

February 27, 2006

Louise Pagé-Valin
Associate Vice-President
Human Resources Services
University of Ottawa
Tabaret Hall
INTRA

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Dear Mrs. Pagé-Valin:

Notice of grievance: Dean's letter of reprimand dated February 8, 2006

I hereby file a notice of grievance regarding the Dean of Science's letter of reprimand dated February 8, 2006. The letter is both flawed in itself, as it contravenes several paragraphs of the Collective Agreement (*inter alia* articles 5.3.4, 9(a), 10.3.1, 10.3.2(e), 21.1.2(b), 21.1.2(c), 39.1.2.1, 39.1.3(a), 39.1.3(b), 39.4.2.1), and is part of a broader pattern of harassment that I have partially described in my grievance dated November 28, 2005. The letter makes two formal accusations (my promotion of PHY 1703, Fall 2005, and my use of the S/NS grading system) both of which I refute. Within the documented pattern of harassment, this letter is the employer's conclusion of an item of discipline that is the *only* item of discipline (of several to date) that relates to the courses PHY 1703 and PHY 8391-D that I gave in the fall of 2005. All other items of discipline are related to ancillary claims and investigations. In my view, the latter are meant as punitive measures for my professional choices relating to my Fall 2005 courses and for filing a grievance against the Dean's September 21, 2005, in-class intervention.

RELEVANT DOCUMENTS

Several documents are directly relevant to the Dean's letter of reprimand. These include:

- My September 26, 2005, eight-page e-mail letter to the Dean explaining the small changes I have made to PHY 1703, Fall 2005; their history and their rationale. The employer has not acknowledged any of the specific points made in this document.
- My October 12, 2005, grievance concerning the Dean's rash and unwarranted September 21, 2005, intervention in my class. The latter intervention is claimed by the Dean to have been justified based on some or all of the points made in the letter of reprimand.
- The Dean's October 24, 2005, letter initiating the formal process that has led to the letter of reprimand. The October 24 letter is an incorrect casting of the context and an

incorrect interpretation of the events: It does not acknowledge the explanations given in my September 26, 2005 letter.

- My November 28, 2005, grievance for harassment that outlines many “independent” disciplinary actions against me, based on ancillary charges, that appear to be motivated by a punitive desire. The letter of reprimand is part of the harassment.
- My December 7, 2005, five-page e-mail letter to the Dean: (1) pointing out procedural flaws in his pursuit initiated by his October 24, 2005, letter, related to the treatment of alleged student complaints, and (2) giving a written point by point answer (that completes my September 26, 2005, e-mail) to the points raised in the Dean’s October 24, 2005, letter and that are points in the letter of reprimand. The procedural flaws have not been addressed and are being partly pursued in my grievance on student complaints filed November 16, 2005. It appears that the Dean has not read my written explanations (dated September 26, 2005, and December, 7, 2005) since he does not acknowledge, discuss, or refute them. He only acknowledges the existence of the letters.

The letter of reprimand itself is faulty on all points, as described below.

UNETHICAL INSINUATIONS

The letter makes many insinuations that are not accompanied by accusations, that therefore require no proof, and that are not the official charges of the letter. Such insinuations, that populate the background of the text, have no place in a formal letter of reprimand (39.4.2) and constitute unethical behaviour (10.3.1).

The main offensive insinuations are as follows.

(1) Paragraph-4 insinuates that the official course description was not followed. As explained in my letters (esp. September 26, 2005), it was followed. The content described in the official course description was covered and was intended to be covered from the start. Evidence to the contrary has not been presented, nor has evidence about my alleged intensions. The basic science concepts were covered (e.g., in parallel work groups) and the environmental aspects of PHY 1703 were set in the broader societal and economic contexts, as has always been done with invited speakers in PHY 1703, a course that I have developed and given since its creation. The employer-APUO agreement cited in the letter of reprimand was signed, as a face-saving measure and under executive pressure, before the September 28, 2005, class could be reinstated: It outlines how the course is to be given, as originally planned by myself and as I had already announced. The actual course content of PHY 1703, Fall 2005, has not been contested by the Dean so this insinuation is misplaced.

