

University of Ottawa's Covert Surveillance of a Professor and Several Students (2006-2008)

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Summary

Information obtained via access to information legislation and appeals to the Information and Privacy Commissioner (IPC) of Ontario, and from several victims of the covert surveillance, allows one to conclude the following points.

(I) The University of Ottawa hired the services of former undergraduate student and student journalist Maureen Robinson (Faculty of Science) as “agent of [University] Legal Counsel” (former Counsel Michelle Flaherty) to practice extensive covert surveillance against former physics professor Denis Rancourt and against several CUPE members, students, and student groups involved in political participation, in the period from 2006 to 2008.

(II) Student and journalist Maureen Robinson acquiesced.

(III) Pursuant to the Rule of Professional Conduct 5.01(2) of the Law Society of Upper Canada, former University Legal Counsel Michelle Flaherty had complete professional responsibility for all the student-employee's actions.

(IV) This was done with the collaboration and full acquiescence of the Dean of the Faculty of Science André E. Lalonde and information thus gathered (including a covert voice recording and transcript) was used by former University VP-Academic Robert Major (second executive officer after the President).

(V) The surveillance and information gathering and reporting methods included:

- covertly recording conversations of others,
- covertly attending a presentation by-substitute under false pretence and covertly voice recording the event and preparing reports,
- using a false Facebook identity (Maureen Robinson = Nathalie Page) to covertly join activist student events and discussion groups,
- using a false Facebook identity to covertly make enquiries about student events,

- using a false gmail account (based on the false Facebook identity) to make covert email enquiries,
- making false pretence enquiries to outside editors of blogs and outside conference organizers,
- attempting to join a closed Google discussion group (FEC, Freedom of Expression Committee) by fabricating an elaborate persona that is very interested but cannot physically come to campus to meet members, and
- approximately 100 email communications between Robinson and the University Legal Counsel.

(VI) The evidence presented and/or discussed in this report supports the conclusions that the University of Ottawa:

(a) Practiced illegal personal information gathering and use, over an extended period of time, in violation of the *Freedom of Information and Protection of Privacy Act* (FIPPA) of Ontario (including sections 38.(2), 39.(1), 39.(2), and 41.(1)).

(b) Practiced illegal covert surveillance, over an extended period of time, in violation of the academic freedom guaranteed by the APUO Collective Agreement, enshrined in the *UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel* adopted by Canada, and established by legal precedent in Canada.

(c) Violated the APUO Collective Agreement regarding the guidelines for investigative proceedings (section 39.1.2), despite clear and repeated (and unacknowledged) requests that the University state any investigation, the investigation purpose, and the investigation methods used.

(d) Violated the APUO Collective Agreement regarding professional ethics (section 10), as the illegal actions involved an undergraduate student and journalist and were mandated and condoned by top executives including former Legal Counsel Michelle Flaherty, former Secretary of the University Pamela Harrod, former VP-Governance Nathalie Des Rosiers, Dean of the Faculty of Science André E. Lalonde, and former VP-Academic Robert Major.

(e) Continues to attempt to cover up its illegal use of covert surveillance by (1) continuing to refuse to acknowledge or answer several direct and detailed requests concerning the nature of any investigation or information gathering, (2) refusing to investigate allegations of covert surveillance supported by documentary evidence, (3) continuing to deny access to records requested under the purview of FIPPA that document the covert surveillance, (4) attempting to legitimize its covert surveillance activities in its Representations to the Information and Privacy Commissioner (IPC) of Ontario, regarding its denial of access to FIPPA documents, and (5) President Allan Rock and his administration publicly continuing to insist that all due procedures were followed in my dismissal.

Historical Perspective

Disregarding established societal norms regarding civil rights and liberties in a modern, free, and democratic state is one thing, as is a university's disregard for academic freedom, but hiring an undergraduate student and journalist in this way to perform at best unethical activities, while attempting to legitimize the hiring before an adjudicatory body (the IPC), is probably unprecedented in North American academic history.

For example, there is no such case in Michiel Horn's *Academic Freedom in Canada: A History* (1999), nor has such a case arisen in the published research of expert professor Kenneth Westhues (University of Waterloo). Similarly, Steve Hewitt's *Spying 101: The RCMP's Secret Activities at Canadian Universities, 1917-1997* (2002) does not discuss any such case – even the RCMP's work, motivated by national security, often seems mild compared to the University's actions executed under the purview of its Legal Counsel.

Even going back in time (before the 60s) to the dark period of McCarthyism in North America one does not find abuses comparable to a university practicing covert surveillance of its own professors and students (*No Ivory Tower, McCarthyism & the Universities*, Ellen W. Schrecker, 1986): Payrolled students were not used and the main abuses were in academia's contorted collaborations in firing professors identified for such treatment by external bodies.

That the University of Ottawa would go this far to suppress a dissident professor and to guard against legitimate student protests and political expression is a sign that the present societal status of academic freedom and of civil liberties is low.

Chronology and Context*

Maureen Robinson takes offence at the activism course

Unfortunately, the university environment is one where divide and conquer reigns. The guardians (academics) of each professional and disciplinary group instill a culture of uniqueness and superiority in their students to maintain the artificial divisions that facilitate control and replication. In this atmosphere, it is not surprising that the highest level of resistance to the interdisciplinary activism course project was found in the Faculty of Science, including among science students, except those who actually experienced the course. [The popularly known activism course project sought to bring societal context and considerations into science, starting in 2005 at the University of Ottawa (see the essay "Academic Squatting – A democratic method of curriculum

* Supporting documents available on the web are highlighted in grey as doc-MR-xx.

development” by Denis G. Rancourt, posted on the web, April 2007, and print-published in several magazines and a book chapter).]

