

Form A-14

LABOUR RELATIONS ACT, 1995
AND/OR
STATUTORY POWERS PROCEDURE ACT

APPLICATION FOR INTERIM ORDER

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Denis Rancourt of Ottawa, Ontario; former professor, University of Ottawa, Ottawa, Ontario.

- and -

Applicant,

University of Ottawa, Ottawa, Ontario.

Responding Party.

The applicant requests the following interim order(s):

WHEREAS:

(a) The Responding Party (University of Ottawa) has filed three applications with the Board that were served on January 28, 2011, and that named the Association of Professors of the University of Ottawa (APUO) as the Responding Party; Board File Nos. A/Z001764, A/Z001765 and A/Z001766.

(b) These three applications dated January 28, 2011, concern three grievances (labeled G14, G15, and G24) where the grievor (Denis Rancourt) is the present Applicant; Board File Nos. A/Z001764, A/Z001765 and A/Z001766.

(c) These three grievances (G14, G15, G24) are only three grievances of many related and interconnected grievances (twenty seven grievances have been filed since 2005, and some have been resolved) in a broad employer-employee conflict that is a major academic freedom case in Canada of public interest and being actively investigated by an Independent Committee of Inquiry of the Canadian Association of University Teachers (CAUT).

(d) The APUO did not have legal standing for grievance G24 on the relevant date of January 28, 2011. The Grievor had standing, pursuant to the Collective Agreement between the University of Ottawa and the APUO.

(e) The Applicant was not served with the three University of Ottawa January 28, 2011, applications, as required for interested parties.

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(f) A different pending application to the Board (Board File No. 2567-10-U) is also related and interconnected to the present matter of the overall employer-employee conflict (including G24) and is awaiting hearing.

(g) The University of Ottawa has never previously made a section 49 application against the APUO, always preferring the process foreseen by the Collective Agreement, and did not make any request to the APUO to advance or accelerate any of the Applicant's grievances before filing its section 49 application.

(h) The academic/university work environment is uniquely and foundationally defined by the legal concepts of tenure, academic freedom (professional independence) and institutional independence, as developed in legal precedents, collective agreements, professional norms, and an international UN agreement signed by Canada.

(i) There is evidence that the University of Ottawa targeted the Applicant and conspired at the highest administrative levels to remove the Applicant (who has been a critic of the university administration) for reasons other than the stated reasons in its dismissal notice, contrary to accepted norms, natural justice, and the Collective Agreement.

THEREFORE:

(I) The Applicant requests that the three University of Ottawa applications of January 28, 2011, be dismissed on the grounds of:

- (1) disregarding the rules for filing applications; and/or
- (2) improper treatment of a broad employer-employee conflict by selecting only three of many directly and substantively related grievances that should properly be considered together; and/or
- (3) the usual arbitration procedure foreseen by the Collective Agreement being the best suited venue for arbitrating the conflict; and/or
- (4) the negative impact that would result in the Applicant's statutory rights being denied regarding the matters put forth in the application to the Board of File No. 2567-10-U; and/or
- (5) the lack of any otherwise-unavailable benefit from section 49 compared to the usual arbitration route pursuant to the Collective Agreement; and/or
- (6) other suitable grounds as the Board may see fit.

(II) Alternatively, the Applicant requests that the University of Ottawa applications of January 28, 2011, be deferred or adjourned until after the matters following from the application to the Board of File No. 2567-10-U are completed, with an Order that this should be completed in good faith within three weeks (or a suitable time) of the Board's decision on File No. 2567-10-U unless the matter can be resolved more quickly by mediation.

(III) Alternatively, if request-I is not granted, the Applicant requests that, in preparation for its mediation and/or arbitration, the Board order the Responding Party to disclose all relevant internal communications about the Applicant, including those communications relating to planning meetings that also included legal counsels, and all respondent records identified in several access to information requests (FIPPA) that have been withheld, for example, using the "labour relations" exclusion.

(IV) Alternatively, if request-I is not granted, the Applicant requests that all grievances broadly related to the Applicant's dismissal be mediated or arbitrated together in view primarily of fairly

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and completely resolving the dismissal question as efficiently as possible to minimize harm to the griever; including grievances G25, G26, and G27 if assumed by the APUO after the matter of Board File No. 2567-10-U is resolved.

