

January 11, 2009

Louise Pagé-Valin
Associate Vice-President
Human Resources Services
University of Ottawa
Tabaret Hall
550 Cumberland Street

(Via email of signed PDF letter)

Re: Grievance G-23 (my code) – investigation, process, dismissal for grades in PHY4385-5100 W2008.

Dear Mrs. Pagé-Valin:

On December 10, 2008, I was informed that the dean of the Faculty of Sciences had recommended to the Board of Governors that I be dismissed for attributing high grades in the course PHY4385-5100 offered in the winter 2008 semester, despite the employer having approved the grades in May 2008 (eight months ago).

The entire employer's campaign that led to the dean's recommendation is, in its thrust and character, a violation of the collective agreement on many significant procedural counts and in its substance. The employer's violations relate to but are not limited to: academic freedom, ethical behaviour, employer responsibility, denial of fair and due process, obstruction with a member's work duties, and unreasonable administration (misuse) of the collective agreement.

The campaign is blatantly political and advanced under false pretext (see attachments). The recommended discipline (dismissal) is brazenly disproportionate to even the employer's advanced and unjustified pretexts.

It appears, given its consequences, that the employer's campaign is intended to cause harm to me and to my research group and is intended to remove me politically and physically from campus (see attachments). Both its foreseeable impacts on several graduate students and a research associate and the manner that these junior researchers were treated by the employer are unethical and possibly illegal.

A main procedural violation that illustrates employer bad faith is as follows. The employer has advanced two types of allegations during its 8-month campaign preceding and including the December 10th recommendation, (1) unethical behaviour and (2) deficient performance of workload duties, yet the employer has intentionally circumvented the relevant disciplinary sections of the collective agreement (sections 39.2 and 39.3, respectively) by using only section 39.4, thereby depriving me of the due process to which I am entitled as a tenured professor. As one consequence, by using only 39.4, the employer could have me dismissed without my ever having benefited from a collective agreement right to be heard, by any committee of my peers or any decisional or advisory committee.

Another of many procedural violations is that the dean's December 10th recommendation to the Board of Governors excludes key relevant documents, including and not limited to: (1) an affidavit showing that the dean coached or encouraged a student complaint, and (2) a letter showing that the dean's zeal in using insignificant student complaints is uncharacteristic of the employer's usual treatment of significant student complaints.

Since the employer's illegitimate campaign to dismiss me has not been dropped and is advancing beyond the dean's December 10th recommendation, the present letter is also a notice that all continuing and additional future violations of the collective agreement in this matter are integral to the present grievance.

I ask that the employer's campaign to dismiss me be ended immediately so that I may return to my work and responsibilities. I ask for damages, reparation, and an apology. I also ask for damages, reparation, and an apology for each of the students, employees, and junior researchers that were impacted by the employer's actions.

Sincerely,

A handwritten signature in black ink that reads "Denis Rancourt". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

Denis Rancourt
(Professor)

cc: APUO, Marc Jolicoeur, Allan Rock, Robert Major, Nathalie Des Rosiers, André E. Lalonde, independent counsel

Attached:

- My January 5, 2009, letter to Marc Jolicoeur and the BOG
- Robert Major's letter of December 10, 2008.

(TEXTE EN FRANCAIS CI-BAS : page 6)

January 5, 2009

Marc Jolicoeur
Chairman of the Board of Governors
University of Ottawa
550 Cumberland Street
Ottawa, ON
K1N 6N5

(FAX: 613-562-5178, Secretary of the University)

Letter of disagreement with university plan to dismiss me

Mr. Jolicoeur,

As you know, the university is planning to dismiss me under the pretext of having given high grades in a course last winter. I am writing to outline the real and obvious reasons for the university's plan and to ask you and the Board of Governors to abandon it.

I am, and have been for the whole of my 22 year career, a professor of physics at the University of Ottawa. I am recognized as an expert in my profession and have taught over 2000 students.

