

Grant MacEwan University
P.O. Box 1796
Edmonton, Alberta
Canada T5J 2P2

City Centre Campus
10700 – 104 Avenue
Tel 780.497.5040
Fax 780.497.5001

Centre for the Arts and
Communications
10045 – 156 Street
Tel 780.497.4340
Fax 780.497.4330

South Campus
7319 – 29 Avenue
Tel 780.497.4040
Fax 780.497.4045

Alberta College Campus
10050 MacDonald Drive
Tel 780.423.6200
Fax 780.423.6371

www.MacEwan.ca

April 1, 2011

██████████
119 Glencoe Blvd.
Sherwood Park, AB T8A 5J5

Dear ██████████:

On February 1, 2011, you, Sean Hillman, Faculty Association, and Brian Pearson, Human Resources, and I met to investigate two issues: first, the allegation that you improperly obtained and used student contact information to advance your own interests, possibly violating FOIP in the process and, second, an allegation of plagiarism regarding your textbook ██████████.

This letter is to inform you the University has completed its investigation into the first matter.

At our initial investigation meeting on February 1, 2011 you told me that:

- On January 13, 2011, you requested an e-mail list of all first year general chemistry students from a co-worker, Ross Witherell, Lab Supervisor, for the purpose of distributing information on the International Year of Chemistry (IYC).
- You acknowledged this was not a departmental initiative and you had no authorization from your Dean, Associate Dean or Chair to gather the student information.
- You and ██████████, Instructor, independently determined to work together to support IYC and communicate with students.
- You and ██████████ agreed the first information distribution to students was to be for an event on January 27, 2011.
- Prior to that event you discussed this matter again with ██████████ and you both agreed that the event on January 27, 2011 was not appropriate and that no e-mail would be sent to students about to that event.
- On January 17, 2011 you utilized the list to e-mail students to solicit feedback on your textbook, ██████████. You said that you used the list because it was available and you saw nothing wrong with your actions.
- You were defensive regarding your actions and as the meeting progressed you became visibly upset and stated "I will not be bullied by this institution on not using or developing my textbook ██████████. ██████████."

Information gathered in follow-up investigation included the following:

- ██████████ confirmed that the two of you had discussed IYC and agreed that information about the event on January 27 was appropriate to send to students. He stated that you and he did not conclude that the January 27, 2011 was not appropriate for students (see fifth bullet above).
- The FOIP Co-ordinator advises that this collection and use of the students' e-mail information, unauthorized as an activity of the Faculty of Arts & Science, could expose the University to a successful FOIP complaint, should a student choose to take issue with the unsolicited e-mail and file a complaint with the Office of the Information and Privacy Commissioner of Alberta; as is their right under legislation.

- In follow-up with Mr. Witherell, he indicated that he is upset and felt misled by you and that he has been made to feel open to censure and complicit in violating students' rights.
- The University policies which provide guidance on the use of student information are:
 - Policy D7230 - Information Security Policy
 - Policy D6010 - Use of University Computer Facilities
 - Policy E3101 - Student Rights and Responsibilities Policy
 - Policy D7510 - Records and Information Management
 - Policy E1050 - Management of Student Records and Information.
 You have exhibited familiarity with the institutional policy environment in the past.
- You are familiar with FOIP obligations, having previously brought your own FOIP complaint to the Office of the Information and Privacy Commissioner.

The investigation into your gathering and use of the students' e-mail addresses has been completed. I draw the following points:

- Your primary purpose in obtaining the e-mail list for first year general chemistry students was to enable you to e-mail them in order to promote your textbook. This conclusion is supported by:
 - your other continued and disruptive efforts within the department to promote your book;
 - the fact that you neither sought approval or even informed your Dean, Associate Dean or Chair of your intent to gather the student information and use it for IYC or any other purpose;
 - the fact that soon after requesting the student e-mail list you used it to distribute your e-mail regarding your textbook;
 - the fact that at no relevant time did you e-mail students regarding IYC, despite the fact that was your stated justification for obtaining the list..
- Students' e-mail addresses are obtained by the University to enable contact for legitimate University business, not so as to permit University staff to communicate with students regarding matters that are of personal interest or benefit to the staff member. The students are entitled to presume that their contact information will be used only for the purpose intended and that their addresses will not be made available or used for other purposes.
- By using the student's e-mail addresses to pursue and promote your interests, you have broken trust with the students, and given them legitimate cause for complaint. As you know some have in fact complained to the University about this. You have exposed the University to FOIP complaints, should the students decide to pursue the matter with the Office of the Information and Privacy Commissioner.
- The way in which you obtained and used the list has damaged the collegial and trusting environment of the department. Employees with custody of student contact information should be entitled to presume that when that information is requested for what is claimed to be University purposes, it will be used only for those purposes. .
- To date, you have shown no regret or even any recognition that your actions are problematic, having maintained throughout that your actions were appropriate.

The conclusions of the investigation are: you obtained the student e-mail list in an improper manner and that you made subsequent improper use of the

students' e-mail addresses to forward your own interests. This conduct is not what the University would expect or tolerate from a faculty member. Your actions represent not only a breach of trust with our students, but also with a fellow faculty member. These actions have a damaging effect on the University's ability to discharge its responsibilities.

██████████, a very troubling aspect of this investigation is your lack of regret or recognition of the implications of any of your actions. Your failure to understand the obligations of a faculty member regarding the obtaining and use of personal information of students is a very serious matter.

Given previous warnings that you have been given regarding your conduct, the seriousness of your actions, and your lack of recognition of the gravity of your behaviour, the University is providing you with this final letter of warning. If it is established that you are guilty of any other significant misconduct, termination of your employment will almost certainly follow.

Please do not construe the University's decision to impose a final letter of warning as less substantial than a suspension. The University has considered a lengthy suspension. However, given the professional nature of a faculty member's role, the negative impact on the students of removing an instructor during this critical time of the semester and the fact any suspension is required by the Collective Agreement to be with pay, suspension would be no more appropriate than this letter as a means of conveying the message that your conduct was highly inappropriate and that any other misconduct by you will have severe consequences for you, and in particular will likely lead to your termination.

Please be aware the University is continuing its investigation into the allegation of plagiarism regarding your textbook ██████████. It is essential that you cooperate with this investigation and work with the University so that your actions can be more fully understood.

Should you have any questions regarding this letter, please contact me.

Yours truly,

Dr. David Higgins
Dean, Arts and Science

cc: Dr. Janet Paterson-Weir, Provost and Executive Vice President Academic
Brian Pearson, Director, Human Resources
Jerry Zdril, President, Faculty Association
Sean Hillman, Professional Resource Officer, Faculty Association