignation-of-nathalie-des.html>
3. Media report about Nathalie Des Rosiers posted by Canadians for Accountability, 27 February 2010:
<http://canadians4accountability.org/blog/2010/02/27/cover-ups-101-at-university-of-ottawa/>
4. Letter of protest from members of College and University Workers United, 28 February 2010:
<http://yahyaottawa.blogspot.com/2010/03/open-letter-to-allan-rock-president-of.html>
5. Statement by Denis Rancourt about his dismissal (viewed more than 10,000 times on this web site alone):
<http://rancourt.academicfreedom.ca/component/content/article/25.html>
6. Academic Freedom website about Denis Rancourt's case:
<http://rancourt.academicfreedom.ca/>
7. Denis Rancourt's reports, and media links, about the University of Ottawa's 2006-2008 covert surveillance campaign:
<http://rancourt.academicfreedom.ca/background/reportoncovertsurveillance.html>