Throughout my tenure, my overriding goal has been to give my students the highest quality of education, affording them the best possible means of learning and understanding a sometimes difficult and daunting subject. To achieve this I have researched pedagogy, conferred with professional physics education researchers, and implemented many new teaching techniques. I have developed several unique and very popular undergraduate and graduate courses, including the Physics and the Environment (Physique et environnement) course, the Science in Society course, and a graduate interdisciplinary course in measurement and characterization methods in science. The Science in Society elective course had to be given in the largest auditorium on campus to accommodate the registered and community participants. The Physics and the Environment required course was considered one of the most motivating courses in the Environmental Studies (ES) program: The executive members of the ES Student Association have referred to me as a “phenomenal teacher” and to the course as “extremely enriching ... individualized ... empower[ing]” and as “creat[ing] a positive learning environment where inspired students gained confidence and courage” (Letter to the dean of science dated March 15, 2007).

I have paired this teaching profile with a strong research effort, receiving throughout my entire career some of the largest research grants in the Faculty of Science. I have one of the highest scientific impact factors (h-index) in the entire Faculty, with an h-index of 20. To put this in perspective, my present scientific impact factor is more than twice that of the dean of the Faculty of Science, almost twice that of the present chairman of the physics department, almost three times that of the present chairman of chemistry, and more than three times that of the previous chairman of physics. In 2008, the Natural Sciences and Engineering Research Council of Canada (NSERC) reviewed my research and renewed my grant through 2013. Such research success had been expected, because I started my university career under the prestigious NSERC University Research Fellow program, following a national competition among newly sponsored university professors. In 2001, after I obtained the largest NSERC Strategic Project Grant ever obtained in the Faculty of Science, to study boreal forest lakes for five years, the university put out full-page-width advertisements in the *Globe and Mail*, *The Ottawa Citizen*, *Le Droit*, and *Silicon Valley North* featuring me and my research group and entitled "*Can you recognize Canada's university of the 21st century? Denis Rancourt, LSSE group*" (LSSE = Lake Sediment Structure and Evolution). I have supervised more than 80 junior research terms or degrees at all levels from post-doctoral fellow to graduate students to NSERC undergraduate researchers. I have been an invited plenary, keynote, or special session speaker at major conferences nearly 40 times, an exceptional number by Faculty of Science standards. To put this in perspective, many past and present science department chairs and deans have never been a plenary or keynote speaker at an international scientific conference.

In recent years, I have become an advocate of various reforms, all with the purpose of making the University of Ottawa a stronger and better institution. I have expressed concerns about university policy on such issues as the Student Code of Conduct and Deaf-community access to campus events. I have also been an outspoken advocate and practitioner of greater democracy in the institution in:

- the choice of pedagogical method
- the development of the syllabus
- the choice of community service offerings
- the right to challenge established practice
- the selection of course content

The university's response to the concerns that I have raised has been to attempt to silence me through a series of disciplinary actions based on various false pretexts. All of these actions have either been dismissed, abandoned by the university, rejected by an arbitrator, or are heading to arbitration for likely rejection. The latest pretext used by the university, the grading issue, will not be upheld, for obvious reasons already determined by a previous arbitration award. The June 2008 decision of arbitrator Michel G. Picher established that all the pedagogical initiatives that I implemented in 2005, including non-conventional grading as an integral part of the teaching method, were under the purview of a professor's academic freedom.

No reasonable person, and in fact so far not a single person or organization who has been told about the university's present attempt to fire me, lends any credibility to the university's claim that my grading in one course, eight months ago, is the real reason for its recent actions. How can a disagreement about grading possibly justify ordering the university police to remove a tenured professor from campus, banning him from campus, assigning his graduate students to other faculty, firing his postdoctoral research fellow, and asking the Board of Governors to approve his firing?