As a features editor for the student newspaper *The Fulcrum* and as a biopharmaceutical-sciences undergraduate student with close ties with chemistry professors who led the “collegial” campaign against the activism course (e.g., Chemistry Chairman Alain St-Amant), Maureen Robinson embodied and pioneered the science student opposition to the new activism course (SCI 1984 / SCI 1101).

This is well illustrated in Ms. Robinson’s first opinion column on the subject: “Rancourt’s activism course—an arts class in sheep’s clothing?” (*The Fulcrum*, **April 6, 2006**, doc-MR-A0):

“I hate to be the asshole who sides with the administration, but I’m going to go ahead and state what most science students and staff are probably thinking: SCI1984 is not a science course, nor should it ever be.” And the piece ends: *“Which is why SCI1984 ultimately, and unfortunately, will die on the table.”*

My reply as a letter to the editor published in the following issue of *The Fulcrum* (**April 13, 2006**, issue, doc-MR-A) may have fuelled the fire of opposition in Ms. Robinson:

“MAUREEN ROBINSON'S PIECE on the activism course is conclusive evidence for the need for SCI 1984 in the Faculty of Science. Robinson, a biopharmaceutical-sciences student, echoes the mantra of some professors in the faculty "that this is not a science course", thereby using disciplinary boundaries to attack an interdisciplinary project. This argument has rightly been foiled (e.g., the SFUO official endorsement published in La Rotonde; not to mention the Science Faculty Curriculum Committee’s original recommendation) and most expect that the course will pass at the next Faculty Council meeting. Sorry features editor, the SCI code can be used for more than corporate service and "pure" science-content courses. Course codes are primarily administrative tools to design programs, allocate resources, and, occasionally, satisfy student wishes. Take a pill.” – Denis Rancourt, Activism course professor

Whereas a chemistry professor faithfully responded this way:

“I JUST WANTED to say what a pleasure it was to read your column this week on the "arts class in sheep's clothing". I am very happy to see that there are students out there who realize that the proposed "SCI 1984" is not a science course for science students. Thank you for presenting your opinion, as the student newspapers have generally portrayed the administration as somehow evil, and it is refreshing to see such an objective and informed commentary from yourself. You are certainly not an "asshole" for "[siding] with the administration" and for presenting this story to uOttawa students.” – Dave Bryce, Assistant Professor of Chemistry

After the activism course was approved and at the start of the fall 2006 semester when it was being given, Maureen Robinson penned an editorial entitled “Still not a science course” (*The Fulcrum*, **September 28, 2006**, issue.) I made a sarcastic reply published in the next issue (*The Fulcrum*, **October 5, 2006**, issue, [doc-MR-B](#)).

Maureen Robinson’s media work pleases the Faculty of Science

In **January 2007** the Faculty of Science put out a press release in which it celebrated Maureen Robinson’s “science columns for the Fulcrum” and her participation in the January 18-23, 2007, annual National Student Journalism Conference (NSJC) in Vancouver ([doc-MR-C](#)). In **March 2007** the Faculty of Science Alumni E-Newsletter informed us that the Alumni Association “was a proud sponsor” of Maureen Robinson’s January trip to Vancouver to attend the NSJC ([doc-MR-E](#), page-2).

In a **February 1, 2007**, Ottawa Sun news article entitled “Twins press rights fight” and subtitled “Complaint against U of O ‘ludicrous’” Maureen Robinson is extensively cited as providing an opposing view ([doc-MR-D](#)):

Maureen Robinson, a reporter for the campus paper, says Foster's fight hurts students by suggesting their classes are so easy a child could pass them.

"I think it's absolutely ludicrous," she said. "I think it's an embarrassment to 30,000 students who pay a lot of money to attend a university with a lot of integrity."

She's frustrated that the issue has drawn attention away from real student issues such as the Day of Action against rising tuition Feb. 7.

What is newsworthy, she asked: "Two children who weren't allowed to enrol in university -- or a national uprising that affects almost a million Canadians?"

Ms. Robinson made these comments while she was a journalist and/or executive editor with *The Fulcrum* and is cited in that capacity. Ms. Robinson continues to have an association with the Canadian University Press (CUP) (national student press cooperative) and continues to have professional ties with *The Fulcrum* where she contributed an opinion piece for that paper as recently as October 2009.

Journalists must always guard against obvious appearances of conflict of interest and against any perception that they are providing information to a government or private institution. In the words of Canadian Association of Journalists (CAJ) president Paul Schneiderreit: “To not do so weakens the credibility of all journalists. ... Journalists must not be seen as proxy agents [...] for that weakens the public’s trust in our profession.” [Canada News Wire, March 10, 2004; “CAJ denounces Cameron’s actions...”]

We can add that universities have a societal duty to help student journalists achieve these standards rather than work to undermine both the student's professional development and the journalism profession itself by hiring or encouraging the student to inform (see below).

Maureen Robinson and dean André E. Lalonde establish regular communications: University hires Robinson

Thanks to Maureen Robinson's communications to her room mate Jennifer Maclatchy, who in turn conveyed details to student Abla Abdelhadi (doc-MR-H, doc-MR-X), we learn that Ms. Robinson had developed a personal relationship with the Dean of the Faculty of Science Mr. André E. Lalonde. According to the index of records obtained via access to information legislation (doc-MR-AC), this relationship may have started at the time of the start of regular email exchanges between the dean and the student in **October 2006**, before the Faculty sponsoring of Ms. Robinson's **January 2007** Vancouver trip. Indeed, individual dean-student emails have subjects such as "CUP Conference" and "need info for cheque" (doc-MR-AC).

By early **February 2007**, Ms. Robinson appears to have already been providing surveillance information to the Dean (according to the index of records, doc-MR-AC), in the same period that she made the above observations to the Ottawa Sun from her position of authority as *Fulcrum* reporter.

