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Denis Rancourt <[redacted]>

Policy 92 disclosure of wrongdoing, university's surveillance of professor

Denis Rancourt <[redacted]>

Fri, Jun 26, 2009 at 10:07 AM

To: Nathalie.Desrosiers@uottawa.ca, alain.roussy@uottawa.ca, kathryn.prudhomme@uottawa.ca, stherien@uottawa.ca
Cc: mjolicoeur@blgcanada.com, allan.rock@uottawa.ca, rmajor@uottawa.ca, deansci@uottawa.ca, Louise Page-Valin <lpvalin@uottawa.ca>, APUO <apuoadm@uottawa.ca>, James Turk <turk@caut.ca>, Marcus Harvey <harvey@caut.ca>, Joyce Lorimer <jlorimer@wlu.ca>, halpern@rider.edu, whiteley@mathstat.yorku.ca, president@cupe2626.ca, external@gsaed.ca, university@gsaed.ca, president@sfuo.ca, vp.finance@sfuo.ca, vp.social@sfuo.ca, mail@ccla.org, admin@ccla.org

June 26, 2009

Nathalie Des Rosiers
VP-Governance
University of Ottawa

Re: Policy 92 disclosure of wrongdoing, university's surveillance of professor

Dear Nathalie Des Rosiers,

University Policy 92 states that the VP-Governance, your office, will thoroughly investigate all allegations of wrongdoing. In this policy, "wrongdoing" means any act that is "dishonest, inappropriate or illegal."

I hereby report wrongdoing by VP-Academic Robert Major. Other University officers and staff are also involved. Paragraph-16 of Policy 92 foresees that the written report of your investigation will be provided to the Board of Governors.

WRONGDOING

VP-Academic Robert Major and other University officers and staff practiced surveillance of two of my invited talks at other academic institutions in 2007 and 2008, while I was a full and tenured professor at the University of Ottawa. A description of evidence is given below.

As the officer responsible for Policy 92 investigations, you will recognise that such covert surveillance by the university is contrary to the "the highest standards of honesty, integrity and transparency in all of [the university's] activities."

As the designated General Counsel for the Canadian Civil Liberties Association (CCLA), you will recognize that such surveillance by a corporation of one of its employees is contrary to responsible behaviour in a free and democratic society.

As an academic, you will recognize that such behaviour by a university is a violation of the legally established principle of academic freedom.

As a lawyer, you will recognize that this type of personal information gathering and use is against the law. Specifically, it is against the Freedom of Information and Protection of Privacy Act (FIPPA) of Ontario to which universities in Ontario are bound and against the Employment Standards Act of Ontario.

ADDITIONAL WRONGDOING

In addition to the surveillance itself, there has been an attempt by VP-Academic Major and other officers of the University to avoid the issue. The VP-Academic and the University have not acknowledged my direct enquiries of October 16, 2008 (with the President, Secretary, and APUO in cc), and December 9, 2008 (with the President, Dean of the Faculty of Science, the APUO, the Head of Human Resources, and yourself in cc) in this matter.

EVIDENCE

Using Freedom of Information and Protection of Privacy Act (FIPPA) requests, such as my request dated August 7, 2008, I have established that the University, via Mr. Major and other offices, has used the services of a private reporter to monitor an invited academic talk I gave at the Studies in National and International Development (SNID) group at Queen's University, some 200 km from Ottawa, on October 18, 2007.

The respondent FIPPA records are unambiguous regarding the act of surveillance of me.

The University used a private reporter a second time to monitor my invited contribution at the Association Canadienne Française pour L'Avancement des Sciences (ACFAS) conference in Quebec City, some 450 km from Ottawa, on May 7, 2008. See my FIPPA request dated May 8, 2009 (addressed to you) and the related Appeal to the Information and Privacy Commissioner (IPC) dated June 10, 2009.

You have my permission to use the relevant FIPPA records respondent to my FIPPA requests and my requests in your investigation. These records are available in the office of the University's FIPPA Coordinator.