(V) Alternatively, if request-I is not granted, the Applicant requests that, given the public nature of the Applicant's dismissal (several articles in national and international media, several in-depth TV and radio interviews, etc.) that the venue of the arbitration be suitable for public attendance, that the public and media, including student media, be allowed at arbitration, and that the arbitration proceedings be recorded by a court reporter for the record, for public access and for academic research purposes.

(Describe **in detail** what you wish the Board to order as a result of this application.)

The applicant states:

1. (a) Name, address, telephone number, facsimile number and e-mail address of the applicant:

Denis Rancourt, [REDACTED]

- (b) Name, address, telephone number, facsimile number and e-mail address of a contact person for the applicant:

N/A

- (c) Name, address, telephone number, facsimile number and e-mail address of the responding party:

University of Ottawa, Office of the President (Room 212), Tabaret Hall, 550 Cumberland, Ottawa ON K1N 6N5, Ph 613-562-5809, Fax 613-562-5103, president@uOttawa.ca

2. (a) Name, address, telephone number, facsimile number and e-mail address of any other person, trade union, employer or employers' organization who may be affected by the application:

(1) Association of Professors University of Ottawa (APUO), University Centre (Room UCU 348), 85 University, Ottawa, ON K1N 6N5, Ph 613-562-5800 ext.4364, Fax 613-562-5197, apuoadm@uottawa.ca

(2) Mr. J.F.W. Weatherill, Arbitration Services Limited, 350 Sparks Street, Suite 703, Ottawa, Ontario K1R 7S8, [REDACTED]

- (b) The person, trade union, employer or employers' organization named in paragraph 2(a) is affected by the application for the following reason(s):

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(1) The APUO has a duty of fair representation to help ensure that the Applicant's rights pursuant to the Collective Agreement between the University of Ottawa and the Association of Professors University of Ottawa (APUO) be upheld and protected.

(2) Mr. Weatherill was named by the Board to arbitrate grievances G14, G15 and G24, pursuant to the University application to the Board served on January 28, 2011.

[Before you file your application with the Board, you must deliver to the responding party and to the person(s) named in paragraph 2(a): a copy of your application, including the four Schedules, a blank response form, and a Notice to Responding Party and/or Affected Party of Application for Interim Order (Form C-11) with the names of the parties and the date inserted. You must also complete the attached Certificate of Delivery.]

3. The following sections of the Labour Relations Act or of any other statute relate to this application:

49., 56., 76., 96., 98.(1)(a), 98.(4), 106.

4. The applicant must attach four Schedules as part of this application:

(a) **Schedule A** must contain one or more declarations signed by persons with first-hand knowledge, detailing all of the facts upon which the applicant relies. Each signed declaration must include the following statement: "This declaration has been prepared by me or under my instruction and I hereby confirm its accuracy."

(b) **Schedule B** must contain complete written representations in support of the applicant's request for the interim order. The applicant must include **all** of the submissions that it wishes the Board to consider. Where the application is pursuant to section 98(1)(b) [reinstatement] or 98(1)(c) [terms and conditions], the written representations must address whether:

(a) the circumstances giving rise to the pending proceeding occurred at a time when a campaign to establish bargaining rights was underway;

(b) there is a serious issue to be decided in the pending proceeding;

(c) the interim relief is necessary to prevent irreparable harm or is necessary to achieve other significant labour relations objectives,

(d) the balance of harm favours the granting of the interim relief pending a decision on the merits in the pending proceeding;

(e) the alteration of terms and conditions, dismissal, reprisal, penalty or discipline by the employer was unrelated to the exercise of rights under the Act by an employee.

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- (c) **Schedule C** must contain a copy of the pending application in relation to which the interim order is being requested. If the pending application has already been filed with the Board, the Board File Number must be indicated.
- (d) **Schedule D** must contain any other relevant statements that the applicant wishes to make.

DATED _____.

Signature for the Applicant

[Served and filed on February 10, 2011.]