Via this personal contact between the dean and the student, it is alleged that Mr. Lalonde asked Ms. Robinson to work for the University to gather information about me and about activist students and community members (doc-MR-H, doc-MR-X). This appears to be corroborated by two emails dated **August 30, 2007**, and **September 6, 2007**, between the dean and the student with subject "Do you need a job" (access to information index of records, doc-MR-AC). This would have been at the end of Ms. Robinson's summer chemistry research employment with chemistry professor Deryn Fogg (see Professor Fogg's web site records).

Also, following the "Do you need a job" emails, the more recent emails in the access to information index of records (doc-MR-AC) all except for a few have University Legal Counsel Michelle Flaherty as a co-recipient.

The University has recently explained in its Representations to the Information and Privacy Commissioner (IPC) (see Representations; doc-MR-Rep-15U, doc-MR-Rep-16U) that Legal Counsel directly hired Ms. Robinson as an "agent of Legal Counsel" and that it did this in part in order to protect all communications under a cover of claimed "solicitor-client privilege."

This **September 2007** hiring would be just in time for several known instances of covert surveillance, reporting and information gathering that followed in October-November-December 2007 and into 2008.

Maureen Robinson's covert surveillance and information gathering activities

1 – The Queen's University talk; and extensive cover up

On **October 18, 2007**, I gave an invited talk entitled “On the responsibility of university professors to create anarchism: Liberation through anti-hierarchy activism” in the Studies in National and International Development (SNID) series at Queens University, Kingston, Ontario. There is uncontested evidence that this talk was covertly recorded, that the recording was obtained and used by the University, that a transcript and report was provided by Maureen Robinson to the University, including the question and answer period and private conversations after the talk (e.g. Representations and **doc-MR-Rep-16U-Tab18**).

An email with subject “P&C Transcript” suggests that the transcript/report was sent by Maureen Robinson to both dean Lalonde and counsel Flaherty on **January 10, 2008** (see email index **doc-MR-AC**). The transcript/report (21883.pdf) was sent from counsel Flaherty to VP-Academic Robert Major, as an attached Word file “DGRlecture.doc” on **March 4, 2008** (see email index **doc-MR-W**).

This is corroborated in the Representations where both the cover email and a print-out of the Word file were provided to me by the IPC (doc-MR-Rep-16U-Tab18**).**

The cover email of **March 4, 2008**, states (in French):

*Bonjour,
Voici la transcription du discours que R a donné à Queen's. Voir les parties
brillantes aux pages 9 et 11. J'ai également le tra[ct] sonore.
Michelle*

This email is significant for many reasons.

It shows one way that the transcript/report was being used, without my knowledge in contravention of the law.

It also shows that the University failed to report the existence of this voice recording, although required to do so by law, in two access to information requests (made on **April 21, 2008**, **doc-MR-N**, and **August 7, 2008**, **doc-MR-U**) where by law the recording would have been a respondent record, and that it maintained its failure to report this record through two IPC mediations (PA08-158-2 and PA08-245) and into an on-going IPC adjudication (PA08-245). In particular, the August 7, 2008, access to information request and appeal (PA08-245) was only and explicitly about the SNID-Queen's talk transcript/report. Or, did the University spontaneously decide to delete the voice

recording between **March 4, 2008**, and **April 21, 2008**, after having held access to it for five (5) months and just after the offer from counsel Flaherty to VP Major to provide it to him? The index of emails (doc-MR-AC) shows emails from Maureen Robinson with subjects “P&C recording” on **March 5, 2008**, and on **March 7, 2008**. The **March 6, 2008**, email marked “P&C SUCCESS!” involves Maureen Robinson and an unidentified individual – possibly the young man who made the actual covert recording at Queen’s. Were these now the exchanges to secure the actual voice recording, having offered it to VP Major?

Note that an “agent of University Legal Counsel” (as Maureen Robinson’s legal employment status is defined in the University’s IPC Representations; doc-MR-Rep-15U, doc-MR-Rep-16U) or an agent of the agent under false pretence obtained a covert voice recording of private conversations in particular (since private exchanges were made after the SNID talk) and that Legal Counsel Michelle Flaherty herself was using the recording and offering it to the VP-Academic; whereas, in contrast, it is strictly disallowed for any lawyer to obtain even a legal covert voice recording in conversation with a client, for example [Law Society of Upper Canada, Rule of Professional Conduct 6.03]. Also note that University Legal Counsel had complete professional responsibility for all the student’s actions [Law Society of Upper Canada, Rule of Professional Conduct 5.01(2)].

To the extent that the covert recording was partly or in whole a covert “interception of a private communication”, then this and any transmission of the recording would constitute criminal acts under the *Criminal Code of Canada*, Part VI – Invasion of Privacy, subsections 184.(1) and 193.(1).

Regarding the question “Did the University spontaneously decide to delete the voice recording between **March 4, 2008**, and **April 21, 2008**?” It is relevant to note that University Legal Counsel Michelle Flaherty abruptly left the University on or around **March 31, 2008**. There was no thank-you memo to academic staff and her office voice-mail greeting persisted as usual beyond the time when the University web site characterized her post as “vacant”. In parallel, the Index of FIPPA-respondent records for the period up to **July 7, 2008** (date of the access to information request, doc-MR-Q), has communications with Maureen Robinson abruptly ending, with no communications beyond **March 2008**. It is difficult to understand how and why a steady stream of email communications between Maureen Robinson and dean Lalonde (doc-MR-AC) would have abruptly ended at the end of **March 2008**.

The post of Legal Counsel remained vacant beyond **July 2008** and many candidates were interviewed for the position over many months. An Associate Legal Counsel (Louis R. Benoit) was named before a new Legal Counsel could be found. Mr. Benoit became responsible under Secretary of the University Pamela Harrod for dealing with the IPC and in-turn abruptly left the University soon after the **July 22, 2008**, IPC Order PO-2698 against the University (all Orders are public on the IPC web site and see doc-MR-S), which appears to have caused the Queen’s talk transcript/report to be released to me by Mr. Benoit (doc-MR-S).