As a tested veteran of the classroom and lecture hall, and as a student of education research, I have come to truly and honestly believe, on the grading question, that grades do more harm than good when it comes to the task of education in my courses. Socrates did not give grades to his students. Accordingly, I have adjusted my pedagogical practice to overcome this and to enhance the educational experience of my students, as the accepted principle of academic freedom allows and, indeed, encourages. The right of faculty to exercise academic freedom in instruction was, as noted above, recently confirmed by an arbitrator's decision in an attempted disciplinary action against me by the University of Ottawa. The approach I have adopted shifts the focus from evaluation to education, from rank ordering of students to learning, and thereby removes intimidation and anxiety from the educational equation. As a result, student performances in my courses have improved significantly and in fact have been excellent.

The matter at hand has arisen as a result of the dean of the Faculty of Science's improper attempt to interfere with my teaching, an unfortunate and uninformed initiative, which was immediately recognized as politically motivated and resisted in the name of academic freedom and in defence of the best education for my students.

The lack of due process in the university's actions is also alarming and is a threat to the principle of tenure. The dean simply asserts that my grading is independent of my pedagogical method and thereby circumvents a formal evaluation of my teaching to recommend my dismissal without my ever being heard.

The dean's actions are blatantly political and, in light of arbitrator Picher's recent award, must be presumed to be tainted with bad faith. Such political suppression violates the most fundamental principles underlying academia -- academic freedom, professional independence and responsibility, and due process -- and is a threat to the integrity of all universities.

In addition, it appears that the university's true objective, and a direct consequence of its recent actions, in suspending me for motives based in bad faith, is to end not only my employment, but also my career, thereby causing me considerable personal losses in addition to dissolution of my research group.

I will take any and every necessary measure available to me to ensure that these present injustices are rectified. I am confident that the public will not stand for this type of repression and that the Courts, in view of the letter and spirit of the Picher award, will not stand for this form of contempt.

I therefore respectfully request that you and the Board of Governors acknowledge that the present attempt to fire me is inappropriate.

I ask to meet with you and the Board of Governors to discuss these matters and find an appropriate solution satisfactory to all parties. I ask each Board member to look personally into this matter and to meet with me individually. I will be contacting you shortly to schedule meeting times.

Sincerely,

A handwritten signature in black ink that reads "Denis Rancourt". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

Denis Rancourt
Professor

Cc:

- Ronald F. Caza
- Nathalie Des Rosiers, Secretary of the University
- André E. Lalonde, Dean of Science
- Jean-Yves Leduc, Liaison Officer, University
- Louise Pagé-Valin, Associate VP, Human Resources
- Mario Lamontagne, Liaison Officer, APUO
- Allan Rock, President
- Gilles Hurteau
- Richard Burton
- Kathryn Butler Malette
- James Clark
- Jeffrey Dale
- Pierre de Blois
- Joseph De Koninck
- Dominique DeCelles
- Alain Decelles
- Perry N. Dellelce
- Claire-Jehanne Dubouloz-Wilner
- Ruth Freiman
- Abdo Georges Ghié
- V. Peter Harder
- Peter Herrndorf

- Pierre Hurtubise
- Ryan Kennery
- Richard L'Abbé
- Louise Lemyre
- Jennifer Lynch
- Paul Mercier
- Julia Morris
- Jim E. Orban
- Jacques Pronovost
- David Rampton
- Carrie Roussin
- Denis A. St-Onge
- Louise Tardif
- Yves Tremblay
- Carmen Prévost Vierula

Attached: Texte français de la lettre.

TEXTE FRANCAIS DE LA LETTRE:

Le 5 janvier 2009

Marc Jolicoeur
Président du Bureau des gouverneurs
Université d'Ottawa
550 rue Cumberland
Ottawa, ON K1N 6N5

(par télécopie: 613-562-5178, Secrétaire de l'université)

Lettre de désaccord concernant mon congédiement planifié par l'université

M. Jolicoeur,

Comme vous savez, l'université planifie de me congédier sous le prétexte que j'aurais attribué des notes élevées dans un cours offert l'hiver dernier. Je vous écris pour mettre en évidence les raisons réelles derrière ce plan et pour vous demander, ainsi qu'au Bureau des gouverneurs, à y renoncer.