APPLICATION FOR INTERIM ORDER

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Applicant: Denis Rancourt, Former professor, University of Ottawa

Responding Party: University of Ottawa

Schedule A

Signed declaration of all the facts upon which the Applicant relies; prepared by the Applicant.

(1) The Applicant has filed twenty seven grievances against the employer (the Respondent) since 2005. These grievances and their present status are described in this table:

TABLE OF GRIEVANCES

(File-No / description / date-filed / outcome-status)

G1 - Dean barges into "Activism Course" class

- Filed: 2005.Oct.12
- OUTCOME: University admitted wrongdoing and expressed regret in a Memorandum of Settlement signed in November 2007.

G2 - Dean refuses to show alleged student complaint

- Filed: 2005.Nov.16
- OUTCOME: University retracts all its allegation documents from file, and states that it will not pursue or use its allegation in any way.

G3 - Harassment

- Filed: 2005.Nov.28
- OUTCOME: APUO decided that there was not sufficient accumulated evidence to prove a "pattern of harassment."

G4 - Use of the pass/fail (satisfactory/non-satisfactory, S/NS) grading method

- Filed: 2006.Jan.12
- OUTCOME: A formal February 2009 Settlement has the University withdrawing its Dec.2.2005 Dean's memo forbidding the use of the S/NS grading method. The Arbitrator's Award for G5 established that the choice

of the S/NS grading method was under the purview of the professor's academic freedom.

G5 - "Academic Squatting" letter of reprimand

- Filed: 2006.Feb.27
- OUTCOME: The Arbitration Award dated June 25, 2008, concluded that all of the pedagogical methods employed by the grievor were protected under the purview of his academic freedom.

G6 - Dean Christian Detellier improper handling of a student complaint

- Filed: 2006.Jun.20
- OUTCOME: APUO does not assume the grievance.

G7 - Jewish Student Association (JSA) accusations and CUPE complaint

- Filed: 2006.Jul.10
- OUTCOME: The University was required to remove and declare void all (six) of its letters of allegations, Memorandum of Settlement dated 2009.Sep.24.

G8 - Unethical behaviour of a professor and harassment by the University

- Filed: 2007.Jan.03
- OUTCOME: Dean of the Faculty of Science intervenes and sends the grievor a letter (2007.Nov.06) of assurance that the improper behaviour of a professor has and will stop.

G9 - Unethical behaviours of University executives, harassment, interference with work assignment

- Filed: 2007.May.18
- OUTCOME: APUO does not assume the grievance.

G10 - Dean's improper use of discipline procedures

- Filed: 2007.Jul.09
- STATUS: Folded into G13 and G14.

G11 - "Politics and ethics in the physics profession" disallowed as a project topic in the Physics Department

- Filed: 2007.Aug.16
- STATUS: Required settlement attempt meeting failed; Under further consideration

G12 - Dean's improper use of discipline procedures again.

- Filed: 2007.Sep.17
- STATUS: Folded into G13 and G14.

G13 - Quoted in a press release against the cancellation of the "Activism Course", improper employer actions

- Filed: 2007.Dec.05
- STATUS: Assumed by APUO; awaiting arbitration.

G14 - Course content in SCI 1101 Science in Society fall-2006 course, letter of reprimand

- Filed: 2007.Dec.10
- STATUS: Assumed by the union; awaiting arbitration.

G15 - Threatened with dismissal for assigning high grades in PHY1722 winter-2007, letter of reprimand

- Filed: 2007.Dec.13
- STATUS: Assumed by the union; awaiting arbitration.

G16 - Alleged copyright violation on UofOWatch blog, letter of reprimand

- Filed: 2008.Feb.24
- STATUS: Required settlement attempt meeting failed; Under further consideration

G17 - University's refusal to assign any teaching using a false pretext

- Filed: 2008.Sep.08
- STATUS: Assumed by the union; awaiting arbitration.