[*] **In conclusion**, it appears that a covert and illegal voice recording was made and used by a university of a professor giving an off-campus talk to a select audience some 200 km away, probably including post-presentation private conversations (as can be concluded from the University's transcript and my own personal voice recording of my talk and conversations), to gather arguments against the professor in labour disputes (as spelled out in the University's October 2009 Representations to the IPC Adjudicator; doc-MR-Rep-15U, doc-MR-Rep-16U), without ever informing the professor (despite repeated direct enquiries), in blatant violation of the Law Society of Upper Canada Rules of Professional Conduct, possibly of the Criminal Code of Canada, of several sections of the APUO Collective Agreement, of the FIPPA (Ontario privacy protection law), and of internationally accepted norms for free and democratic states (e.g., the UNESCO *Recommendation concerning the Status of Higher-Education Teaching Personnel* adopted by Canada; the UN *International Covenant on Civil and Political Rights*, signed by Canada on May 19, 1976).

Key outstanding questions remain, including: Did Maureen Robinson use an associate who actually made the covert recording or some other remote recording method? Was the possible associate a paid agent of University Legal Counsel also? What was his role? What records did he produce? Did University Legal Counsel Michelle Flaherty destroy the University's copy of the recording before she left the University on or around **March 31, 2008**, after on **March 4, 2008**, she had offered it to VP-Academic Major (doc-MR-Rep-16U-Tab18)? That would be destroying potentially criminal evidence, something lawyers are never supposed to do, and it would be destroying a record subject to an IPC enquiry/adjudication if the destruction occurred after the FIPPA request of **April 21, 2008**, which is also illegal. Otherwise, why was the voice recording never found or declared by the University, as required by law (FIPPA)? What was done with all copies and original of the voice recording and who has access to these now? Was the recording ever edited to remove certain parts and by whom?

The University's extensive efforts to cover up its collection and use of the covert voice recording can be summarized as follows.

- (1) In the context of a different matter of the University's illegal collection and use of protected information [my emails related to Ottawa Cinema Politica (OCP) events, separate IPC investigation in process, PC08-39], I wrote to Dean of the Faculty of Science André E. Lalonde on **February 17, 2008**, with both the President and the VP-Academic in cc, and outlined my concerns in detail (doc-MR-I):

“(2) That you inform me about the methods you were/are using in your investigation.

...

I find these inconsistencies and your lack of answers quite troubling, given the seriousness of the situation.

There are many investigative and surveillance methods other than accessing an employee's uOttawa.ca email account. Some of these are unethical or even illegal. All are unethical and against the spirit and text of the Collective Agreement ...

Therefore, why not remove all doubt by simply answering my above questions (1) and (2)?

I therefore here repeat these questions, awaiting direct and timely answers:

***How did you obtain a copy of the December 28th email?*

***What investigative methods have you and are you using?*

In addition, I hereby ask:

***Have you performed investigations of me in the past that were not related to specific discipline items or that I was not informed of since when, and by which methods?*

***Am I currently under investigation or surveillance, using which methods, and for which reasons?*

...

I have put President Gilles Patry and VP-Academic Robert Major in cc so that they may be personally informed of my concerns and so that they will investigate the methods you have/are using in your investigations of me."

Although I received automatic electronic proof of receipt from the President's office (doc-MR-I), my February 17, 2008, communication was **never** answered or acknowledged by person, despite many follow up requests.

- (2) On **February 24, 2008**, I filed a formal grievance against the University entitled "Grievance-16 - Employer's unethical practices; uOttawa.ca copyrighted images on UofOWatch blog; Letter of reprimand dated February 5, 2008; ideological censorship; harassment." (doc-MR-K). The grievance stated:

"In investigating me regarding the UofOWatch blog, it appears that the employer has used unethical blanket surveillance and information gathering methods. The employer has refused to acknowledge or disclose these practices, did not have reason to employ them, and did not inform me of its investigation methods at any time. My email of February 17, 2008, is relevant in this regard."

This grievance was against University discipline of me for my UofOWatch blog. The University proceeded to discipline me further for the same UofOWatch blog, all the way to a decision by the Executive Committee of the Board of Governors (EBOG) (see YouTube video: <http://www.youtube.com/watch?v=A-sYMh84RV4>) to suspend me without pay, without **ever** acknowledging or

answering or investigating my concerns about covert surveillance. The relevant grievances remain unresolved.*

- (3) On **March 27, 2008**, I filed a formal section-13.3.1 Letter of Disagreement with the University in the continuing matter of the UofOWatch blog. This letter stated (doc-MR-M):

“Also, I continue to ask that the Dean specify his investigation methods and sources ...”

This Letter of Disagreement was studied at the highest administrative level (EBOG) yet my concerns about covert surveillance continued to be unacknowledged and not investigated. Note that the index of records obtained via access to information legislation (doc-MR-AC) shows several (five) emails from Maureen Robinson to dean Lalonde in the relevant period having subject titles such as “P&C new blog post” and “UofO Watch”.

- (4) On or around **March 31, 2008**, University Legal Counsel Michelle Flaherty abruptly left the University under unclear circumstances (see above). As described above, this date coincided with the apparent removal or loss of the Queens-event voice recording such that it does not appear in the record seen in repeated (appeal, mediation, adjudication) access to information enquiries and coincides with the abrupt end of email communications between Maureen Robinson and dean Lalonde (doc-MR-AC). Michelle Flaherty offered the voice recording to VP-Academic Robert Major on **March 4, 2008** (doc-MR-Rep-16U-Tab18) and may only have secured it from Maureen Robinson and associate shortly thereafter (see above and email items from **March 5, 2008**, to **March 12, 2008**, in the doc-MR-AC access to information index of records).

