

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
(Divisional Court)

BETWEEN:

**DR. CHRIS BART, DR. DEVASHISH PUJARI, DR. WILLIAM RICHARDSON,  
DR. JOE ROSE, DR. SOURAV RAY, DR. GEORGE STEINER AND  
DR. WAYNE TAYLOR**

Applicants

-and-

**MCMASTER UNIVERSITY, THE BOARD SENATE HEARING PANEL FOR  
SEXUAL HARASSMENT/ANTI-DISCRIMINATION UNDER THE  
MCMASTER UNIVERSITY ANTI-DISCRIMINATION POLICY, THE SENIOR  
ADMINISTRATOR AT MCMASTER UNIVERSITY AND CERTAIN  
UNNAMED INDIVIDUALS AT MCMASTER UNIVERSITY**

Respondents

**AFFIDAVIT OF DR. SOURAV RAY**  
(sworn February 2, 2015)

**I, SOURAV RAY, of the City of Hamilton, in the Province of Ontario,  
MAKE OATH AND SAY:**

1. I am an Applicant in this application for judicial review and one of the respondents in Complaint "B" or the "003 Complaint" in the proceedings below before the Board Senate Hearing Panel for Sexual Harassment/Anti-Discrimination under the McMaster University Anti-Discrimination Policy (the "Tribunal"), and as such, have personal knowledge of the matters to which I hereinafter depose.
2. Where I do not have personal knowledge, I state the source of my information and belief and verily believe the contents to be true.

### Personal Background

3. I am an Associate Professor in Marketing at the DeGroot School of Business (the “DSB”) at McMaster University (the “University”).
4. I have a Ph.D. in Marketing from the Carlson School of Management, University of Minnesota, M.S. in Aerospace Engineering from Texas A&M University and a B.Tech. (Hons.), Aerospace Engineering from the Indian Institute of Technology, India.
5. At the time of the U/SHAD 002 & 003 proceedings I was in the midst of a one year research leave which began in August, 2010. Although I was on leave, I nevertheless held a variety of administrative and research roles within the DSB, including:

#### Administrative roles:

- Member, Marketing Tenure & Promotion Committee 2010-2013
- Coordinator, Marketing BBL Research Seminar Series, 2005 – 2012.
- Member, DSB Ph.D. Program Coordination Committee, DSB, 2007-2013.
- Coordinator, Marketing PhD Program, (2008 – 2013).
- Member (Ad-hoc), Ad-hoc Ph.D. Committee, Marketing, 2005 – 2013.
- Supervising one of the two first PhD students of Marketing, Saeed Shekari.

#### Research roles:

- Principal Investigator of two SSHRC research grants totalling almost \$260,000.
  - Member of the Standard Research Grant Adjudication Committee for SSHRC.
  - Area editor for the journal E-Commerce Research and Applications (ECRA).
6. Before the Tribunal’s Decisions, I had no prior disciplinary history.

### Background to Proceedings Below

7. As I will describe below, my involvement in the proceedings below arose out of a different and unique set of circumstances, centering mainly around what I believed to be an academic disagreement between myself and a fellow professor at the DSB over the supervision of my Ph.D student, and a staff member at the DSB on matters pertaining to the operation of the Ph.D program. I did not have issues with the former Dean Bates, I was never a member of the so-called “G21” and I had little, and unrelated involvement in the Tenure and Promotion processes which were at the centre of the 003 Complaint.

8. I was not originally a complainant in the two group complaints at the centre of the proceedings below as is clear from my absence as a complainant from the face of the 002 Complaint and 003 Complaint. I was later lumped into the group complaint process in the 003 Complaint after the group complaints were filed, and after I had exhaustively pursued traditional academic means of addressing these issues, including consultation with the appropriate University administrators. I was not a party to the 002 Complaint.

9. I was not interviewed as a witness before Mr. Milé Komlen, Director, Human Rights and Equity Services at the University (“HRES”), released his initial report (Preliminary Audit on Allegations of Discrimination and Harassment at the School of Business, McMaster University) in March 2010.

10. I was not interviewed by either of the two investigators hired by Mr. Komlen, Ms. Milne and Ms. Novick, in completing their respective investigations arising from Mr. Komlen’s report.

11. In sum, the subject matter of my counter-complaint and of the complaint against me had little, if anything, to do with the rest of the U/SHAD 002 & 003 proceedings other than being heard in the same consolidated hearing.

