



The Law Society of
Upper Canada | Barreau
du Haut-Canada

April 29, 2011

Private & Confidential

Denis G. Rancourt

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

Professional Regulation
Division
Intake Department

Dear Dr. Rancourt:

Re: Subject: Joseph Michel Marc Jolicoeur
Complainant: Denis G. Rancourt
Case No.: 2011-95023

I have reviewed your correspondence which was received by the Intake Department on March 1, 2011 and the additional materials you provided in response to my request. Specifically, I have reviewed the following documents:

- Various emails between your lawyer's office and you,
- Letter to Ms Harrod, FIPPA Coordinator, from you, dated April 21, 2008,
- Letter to Ms Harrod, FIPPA Coordinator, from you, dated April 25, 2008,
- Email to Mr. Jolicoeur from you, dated January 5, 2009,
- Email to you from Mr. Jolicoeur, dated January 6, 2009,
- Email to Mr. McGee from Ms Harnden, dated March 26, 2009, with associated email chain,
- Email to Ms Harnden from Mr. McGee, dated March 27, 2009, with associated email chain,
- Email to Ms Des Rosiers from you, dated March 29, 2009,
- Letter to you from Mr. Lalonde, dated April 1, 2009, with attached Decision of the Executive of the Board of Governors,
- Representations of the University of Ottawa, to the Information and Privacy Commissioner/Ontario, in the Matter of Appeal No. PA-08-97-2, dated August 31, 2010,
- Representations of the University of Ottawa, to the Information and Privacy Commissioner/Ontario, in the Matter of Appeal No. PA-08-158-2, dated August 31, 2010,
- Letter to you from Ms Corban, Adjudicator, Information and Privacy Commissioner of Ontario, dated September 24, 2010
- Letter to Mr. Rock from you , dated October 15, 2010,
- Email to Mr. Jolicoeur from you, dated October 27, 2010, copied to Ms Effendi,
- Email to you from Mr. Leduc, dated November 2, 2010,
- Letter to you from Mr. Leduc, dated November 2, 2010,
- Application Under Section 96 of the Act, dated November 5, 2010,
- Email to Mr. Jolicoeur from you, dated November 6, 2010, copied to Ms Effendi,
- Response to Application Under Section 96 of the Act, dated November 19, 2010,
- "'Academic Freedom' Background" by Denis G. Rancourt, dated December 2010,

- Amended Application, OLRB File No. 2567-10-U, dated December 6, 2010,
- Letter from Tim Parker, dated December 10, 2010, with attached Board Decision, dated December 9, 2010,
- Letter to Mr. Jolicoeur from you, dated December 13, 2010,
- Letter to Ms Effendi from you, dated December 13, 2010,
- Response to “Amended” Application Under Section 96 of the Act, dated December 16, 2010,
- Letter from Ms Harnden to Mr. Parker, dated December 20, 2010,
- Email from Ms. Lachance to you, dated January 12, 2011, with associated email chain,
- Letter from Ms Harnden to Mr. Parker, dated January 28, 2011, with attachments requesting appointment of single and bilingual arbitrator under section 49 with regard to three grievances,
- Letter from Reg Pearson to Mr. J.F.W. Weatherill, dated February 1, 2011, with attached c.v. of Mr. Weatherill,
- Application for Interim Order, served and filed February 10, 2011,
- Letter from Mr. Lalonde to Mr. Gallus, Ontario Labour Relations Board, date February 14, 2011,
- Letter from Mr. McGee to Mr. Foisey, Arbitrator, dated February 14, 2011,
- Letter from Mr. Lalonde to Mr. Parker, dated February 14, 2011, with attached Response to Application for Interim Order,
- Letter from Mr. Gallus, dated February 23, 2011, with attached Board Decision, dated February 23, 2011,
- Letter from Mr. Lalonde to Mr. Gallus, Ontario Labour Relations Board, dated February 24, 2011,
- Summary of Complaint to Law Society of Upper Canada entitled, “Conflict of interest and ethical breaches related to public office and the practice of law,” dated February 26, 2011.

Based on my review of the documents provided, I have concluded that, although regulatory issues may have been raised, given all of the circumstances in this matter, a request to investigate the conduct of Joseph Michel Marc Jolicoeur pursuant to section 49.3 of the *Law Society Act* is not warranted at this time. Consequently, I have closed the file

Summary of Complaint

As I understand your complaint, you were a physics professor at the University of Ottawa until your termination on March 31, 2009. You had been granted tenure in 1992 when you were promoted to Associate Professor and you were promoted to Full Professor in 1997.

On December 10, 2008, the Dean of the Faculty of Science, Dr. Lalonde, wrote to the Chairman of the Board of Governors of the University of Ottawa, Mr. Jolicoeur, recommending that you be dismissed.

On January 5, 2009, you wrote to Mr. Jolicoeur indicating that the University intended to dismiss you and you offered your position on the matter. At that time, you also requested a personal meeting with Mr. Jolicoeur and the members of the Board of Governors. Mr. Jolicoeur responded to your letter by email on January 6, 2009. In that email he stated that the collective agreement sets out the procedure for dismissal and indicated that, as a result, it would be inappropriate to meet with you individually. However, he assured you that, in the event that the matter came before the Executive

Committee, the Committee would look carefully and objectively at all relevant information presented by you and by the faculty through the process.

You were advised that the Executive of the Board of Governors would be meeting on March 31, 2009 to determine the issue. You made submissions to the members of the Executive Committee by email prior to that meeting. You have objected to the level of disclosure provided to you in advance of that meeting. You have also objected to the fact that Mr. Jolicoeur did not attend the meeting on March 31, 2009.

Following your termination, you have made a number of *Freedom of Information and Protection of Privacy Act* requests and you have grieved your termination to the Ontario Labour Relations Board. The law firm Borden Ladner Gervais LLP, of which Mr. Jolicoeur is Managing Partner, represents the University of Ottawa in respect of the FIPPA requests.

In addition, you have made a complaint to the Law Society. You have alleged that in his email of January 6, 2009, Mr. Jolicoeur committed to participating in the determination of the issue of your termination and that he failed to fulfill that commitment. You have also alleged that, given that Mr. Jolicoeur was the Chairman of the Board of Governors which made the decision to terminate you, it is a conflict of interest for Mr. Jolicoeur's firm to now act for the University in your Information and Privacy Commission appeals. Finally, you have alleged that Mr. Jolicoeur has failed to respond to your correspondence sent on October 27, 2010, November 6, 2010, and December 13, 2010.

Reasons for Closing

Where the issues in a complaint are the same as or are related to ongoing external litigation, the Law Society considers whether it is in the public interest to investigate immediately, or to await the conclusion of the legal dispute. In this case, I am not able to identify a compelling public interest in proceeding to investigate immediately, and a conclusion to the legal dispute would likely help any investigation the Law Society may conduct. In addition, the Law Society needs to ensure that there are not parallel and simultaneous fact-finding exercises being conducted. If, after the legal issues are resolved, you continue to be of the view that you wish to make a complaint about Mr. Jolicoeur's conduct, you may bring the complaint back to the Law Society for further consideration.

Yours truly,



Taryn McCormick
Intake Counsel

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cc. Joseph Jolicoeur