G18 - Unjustified attempt to expel griever from School of Graduate Studies

- Filed: 2008.Sep.12
- STATUS: Required settlement attempt meeting failed; Under further consideration

G19 - Disciplinary suspension for UofOWatch blog

- Filed: 2008.Oct.07
- STATUS: Required settlement attempt meeting failed; Under further consideration

G20 - Interference with Physics Project Course and unilateral de-registration of student

- Filed: 2008.Dec.01
- STATUS: Required settlement attempt meeting failed; Under further consideration

G21 - Definitive administrative suspension applied on Dec-10-2008

- Filed: 2008.Dec.15
- STATUS: Assumed by the union; awaiting arbitration.

G22 - Laboratory lockout, procedural violations, false accusations of criminal act

- Filed: 2008.Dec.22

- STATUS: Assumed by the union; awaiting arbitration.

G23 - Dismissal procedure violation of natural justice

- Filed: 2009.Jan.11
- STATUS: Assumed by the union; awaiting arbitration.

G24 - Dismissal of tenured Full Professor Denis Rancourt

- Filed: 2009.Apr.16
- STATUS: Assumed by the union; awaiting arbitration.

G25 - Covert surveillance of a professor and of students

- Filed: 2009.Nov.22
- STATUS: Awaiting required settlement attempt meeting

G26 - Violation of academic freedom, global warming science

- Filed: 2010.Sep.21
- STATUS: Awaiting required settlement attempt meeting

G27 – Unethical behaviours of employer and conspiracy to do harm, IPC Adjudication Order PO-2915

- Filed: 2010.Oct.14
- STATUS: Awaiting required settlement attempt meeting

END OF TABLE OF GRIEVANCES

(2) Grievances G14, G15 and G24 are separately the subjects of three distinct University of Ottawa applications to the Board that were served on January 28, 2011, and that are the target of the present application; Board File Nos. A/Z001764, A/Z001765 and A/Z001766.

(3) Grievances G25, G26 and G27 are the subjects of an application to the Board (File No. 2567-10-U) awaiting hearing that is intimately related and interconnected to the matter of the present application.

(4) Grievances G17, G21, G22, G23 and G24 are intimately interconnected in a continuum of events related to the dismissal of the Applicant and have been applied by the APUO to be arbitrated together under the purview of the Collective Agreement (APUO's "Notice under 13.6.2" to the employer, dated February 3, 2011).

(5) The latter continuum of events includes: refusal to assign a teaching workload (G17), administrative suspension and lockout (G21), research laboratory lockout (G22), violation of dismissal procedures (G23), and dismissal (G24) (APUO's "Notice under 13.6.2" to the employer, dated February 3, 2011).

(6) Grievances G25, G26 and G27 also relate to improper dismissal procedures: extensive (2006-2008) covert information gathering in violation of the Collective Agreement (G25), interference with and blocking of graduate student supervision workload (G26), and improper discipline procedures and intimidation in view of dismissal (G27) (Board File No. 2567-10-U).

(7) The application pending hearing related to grievances G25, G26 and G27 (Board File No. 2567-10-U) relates to the Applicant's statutory right to pre-arbitration mediation-attempt processes foreseen by the Collective Agreement during a period when the grievor has standing over the grievances before the APUO assumes the grievances.

(8) Grievances G10, G11, G12, G13, G14, G15, G16, G18, G19 and G20 also all relate to improper dismissal procedures involving: undue discipline, interference with work duties, undue removal of work responsibilities, undue interference with professional responsibilities, and arbitrary and unjustified attacks (see above Table).

(9) At the date of the University serving its January 28, 2011, applications the APUO did not have standing in grievance G24. The Collective Agreement foresees that the grievor (not the union) has standing until the grievance is assumed by the APUO. This interpretation was confirmed by the APUO and was not challenged by the University in their responses to application 2567-10-U.

(10) The APUO assumed grievance G24 on February 2, 2011.

(11) The Applicant was not served as the Respondent Party regarding the January 28, 2011, University application to the Board concerning G24, as required by the rules pursuant to the Act.

(12) The Applicant, as the grievor and possible party to the Collective Agreement, was at least an Interested Party that should have been served regarding the January 28, 2011, University applications to the Board concerning G14, G15 and G24, as required by the rules pursuant to the Act.