Je suis professeur de physique à l'Université d'Ottawa depuis vingt-deux ans, soit ma carrière entière. Je suis reconnu comme un expert dans ma profession et j'ai enseigné à plus de 2000 étudiants.

Le but premier de mon travail a toujours été d'offrir la meilleure éducation possible à mes étudiants, en leur donnant les outils pour apprendre et comprendre une matière souvent difficile et exigeante. À cette fin, j'ai fait des recherches sur la pédagogie, j'ai consulté des spécialistes de l'éducation de la physique et j'ai mis sur pied plusieurs techniques d'enseignement novatrices. J'ai développé des cours uniques et populaires tant au premier cycle qu'aux cycles supérieurs, comme "Physique et environnement", "La science dans la société (Science in Society)", ainsi qu'un cours interdisciplinaire aux cycles supérieurs portant sur les méthodes de mesure et de caractérisation en science. Le cours optionnel "Science and Society" était offert dans le plus grand auditorium du campus pour accommoder les étudiants inscrits et les participants de la communauté. Le cours "Physique et environnement", obligatoire pour les étudiants du programme d'Études environnementales, était considéré comme un des cours les plus motivants du programme. L'exécutif de l'Association étudiante en études environnementales a affirmé que j'étais un "professeur exceptionnel", que le cours était "très enrichissant [...] personnalisé" et qu'il offrait "un environnement d'apprentissage positif où les étudiants inspirés gagnaient en confiance et en courage" (Lettre écrite au doyen de la Faculté des sciences le 15 mars 2007, traduction libre).

J'ai joint à cette mission d'enseignement un effort de recherche soutenu, recevant au cours

de ma carrière quelques-unes des plus importantes subventions de recherche de la Faculté des sciences. Je possède un des indices d'impact scientifique les plus élevés dans toute la Faculté, avec un h-index de 20. Pour mettre cet indice en perspective, il est supérieur à ceux du doyen actuel de la Faculté des sciences (plus du double), du directeur actuel du département de physique (près du double), du directeur actuel du département de chimie (près du triple) et du directeur précédent du département de physique (plus du triple). En 2008, le Conseil de recherche en sciences naturelles et en génie du Canada (CRSNG) a évalué ma recherche et renouvelé ma subvention jusqu'en 2013. Cette réussite en recherche avait été anticipée, puisque j'ai débuté ma carrière universitaire comme chercheur-boursier universitaire du CRSNG, à la suite d'un concours national prestigieux destiné aux nouveaux professeurs. En 2001, j'ai obtenu la plus grande subvention de projet stratégique du CRSNG accordée à la Faculté des sciences, pour une étude de cinq ans portant sur les lacs de la forêt boréale. L'université avait alors placé des publicités dans le Globe and Mail, le Ottawa Citizen, Le Droit et Silicon Valley North, présentant mon groupe de recherche sous le titre: "*Can you recognize Canada's university of the 21st century? Denis Rancourt, LSSE group*" (LSSE est l'acronyme anglais pour Évolution et structure des sédiments lacustres). J'ai supervisé plus de 80 projets ou diplômes de recherche à tous les niveaux (stagiaires postdoctoraux, étudiants diplômés ou boursiers du premier cycle). J'ai été invité comme conférencier plénier, premier conférencier ou panéliste à près de 40 conférences majeures, ce qui est exceptionnel à la Faculté des sciences. Pour mettre ce nombre en perspective, plusieurs doyens et directeurs de département précédents et actuels n'ont jamais été invités comme conférencier plénier ou premier conférencier lors d'une conférence scientifique internationale.

Au cours des dernières années, j'ai défendu plusieurs réformes afin de rendre l'Université d'Ottawa meilleure et plus forte. J'ai exprimé mes préoccupations au sujet de politiques universitaires comme le Code de conduite étudiant et l'accès aux événements sur le campus pour les personnes sourdes et malentendantes. J'ai aussi défendu (et implémenté) des idées visant à démocratiser l'institution par différents moyens comme:

- le choix de méthodes pédagogiques;
- le développement du syllabus;
- le choix de services à la communauté;
- le droit de remettre en question les conventions établies;
- le choix du contenu des cours.

