

The present file contains two items:

- (1) The Fulcrum Publishing Society Ombudsman's report of February 23, 2010, about a complaint from former University of Ottawa professor Denis Rancourt.
 - (2) An exchange of emails in which Fulcrum business manager Frank Appleyard responds to the FPS Ombudsman's report of February 23, 2010.
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FPS Ombudsperson Preliminary Report -2232010

February 23, 2010

**Mahdi Darius Nazemroaya
Fulcrum Publishing Society Ombudsman**

BACKGROUND AND GROWING CONCERNS OF BIAS PRACTICE

Denis Rancourt submitted his formal complain to me on January 18, 2010. Dr. Rancourt's formal complaint was based on what he believed was biased and unfair coverage and treatment of him since 2006. This includes his battle with the University of Ottawa. In part, Dr. Rancourt's complaint is tied to campus history involving the Fulcrum Publishing Society (FPS) and its current and past Staff.

The Fulcrum has a history of publishing opinion pieces against Dr. Rancourt. A string of opinion pieces and interviews authored and given by one Maureen Robinson and one Frank Appleyard, the current Business Manager, have all strongly criticized him, his university classes, his position, and his brand of activism. Dr. Rancourt wrote to me, in his own words, stating:

The broader bias is evident in the record of the Fulcrum's coverage of me since 2006. Whereas news articles about my case have arguably been somewhat balanced and based on research, all the opinion pieces, and in particular the commentaries by Maureen Robinson and Frank Appleyard, have consistently been notoriously negative and ill-informed.

In an earlier preliminary FPS Ombudsman report from January 9, 2010 I did document and conclude that Dr. Rancourt experienced difficulty in getting the Staff to respond appropriately to his story about the University of Ottawa's illegal covert surveillance. This was an important campus story that directly implicated, Maureen Robinson, a past

member of the newspaper itself. *The Fulcrum*, after my awareness of the situation and subsequent caution did publish the article. The story went on to appear as “Ex-prof accuses U of O of ‘covert surveillance’” in the paper (volume 70, issue 18) on January 14, 2010 and a day earlier (January 13, 2010) on the papers webpage.

I went on to write in my January 9, 2010 advisory report:

The Fulcrum has a duty to cover all news concerning campus life in an unbiased way and to the best of its abilities. Dr. Rancourt’s case is no exception. On January 7, 2010 the Associate News Editor, Charlotte Bailey, requested an interview with Denis Rancourt. This has partially satisfied him, but he is still concerned about the possibility of biased or inappropriate reporting.

As mentioned, Charlotte Bailey, who is the Associate News Editor, was tasked with writing the story that Dr. Rancourt was asking to be covered. In treating Dr. Rancourt’s grievances seriously, I had to note that the Associate News Editor is a position that is tasked with all last minute news stories. The FPS Editorial Constitution states that the Associate News Editor “[m]ust be able to take all last minute stories for the news section.” Her interview with Denis Rancourt was also close to the FPS production date. This means that there was a good chance his story was going to be ignored, which would have been in breach of the spirit of the FPS Editorial Constitution. It is also general practice for a newspaper to send more seasoned or senior reporters to cover high priority articles. In part, the assigning of Ms. Bailey caught my attention and further validated Dr. Rancourt’s concerns.

By this time I had began going through the Archives of the University of Ottawa. At the Archives I recorded all the positions Ms. Robinson had held at the newspaper and all the names of individuals who had worked alongside her. This was done to see if there was possible management or editorial prejudice in favour of Maureen Robinson against Dr. Rancourt. Both current Staff and FPS Board of Director (BOD) members appeared. To be transparent, I also forwarded my list to Dr. Rancourt for his own records. It was only later that I learned that Ms. Bailey had also told Dr. Rancourt that Maureen Robinson was not a Staff member during 2007. This was in the year Maureen Robinson had worked for the University of Ottawa. On the basis of the information that he was forwarded by me, Dr. Rancourt corrected Ms. Bailey and notified her that Ms. Robinson also worked for the newspaper in 2007 as the Executive Editor and was also a Contributor. Ms. Bailey would go on to report these dates in her article:

“Rancourt alleges in a public, online report that Maureen Robinson, a former undergraduate student (and in the interest of full disclosure, a former *Fulcrum* content manager, features editor, and executive editor between 2004 to 2007) collected information and practiced ‘extensive covert surveillance’ by taping conversations and events and creating a fake Facebook persona in order to join discussion groups and attend activist student events.”

In good faith, I discounted the fact that Ms. Bailey misinformed Dr. Rancourt about Maureen Robinson’s work history as an unintentional act. I did wonder, however, if she

was briefed by Staff on Ms. Robinson's work history at the paper. She should have been. After all there were Staff members who had worked alongside Maureen that could have easily briefed her or at least have let her know the proper dates. All old editions of the newspaper are also available, in book form, to all Staff and are visible in the rooms of the editors.