12. Between August 18th, 2010 and June 19th, 2011, Mr. Komlen and I exchanged a series of e-mails regarding an ongoing disagreement between myself and another professor at the DSB, Dr. Brian Detlor. The disagreement with Dr. Detlor centered around his role as PhD director and what I perceived as his interference with my academic supervision of a PhD student in my area. During much of this time I was on research leave and not always on campus.

13. On August 18th, 2010 Mr. Komlen first e-mailed me regarding the potential of exploring resolution initiatives through the HRES, and whether I would be willing to meet with him.

14. Prior to Mr. Komlen's e-mail to me of August 18<sup>th</sup>, 2010, I had no previous experience with him or HRES, nor had I received any training on or even heard of McMaster's Anti-Discrimination Policy (the "Policy").

15. It was previously my understanding that disagreements between Faculty members at McMaster University were addressed under the Faculty's Code of Conduct. A copy of the Faculty Code of Conduct is available at DSB-0793 at page 4697 of the Tribunal Record, filed in the within proceeding with the Divisional Court (the "Record").

16. The Faculty Code of Conduct provides that framework within which faculty members are expected to comport themselves when interacting with one another,



including: Section I(d): the requirement that faculty conduct themselves in a professional and ethical manner, including the requirement not to discriminate against any member of the University community on grounds prohibited by the Ontario Human Rights Code.

17. The Faculty Code of Conduct provides for four (4) stages of disciplinary action which are to be carried out by the relevant departmental chair, unless the departmental chair decides that the case falls within the jurisdiction of another University policy.

18. The Faculty Code of Conduct also provides for varying levels of discipline, up to and including, removal.

19. At section 5 of Appendix A to the Faculty Code of Conduct, it is made clear that the only parties to the Hearing are the Faculty Dean (or his alternate if there is a conflict of interest pursuant to section 39) and the faculty member whose conduct is at issue.

20. Unlike the Policy, there are no provisions in the Faculty Code of Conduct which could be relied upon to craft a “group complaint” as Mr. Komlen sought to, and did indeed do, via sections 33-36 and 38 of the Policy as will be described below.

21. In addition to having never heard of the Policy prior to my involvement with Mr. Komlen, I know of no instance of the Policy having been used to address disagreements between faculty members.

### Relationship with Dr. Detlor

22. Throughout 2010 another tenured faculty member, Dr. Detlor, and I were engaged in a number of disagreements regarding the supervision of a Ph.D student whom I was overseeing, as well as the operation of the Marketing Ph.D program.

23. Dr. Detlor occupied the position of Ph.D Director, while I was the student's supervising faculty member. Dr. Detlor's office and I had ideological differences about how the student's course of study should be directed. As a result of these differences, I had disagreements with both Dr. Detlor and his assistant Ms. Carolyn Colwell.

24. I initially viewed our disagreements as being academic in nature, and I was surprised to learn that Dr. Detlor and Ms. Colwell eventually issued complaints against me as part of the 003 Complaint before the Tribunal in the proceedings below

25. In his affidavit, Dr. Detlor alleged that I had communicated with him in a manner that was harassing and bullying in contravention of the Policy, and accordingly he joined the 003 Complaint in filing a complaint against me.

26. Despite my initial view of our interaction as being an academic disagreement, in light of the nature of the complaints that were already proceeding to the Tribunal through Mr. Komlen and the HRES office, I began to consider the possibility that Dr. Detlor's conduct toward me was also harassment pursuant to the Policy, especially since Dr. Detlor's complaint was essentially the opposing viewpoint of the very same dispute I found myself engaged in with him and was forwarded to the Tribunal for resolution.

27. As is detailed in my complaint affidavit (filed at DSB-2117, at page 11361 of the Record), throughout 2010, Dr. Detlor and I were engaged in a number of disagreements regarding what I perceived as his interference with the oversight of the PhD student whom I was then supervising, which as mentioned above, I came to feel constituted harassment equivalent to the types of complaints being forwarded to the Tribunal for resolution by Mr. Komlen's office, and certainly Dr. Detlor's own complaint.

28. As a result, and after consultation with the Mr. Komlen, the Officer for the purposes of McMaster's Anti-Discrimination Policy, I ultimately issued a counter-complaint against Dr. Detlor in the 003 Complaint proceedings, the details of which are particularized in my affidavit in the proceedings below.