En réponse à ces préoccupations, l'université a tenté de me censurer par le biais d'une série de mesures disciplinaires basées sur de faux prétextes. Toutes ces mesures ont été soit abandonnées par l'université, soit rejetées par un arbitre, ou se dirigent vers l'arbitrage où elles seront probablement rejetées. Le dernier prétexte utilisé par l'université, sur la question de l'évaluation, sera rejeté pour les raisons déjà énoncées lors d'un arbitrage précédent. En juin 2008, l'arbitre Michel G. Picher a établi que toutes les initiatives pédagogiques que j'avais implémentées en 2005, incluant un mode d'évaluation non-conventionnel cohérent avec la méthode d'enseignement, étaient protégées par la liberté universitaire des professeurs.

Aucune personne raisonnable, en fait aucune personne ou organisation qui a été informée

de mon congédiement planifié par l'université, ne prête une quelconque crédibilité à l'argument de l'université selon lequel les notes d'un de mes cours, terminé depuis huit mois, constituent la motivation réelle de cette mesure disciplinaire. Comment un désaccord sur la question de l'évaluation pourrait-il justifier le recours aux forces de sécurité pour expulser un professeur titulaire du campus, l'interdiction pour ce professeur de mettre les pieds sur le campus, le changement de superviseur imposé à ses étudiants diplômés, le congédiement de sa stagiaire postdoctorale et la recommandation de congédiement déposée au Bureau des gouverneurs?

Sur la base de ma longue expérience dans les salles de classe et de mon étude des recherches dans le domaine de l'éducation, je crois honnêtement que les notes sont plus nuisibles que bénéfiques à la mission éducative de mes cours. Socrate n'accordait pas de notes à ses étudiants. Ainsi, j'ai ajusté mes techniques pédagogiques pour améliorer l'expérience de mes étudiants, ce qui est permis, encouragé même, par le principe de liberté universitaire. Ce principe a été réaffirmé récemment, comme je l'ai déjà mentionné, par la décision d'un arbitre concernant une mesure disciplinaire intentée contre moi par l'Université d'Ottawa. L'approche que j'ai adoptée met l'emphase sur l'éducation plutôt que l'évaluation, sur l'apprentissage plutôt que le classement des étudiants, sur une expérience éducative sans anxiété ou intimidation. En conséquence, la performance des étudiants dans mes cours s'est améliorée de façon significative et était somme toute excellente.

Le problème actuel est dû à l'ingérence malheureuse et maladroite du doyen de la Faculté des sciences dans mes tâches d'enseignement, une initiative motivée par des raisons politiques que j'ai immédiatement dénoncée au nom de la liberté universitaire et en défendant la meilleure éducation possible pour mes étudiants.

En agissant sans processus en bonne et due forme, l'université menace aussi le principe de permanence. Le doyen fait simplement l'affirmation que la méthode d'évaluation est indépendante de ma méthode pédagogique, de façon à contourner l'évaluation formelle de mon enseignement et à recommander mon congédiement sans que je puisse me faire entendre. Les actions du doyen, qui ignore ainsi la décision de l'arbitre Picher, sont audacieuses dans le meilleur des cas. Dans le pire des cas, elles sont malveillantes.

Les actions du doyen sont clairement politiques. Après la décision de l'arbitre Picher, elles font preuve de mauvaise foi. Cette censure basée sur ces motifs politiques enfreint les principes fondamentaux de l'institution universitaire - la liberté universitaire, l'indépendance et la responsabilité professionnelles, un processus en bonne et due forme - et constitue une menace pour l'intégrité de toutes les universités.