(2) Point-2 (of the February 8, 2006, letter) is itself one large insinuation again about course content, that ends with the contradictory statement “**Cette lettre de réprimande**

ne s'adresse donc pas au contenu du cours.". The Dean insinuates profusely only to then explicitly state that his letter is not about course content. The Dean cites the face-saving employer-APUO week of September 28, 2005, agreement as "Professor Rancourt assures that he undertakes [...] using the beta-1 version of his book [...]", insinuating that this was not my plan from the start, without mentioning that: (a) the science book in question was on the alternativevoices.ca web site before the course started, (b) that both the Environmental Studies students and program overseer Geography Chairman Daniel Lagarec were all informed of the Fall 2005 changes well before the start of term, and (c) that I wrote the book in question specifically to teach the difficult science concepts to non-science students, with the Environmental Studies program in mind. Again, all of this already outlined in my letters.

(3) The Dean's concluding paragraph is a broad insinuation that I have unilaterally "changé l'esprit, le contenu ou la fonction" of PHY 1703. As I have already extensively documented, this is not correct. This is a gratuitous statement, not a formal accusation, and it has no place in a formal letter of reprimand (39.4.2). I have cast the course in a chosen political perspective (as allowed, 9(a)) but I have not removed its intended content or its function in the Environmental Studies program.

The above insinuations, explicitly contradicted by the Dean's own acknowledgement that his letter is not about course content, are inappropriate and constitute unprofessional behaviour (10.3.1), in the harassment context that I have described. A formal letter of reprimand is not a place for extensive insinuations that are explicitly denied in the letter itself.

PROCEDURAL FLAWS

The Dean's point-2 states "même si vous n'avez pas voulu me produire de preuves a cet effet, comme, par exemple, des copies de travaux [...] examen final.". In addition to boldly insinuating that no homework or exam were assigned, the only time that these requests were made by the Dean and my refusal given was in the informal meeting (39.4.2.1), despite no previous indication of these concerns. Therefore, my behaviour regarding student assignments was presumably being investigated prior to the informal meeting (as required, 39.4.2.1, "When she has reasonable grounds") yet I was not informed of this (as required, 39.1.2.1(c)) until the informal meeting, when no grounds were presented (as required, 39.4.2.1(a), "and the grounds therefor").

WEB CRIME: PROMOTION OF PHY 1703

The Dean's point-1 refers to the promotion I have made of PHY 1703 on the independent www.alternativevoice.ca web site. (This promotion and my choice to use the S/NS grading scheme are the only two accusations in the entire letter.) As far as I know, there are no regulations that a professor cannot promote a course on an unofficial web site and using material other than the official course description. According to the CAUT's

public position, any such regulation would be a fundamental challenge to the general principle of academic freedom. I did suggest an alternative course title but I also stated what the official title was and that it was the official title. At no place on the site did I state that the official material of the Senate-approved course description would not be covered. The web page was *consistent* with (compatible with, not contradictory with) the course description. The promotional web page was intended to attract a broader range of class participants, to enrich the learning environment for all, and was intended to challenge the minimalist view of the role of science in environmental issues. The latter is part of a political perspective that I am entitled to express (9(a)). Again, all this has been amply explained in my letters to the employer. By all accounts, from all students who followed the course and all community participants, including two University of Ottawa professors who were regular student participants, the course was a complete success and exceeded the requirements stated in the official course description. This includes all the students in the Environmental Studies (ES) program for whom it was a required course. There were also no complaints from any ES officers who were made aware well before the start of term of the independent web page content. Indeed, the Dean created a new section of PHY 1703 in September for anyone dissatisfied with my course and not a single student registered for it, nor did the ES program officers recommend it.