- (5) On **April 24, 2008**, I filed a formal section-13.3.3 Member’s Brief with the University in the continuing matter of the UofOWatch blog. This Brief contained an entire section on the matter of covert surveillance and the alleged involvement of a student. The section reads (doc-MR-O):

“Dean’s investigation methods

I also again continue to ask that the Dean specify his investigation methods and sources in securing the private Ottawa Cinema Politica emails that he has used in this matter. An answer should be provided (39.1.2.1) before the Board can judge this case. To say that the emails are sent to many people does not explain how every email ends up on the Dean’s desk or how this mechanism for the Dean receiving the emails was established.

* See summary of all my grievances here:
<http://rancourt.academicfreedom.ca/background/formalgrievances.html>

[*] *The latter is of great concern because I have evidence that the dean has established and nurtured a working relationship with a student informant. I have evidence of the student's true identity, of the student's fabricated identity used to approach third parties about my activities, reports of several information gathering campaigns performed by the student, evidence that benefits were provided to the student, and evidence about the nature of the relationship with the dean's office for the purpose of performing surveillance activities.*

It would therefore be desirable for the dean to be forthright about his investigative methods (as I have repeatedly asked) rather than continue to avoid my requests for transparency in this regard. This relates to missing documents (2) in the above list."

This Brief was formally used by the EBOG, the highest administrative committee at the university, in performing its decision to discipline me with a suspension regarding the UofOWatch blog, yet nothing was acknowledged or done regarding these (above) most serious allegations of unethical and illegal activities.

- (6) The University had to be threatened by the IPC with an IPC Order to produce before it provided access to any records respondent to my **April 21, 2008**, access to information request (see IPC's **July 23, 2008** Appeal summary, PA08-158, **doc-MR-S**). This was the first time that the bare transcript/report was produced to me.
- (7) On **August 7, 2008**, I made a formal access to information (FIPPA) request to the University for everything about the Queen's talk transcript that I had now just discovered. Not a single record has been released to date by the University, despite a lengthy required IPC mediation process involving alleged new searches and despite submissions of formal representations at the IPC adjudication stage. The University has continued to not report the existence of the known (see above) voice recording or explain this record's absence in its **October 7, 2009**, Representations to the IPC (**doc-MR-Rep-16U**).
- (8) On **October 16, 2008**, I wrote a detailed email to VP-Academic Robert Major, with President Allan Rock, the Secretary of the University, and my union (APUO) in cc, explaining my concerns and asking all about the Queen's talk transcript/report (**doc-MR-Y**). Automatic electronic proofs of receipt were received from each of the recipients (**doc-MR-Y**). My email on this matter was never acknowledged by person or answered by anyone at the University, to this day. My ten (10) direct questions on the matter were never recognized or answered by the University.

- (9) On **December 9, 2008**, I answered an urgent request from VP Major that I make myself available for a December 10, 2008, meeting for which he refused to state the purpose. My reply (doc-MR-AA) asked if the meeting was about my **October 16, 2008** email concerning the Queen's talk matter and I including a copy of my October 16th email in the body of my message. Included in cc were President Allan Rock, the APUO, dean Lalonde, VP-Governance Nathalie Des Rosiers, and Human Resources. Automatic electronic proofs of receipt were received from all the recipients except Allan Rock.
- (10) On **December 9, 2008**, VP Major replied to my email of the same day, leaving the entire text of my email in the body of his reply text. In his reply (doc-MR-AB), he did not acknowledge my question about the Queen's talk matter and only stated that I must be at the December 10th meeting. The meeting was to suspend me from all my functions and to have me arrested by campus police. The matter of the Queen's talk was not raised.
- (11) On **June 26, 2009**, I sent an open letter as an email (doc-MR-AF) to VP-Governance Nathalie Des Rosiers, with many concerned parties in cc. I also posted this open letter on my UofOWatch blog. The open letter was a reasoned request that the VP-Governance perform a formal investigation into alleged wrongdoing regarding the Queen's talk matter and another incidence of covert surveillance, under the purview of University Policy 92 (see doc-MR-AF). The University never acknowledged my open letter request for an investigation.
- (12) On **November 11, 2009**, I sent another open letter as an email (doc-MR-AI) to former VP-Governance Nathalie Des Rosiers and to the Canadian Civil Liberties Association (CCLA), with those concerned and all the CCLA Board members and employees in cc. I also posted this open letter on my UofOWatch blog. This open letter was a reasoned and substantiated request to VP Des Rosiers that she resign from her directorship of the CCLA. Eight reasons were explained and supported by documents. Point-6 was entitled "***Refusal to investigate or denounce the covert surveillance of a professor's political and academic activities***". My communication was not acknowledged by the former VP-Governance.
- (13) On **November 22, 2009**, I filed a formal grievance against the University of Ottawa, based on the IPC documents (University Representations and supporting documents) that I received on November 3, 2009. The grievance (doc-MR-AH) is entitled "***Grievance G-25 – covert surveillance of a professor and of students***". On November 23rd the University Human Resources replied "... *The position of the University is that the grievance is inarbitrable. Without prejudice, the grievance will be processed ...*" Even the formal grievance on the matter is "inarbitrable"?
- (14) President Allan Rock and his administration continue to publicly insist that all due procedures were followed in my dismissal (doc-MR-B1, doc-MR-B2),

despite President Rock amply being made aware of the covert surveillance problem (e.g., [doc-MR-AF](#)).