NEED TO PRESERVE EVIDENCE

According to my FIPPA inquiries, in the past, the email records of leaving university officials (e.g. VP David Mitchell) have not been preserved. Since VP-Academic Major is leaving the University at the end of the month and since your investigation may take some time, I ask that all of Dr. Major's records relevant to this matter be preserved.

Please acknowledge receipt of the present disclosure of wrongdoing. Please confirm that your office will investigate.

Sincerely,
Denis Rancourt

Cc: Marc Jolicoeur, Allan Rock, Robert Major, Andre E. Lalonde, Louise Page-Valin, APUO, CAUT, CUPE 2626, SFUO, GSAED, CCLA, made public.



Denis Rancourt <[REDACTED]>

Out of Office AutoReply: Policy 92 disclosure of wrongdoing, university's surveillance of professor

Alain Roussy <alain.roussy@uottawa.ca>

Fri, Jun 26, 2009 at 10:15 AM

To: Denis Rancourt <[REDACTED]>

Bonjour - je serai à l'extérieur du bureau jusqu'au 13 juillet. Pendant mon absence, n'hésitez pas à communiquer avec ma collègue Kathryn Prud'homme (kathryn.prudhomme@uottawa.ca). Merci.

Hi - I will be out of the office until July 13th. During my absence, do not hesitate to contact my colleague Kathryn Prud'homme (kathryn.prudhomme@uottawa.ca). Thank you.

Administration and Governance

Policy 92

Approved Board of Governors 2007.30

POLICY ON FRAUD AND SAFE DISCLOSURE

PURPOSE

1. The Policy on Fraud and Safe Disclosure ("Policy") sets the principles and responsibilities for the prevention, detection and disclosure of wrongdoing, as well as for the investigation and disciplinary action resulting from the disclosure of wrongdoing.

PRINCIPLES

2. The University is committed to the following principles:

- a) Maintain the highest standards of honesty, integrity and transparency in all of its activities. Thus, the University requires members of its staff and of the Board of Governors and all who act on the University's behalf to act with integrity and honesty in order to protect University property and public funds for which they are responsible;
- b) Strongly encourage University community members to disclose under confidence their concerns about any wrongdoing or breach of regulations encountered while performing their duties at the University; and
- c) Thoroughly investigate all allegations of wrongdoing where there is cause to believe there was such an occurrence.

SCOPE

3. This Policy applies to all University employees, Board of Governors members and individuals acting on behalf of the University of Ottawa ("University staff", "Employees")

DEFINITIONS

4. In this Policy:

- a) Wrongdoing" means any act, irregularity, misconduct or activity, real or perceived, that is dishonest, inappropriate or illegal, including:
 - i) theft or misappropriation of funds; destruction, unauthorized use, suppression or concealment of University property including money, tangible property or intellectual property;
 - ii) forgery, falsification or alteration, improper disposal or destruction of any official documents (in paper or electronic form), such as cheques, reference letters, grant applications, time sheets, contracts, requisitions, budgets, accounting records, electronic files, transcripts, diplomas;
 - iii) making false claims and statements, as well as falsifying information or documents;

- iv) inappropriate use of computer systems including unauthorized access or software piracy;
- v) corruption; giving or receiving discounts or rebates without University approval; authorizing or receiving payments for goods not received or services not performed;
- vi) authorizing or receiving payments for hours not worked;
- b) "University" means the University of Ottawa; and
- c) "Disclosure Support Service" means a third party hired by the University to receive disclosures made about any wrongdoing, as identified on the University's Website: www.uOttawa.ca/disclosure.

POLICY

5. Wrongdoing of any kind is strictly forbidden.
6. University staff members who engage in any wrongdoing of any kind are subject to disciplinary action, including dismissal, and may face criminal prosecution and/or civil suits.

