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Denis Rancourt &lt;[REDACTED]&gt;

## Call for the resignation of Nathalie Des Rosiers from the CCLA

Denis Rancourt &lt;[REDACTED]&gt;

Wed, Nov 11, 2009 at 5:32 PM

To: Nathalie.DesRosiers@uottawa.ca

Cc: adeshman@ccla.org, administration@ccla.org, andrew.lokan@paliareroland.com, author@govier.com, bmtlaw@ns.sympatico.ca, cglube@judicom.gc.ca, cooper@chandlercooper.ca, cpearce@ccla.org, csmith@ccla.org, david.schneiderman@utoronto.ca, delia.opekokew@telus.net, dominique.clement@ualberta.ca, education@ccla.org, egreenspan@144king.com, eslater@gmail.com, faddario@sgmlaw.com, frederic.bachand@mcgill.ca, gabereau@ctv.ca, gnorton@ccla.org, greenspn@mcmaster.ca, hamdanih@simpsonwagle.com, jainhar@mcmaster.ca, jane.cobden@cdha.nshealth.ca, jcameron@osgoode.yorku.ca, jkeeping@chumirethicsfoundation.ca, jkogawa@rogers.com, jmccamus@osgoode.yorku.ca, kmandzuik@darcydeacon.com, kpswan@bondlaw.net, laforest@unb.ca, levittc@mcmaster.ca, mail@ccla.org, mendelsohnaviv@ccla.org, mjamal@osler.com, mphanen@uvic.ca, paul.schabas@blakes.com, pawley@uwindsor.ca, pennyrowe@csc.nf.net, Ratkey@osler.com, reception@edydalton.com, robert.fulford@utoronto.ca, tjackson@torys.com, wayne.mackay@dal.ca, Marc Kelly <marckelly.uottawa@gmail.com>, James Turk <turk@caut.ca>, Marcus Harvey <harvey@caut.ca>, Joyce Lorimer <jlorimer@wlu.ca>, whiteley@mathstat.yorku.ca, halpern@rider.edu, APUO <apuoadm@uottawa.ca>, Mireille Gervais <appealsfu@gmail.com>, Mireille Gervais <mireillegervais@gmail.com>, info@gsaed.ca, health@gsaed.ca, sam@gsaed.ca, external@gsaed.ca, finance@gsaed.ca, internal@gsaed.ca, studentlife@gsaed.ca, university@gsaed.ca, Duff Conacher <dwatch@web.net>, David W Hutton <david@fairwhistleblower.ca>, Claude Lamontagne <claudcde@gmail.com>

November 11, 2009

### Re: Call for the resignation of Nathalie Des Rosiers from the CCLA

Dear Nathalie Des Rosiers (and CCLA Board members):

I write in a matter of capital importance. I write to ask that you resign from your position as General Counsel for the Canadian Civil Liberties Association (CCLA). Failing that, I hereby ask that the CCLA Board of Directors and its executive investigate this matter in view of requesting your resignation. I am prepared to cooperate with this investigation.

In your recent capacity as VP-Governance/Secretary at the University of Ottawa under the administration of President Allan Rock you participated in and allowed some of the most egregious violations of civil liberties seen in recent decades in the academic context.

Each of the items listed below constitutes a fatal flaw of judgment and action (or inaction) on your part that should preclude your contributions to the respected Canadian organization that is the CCLA. A professional of your calibre and influence cannot on the one hand participate in civil liberties violations in her professional functions and on the other hand occupy a volunteer directorship of a civil rights organization. Otherwise the cause of civil rights and liberties in Canada is harmed and the credibility of the CCLA is diminished.

#### (1) POLITICAL FIRING OF A TENURED PROFESSOR WITHOUT DUE PROCESS

You participated in person (with the Dean and the VP-Academic), on December 10, 2008, in what amounted to summarily firing a tenured professor without ever being heard by a committee of his peers and without due process. The reason alleged by the university (attributing high grades irrespective of student academic performance), even if it were true (which it is not), is in contravention of the UNESCO *Recommendation Concerning the Status of Higher-Education Teaching Personnel* adopted by Canada and established norms in the university workplace.