#### Interaction with HRES and No Meaningful Offer of Mediation

29. As noted above, on August 18th, 2010 Mr. Komlen first emailed me regarding the potential of exploring resolution of my disagreements with Dr. Detlor through the HRES office. A copy of this e-mail is filed at DSB-1201 at page 5790 of the Record.

30. The following day I responded to Mr. Komlen and indicated that I was surprised by his e-mail. I asked who had approached him and whether there was some sort of complaint being filed against me. I indicated that I would be willing to meet with him, but that given the climate at the DSB, I would only do so if I could have a representative of McMaster University's Faculty Association (MUFA) with me. I suggested that Mr. Komlen provide me with a time to meet. A copy of this email is filed at DSB-1201, at page 5790 of the Record.

31. Having not heard from Mr. Komlen, I again wrote him on December 3, 2010 asking that he assist me in setting up a time to meet with the onsite ombudsman in order to discuss some of the issues I was experiencing with Dr. Detlor's office.

32. On December 6, 2010, Mr. Komlen wrote back to me and indicated that he was willing to do so, but that he would first like to discuss a revisiting of the "workplace consultation" he had written to me about in August – and had not followed up on. In this email, Mr. Komlen also mentioned the possibility of filing a formal complaint through the Anti-Discrimination Policy, and that although my name had not arisen during his audit, that if my complaint was related to the "ongoing issues of harassment at the school", he could refer me to one of the investigators then retained. A copy of this e-mail is attached hereto as Exhibit "A".

33. I responded to Mr. Komlen on December 7, 2010 informing him that although I was willing to participate in processes through his office, so long as they were "fair", that given the prevailing climate at the DSB and the experiences I was having, that I would still require MUFA's assistance and would prefer to see the ombudsman before beginning any other procedures. I also told Mr. Komlen that I remained confused about which dispute and about which parties he was contacting me regarding, since at that time I still viewed my dispute with Dr. Detlor and his office as primarily an ongoing debate over academic issues. A copy of this email is filed at DSB-1221, at page 5867 of the Record.

34. On December 10<sup>th</sup>, 2010 Mr. Komlen wrote to me informing me that Dr. Detlor and his assistant Ms. Colwell were the parties concerned, and invited me to join a mediator that same afternoon. I did not get Mr. Komlen's note in time to respond to him

or to attend that session. A copy of this email is filed at DSB-1224, at page 5873 of the Record.

35. On December 13, 2010 I wrote back to Mr. Komlen informing him that I had not gotten his note in time to respond on the 10<sup>th</sup>, and that having met with the ombudsman already that morning, I had also assumed it would not be necessary to have further meetings. I also explained to Mr. Komlen that I believed that my dispute with Dr. Detlor and his assistant was of an academic nature and that I had been exploring its resolution through the Associate Dean, Dr. Medcof, as that was the traditional collegial method of resolving academic disputes. I nevertheless informed Mr. Komlen that “to the extent that it does not impose any unfair burden/expectations on me, I [was] happy to explore additional ways to resolve any issues they may have”, and suggested a time within the next week. A copy of this email is filed at DSB-1225, at page 5875 of the Record.

36. I did not hear anything further from Mr. Komlen until February 18, 2011, more than two months since my last note to him, at which time he informed me that he was “ready to resume our discussions”. In this email, Mr. Komlen explained to me that the function the HRES office is to attempt to resolve, by informal means, disputes within the University and that when those informal means fail, participants are entitled to bring complaints to the University’s “Human Rights Tribunal”. While Mr. Komlen acknowledged my efforts to resolve what I still viewed to be an academic dispute over the supervision of a PhD student through traditional collegial methods, he informed me that these processes were both outside of his jurisdiction, and “more importantly...not working”. Although I had already suggested a willingness to participate in the HRES process, and even suggested a time, Mr. Komlen indicated in this email that should I

choose to decline, Dr. Detlor and his assistant may ultimately proceed with a formal complaint against me. A copy of this email is at DSB-1233, at page 5900 of the Record.

