

July 6, 2009

To: Allan Rock,
President, University of Ottawa

re: Policy 92 and anonymous denunciation system

On June 15, 2009, CUPE 2626, the union of TAs and RAs at the University of Ottawa, became aware of the letter sent on June 9, 2009, to University of Ottawa staff, by interim V.P. Governance, Nathalie Des Rosiers, concerning the implementation of an anonymous reporting service as part of Policy 92. CUPE 2626 would like to state its concerns regarding this Policy 92, this implementation system, and the effects both will have on the university community.

Since Policy 92 requires the immediate denunciation of any wrongdoing, our members will be at higher risk of punishment for mistakes, including honest human errors. This requirement could also lead to discipline if they do not immediately denounce another's wrongdoing. At the same time, this Policy does not offer any details of how the University will protect our members who denounce wrongdoings from reprisals, which is a common fear.

Many student and employee unions and associations on campus have expressed their desire for a real, significant whistleblower protection policy in the University. Unfortunately, the University has instead created this Policy which has only one sentence about protection of the denunciator, without any description of how this protection will be assured. This situation is an excellent example of the folly of the lack of consultation.

CUPE 2626 would like to clarify that we do not consider being given a copy of a draft of a policy, with a request for comments, as being a real consultation process. This putting forth the fait accompli has been the habit of the University, and must be changed in the future. Furthermore, there was absolutely no consultation with our union or members regarding the implementation of ClearView Connects as the disclosure support service. Real significant consultation must include the stakeholders from the beginning; otherwise they are excluded from the first, most important, basic decisions. Advancing with very little feedback, and negative feedback at that, is an unacceptable unilateral action by the University.

It is equally unacceptable that, according to the Policy, the University is also the sole party to decide whether to investigate an allegation or not: "The V.P. Governance will conduct the investigation as he or she see fit, in light of the circumstances". CUPE 2626 and its members have significant concerns regarding the University's ability to apply their policies equitably to all university community members. Some of these concerns come from the non-application of Policy 110, such as in a well known, well documented case of flagrant verbal intimidation and threats suffered by one of our former members. The University must recognise that is non-

application of anti-harassment policies has a direct, and very negative, intimidating affect on potential whistleblowers.

Policy 92 also gives further powers to the University, as the V.P. Governance would be empowered to access and “take possession of any files, filing cabinets, computers [...] without notice and without the prior consent of any individual”. As a union engaged in the protection of its members’ rights to a working environment where they feel secure and free from harassment, we must denounce these powers as being unreasonable and unacceptable.

If it is good governance that the university is seeking, then it must be able to recognise bad governance and correct it. Enacting such a threatening policy, without any significant consultation of those who will be affected by it, is clearly poor governance. In fact, given the legal precedents regarding the requirement of collegiality in university governance, the lack of consultation might be considered illegal governance. As we do not support anonymous denunciation, nor the third-party reporting system, we have chosen to denounce this wrongdoing, and request rectification of the situation, with this letter.

The recently introduced implementation tool of Policy 92, ClearView Connects’ online and telephone anonymous denunciation system, has also raised many concerns in the university community.

Anonymous denunciation goes against at least two of the fundamental principles of Canadian justice system: the presumption of innocence, and the right of the accused to face their accuser. CUPE 2626 refuses to allow actions to be taken against our members on the basis of anonymous information. Our members are entitled to equal treatment as the professors in this regard. We will oppose any such application to our members just as vigorously as the APUO.

CUPE 2626 also finds it intolerable that an outside party should have sensitive and damaging information about our members. Again, it is unacceptable that this information is forwarded directly and only to the University (V.P. Governance), without any further checks or balances. There is a real possibility that this information could be unrelated to the behaviours targeted by the Policy (eg. academic fraud, or harassment). Yet the University would still receive this information from ClearView, and would remain the only party to decide whether or not to act on it.

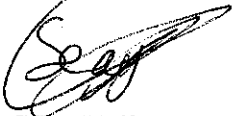
This Policy and its implementation tool are likely to create a culture of secrecy and duplicity in the university community, rather than openness and transparency. Anonymous denunciation, while allowing the more timid denunciators to come forward, unfortunately also allows the more dishonest denunciations to be put forward. More importantly, creating policies and tools for anonymous denunciation will reinforce the fundamental issue plaguing denunciation: the fear of reprisals. As this Policy does not confront this problem, but rather only creates ways to work around it, the Policy effectively ensures a place for this fear to continue in the university community. Fundamentally, we want to encourage open, honest and transparent denunciation of wrongdoing. In order to attain that goal, we must create an environment wherein all members of the university community feel comfortable speaking their minds.

For the reasons detailed in this and other letters and media, it has become clear that the student, professor and employee unions (the near totality of the University of Ottawa community) will resist the application of this Policy.

CUPE 2626 asks for the immediate suspension and rapid repeal of this worrisome and threatening Policy 92. We ask that the University end the contract with ClearView immediately and ensure that any information collected by the service thus far be dealt with all the stakeholders involved.

CUPE 2626 asks that in the future, any policy (on fraud, wrongdoing, whistleblowing, or any other subject) begin with significant consultation with employees, unions, students, student associations, and the broader university community. In particular, we request such a consultation on the purpose, principles, scope, definitions, responsibilities, as well as the implementation of a policy on fraud and another on whistleblower protection.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sean Kelly', written over a light blue horizontal line.

Sean Kelly
President, CUPE 2626

cc:

Nathalie Des Rosiers, V.P. Governance, UofO
Gaétan-Philippe Beaulière, External Commissioner, GSAÉD
Micheline Lessard, President, APUO
Nourredine Mouelhi, President, APTPUO
Richard Hogan, President, SSUO
Seamus Wolfe, President, SFUO