My dismissal and conflicts with the university are being investigated by an Independent Committee of Inquiry of the

Canadian Association of University Teachers (CAUT); but your inside knowledge and knowledge of the law are such that you should not required an independent investigation to know that my civil and professional and academic freedom rights were being violated by the Rock administration. My public statement in this regard is posted here: <http://rancourt.academicfreedom.ca/component/content/article/25.html>

## (2) BANNING AND TRESPASSING A TENURED PROFESSOR FROM CAMPUS

You participated in person (with the Dean and the VP-Academic) in the university's banning of me from campus on December 10, 2008, while I was a full and tenured professor at the university, again in contravention of the UNESCO *Recommendation* and established norms in the academic environment. You continued to enforce the ban despite my reasoned appeals to you:

<http://rancourt.academicfreedom.ca/Data/Documents/DGRtoCCLA-2FEB2009-NDR-exchanges-002487.pdf>

Among other things, this led to my handcuffing and arrest for trespass when I attended the weekly social issues film and discussion series that I ran for several years. (Those charges were dropped by the Prosecutor in Court.) It also separated me from my six graduate students and barred me from the campus radio station where I have produced and hosted a social justice show for many years, which has been critical of the university administration.

## (3) POLITICAL REPRESSION OF A STUDENT

You negotiated an agreement for several months with student Marc Kelly, a known student activist and student politician, only to have the university change the agreement at the last hour before the start of fall 2009 classes to include not previously mentioned clauses that indefinitely trespassed the student from campus and that barred the student from applying to the school for graduate studies or any other program. The University's mistreatment of and political discrimination against student Marc Kelly, including your contribution, were recently publicly denounced by the Student Appeal Centre (SAC) of the Student Federation of the University of Ottawa (SFUO):

<http://ufoappeals.blogspot.com/2009/10/how-and-why-university-of-ottawa-got.html>

... as has been reported in the student media (both main newspapers and radio).

## (4) POLITICALLY-MOTIVATED CENSORSHIP OF STUDENT POSTER

You allowed the Rock administration to ban a poster about Israeli Apartheid Week, while you were VP-Governance. Surely, a strong voice from a university VP concerned about civil liberties would have been enough for the Rock administration to come to its senses on this high profile question of great public concern? You were a member of the executive that enforced this poster ban which was strongly condemned by the CCLA that you now represent. Did you intervene? Did you resign your post in protest? How can one reconcile your inaction from a position of influence on this issue with the CCLA's strong stance on the same issue? The CCLA's public position on this issue is expressed in a public letter to President Rock here:

<http://ccla.org/wordpress/wp-content/uploads/2009/03/2009-02-26-letter-to-ottawa1.pdf>

## (5) IMPLEMENTING A REQUIRED SNITCH-LINE FOR ALL UNIVERSITY STAFF

On June 9, 2009, as VP-Governance, you sent a memo to all University of Ottawa staff informing them that the university was implementing an electronic snitch-line system for required anonymous reporting of "any incidents of wrongdoing," where these reports would be sent "directly to the Office of the VP-Governance" (your office):

<http://uofowatch.blogspot.com/2009/06/1984-is-coming-to-campus-near-you.html>

After staff outcry against and media coverage of such a regressive practice that directly targets civil rights in the academic workplace, you withdrew the implementation of this policy:

<http://uofowatch.blogspot.com/2009/07/nathalie-des-rosiers-explains-policy-92.html>

## (6) REFUSAL TO INVESTIGATE OR DENOUNCE THE COVERT SURVEILLANCE OF A PROFESSOR'S POLITICAL AND ACADEMIC ACTIVITIES

On June 26, 2009, I sent you (and posted) an open letter requesting that you follow university Policy 92 that you (as VP-Governance) were responsible to enforce, by investigating, as required by the policy, serious incidents of wrongdoing involving unprecedented university violations of civil liberties on a Canadian campus:

<http://uofowatch.blogspot.com/2009/06/u-of-os-policy-92-ensures-highest.html>

The incidents were cases where documents obtained by access to information (FIPPA) showed that the university administration has hired reporters to prepare and analyse transcripts of my talks given at other universities.

You never acknowledged or replied to my June 26, 2009, request; nor has the university ever responded to my many questions (supported by documentary evidence) about its extensive surveillance of me. Were you instructed by the President to not respond? Did you investigate the matter? Did you ask to be informed? Why did you not respond to my letter?