37. On April 11, 2011 I responded to Mr. Komlen apologizing for the delay, and informing him that I had been away in Ottawa on grant committee work during February, and then dealing with personal and family illness through much of March. Given Mr. Komlen's tendency for long breaks in conversation, I assumed he would understand my delayed response. At this time I again reiterated my bewilderment regarding the need for, and role of, a mediator in an academic dispute. I also expressed to Mr. Komlen that I was concerned that I was also the target of members of the administration and that as of yet I was unsure of precisely how to deal with those issues, and that I was hoping for some clarification on how to proceed. A copy of this email is filed at DSB-1238, at page 5916 of the Record.

38. Mr. Komlen wrote back to me the following day, April 12, 2011 and notwithstanding my offer to engage in his processes as far back as December 2010, he informed me that "since there was no progress in bringing this matter to mediation" it was referred to the University's Human Rights Tribunal as a formal complaint, and as a result his office was no longer involved. A copy of email is filed at DSB-1239, at page 5921 of the Record.

39. Given both my efforts to resolve this dispute through traditional university methods, and furthermore given my expressed willingness to participate in the HRES processes, I was very surprised to hear this.

### The Formal Complaints

40. I first received notice that I was a respondent to the 003 Complaint on April 12, 2011.

41. Prior to receiving a copy of the complaint, I had never been contacted by any Vice-President or other University administrator to inform me of the existence of a complaint against me, or to seek my response in respect of a potential complaint.

42. On May 11, 2011 I wrote to Mr. Komlen expressing my disappointment that the complainants' legal expenses were being paid for by the university and the potential degenerative incentives that could be created by such a process. I also expressed my interest in the fact that the complaints had been separated into what appeared to be two "groups", and asked why, if Mr. Komlen knew of the types of issues I was facing within the administration, as well as Dr. Detlor's office, the University was not paying for my opportunity to have my complaint heard by the Tribunal. A copy of this email is attached hereto as Exhibit "B".

43. Of particular concern to me was that at that time I was to be the only person before the Tribunal without the benefit of any sort of legal counsel.

44. On May 12, 2011 I also wrote the then President of the University, Patrick Deane outlining my concern that I was the only party then before the Tribunal without any sort of legal counsel, ostensibly because I would upset the "convenient clustering of 'Group A' vs. 'Group B', as well as the fact that it seemed that by paying for the counsel of the various complainants, the University was creating a degenerate, free-rider incentive. I

also expressed concern over the fact that what appeared to be normal academic dissent, including against the University administration, was being brought forward as “harassment” before a University “Human Rights Tribunal” with the financial backing of the University. I expressed concern that the University’s decision to do so would leave participative governance and principled dissent as “collateral damage”. I concluded by stating that I could not see how this proceeding would be justified as being in the best interests of the University, and that there could be no possible justification if the legal fees of the complainants were paid by the University while the respondents were left to fend for themselves. A copy of this letter is attached as Exhibit “C”.

45. On May 16, 2011 I retained Mr. Jeff Hopkins in my personal capacity to defend me in the 003 Complaint.

46. On May 20, 2011 Mr. Komlen responded to my May 11 email to him with a detailed explanation of the Tribunal process. According to Mr. Komlen, it was well documented that the DSB was divided into two opposing factions, and that in order to address this dispute, his audit had recommended the invocation of the Policy. According to Mr. Komlen, the process for these group complaints was provided for by sections 33-36 and 37 of the Policy, and that the University had determined that it would hire two counsel to prosecute the complaints of these two groups. In his response, Mr. Komlen stated that:

“These counsel do not act as counsel for the complainants, but rather, as counsel for the University as complainant...Therefore it is inaccurate to state that the University is paying the legal expenses of the complainants. The two ‘prosecutors’ assigned to this case have only the university as their client...”



47. Mr. Komlen also informed me that if I wished to have my complaint brought before the Tribunal by the University I would have to approach counsel to see if my complaint could be fit within one of the “categories” being litigated before the Tribunal. Attached as Exhibit “D” is the May 20<sup>th</sup> email exchange.

48. On May 24, 2011 I received an email from President Deane declining my request for paid counsel before the Tribunal since I did not occupy any “managerial” capacity at any of the material times. President Deane also informed me that the lawyers retained through HRES to litigate the complaints did “not represent the complainants *per se*” but rather the university. Attached as Exhibit “E” is the May 24<sup>th</sup> e-mail from the President.

