

February 24, 2008

Louise Pagé-Valin
Associate Vice-President
Human Resources Services
University of Ottawa
Tabaret Hall
550 Cumberland Street
(INTRA and by email)

Re: Grievance G-16 (my code) – Employer’s unethical practices; uOttawa.ca copyrighted images on UofOWatch blog; Letter of reprimand dated February 5, 2008; ideological censorship; harassment.

This grievance is made public, in the interest of transparency and the public good.

Dear Mrs. Pagé-Valin:

Following several exchanges, dating from August 28, 2007 (Michelle Flaherty, employer legal counsel, letter) and including one of my email responses dated January 14, 2007, the employer issued a letter of discipline dated February 5, 2008, concerning my use of uOttawa.ca images on my blog UofOWatch.blogspot.com.

This was followed by further employer actions on this issue including: the dean’s emails of February 21, 2007, and February 22, 2007. The latter calling me to a 39.4.2.1 meeting.

The issue of the University’s documented disapproval of the UofOWatch blog has also included threats of lawsuits against me (Notice under the Libel and Slander Act, dated August 20, 2007) and two of my graduate students from VP-Resources Victor Simon, ambiguously claimed to be actuated on his personal behalf, and similar threats sent to several employees of the student newspaper La Rotonde.

The letter of discipline has no merit and is in violation of several elements of the Collective Agreement. All the actions of the employer relating to its disapproval of the UofOWatch blog, taken together, constitute past and ongoing violations of the Collective Agreement.

The University gives explicit permission (on its web site) to professors and students to use its copyrighted uOttawa.ca images to portray the University in a positive manner. If we were to interpret this permission in the strict sense that the dean has proposed, that is, excluding criticism, then an application of the employer's interpretation would constitute ideological censorship of professors and students. Such ideological censorship is unacceptable in an academic environment and is contrary to academic freedom. Indeed, it is stunning in our modern free society that "Canada's University" would have such an Orwellian policy as a requirement to portray the university in a positive light, rather than unconditionally encourage and support transparency and criticism.

The threats of lawsuits appear to also have been an attempt to silence criticism and appear to have been performed in collaboration with the university administration and using university resources and contacts. In particular, recent FIPPA documents have brought some of this to light.

In addition the employer's attacks against my blog using a copyright protection argument, is biased since several media outlets with much more exposure than my UofOWatch blog have used copyrighted photos from uOttawa.ca in articles and editorials that were unambiguously critical of the University of Ottawa, yet the University has not, to this date, pursued these media outlets.

Also, the employer's proposed use of a 39.4 meeting to resolve the issue is irregular and appears to be disingenuous since its letter of February 21st makes it clear that the dean has already assigned guilt, and decided on the sentence: "a one-day suspension". Such use of 39.4 is contrary to the intent and language of the Collective Agreement.

In investigating me regarding the UofOWatch blog, it appears that the employer has used unethical blanket surveillance and information gathering methods. The employer has refused to acknowledge or disclose these practices, did not have reason to employ them, and did not inform me of its investigation methods at any time. My email of February 17, 2008, is relevant in this regard.

Finally, the entire issue of the employer's attempts at censoring of the UofOWatch blog must be viewed in a context of intense and sustained harassment occurring on a multitude of fronts, as documented in my filed past grievances and in recent events.

In the latter regard, it is important to note that the employer has acknowledged that the UofOWatch blog is part of my work, and has attempted an elaborate labour law pursuit aimed at censorship, whereas it has arbitrarily contradicted a previous dean in deciding that my Ottawa Cinema Politica community service is not part of my work, in order to deny Deaf community access to these events and possibly deny future free auditorium access. I believe the attacks on the Ottawa Cinema Politica are part of the same ideological censorship of criticism described above.

REPARATIONS

- (1) I ask that the letter of discipline be removed from my file.
 - (2) I ask for unqualified written apologies for the above elements of harassment that relate to the UofOWatch blog, from all university officers who played a role.
 - (3) I ask that the dean André Lalonde be reprimanded in writing by the VP-Academic, with me in cc, regarding his unethical use of investigation and surveillance methods.
 - (4) I ask that the VP-Resources Victor Simon be reprimanded in writing by the President for his role in an unethical use of University resources, contacts, identity, and collaboration in actuating legal threats against an employee and several students regarding content of the employee's published professional work.
 - (5) I ask that the university develop detailed conflict of interest guidelines regarding any university executive officer who wishes to sue an employee (or student) in relation to any element of the employee's work.
 - (6) I ask that the employer develop detailed and strict guidelines on the use of investigation and surveillance methods by deans and other university officers and that deans be regularly trained on these guidelines.
 - (7) I ask that the general harassment and repression context be considered and evaluated in attributing me significant and fair monetary reparation, for loss of professional advancement, for pain and suffering, and for unjust treatment.
- I pledge to donate the entire latter amount to an independent scholarship or scholarship fund, to be jointly administered by several student groups or associations of my choosing, for activist students and community members who have made particularly incisive and insightful criticisms of university governance and management and/or who have lead actions to make perceived institutional problems into public issues. This would help nurture and encourage vigilant and independent criticism, in order to counter the employer's attempts at ideological censorship.
- (8) To help in partially recovering lost time and lost research career advancement, I ask to be attributed four year-of-service credits toward my next sabbatical leave(s) and \$110,000.00 to hire one post-doctoral fellow assistant for two years.

Sincerely,

Denis Rancourt
(Professor)

Cc: APUO, open letter.