This is the most extreme case of a university administration's cover up – by repeatedly refusing to acknowledge, repeatedly refusing to investigate, and diverting the issue (e.g., dean's letter of February 5, 2008, that I responded to on February 17, 2008, [doc-MR-I](#)) – of its illegal activities that I have ever observed or been made aware of in my decades of academic experience. It would be difficult for me to not conclude that there was malfeasance in public office in this matter, especially given the harm done to me including dismissal.

2 – Maureen Robinson develops an interest in the past

Shortly after she was hired by the University in early **September 2007** (see above), Maureen Robinson developed a keen interest in recovering material that had been removed from the web and which was about me and about the activism course.

On **November 8, 2007**, using her uOttawa.ca student email account, Maureen Robinson contacted Mr. Evan Thornton, former editor and manager of a past blog that had been called “UWatch.ca” (not to be confused with the blog “UofOWatch.blogspot.com” managed by me).

Ms. Robinson requested recovery of all posts from the period around **February 2006** about the “activism course” and about “Dr. Rancourt himself,” including all posted opinion comments (see [doc-MR-G](#)). There were several exchanges about this between Ms. Robinson and Mr. Thornton ([doc-MR-G](#)), with the last communication on **November 17, 2007**.

In this exchange, Ms. Robinson did not indicate why she wanted this information or that her enquiries were being performed under the purview of her paid work as “agent of the University Legal Counsel” (see Representations) to collect this information. It is at best unethical for a university to behave in this way.

3 – The work of Nathalie Page (aka Maureen Robinson)

Maureen Robinson created a fake Facebook identity in order to perform her covert information gathering work for the University, as an “agent of University Legal Counsel” (see Representations). This conclusion is supported by much evidence, including an affidavit reporting on conversations with Ms. Robinson's 2007-2008 roommate Jennifer Maclatchy: Documents [doc-MR-H](#), [doc-MR-J](#), [doc-MR-L](#), [doc-MR-P](#), [doc-MR-R](#), [doc-MR-V](#), [doc-MR-X](#).

The fake identity was complete with fake name (Nathalie Page), date of birth (March 14, 1985), picture (female), and email account (n.page8@gmail.com) used in extra-Facebook communications. There are many different “Nathalie Page” accounts on Facebook and the Maureen Robinson Facebook account appears now to have been removed.

Immediately after the Facebook account was created, the first thing unknown person Nathalie Page did was join the newly created (**November 29, 2007**) Facebook event for the Faculty Council meeting of December 6th (2007) in support of an activism course motion (event name: “Faculty Council decides the future of the Activism Course”) (doc-MR-J, doc-MR-R). She did this on **December 6, 2008**, just before the meeting. For example, she only added her Facebook profile photo to her new account on **December 8th (2007)**.

Nathalie Page only joined four Facebook groups, in the following chronological order (doc-MR-J):

- Ottawa Cinema Polica [my weekly film and discussion series]
- Environment Ottawa
- Step it up [student federation campaign]
- Reagan-Goldwater Society [Ottawa conservative student group]

On **February 24, 2008**, student Philippe Marchand started the GoogleGroup (closed electronic discussion group) “Reinstate the Activism Course”. On **February 27, 2008**, unknown person Nathalie Page asked to join this group, using the email address n.page8@gmail.com (doc-MR-R).

On **June 11, 2008**, Nathalie Page posted a message on the Facebook event “Resisting the University” (about a student conference at UBC where I was the invited closing speaker) asking “*Where can we find recordings from this conference?*” (doc-MR-R). Presumably, in hind sight, the “we” refers to Maureen Robinson, University Legal Counsel, and dean Lalonde?

There were meetings of the “Reinstate the Activism Course” GoogleGroup members on **March 25, 2008**, and on **May 21, 2008**. There was a meeting of Faculty Council (about the activism course motion) on **May 23, 2008**. Only known students were present. Nathalie Page was not present at any of these meetings. Maureen Robinson was present at the **May 23, 2008**, Faculty Council meeting. (doc-MR-R)

On **March 12, 2008**, there was a graduate students association (GSAED) elections debate in the Agora of the University Centre. Maureen Robinson came only to hear GSAED candidate Severin Stojanovic (Faculty Council student representative and supporter of the activism course motions) and left immediately after Mr. Stojanovic’s contribution. The next debate was about the student media referendum, an issue one might expect any former *Fulcrum* executive editor and former *Fulcrum* reporter to be interested in. (doc-MR-R)

On **June 16, 2008**, student Philippe Marchand send out an email to his university contacts, including “Reinstate the Activism Course” GoogleGroup members, to call for an organized picket protest at the coming University of Ottawa garden party for retiring president Gilles Patry. Unknown person Nathalie Page responded to the email thread in this way (doc-MR-R):

*“I agree with Michael. Also, is there a possibility of arrest? I think if there is a big enough group perhaps there is a smaller chance of confrontation (safety in numbers). How many people do you think will show up? I'd say if there is more than 10 I'd feel safe enough to go :-)
Do we need a ticket to get in to the party?
-Nathalie”*

At the **June 18, 2008**, garden party for retiring president Gilles Patry there were a small number of known students, none of whom was Nathalie Page. Maureen Robinson attended the garden party. (doc-MR-R)

On **May 12, 2008**, Nathalie Page contacted Faculty of Science student Daniel Cayley-Daoust using her n.page8@gmail.com email account (doc-MR-P). The purpose of her email was to enquire about joining the closed GoogleGroup of the publicly known support group for the activism course project and campus civil rights defence group called the “Freedom of Expression Committee” or FEC. The FEC had both a public web site and a closed GoogleGroup. It organized protests, supported student claimants alleging university wrongdoing, and put out press releases. Nathalie Page used her recent (**February 27, 2008**) membership in the “Reinstate the Activism Course” GoogleGroup as a stepping stone to pitch for entry into the FEC GoogleGroup. Nathalie Page explained that she was very interested in supporting the activism course because, although she was being home schooled in Navan (30 km from Ottawa centre), she planned to attend the University of Ottawa in 2009. The exchange of emails that followed until **May 15, 2009**, is quite remarkable, as Nathalie Page navigates excuses to not meet Mr. Cayley-Daoust in person. She goes from “strongly believe in activism” and “attended a number of SCI 1101 classes” and “any other way I can help out the FEC” to the home schooled student being “incredibly busy [...] so many things on the go!” and “I’ll call or email you.” She was never heard from again.