49. On May 29, 2011 I wrote once more to President Deane outlining not only my disappointment at his dismissal of my request for legal assistance, but also a number of my other concerns regarding the Tribunal proceedings. Of particular concern to me was that by paying for counsel for complainants, the University was creating a free rider effect where grievances that faculty would not have thought, or did not honestly believe, rose to the level of harassment were nevertheless being brought to the Tribunal as part of this process. I also expressed concern that the University’s process of creating two “groups” of complaints seemed to downplay the matter of the complaints themselves and focused instead on membership in one of those two groups. Attached as Exhibit “F” is a copy of my May 29, 2011 letter to the President.

50. On July 5, 2011 I was notified that the University would begin covering my legal fees, along with Dr. Bart, Dr. Rose and Dr. Steiner in responding to the 003 Complaints.

51. Being that I was the subject of Dr. Detlor's complaint for actions that I had previously understood to be an ongoing academic disagreement between his office and myself, and in light of the University's approach to our debate and the University's apparent belief that our interaction constituted harassment, I believed Dr. Detlor's conduct towards me in turn to be sufficient to also warrant review by the Tribunal.

52. My counter-complaint was issued, with leave from the Tribunal (Procedural Order #3 filed starting at page 32 of the Record) on October 7, 2011.

53. In spite of my attempts to reach out to Mr. Komlen to discuss my dispute with Dr. Detlor before an ombudsman, at no time was I offered mediation in respect of the 003 Complaint after receiving it, nor was I offered mediation in respect of my counter-complaint.

### The Hearing

#### *Timelines*

54. The hearing itself was extremely fast-paced and I was immediately faced with nearly impossible productions deadlines. I had requested released time from my course-load in order to allow me to comply with the Tribunal process but this request was denied by the Chair of the Tribunal.

55. I received the complaint against me in the midst of my research leave in 2011. The complaint had an immediate impact on my plans for a number of research projects I was engaged in. At that time I was also working on three SSHRC research grants, all of which had to be put aside. The proceedings also did not allow me sufficient time to work

on developing two new PhD seminar courses that I was to offer for the first time for our new PhD program in Marketing. Typically a new PhD seminar would take anywhere between 200 - 300 hours of concentrated preparations. I also had editorial, supervisory and administrative responsibilities as well, all of which can be a full time occupation in and of themselves. Combined, these imposed a significant additional demand on my regular work pressure during the regular term while also trying to fulfill the demands of the Tribunal. Among other things, the Tribunal's very tight timelines forced me to cannibalize time from my research, teaching and personal time commitments, not to mention my family. These led to incomplete research projects, not meeting my expectations of teaching depth, and inability to meet myriad professional commitments.

56. I can vividly recall two critical moments where the time pressure seemed almost impossible to address. The first was my counter-complaint. The tribunal was supposed to give a ruling on whether a counter complaint will be allowed to be filed. On August 9, 2011 my counsel wrote to the tribunal seeking an immediate clarification on whether a counter complaint will be allowed and seeking until September 16, 2011 to put the complaint document together. The tribunal sent a letter dated August 10, 2011 allowing only two days with a deadline of August 12, 2011. This severely handicapped my ability to engage in appropriate consultations with my counsel before finalizing the content of, and then filing my counter-complaint. Copies of this correspondence between my counsel and Tribunal counsel are attached hereto as Exhibit "G"

57. The second involved getting witness affidavits. Contacting the many witnesses to seek their cooperation and getting their affidavits was nearly an impossible task under the time pressure. I remember the instance of Isik Zeytinoglu's affidavit. I received a draft on

Friday but it was submitted before I was able to contact my counsel with a clarification on Monday when I got the opportunity to review it. In normal circumstances, the clarification would have been addressed appropriately and without prejudice, but it was not to be due to the tremendous time pressure we were put under. This particular instance was explicitly used against me by the Tribunal in rendering findings about my credibility.

*The Tribunal Allowed Evidence from Dr. Connelly without an Affidavit or Notice*

58. As I was not a complainant in the 002 Complaint I did not attend on the first day of the hearing, March 3, 2012.

59. However, despite not having received an affidavit from Dr. Connelly in respect of the 003 Complaint, nor being provided with notice that he would be cross-examining her, the lawyer for the 003 Complainants, Mr. Heeney was permitted by the Tribunal to cross-examine Dr. Connelly about my interaction with Dr. Detlor in respect of Dr. Detlor's 003 Complaint against me, despite my counsel's objection.