(13) The Applicant was not served as an Interested Party regarding the three January 28, 2011, University applications to the Board separately concerning G14, G15 and G24, as required by the rules pursuant to the Act.

(14) The Applicant was not informed about the January 28, 2011, University application (Board File Nos. A/Z001764, A/Z001765 and A/Z001766) until February 3, 2011 when copies were sent by the APUO.

(15) Arbitrator J.F.W. Weatherill was assigned by the Board on February 1, 2011 (Board File Nos. A/Z001764, A/Z001765 and A/Z001766).

(16) The Applicant was not informed about the February 1, 2011, assignation of arbitrator Weatherill (Board File Nos. A/Z001764, A/Z001765 and A/Z001766) until

February 9, 2011 when copy of the Board's February 1, 2011, letter was sent to the Applicant by the APUO.

(17) The University of Ottawa has never previously made a section 49 application against the APUO, always preferring the process foreseen by the Collective Agreement, and did not make any request to the APUO to advance or accelerate any of the Applicant's grievances before filing its section 49 application.

(18) The academic/university work environment is uniquely and foundationally defined by the legal concepts of tenure, academic freedom (professional independence) and institutional independence, as developed in legal precedents, collective agreements, professional norms, and an international UN agreement signed by Canada. ("Academic Freedom Background" document attached to the Amended Application, Board File No. 2567-10-U.)

(19) There is evidence that the University of Ottawa targeted the Applicant and conspired at the highest administrative levels to remove the Applicant (who has been a critic of the university administration) for reasons other than the stated reasons in its dismissal notice, contrary to accepted norms, natural justice, and the Collective Agreement (above Table; media reports; access to information records; access to information indexes of respondent records; witness affidavits; University's and University President's public statements; grievances at issue in Board File No. 2567-10-U; and more).

(20) Some examples of the latter evidence are publicly available on these web pages:
<http://rancourt.academicfreedom.ca/background/reportoncovertsurveillance.html>
<http://rancourt.academicfreedom.ca/background/cclasandal.html>
<http://rancourt.academicfreedom.ca/background/reportonipcdeanliestocoverup.html>

(21) Whereas the alleged cause of dismissal of the Applicant is stated by the University to be related to a limited question of grading in a fourth-year and graduate solid state physics course given in the winter-2008 semester, alleged to have been independently investigated by the dean of the Faculty of Science pursuant to the Collective Agreement, University senior officials participated in and were informed about many regular planning meetings about dismissing the Applicant that were much broader in scope than foreseen by the procedures, text and spirit of the Collective Agreement. A FIPPA-disclosed email showing this is the January 28, 2009, email from Human Resources boss Louise Page-Valin to lawyers Andre Champagne and Lynn Harnden and to three university vice-presidents, a dean and the media relations boss, containing phrases such as "*How to ensure the process for termination proceeds as it should and the actions we take if Rancourt does not cooperate ... A strategy needs to be devised.*" The email contains comments about President Allan Rock's opinions in the matter. Many more similar emails are listed in access to information indexes of undisclosed respondent records.

(22) The case of the dismissal of the Applicant is a major academic freedom case in Canada of public interest and being actively investigated by an Independent Committee of Inquiry (ICOI) of the Canadian Association of University Teachers (CAUT). See

public Wikipedia page for “Denis Rancourt” for relevant links to publicly available reports:

http://en.wikipedia.org/wiki/Denis_Rancourt#CAUT_review

(23) The case of the dismissal of the Applicant is of broad public interest and has been extensively reported in the national, international (twice in the New York Times) and other media (two main articles and several secondary articles in the Globe and Mail, several articles in the National Post, a major print article in Macleans Magazine, many articles in the main media of major Canadian cities, TV, radio, etc.). Many media links are provided publicly on these public web pages:

http://en.wikipedia.org/wiki/Denis_Rancourt

<http://rancourt.academicfreedom.ca/media/news.html>

<http://rancourt.academicfreedom.ca/media/mag-features.html>

<http://rancourt.academicfreedom.ca/media/commentary.html>

(24) There has been formal and informal broad societal interest, involvement and support critical of the University’s treatment of the Applicant, as seen in petitions and many letters from associations, professors, former students, and community members. These letters and petitions are publicly available and collected on the following web pages:

<http://rancourt.academicfreedom.ca/letters-of-support/professors-outside-u-of-o.html>

<http://rancourt.academicfreedom.ca/letters-of-support/students-and-community-members.html>

<http://rancourt.academicfreedom.ca/letters-of-support/letters-of-support-from-outside-observers.html>

<http://rancourt.academicfreedom.ca/letters-of-support/associations.html>

<http://rancourt.academicfreedom.ca/letters-of-support/prominent-observers.html>

<http://rancourt.academicfreedom.ca/petitions/online-petition.html>

<http://rancourt.academicfreedom.ca/petitions/collected-at-events.html>

(25) The Applicant has to date made twenty three access to information requests (most are on-going) of the University, pursuant to the *Freedom of Information and Protection of Privacy Act* (FIPPA), and has pursued these to appeal with the Information and Privacy Commissioner (IPC). The University has not been cooperative in respecting the intent and spirit of the FIPPA in the Applicant’s requests and has had several IPC Orders against it: PO-2671, PO-2698, PO-2776-I, PO-2915, PO-2937.

(26) Expert researcher on the academic workplace (several books on the subject), Professor Kenneth Westhues (University of Waterloo), has in an independent public report concluded with stated certainty that the firing of the Applicant was an “administrative mobbing”. The Westhues August 2009 report is publicly available on this web page:

<http://arts.uwaterloo.ca/~kwesthue/Rancourt09.htm>

(27) University of Ottawa President Allan Rock is personally engaged in the employer-employee conflict of the present application. Rock approved two university press releases on the matter, was personally contacted by Globe and Mail reporter to get his “off the

record” background information on the Rancourt case (FIPPA DGR-18 rec-102), made repeated comments to the public despite the matter being under review for arbitration, chaired the executive committee that refused to consider duly submitted records in the dismissal decision, refused as head of the institution to release records identified in a FIPPA request and appeal (G27, IPC File No. PA08-149), gave personal direction regarding the Applicants suspension status and potential for police arrests under the *Trespass to Property Act* (see par-21 above, Louise Page-Valin email), refused to recognize the Applicant’s Step-1 rights pursuant to the Collective Agreement for grievances G25, G26 and G27 (Board File No. 2567-10-U) despite his personal assurances to the public that all Collective Agreement procedures would be rigorously followed, and oversaw the “administrative mobbing” described in the Westhues 2009 report.

This declaration has been prepared by me and I hereby confirm its accuracy.

SIGNATURE: _____

DATE: _____

APPLICATION FOR INTERIM ORDER

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Applicant: Denis Rancourt, Former professor, University of Ottawa

Responding Party: University of Ottawa

Schedule B

Complete written representations in support of the Applicant's request, with all submissions; prepared by the Applicant.

Board procedures not followed

(1) The University did not properly serve the Applicant who had Collective Agreement standing in grievance G24 on January 28, 2011, and should therefore have been a Responding Party (Board File No. A/Z001766, G24).

(2) The grievor/responding-party was not immediately informed of the January 28, 2011, applications (Board File Nos. A/Z001764, A/Z001765 and A/Z001766) or of the February 1, 2011, Board's referral to arbitration.

(3) The Applicant submits that, at the very least, the Board deadlines for a section 49 application should be extended accordingly.

(4) The University effectively made no effort to take proper information about the status of the grievances (regarding standing) or to advance the foreseen grievance procedures of the Collective Agreement before filing its application to the Board.

(5) The Applicant submits that, under these circumstances of employer disregard for Board procedures and of disregard for civil administration of the Collective Agreement, the application should be dismissed to preserve the integrity of Board procedures, to encourage civil cooperation in the spirit of the Act, and to oblige the parties to cooperate in following their Collective Agreement as a first step before requiring Board intervention.