So moving forward, I had established the fact that Dr. Rancourt had grounds for legitimate concern. I also established the fact that Ms. Robinson had a history with a group of individuals at the newspaper. When discussing the investigation, I was also informed that Ms. Robinson was part of a social network with current Board and Staff members. These last two points, however, meant nothing by themselves to me.

MAUREEN ROBINSON IN CONFLICT OF INTEREST

I have settled most the doubts in my mind in regards to Maureen Robinson. Studying Dr. Rancourt's report, Ms. Robinson's e-mail statements in Ms. Bailey's January 14 article, and Ms. Robinson's statement to Maclean's it is also clear that Ms. Robinson is not being transparent. Reports of University of Ottawa statements to CUPE 2626 are also contradictory.

Based on the evidence put forth by Dr. Rancourt and others, at this point in time I have to reaffirm that I believe Maureen Robinson acted unethically and was in a conflict of interest under the FPS Editorial Constitution. Section 12.02, B, states:

Contributors should not write articles about groups, teams, events, etc. that they are involved with. This does not include editorials or opinion pieces. They may however cover issues that they may encounter by working with these groups.

Section 12.02, B exclude editorials or opinion pieces, because they are based on a value-based position. This article, however, can be used as a measuring stick. Maureen Robinson wrote an article against an individual that it appears she was actively working against. I believe that this was unethical by the standards of journalism.

Section 12.02, C also may apply if further support is produced. Section 12.02, C states: "A conflict of interest also exists if the contributor stands to gain or lose in a material or tangible way by the publication of the article in question."

Hereto, reading Ms. Robinson's science articles I feel that she deserved the recognition she received from the Faculty of Science. Yet, the spectre of a doubt does exist about what role André Lalonde, due to his collaboration with Ms. Robinson against Dr. Rancourt, could have played in her recognition by the Faculty of Science. The same applies to Ms. Robinson's 2007 trip to the National Student Journalist Conference (NSJC) in Vancouver, in which current members of the FPS accompanied her on that trip. The trip was also partially funded by the Faculty of Science.

FRANK APPLEYARD IN QUESTION

I am also examining to see if any parts of Section 12.02 or Section 12.03 apply to Frank Appleyard, the current Business Manager and former Editor-in-Chief. It was upon my introduction with Len Smirnov on February 17, 2010 that I learned a startling revelation about Mr. Appleyard. Ms. Smirnov, who writes for the newspaper, had told me the following; “Allan Rock had given Frank [Appleyard] a job, because he was so impressed by Frank’s work.” When I inquired further she said that she believed that the job was working for Mr. Rock’s Administration.

I have yet to confirm this, but it is a very important discovery that will definitely be examined. I have already verified that Mr. Appleyard did hold some type of position with the University of Ottawa through a statement he made at a FPS Board of Directors (BOD) meeting on August 4, 2009. It would be extremely disturbing, if Mr. Appleyard did work in the office of Allan Rock or for the University Administration and these dates can chronologically be connected to his criticism of Dr. Rancourt. If this is proven, I would judge this to be in breach of the FPS Editorial Constitution and an embarrassment to the FPS and the University of Ottawa. This is very serious and if proven true puts all BOD members aware of this in question.

FPS OMBUDSPERSON DIFFICULTIES WITH THE FPS BOARD OF DIRECTORS

The FPS investigative process has major discrepancies. The FPS BOD has interfered in my work and the investigative process linked to the complaint resolution. I feel that they have tried to confine my investigation into Dr. Rancourt’s case as an independent third party.

The Board not only made an oversight and indorsed a conflict of interest. The BOD also tried to force me to be quiet about it and to accept it without initially offering a remedy. Willful blindness or contrived ignorance is not acceptable. The BOD also selected candidates for an Investigative Committee who deferred to them for interpretation of how to conduct and go forward with an investigation. This nullified the Committee’s independence and put the Board in a conflict of interest position. Not only did it stop there, a Committee member forwarded sensitive correspondence directed from the complainant, Dr. Rancourt, to the FPS Ombudsman and the Committee.

Contrary to FPS rules, the Board also went on to attempt to force the FPS Ombudsman to play a passive role in a report that under FSP By-laws the Ombudsman is ultimately responsible for. In no unambiguous words, the Board’s actions were nothing short of attempting to get the FPS Ombudsman to acquiesce to their interpretations. In all these ways the Board attempted to subvert the position of the FPS Ombudsman and the complaint resolution process, which mandates an independent investigation.