60. I have reviewed the audio and I believe that the evidence provided by Dr. Connelly about Dr. Detlor and myself was damaging both to my response to Dr. Detlor's complaint, and my counter-complaint

61. As neither I nor my counsel was aware that Dr. Connelly would be providing evidence against me, as she was a witness in the 002 Complaint, and given that I was not a complainant in 002 and was therefore not present at the hearing, I was unable to advise my counsel on how to address the evidence being raised, including preparing any re-direct that may have been conducted.

*No Notice of Tribunal's Retaliation Finding*

62. On April 23, 2012, which was the 14<sup>th</sup> day of the hearings, I gave testimony before the Tribunal.

63. After I gave my testimony, the members of the Panel took turns asking me additional questions.

64. At one point the Chair of the Panel, Dr. MacDonald, asked me about my counter-complaint against Dr. Detlor. I have reviewed the transcript of this exchange, and it accurately captures the exchange as I recall it. Specifically, starting at page 322 of the transcript for April 23, 2012 Dr. MacDonald asked me:

“In light of the extent to which you've been able to participate in the hearings this far, and all of the points of view that have been expressed and all of evidence that we've seen so far. Notwithstanding the questions Mr. Avraam asked you about your remedies, is there anything that you would like to, now, with your knowledge that you have right now, alter about your complaint?”

65. I responded with an explanation of the enormous impact that the proceedings had on me to that point.

66. At that point Dr. MacDonald rephrased her question and, at page 324 asked:

“But your complaint is specific to Dr. Detlor, so my question is more with respect to that. In light of the full participation, would you like to tell me if you would like to alter anything in that?”

67. This excerpt from the April 23, 2012 transcript is attached hereto as Exhibit “H”

68. At the time, I understood the Chair's question to mean, was there some element of my counter-complaint that I would like to address or change. I did not understand the

Chair's question to be asking whether I wished to withdraw my complaint. Furthermore, I did not understand at the time that the Chair's question to be a warning that Tribunal was considering the potential of finding my counter-complaint to constitute retaliation for the purposes of the Policy.

69. At no other time did the Tribunal attempt to address this matter, and I was neither informed that the Tribunal was considering making a finding of retaliation, nor invited to make submissions specifically on that issue as required by the Policy.

70. Had the Tribunal informed me that it was considering making a finding of retaliation against me based on my counter-complaint against Dr. Detlor, I would have consulted with my lawyer in order to address how best to proceed, and would have withdrawn my complaint if so advised.

#### The Events Following the Hearing

71. The Tribunal concluded the 21 days of hearings on June 5, 2012, and did not issue its Confidential Decision until May 15, 2013.

72. In the intervening time I was not the subject of any disciplinary action, and I continued to carry on my duties within the University without incident.

73. In fact, during the intervening period between the close of the hearings and the Tribunal's release of the Confidential Decision I was the recipient of a number of important appointments, grants and accolades.

74. On April 20, 2012, I was informed by letter from the University secretariat that I had been elected to the Faculty Tenure and Promotion Committee for a three year period commencing July 1, 2012.

75. Also by letter that same date, I was informed by the University Secretariat that I had been elected to the University Senate for a three year period commencing July 1, 2012.

76. By letter dated June 15, 2012 Acting Dean Bob McNutt informed me that I had been appointed the Marketing Area Chair for a three year term commencing on July 1, 2012, which also meant that I was appointed to the Dean's Advisory Counsel, as Chair of the Marketing Area Tenure and Promotion Committee, and as Chair of the Faculty Recruitment Committee.

77. On September 7, 2012 I was appointed to the Senate Committee on Student Affairs.

78. In September 2012 I was also honoured to have the Lead Article in the *Journal of Marketing*, Vol. 76(5).

79. On December 13, 2013 I was appointed as a member of the SSHRC's Research Grant Adjudication Committee for 2013-2014.

80. In May 2013 I secured a \$10,000.00 private donor grant with Jan Kelley Marketing for research purposes in my area, while Dr. Elkafi Hassini and I also submitted an application that would ultimately secure a Canadian Foundation of Innovation Leader Opportunity Fund grant in January 2014 in the amount of \$347,126.00.