The end result of my web promotion initiative was that the official enrolment in the class was more than double what it would have been with just the ES students, to more than 80. The varied enrolment plus the significant non-officially registered auditors and participants from all walks of life – that my promotion attracted – (community centre employees, NGO employees, lawyers, teachers, government employees, etc.) helped to make the course one of the most vibrant learning environments on campus. These were the consequences of the legitimate promotion that so bothered the employer.

A PROFESSOR'S RIGHT TO CHOOSE AN APPROPRIATE GRADING SYSTEM

Finally, the Dean's point-3, claims that I would have been required to obtain Senate approval, no less, before using the S/NS grading system in PHY 1703, Fall 2005. This new regulation is an invention by the Dean, that only surfaced long after his letter of October 24, 2005, with his *ad hoc* memo to Faculty professors dated December 2, 2005. Indeed, in all his previous and documented S/NS accusations to me, the Dean stated that I should have asked for collegial permission, not that I should have had a new course description approved by the Senate, that states the S/NS grading system. I have written an e-mail open letter to all professors (dated December 7, 2005) entitled "Academic Freedom in the Faculty of Science" contesting the Dean's novel position on the use of S/NS. I also filed an associated grievance to clarify, in this case, a professor's right to choose an appropriate grading system (21.1.2(c)) on January 12, 2006. The Dean's new rule contravenes the Collective Agreement and can therefore not be used to discipline me (39.1.3(a)).

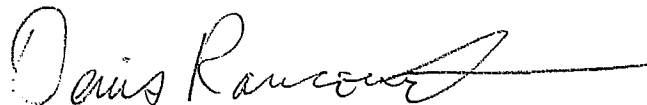
Even if the Dean's new regulation were to stand up to Collective Agreement scrutiny, it is a new rule and no such rule was generally known by or had been communicated to

employees at the time when I decided to use the S/NS system. It can therefore not be used to discipline me (39.1.3(b)). There is much evidence of the fact that any such rule regarding S/NS was not generally known by professors (my open letter of December 7, 2005). For example, my colleagues in Physics, as part of a Department Council meeting, unanimously approved a special topics course description for PHY 8391-D, Fall 2005, that incorporated the S/NS system, without anyone even thinking that this would require Senate approval. Also, when asked to produce the copy of any such rule, the Dean produced Senate minutes dating back to 1975 that do not constitute such a rule (Dean's letter, with attachments, dated December 19, 2005). If there was such a rule in September 2005, I ask the employer to find it and to demonstrate that it was communicated to and generally known by professors (39.1.3(b)).

REPARATION

The Dean's letter of reprimand should be nullified. I ask that the letter of reprimand stay in my file, that a copy of the outcome of this grievance be added to my file, with a letter from the employer stating that the letter of reprimand is nullified. Given the contrived nature of the letter of reprimand and its unprofessional allegations and insinuations and given the disproportionate disciplinary attempts for having promoted a course from a certain political perspective and for having chosen a grading system other than alphanumeric, I ask for a written apology for this entire issue from the Dean. I ask that the Dean be informed in writing by the VP-Academic, with cc to me, that professors are allowed to promote and describe their courses on independent web sites using material other than the official course descriptions and expressing political perspectives of their choice (9(a)). I ask that the Dean be informed in writing by the VP-Academic, with cc to me, that until a negative arbitration decision is made regarding my S/NS grievance dated January 12, 2006, the Dean must not intervene in any way in a professor's right to choose between the different Senate-approved grading systems, in that he must comply with 21.1.2(c). Finally, I ask that the Dean apologise in writing to every individual student that officially completed PHY 1703 and PHY 8391-D, Fall 2005, for the disruptions and interventions to the class that he made in September 2005 as a direct result of "having been made aware" of the alternativevoices.ca course descriptions.

Sincerely,



Denis Rancourt
(Professor of Physics)

cc: APUO, President Gilles Patry, VP-Academic Robert Major, any concerned student or community member who asks to see it.