I venture that this degree of deception (doc-MR-P) under false identity by an “agent of University Legal Counsel” (as Maureen Robinson’s legal employment status is defined in the University’s IPC Representations; doc-MR-Rep-15U, doc-MR-Rep-16U) to infiltrate any group to collect information is at the very least in violation of the Law Society of Upper Canada’s rules of professional conduct to which University Legal Counsel Michelle Flaherty was bound. University Legal Counsel has complete professional responsibility for all the student’s actions [Law Society of Upper Canada, Rule of Professional Conduct 5.01(2)] and is bound to maintain the integrity of her profession [Rule 6.01(1)].

It is noted, however, that University Legal Counsel Michelle Flaherty abruptly left the University on or around **March 31, 2008**, and that email communications from Maureen Robinson to dean Lalonde also abruptly ended after **March 2008** (see above). Despite this and as described above, there is a continuum in time (across the March 2008 break in email communications) of Ms. Robinson's covert surveillance activity using the Nathalie Page identity. One question that arises is: Did Maureen Robinson's employment status change from "agent of University Legal Counsel" to "informal collaborator with dean Lalonde" on or around **March 31, 2008**? There is some evidence that Maureen Robinson was given an office in the Faculty of Science (not in the office of Legal Counsel) and office supplies to do her surveillance work for dean Lalonde and that she viewed her office and these supplies as a form of payment (e.g., doc-MR-H, doc-MR-X). The period of official employment of Maureen Robinson with University Legal Counsel should come out in the ongoing IPC Adjudication.

Finally, there is some evidence (e.g., affidavit, doc-MR-X) that, as part of her employment as "agent of University Legal Counsel" (Representations), undergraduate Faculty of Science student Maureen Robinson was given access to my correspondence with dean Lalonde, and that she "felt privileged" to be given access to these communications. There is also evidence (doc-MR-H, doc-MR-V, doc-MR-X) that Maureen Robinson and other students may have questioned the morality of what Ms. Robinson was being encouraged to do.

4 – More covert surveillance at the ACFAS in Quebec City

On **May 7, 2008**, I gave an invited talk at the Association canadienne française pour l'avancement des sciences (ACFAS) annual conference in Quebec City. The talk was entitled "*Minorités, solidarité, résistance, et confrontation : La place de l'anarchisme dans l'enseignement des sciences*".

This talk occurred just after I had submitted my **April 24, 2008**, Member's Brief to the University (see above, doc-MR-O) in which I spelled out my knowledge of the University's use of a student informant. This may have discouraged the University's use of Maureen Robinson or of any student to perform covert recording of my presentation. My Quebec talk also occurred after University Legal Counsel Michelle Flaherty abruptly left the University on or around **March 31, 2008**. If Maureen Robinson was still an "agent of University Legal Counsel" at the time of my Quebec talk then it appears that she would have been directly supervised by Secretary of the University and lawyer and head of the Office of Legal Counsel Pamela Harrod (who was and is also the FIPPA Coordinator for the University of Ottawa).

As it turns out, an older gentleman with a white beard and a camera around his neck came into the conference room just before the start of my **May 7, 2008**, ACFAS talk and left immediately after my talk. He was the only participant in the small room of my session who was not known by the organizers of the session or by any of the other participants of

the session. Several participants asked me who he was since he had obviously come only for my talk at the scheduled time.

One student at the session, Jean-Paul Prévost, saw the white-bearded gentleman and tried to approach him in a lobby of the building but the suspect ran off nervously on seeing Mr. Prévost's approach. I believe the white-bearded man was a hired spy. The entire episode significantly perturbed Mr. Prévost and the chief session organizer University of Ottawa Professor Donatille Mujawamariya.

Did Maureen Robinson secure the services of a professional private reporter or did the University more directly hire this person? Or does another organization or agency have an interest in my talks about "confronting the university curriculum using anarchism" as keen as the interest demonstrated by the University?

I made a formal access to information (FIPPA) request to the University on **May 8, 2009**, that stated (**doc-MR-AD**):

The University of Ottawa hired or secured a professional reporter to report on a talk I gave at the ACFAS annual conference in Quebec City on May 7, 2008.

I request all records about my talk and trip to the May 2008 ACFAS annual conference in Quebec City.

Copies of this access to information request were sent in cc (as pdf file attachments) to the CAUT and to the APUO on May 8, 2009.

The University gave its formal response, required by law, on **May 29, 2009** (**doc-MR-AD**). The University did not deny my statement of May 8, 2009, and provided an index of denied respondent records: Five (5) emails sent on **January 18-19, 2009**, with subject line "P&C: misuse of NSERC research funds". (As an aside, it appears that the University investigated my possible misuse of research funds, and discussed this at the highest executive levels, without ever informing me or expressing any concern to me, again in violation of the APUO Collective Agreement.)

The University's response was appealed to the IPC on **June 10, 2009**, and this appeal is in process (Appeal No. PA09-212).

5 – Additional evidence of University wrongdoing

Obviously, this report is based only on the partial information that has been released via limited and specific access to information requests and the appeals, mediations, and adjudications of those requests. It appears, for example, that after March 2008, Maureen Robinson continued to be active in covertly gathering information for the University but that her email communications with the University stopped, suggesting that oral reports

may have been used. In addition, the email records themselves that continue to be denied in whole by the University would undoubtedly shed more light on the University's activities.