Section 49 applications inadequate and incorrectly selective

(6) As the facts (Schedule A) show, the dismissal of the Applicant, from his position of full and tenured physics professor, was enacted in a broad and complex series of events involving several grievances. As such, the Applicant submits that the University applications are inadequate and incorrectly selective for dealing with the true situation:

- (a) Certainly more that just grievances G14, G15 and G24 directly relate to the dismissal and several grievances more directly relate than G14 and G15 (see Table of Grievances in Schedule A).
- (b) The grievances are intimately inter-related and rely on the same continuous body of facts such that no one grievance can be arbitrated in isolation without considering the overall factual context.

(7) The Applicant submits that the University applications represent a fundamentally flawed approach inconsistent with the nature of the overall employer-employee conflict and should therefore be dismissed.

Section 49 applications would effectively deny the Applicant's rights

(8) A separate and related application is before the Board and awaiting hearing (Board File No. 2567-10-U). It relates to the Applicant's rights pursuant to the Collective Agreement to access a pre-arbitration resolution-attempt process for three grievances (G25, G26, G27; see Table of Grievances, Schedule A) that are intimately related to the dismissal.

(9) The three grievances (G25, G26, G27) relate to events that occurred before the dismissal (G24) and that are about the employer's dismissal process.

(10) The Applicant submits that the Applicant has a right to benefiting from the foreseen pre-arbitration resolution-attempt Collective Agreement process (Step-1 process, where the grievor has standing) for grievances G25, G26 and G27 before the dismissal matter goes to arbitration. This is the crux of the Board File No. 2567-10-U application.

(11) The Applicant submits that moving to arbitration before allowing the Step-1 process for the three grievances would effectively deny the Applicant the full potential benefit of the Step-1 process and would deny the reality that the three grievances are intimately related to the broad dismissal matter.

(12) In the context that the University of Ottawa has never previously made a section 49 application against the APUO, always preferring the process foreseen by the Collective Agreement, and did not make any request to the APUO to advance or accelerate any of the Applicant's grievances before filing its section 49 application, the Applicant submits that the University's section 49 application is part of the context of intimidation (i) that would deny the Applicant's rights regarding the sensitive grievances G25-G26-G27 and (ii) that is precisely the subject of the Board File No. 2567-10-U application.

(13) The Applicant submits that allowing the University section 49 applications to proceed before the Board File No. 2567-10-U application would constitute a significant degradation of the Applicant's rights under the Collective Agreement.

(14) The Applicant submits that the University has waited twenty two months (22 months) before filing its section 49 application and that the time required (three weeks or

so) for the Step-1 process requested in the Board File No. 2567-10-U application is small in comparison and does not impede preparation work towards arbitrating the dismissal matter as a whole.

Need for disclosure

(15) Given the facts described in Schedule A (paragraphs 18, 19, 20, 21, 25, 26, 27), the Applicant requests (if the University section 49 applications are not dismissed) that the Board order complete pre-arbitration disclosures about the University’s overall campaign to “terminate” the Applicant.

Public interest in the case

(16) Given the facts described in Schedule A (paragraphs 18 to 21; 22, 23, 24), the Applicant requests (if the University section 49 applications are not dismissed) that the Board order that the arbitration hearings be open to the public and to the media, including student media, be held in an accessible venue, and that a court reporter record the hearings for the record, for public access and for academic research purposes.

These representations were prepared by me.

SIGNATURE: _____

DATE: _____

APPLICATION FOR INTERIM ORDER

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Applicant: Denis Rancourt, Former professor, University of Ottawa

Responding Party: University of Ottawa

Schedule C

Pending application in relation to which the interim order is being requested; prepared by the Applicant.

Four pending applications are impacted by the application for interim order:

(1) Board File No. 2567-10-U application; grievances G25, G26, G27

(2) Board File No. A/Z001764 application; served January 28, 2011

(3) Board File No. A/Z001765 application; served January 28, 2011

(4) Board File No. A/Z001766 application; served January 28, 2011

Copies attached.

This Schedule C was prepared by me.

SIGNATURE: _____

DATE: _____

APPLICATION FOR INTERIM ORDER

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Applicant: Denis Rancourt, Former professor, University of Ottawa

Responding Party: University of Ottawa

Schedule D

The Applicant makes no other relevant statement.

This Schedule D was prepared by me (Applicant).

SIGNATURE: _____

DATE: _____