#### (7) IRRESPONSIBILITY OR ETHICAL MISCONDUCT?

On November 26, 2008, you sent me a letter, responding for President Allan Rock, relating to an incident of unannounced lockout from my laboratory, and I responded to President Rock on November 27, 2008. See both communications here:

<http://rancourt.academicfreedom.ca/Data/Documents/DGRtoAR-NDR-27NOV2008-lies-about-foot-in-door-004141.pdf>

In your letter you made false statements and concocted a false accusation against me. The accusation is so absurd (and is contradicted by eye witnesses, police presence, detailed video evidence, and a media report with picture) that at best it leaves one with the impression that you simply wrote what you were told or selected from what you were told (in this case an accusation of criminally doing harm to a person) without questioning the facts or the motives for such a tale. At worst this puts you at the centre of serious ethical misconduct.

#### (8) PUTTING THE RULING AHEAD OF THE TRIAL

On March 10, 2009, as VP-Governance and speaking for President Allan Rock and the University, you answered the February 24, 2009, letter from the Graduate Student Association of the University of Ottawa (GSAED) protesting the university's political firing of me. See both letters in this PDF file:

<http://rancourt.academicfreedom.ca/Data/Documents/NDRtoFedC-10MAR2009-on-DGR-001556.pdf>

In your answer, you made claims against me that were more damning than even the Dean's unjustified allegations against me that were at the time actively under investigation by the Executive Committee of the Board of Governors, including: that I attributed grades irrespective of the value of student work, that I had committed academic fraud, that I practiced a conscious disregard for collegial decision-making, and that I did not treat all students with respect in their quest for knowledge and excellence.

Does it seem to you in standing with civil rights for the University to make such statements to a student association while a formal investigation is underway and before my formal Supplementary Brief in the matter had even been submitted? It appears from your letter that the University made the decision to dismiss me before the Executive Committee of the Board of Governors met to make the decision and before this body had studied all the documents. Why did your concern for civil liberties not prevent you from participating in even the appearance of such a mockery of justice? (Not to mention that the entire matter has both not yet been arbitrated and is under independent inquiry.)

I have previously alerted the CCLA to some of these matters (e.g., email with attachments to former CCLA General Counsel Alan Borovoy dated February 2, 2009, with student media and you in cc):

<http://rancourt.academicfreedom.ca/Data/Documents/DGRtoCCLA-2FEB2009-NDR-exchanges-002487.pdf>

I did not receive any replies from the CCLA. Please inform me of the fate of my previous communications to the CCLA.

I ask that the CCLA or you inform me about your decision regarding resignation by November 25th.

Sincerely,

Denis Rancourt

(Former professor of physics at the University of Ottawa)

[denis.rancourt@gmail.com](mailto:denis.rancourt@gmail.com)

Cc:

Marc Kelly

Cc:

CAUT-ICOI, APUO, SAC-SFUO, GSAED, Democracy Watch, FAIR Canada, media

Cc: All CCLA staff –

Abby Dushman, Graeme Norton, Noa Mendelsohn Aviv, Danielle S. McLaughlin, Christian Pearce, Caitlin Smith, Donna Gilmour, Johanna Grönberg, A. Alan Borovoy

Cc: All CCLA-BOD executives and members –

Marsha Hanen, Jamie Cameron, Susan Cooper, Gisèle Côté-Harper, Michael de Pencier, Marlys Edwardh, Edward L. Greenspan, Patricia Jackson, John D. McCamus, Delia Opekokew, The Hon. Howard Pawley, Kenneth P. Swan, Dr. Joseph Wong, Sydney Goldenberg, Elaine Slater, Frank Addario, The Hon. Warren Allmand, Bromley Armstrong, The Hon. Ronald Atkey, Frédéric Bachand, Joseph Boyden, The Hon. Edward Broadbent, Leah Casselman, The Hon. Saul Cherniack, Dominique Clément, Jane Cobden, Michael Conner, Dr. Debby Copes, David Cronenberg, Fernand Daoust, Brian A. F. Edy, Susan Eng, Mel Finkelstein, Robert Fulford, Vicki Gabereau, The Hon. Constance R. Glube, Katherine Govier, Louis Greenspan, Hussein Hamdani, Shirley Heafey, Harish Jain, Mahmud Jamal, Janet Keeping, Joy Kogawa, Anne La Forest, Cyril Levitt, Andrew Lokan, A. Wayne Mackay, Ken Mandzuik, Jon Oliver, Penelope Rowe, Paul Schabas, Marvin Schiff, David Schneiderman, Eric L. Teed, Walter Thompson, The Very Rev. Lois Wilson

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