RESPONSIBILITIES

7. The University is responsible for establishing internal controls and procedures to prevent wrongdoing and to protect the resources it is entrusted with.
8. University staff members must not tolerate any wrongdoing and must promote professional conduct and integrity by complying with all laws, rules and regulations, professional codes of conduct and procedures governing University activities. It is the duty of University employees to report immediately any wrongdoing.
9. Except as provided for under Article 11, any University staff member who becomes aware of wrongdoing related to the University's activities must disclose the wrongdoing in writing, in confidence and anonymously to:
 - a) the Disclosure Support Service; or
 - b) otherwise, to the Vice-President, Governance.
10. If the situation involves a member of the University Administrative Committee or Board of Governors, the employee who becomes aware of the wrongdoing must report it to the Disclosure Support Service.
11. Anyone who fails to disclose wrongdoing in accordance with this Policy may be subject to disciplinary action. Moreover, anyone who abuses this Policy or makes a disclosure in bad faith may also be subject to disciplinary action.

INVESTIGATION

12. Except where a collective agreement provides for a different process for investigating disclosures and allegations of wrongdoing, the Vice-President, Governance, has the primary responsibility for investigating any disclosures of wrongdoing he or she receives. If the allegations involve the Vice-President, Governance, the University will hire an external firm to manage the case.
13. The Vice-President, Governance, will conduct the investigation as he or she sees fit in light of the circumstances. The Vice-President, Governance, will consult academic and administrative units, internal and

external services, as well as any individuals he or she deems appropriate. In addition, the Vice-President, Governance, will have free and unrestricted access to all necessary University records and may copy or take possession of any files, filing cabinets, drawers, computers, disks or other storage mediums without notice and without the prior consent of any individual involved in the investigation. This access is subject to privacy legislation and the provisions of any employment contracts or collective agreements.

14. If the investigation substantiates the wrongdoing disclosed, the Vice-President, Governance, will submit a written report to the Administrative Committee, and when a procedure specific to a collective agreement is applicable, the person in charge of the investigation will submit recommendations to the appropriate authorities according to the procedures of the applicable collective agreement.

15. Except in special cases, the individual or individuals under investigation will receive, after the investigation is complete but before disciplinary action is taken, a written notice describing the allegations. They will have seven (7) working days following the date of this notice to provide an explanation in writing to the Vice-President, Governance.

16. Upon receipt of the report and comments provided for in Article 15, the Administrative Committee will provide the results of the investigation to the Audit Committee and, where required, to the Board of Governors. Except when a collective agreement requires otherwise, the Administrative Committee, in consultation with the Associate Vice-President, Human Resources, determines the appropriate disciplinary action, which may include dismissal, and informs the person or persons under investigation of any such actions to be taken. The Vice-President, Governance, will contact police authorities if necessary, after consulting with the University Legal Counsel and the Administrative Committee.

17. The University can, at its discretion, make reasonable efforts to recover any losses resulting from wrongdoing.

CONFIDENTIALITY

18. All people involved in an investigation of wrongdoing must keep the details and results of the investigation confidential in order to safeguard individuals against any unsubstantiated allegations, protect the rights of those involved in an allegation of wrongdoing and preserve the legal validity of the evidence collected.

19. The University undertakes to protect the confidentiality of individuals and events under investigation, except where disclosure is required by law. The details of an investigation, analysis of the facts, allegations, suspicions and conclusions will not be disclosed or discussed with persons other than those deemed necessary for the purpose of the investigation, or as required by law.

PROTECTION

20. No disciplinary action may be taken against an individual who has made a disclosure of wrongdoing in good faith, and there will be no retribution of any kind for such disclosures.

EXCLUSION

21. Disclosures and allegations of actions not governed by this Policy will be treated in accordance with the relevant University of Ottawa policies, such as the Policy on Academic Fraud.

22. Nothing in this Policy limits or amends the provisions of collective agreements entered into by the University and its employees.

EXCEPTION

23. No exception may be made to this Policy without the approval of the Administrative Committee.

Published October 29, 2007

(Office of the Vice-President, Governance)

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