De plus, en m'imposant une suspension basée sur la mauvaise foi, il apparaît que le but réel de l'université, conséquence directe de ses actions récentes, n'est pas seulement de mettre fin à mon emploi, mais aussi à ma carrière. En plus de la dissolution de mon groupe de recherche, cela me causerait des dommages personnels considérables.

J'utiliserai tous les recours disponibles afin d'assurer que ces injustices seront rectifiées.

Je suis confiant que le public n'acceptera pas ce comportement répressif. En plus, étant donnée la décision de l'arbitre Picher, les tribunaux sauront repérer cette forme d'outrance.

Je vous demande donc respectueusement, ainsi qu'au Bureau des gouverneurs, de reconnaître que cette tentative visant à me congédier est inappropriée.

Je souhaite vous rencontrer, ainsi que le Bureau des gouverneurs, pour discuter de ces questions et trouver une solution satisfaisante pour toutes les parties. Je demande à chaque membre du Bureau des gouverneurs de s'informer sur ces questions et les invite à me rencontrer individuellement. Je vous contacterai bientôt pour fixer le temps de ces rencontres.

Sincèrement,

Denis Rancourt
Professeur

Cc:

- Ronald F. Caza
- Nathalie Des Rosiers, Secrétaire de l'université
- André E. Lalonde, Doyen de la Faculté des sciences
- Jean-Yves Leduc, Liaison Officer, Université
- Louise Pagé-Valin, Associate VP, Ressources humaines
- Mario Lamontagne, Liaison Officer, APUO
- Allan Rock, Recteur
- Les membres du Bureau des gouverneurs



uOttawa

Université d'Ottawa

Cabinet du vice-recteur
aux études

University of Ottawa

Office of the Vice-President
Academic and Provost

December 10, 2008

Professor Denis Rancourt
Department of Physics
Faculty of Science
MacDonald Hall
150 Louis-Pasteur, room 221
BY HAND

Dear Professor Rancourt,

You will be receiving concurrently with this letter a copy of a recommendation by your Dean that you be dismissed from your position with the University.

You were informed in correspondence dated August 12, 2008 that you would not be given further teaching assignments for the reasons outlined in that correspondence and in further correspondence dated August 18, 2008.

You have recently been advised by your Dean that he has recommended to the Dean of the Faculty of Graduate and Postdoctoral Studies that your FGPS membership be revoked.

I appreciate that you have or will be initiating challenges to these actions pursuant to your rights under the Collective Agreement between the University and APUO.

In the meantime, I am placing you on administrative suspension from the University, while the recommendation on your dismissal is proceeding under the collective agreement. You are not allowed on University premises during this suspension, until a decision is rendered on the recommendation. Upon advising Protection Services management (Claude Giroux or Steve Bernique), 24 hours in advance, you may attend meetings with your union in the APUO offices on campus.

Your laboratory will be secured while the administrative suspension is in effect, and your dean will take responsibility for the laboratory during this period.

☎ 613-562-5737

☎ 613-562-5103

550 Cumberland (217)
Ottawa ON K1N 6N5 Canada

www.uOttawa.ca

Should your students require access to the equipment in the laboratory, they may contact the dean who will make appropriate arrangements with a professor in this regard.

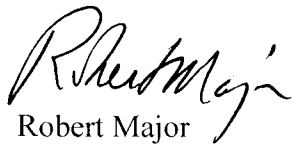
During the period of your administrative suspension, your salary and benefit coverage will be continued.

I would advise you of your entitlement to challenge my decision pursuant to the Collective Agreement. Your APUO representatives will advise you of the appropriate manner of doing so.

Arrangements may be made with Protective Services personnel to remove your personal effects from your office while the administrative suspension is in effect.

I must advise you that failure to adhere to my directions regarding your suspension including remaining off University premises during the period of the suspension will be regarded as culpable conduct and subject to disciplinary action.

Sincerely,



Robert Major
Vice-President Academic and Provost

/mjl

c.c.: André Lalonde, Dean, Faculty of Science
Claude Giroux, Director, Protection Services
Louise Pagé-Valin, Associate Vice-President. Human Resources
APUO