The FPS Editorial Constitution states in Section 2.01: “This constitution shall serve to govern all policies and operating procedure of the editorial department of the Fulcrum.” In summation it is the highest set of rules for the FPS, the Board, and Staff. Yet, it has to strongly be stressed that improper or unethical actions should not only be measured by

the FPS Editorial Constitution. Where the FPS Editorial Constitution may have short comings, individuals acting improperly could attempt to hide behind the scope of policy or rather a lack of policy. This is also unacceptable. I have found that the Board has also tried to limit my investigation in this sense too.

PRELIMINARY REMARKS

Although I would have much preferred to wait until the final report to bring some of these issues to light, I feel compelled due to my divergence as FPS Ombudsman with the Board to release some of my findings. The Board has called a Special Meeting for January 24, 2010. I may be asked for a forced resignation as the FPS Ombudsman due to my differences with them.

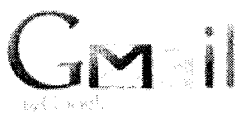
In isolation, I see nothing wrong in the criticisms of Mr. Appleyard and Ms. Robinson directed towards Dr. Rancourt, but this is why the scope of my investigation was not limited to the opinion pieces in question and the comments they released to other media. This investigation is also far from over and there is still a great deal more to learn. I have determined that Ms. Robinson acted unethically and was in conflict of interest, but I have not reached such a conclusion in the case of Frank Appleyard.

Ms. Robinson worked for the University of Ottawa and the Administration of the University of Ottawa should come forward with the information that is being requested to conclusively settle this issue. This is in the best interest of the campus community, the University of Ottawa, and the FPS.

In regard to Frank Appleyard, if Mr. Appleyard did work for the Administration, it would appear that the Administration of the University of Ottawa is awarding students for criticism of professors and students opposed to their policies. If confirmed, such a link has terrible ramifications for the life of the campus community and all its members. As such the FPS should voice its concern and opposition.

The Fulcrum should in the future clearly outline that its employees are to no longer work in the offices of the University Administration, faculty deans, and department chairs at the University of Ottawa during the span of their undergraduate university careers. My statements are advisory, but I believe that such a recommendation should strongly be followed when it is issued in a final report.

Lastly, no final report has been issued and none of these recommendations are final. There are also still many questions to be answered and more work to be done. The content of this preliminary report is intended to safeguard what has already been discovered. The endorsement of a final report will also be in the hands of the FPS Board.

Denis Rancourt 

[Fwd: My position]

M.D. Nazemroaya <mnaze024@uottawa.ca>

Wed, Feb 24, 2010 at 2:33 PM

To: 

Cc: Mnaze024@uottawa.ca

Dr. Rancourt,

On the basis of his request and the fact that this message is a continuation of his other one I am forwarding you Frank Appleyard's position, which he requested that I do. Mr. Appleyard has also confirmed that he worked for the Administration of the University of Ottawa. Moreover, Mr. Appleyard holds that his position could have been on the basis of merit and qualification.

Cordially,

Mahdi Darius Nazemroaya
FPS Ombudsperson

----- Original Message -----

Subject: Re: My position

From: "Frank Appleyard" <business.manager@thefulcrum.ca>

Date: Wed, 24 February, 2010 1:09 pm

To: "M.D. Nazemroaya" <mnaze024@uottawa.ca>

Mahdi,

On a further note, I find your assumption that the university somehow rewarded me for my "criticism of professors and students opposed to their policies" offensive.

You are unaware of the nature of my position, or the hiring process of the University of Ottawa for this position. Your assumption disregards the possibility that I may have been the best candidate for the position. Is it not possible that I was simply the best candidate, and that's why I was hired by the university? Was this even considered?

Your full statement: "In regard to Frank Appleyard, if Mr. Appleyard did work for the Administration, it would appear that the Administration of the University of Ottawa is awarding students for criticism of professors and students opposed to their policies." is based in nothing but your own assumptions, and has offended me. As an ombudsman, I recommend you base your statements in fact in the future, and do not speculate.

-Frank

On Wed, Feb 24, 2010 at 12:52 PM, Frank Appleyard <business.manager@thefulcrum.ca> wrote:

> Mahdi,
>
> During the course of your "investigation" you never even asked me about my
> position with the University, but felt it important to include in your
> report. So I will inform you of the details now.
>
> I was employed by the U of O President's office from July 1 to Sept. 14
> 2009, after my term as Editor-in-Chief (which ended April 30, 2009), but
> during my time as business manager. My employment with the U of O was
> approved by the board of directors, as my position is in no way associated
> with editorial content. You can confirm this information with the BOD.
>
> I am disappointed that you sent information to the complainant without even
> attempting to confirm the nature of my employment with me. I hope you will
> forward this to Dr. Rancourt.
>
> If you have any other questions you feel are important about me, I would
> hope you would think to ask me before including unsupported information in
> your reports.
>
> -Frank
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> --
> Frank Appleyard
> Business Manager | The Fulcrum
> 613-562-5261
>

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