

July 10, 2006

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

G-7

By Fax: 562-5783

Dear Mrs. Pagé-Valin:

***Notice of grievance: Employer must rescind its unfounded accusations
and allegations regarding the CUPE and JSA matters***

In a fax-letter dated May 24, 2006, I asked the employer to follow the Collective Agreement (CA) process so that outstanding employer accusations could be resolved regarding matters involving CUPE and the Jewish Student Association (JSA). In my letter I also asked that the employer answer APUO LO Michael Piva's letter dated April 13, 2006, asking that all employer allegations and accusation regarding the CUPE and JSA matters be rescinded.

You answered my letter of May 24th in a letter dated June 16th and faxed to me on June 21st. You answered Dr. Piva's letter of April 13th in a letter dated June 16th and faxed to the APUO office on June 21st. I received a paper copy by INTRA mail of the latter fax on June 26, 2006.

From your replies: The employer refuses to continue the CA article 39 process and refuses to rescind its letters concerning the CUPE and JSA matters.

This leaves me in a situation where the employer appears in effect to have used CA procedures in order to record unjustified accusations, without allowing continuation of the article 39 process that could verify these accusations (employer unilaterally retracted from the article 39 process), and then refusing to rescind the presently unfounded accusations. The CA was not intended to be used in this way. Article 39 is intended to resolve valid disciplinary concerns, not load an employee's file with unverified claims and interpretations.

In his letter of November 1, 2005, Dean Christian Detellier, apparently without performing any relevant investigation or informing me of such investigation (as required by the CA), accused me of transmitting offensive material (of anti-Semitic character) in the classroom: "je vous demanderai de justifier comment du contenu offensant peut se trouver ainsi véhiculé dans un cours universitaire". Any even superficial investigation

would have demonstrated that no such material has ever been communicated by instructors or invited speakers in my (PHY 1703, Fall 2005) class room. I provided a detailed response to the Dean in my e-mail dated November 13, 2005. This did not satisfy the Dean and in his letter of allegation dated November 22, 2005, he next accused me of discrimination against students: “j’ai des raisons de croire que vous avez violé [...] discrimination à l’endroit des étudiants”, again without providing evidence to this effect. A superficial investigation would have demonstrated that I have not discriminated against students. I would be interested to know how the students of the class would respond to this accusation made by the Dean. I gave a detailed response to the Dean’s November 22 letter in my e-mail dated November 28, 2005, in which I reminded the Dean of the definition of discrimination. This did not stop the Dean from pursuing the employer’s track to the next level, via the Dean’s letter dated December 2, 2005, to vice-President Academic Robert Major, in which the Dean repeats the accusation of my having transmitted offensive material (anti-Semitic material, given the context) in my class room, without any evidence - as required by the CA (39.2.2.1, 39.2.2.2b). The Dean adds that he wishes the issue to be pursued because “Prof. Rancourt cannot conceive that he has offended a group of students [...]” (my translation). The Dean implies that I have offended students, without providing any evidence for this, as required by the CA. Which students? How many students? Were they registered in the course? What unethical thing did I do exactly that offended them? The vice-President Academic (via his representative the vice-President Research Howard Alper) chose to schedule the related next-step informal meeting. Later, the process was unilaterally terminated by the employer, without any explanation, despite requests for such explanations.

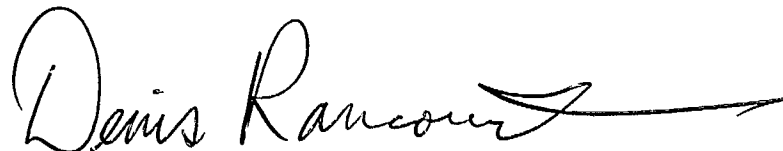
In his letter of November 3, 2005, Dean Christian Detellier makes me aware of a grievance that the employer has received from CUPE, the union representing teacher assistants (TAs) on campus. In his letter, the Dean asks me to answer him whether or not I will provide a written apology to CUPE: “m’indiquer si vous comptez présenter vos excuses selon ce que demande le Syndicat?” This question from the Dean, in the context of what is suppose to be the initiation of a disciplinary investigation, implies guilt, without any evidence in support of or evaluation of the validity of the CUPE grievance. Any such accusation, without supporting investigation and evidence, is against the CA. The Dean also implies that my answer must be yes, under a threat of further action: “Lorsque vous m’aurez répondu, je déterminerai alors, selon votre réponse, si des actions supplémentaires sont a engager.” To make such a threat, without investigation of the validity of the original CUPE claim, may constitute unethical behaviour (10.3.1) and abuse of power. The CUPE grievance was not warranted, as I explained to the Dean in my e-mail dated November 22, 2005. Indeed, all but a few of the Physics Department TAs were aware of this grievance and, on being informed of its existence, almost all felt that the grievance was not warranted. This was a case of over-sensitivity by a few TAs to statements taken out of context - a clear and obvious context in my opinion. The Dean continued the employer’s track with the Dean’s letter of allegation dated November 25, 2005, in which the Dean accuses me of unethical behaviour: “j’ai des raisons de croire [...] l’article 10.3.1 [...] éthique professionnelle [...]”, without having made a proper investigation or having provided relevant evidence. The Dean must have some evidence, not that some students were offended but that I acted unethically, before such accusations

can be made (39.2.2.1). That third parties are offended is not sufficient grounds to establish unethical behaviour, contrary to the Dean's beliefs expressed in his letters. One cannot control third party emotions or interpretations. I answered the Dean in an e-mail of November 28, 2005 (separate from my other November 28 e-mail cited above). The arguments I provide in the latter response are central to this case. The Dean next pursued the issue to the next level, via his letter dated November 29, 2005, to the vice-President Academic. In the latter letter, the Dean argues that disciplinary measures should be pursued because I show no indication of wanting to write a letter of apology to CUPE, again, without having established that the CUPE grievance was warranted. This constitutes an unacceptable use of the CA (39.2.2.2b). The vice-President Academic (via his representative the vice-President Research Howard Alper) chose to schedule the related next-step informal meeting. In a letter to CUPE dated March 23, 2006, I restated my position that my words were taken out of context and misinterpreted. I also stated that it is regrettable that some students felt hurt by the circumstances. It is always regrettable when individuals feel hurt, for whatever reason they perceive. Next, the process was unilaterally terminated by the employer, claiming that my letter to CUPE dated March 23rd was a letter of apology, which it was not.

The employer has, in effect, used the CA to load my file with illegitimate accusations and insinuations. This grievance is presently the only option available to me to clear my file. None of the above items, in my opinion, would normally have been pursued under circumstances where the employer was not annoyed by my choices in running PHY 1703 Fall 2005 and by my resistance to the employer's attempts to alter my approach in PHY 1703. For example, Professor Chossudovsky, who was the focus of the unfounded JSA letter of complaint to vice-President Major, was not pursued or contacted in any way regarding the issue.

I ask that all the above items remain in my file, as protection against possible future employer harassment, but that all of the employer letters cited above (dated: 1 November 2005; 3 November 2005; 25 November 2005; 29 November 2005; 2 December 2005 and any other related file items) be rescinded in writing and that the latter letter be added to my file, with a copy of this grievance and its outcome. I ask that the Dean and that the vice-presidents Academic and Research be informed in writing by the President, with cc to me, that such improper use of the CA, as illustrated by this case, is not acceptable.

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)
Department of Physics

cc: APUO, by fax: 562-5197