For example, some of the emails listed in the **doc-MR-AC** access to information index of denied records are of particular interest:

- An email sent by Maureen Robinson on **November 15, 2007**, has subject "P&C Class notes". Did Ms. Robinson obtain student class notes from the course I was teaching that semester or from courses I had taught recently? For dean Lalonde to receive such material would be a gross violation of several principles expressed in the APUO Collective Agreement.
- An email sent by Maureen Robinson on **January 16, 2008**, has subject "CHUO recording". Was the University collecting and reviewing the voice recorded content of my weekly CHUO 89.1 FM campus radio show (called *The Train*) that I have hosted or co-hosted since **July 2005**? To do so without expressed justification and without duly informing me is at best an unauthorized practice in an academic workplace environment. The show is routinely critical of the University.
- An email sent by Maureen Robinson on **February 21, 2008**, has subject "P&C S Individual ranting at conference". Who is the individual being reported on? Which conference? Why are the Dean and University Legal Counsel collecting this information?
- An email sent by Maureen Robinson on **February 24, 2008**, has subject "P&C pic of individual". Is Ms. Robinson sending the Dean and University Legal Counsel a picture of an individual? Of whom? What is the basis for the University collecting this information?
- An email sent by Maureen Robinson on **March 12, 2008**, has subject "P&C GSAED election debates". As reported above, **March 12, 2008**, was the day of GSAED election debates where Maureen Robinson was suspected of attending primarily to collect information about GSAED candidate Severin Stojanovic. This email shows that Ms. Robinson was reporting about graduate student association elections to the Dean of the faculty in which student Stojanovic was registered and to University Legal Counsel.

Regarding the latter point, some of the Faculty of Science political context involving student Stojanovic has been reported here:

<http://uofowatch.blogspot.com/2007/12/u-of-o-limits-access-and-arrests.html>

This is of significant concern regarding campus democracy and the civil and political rights of students.

Conclusion

The main conclusions that can be advanced based on the available evidence are given above in the **Summary**. This may be the first time in North American academic history that a university administration (through its highest legal office) hires a student to practice extensive covert surveillance of a professor and students.

In addition, we note that the Queen's event covert voice recording itself would be the strongest evidence of possible criminal offences against the individuals who collected, used, or transmitted the recording. This recording existed and was in the possession of the University Legal Counsel, according to her own **March 4, 2008** communication to the VP-Academic. The recording appears to have disappeared between the **March 4, 2008** communication (doc-MR-Rep-16U-Tab18) and the **April 21, 2008**, formal access to information request, coinciding with University Legal Counsel Michelle Flaherty's abrupt **March 31, 2008**, departure from the University of Ottawa. Was the covert voice recording destroyed or knowingly discarded knowing that it was evidence for criminal offences (not to mention its otherwise illegal and unethical nature)?

Also, the question of covert surveillance at my **May 7, 2008**, Quebec ACFAS talk needs to be fully addressed (Section-4, above).

Transparency and Reparation Required

The University of Ottawa administration needs transparency imposed upon it and needs to be made fully accountable for its totalitarian-state-style information gathering practices against a professor, other employees, and students. Reparations need to be made to the full extent of the law and in a manner consistent with the University's formal duty to society to protect the academic freedom of its professors and students. The latter duty is the only reason that universities in free and democratic societies have what is known as institutional independence from governments and outside corporations and organizations.* This institutional independence is not intended to put universities above the law nor above society's established norms regarding civil rights and liberties.

* UNESCO *Recommendation concerning the Status of Higher-Education Teaching Personnel*, adopted by Canada

- The reader may consult the following background documents (available on the web) concerning the relevant legal principles:
 - Criminal Code of Canada – Part VI – Invasion of Privacy
 - Rules of Professional Conduct – Law Society of Upper Canada
 - Association Professors University of Ottawa (APUO) Collective Agreement
 - UNESCO *Recommendation concerning the Status of Higher-Education Teaching Personnel*, adopted by Canada
 - UN *International Covenant on Civil and Political Rights*, acceded to by Canada on May 19, 1976

- Relevant sections of the Criminal Code of Canada are given in **Appendix A** (below).

- The applicable sections of the UN *International Covenant on Civil and Political Rights* are as follows:

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 19

1. Everyone shall have the right to hold opinions without interference.

APPENDIX A

Relevant sections of the Criminal Code of Canada

Part VI – Invasion of Privacy

Definitions

“intercept” includes listen to, record or acquire a communication or acquire the substance, meaning or purport thereof;

“private communication” means any oral communication, or any telecommunication, that is made by an originator who is in Canada or is intended by the originator to be received by a person who is in Canada and that is made under circumstances in which it is reasonable for the originator to expect that it will not be intercepted by any person other than the person intended by the originator to receive it, and includes any radio-based telephone communication that is treated electronically or otherwise for the purpose of preventing intelligible reception by any person other than the person intended by the originator to receive it;

Consent to interception

183.1 Where a private communication is originated by more than one person or is intended by the originator thereof to be received by more than one person, a consent to the interception thereof by any one of those persons is sufficient consent for the purposes of any provision of this Part.

Interception

184. (1) Every one who, by means of any electro-magnetic, acoustic, mechanical or other device, wilfully intercepts a private communication is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

Disclosure of information

193. (1) Where a private communication has been intercepted by means of an electro-magnetic, acoustic, mechanical or other device without the consent, express or implied, of the originator thereof or of the person intended by the originator thereof to receive it, every one who, without the express consent of the originator thereof or of the person intended by the originator thereof to receive it, wilfully

- (a) uses or discloses the private communication or any part thereof or the substance, meaning or purport thereof or of any part thereof, or
- (b) discloses the existence thereof,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.