### The Tribunal Decisions

81. After the close of the hearings I later learned from the University's announcement on its website that one of the Tribunal members, Dr. Bonny Ibhawoh, was appointed to the University administration while he was still a Tribunal member. This promotion occurred shortly after the conclusion of the hearing but prior to the filing of remedy submissions and prior to the release of the Tribunal Decisions.

82. Had I been aware that a member of the Tribunal was going to be appointed to University administration, I would have objected to that member's appointment to the Tribunal on the basis that it is improper for a Tribunal member to be recommending sanctions against some of the parties, including the University, to the University while a member of the University administration.

### *Dr. Detlor Harassment Decision*

83. In its Confidential Decision released on May 15, 2013 the Tribunal found, at page 173 that my conduct toward Dr. Detlor did not constitute harassment in breach of the Policy.

84. The Tribunal found that because Dr. Detlor and I had communicated largely by email, simple issues festered, and demonstrated the University's "need for an expeditious process where parties can seek assistance of an arm's length-colleague who might facilitate an informal resolution or at a minimum ensure that relevant information is shared."



85. As a result, there was no finding of liability as a result of my conduct with Dr. Detlor leading up to the U/SHAD 002 & 003 proceedings.

86. Furthermore, there was no finding of liability against me in connection with any of my administrative or governance positions within the University.

*The Counter-Complaint Decision*

87. To reiterate, in the Confidential Decision the Tribunal concluded that I had not harassed Dr. Detlor.

88. The Tribunal also concluded that Dr. Detlor had not harassed me, but that my counter-complaint was without merit and in breach of section 70(e) of the Policy at page 192 of the Confidential Decision.

89. In finding that my complaint was without merit, the Tribunal relied heavily upon the testimony of Dr. Connelly, which had been brought out under cross-examination by Mr. Heeney, counsel for the 003 Complainants, during the first day of the proceedings in the 002 Complaint, a day on which I was not in attendance since I was not a party to that complaint.

90. As discussed above Dr. Connelly was not called as a witness in the 003 Complaint, but was in fact called as a witness by Ms. Milne in the 002 Complaint on behalf of Dr. Rose and did not provide an affidavit in respect of the 003 Complaint. Nevertheless, I was surprised to learn that Dr. Connelly was considered by the Tribunal to be a “witness in support of Dr. Detlor” in the findings against me.

### The Remedy Decision

91. As found in pages 2 to 4 of the Tribunal's Remedy Decision, in recommending my suspension, the Tribunal was primarily concerned with its finding that my counter-complaint was without merit and vexatious.

92. Notwithstanding the Tribunal's findings in those pages of the Remedy Decision, it is my belief that I was indeed prejudiced as a result of the Tribunal's failure to notify me, pursuant to s. 70(e) of the Policy. Even if Mr. Heeney indicated to the Tribunal that he would be asking the Tribunal to consider remedies against me in regards to my counter-complaint, I was not informed at that time, or ever, that the Tribunal was actually considering Mr. Heeney's request to do so.

93. Absent the Tribunal's indication, as required by s. 70(e) of the Policy, neither I nor my counsel knew what if any submissions were required in order to address Mr. Heeney's request beyond what had already been submitted to the Tribunal in presenting the counter-complaint.

94. Had the Tribunal notified me pursuant to s. 70(e) a mandatory request for submissions would have been made to my counsel and I, and I would have had the opportunity to address the Tribunal on this issue, prior to its finding of liability against me.

95. Instead, my counsel was only able to make submissions on my behalf in defending the counter-complaint after the finding of liability against me when it was too late to avoid a finding of liability, and the only appropriate remedy was then at issue.

## The Outcome of the Tribunal Decisions

### *Mandatory Training & Re-integration to McMaster DSB*

96. In its Remedy Decision, dated September 23, 2013 the Tribunal directed at paragraph 10(a) that I participate in “Mandatory Sensitivity, Harassment and Conflict Resolution Training” upon my return from suspension.

97. By letter dated September 26, 2013 President Patrick Deane confirmed that the University would be implementing all of the Tribunal’s recommendations, including those related to me personally. Attached hereto as Exhibit “I” is a copy of my letter from President Deane.

98. As part of my re-integration to McMaster University after the end of my suspension, in December 2013 I arranged with Wanda McKenna in McMaster’s Human Resources Office (HRES) to meet with Trevor Hitner, a consultant retained by McMaster to conduct the mandatory training.

99. The first meeting was scheduled for January 6, 2014 at 10:00 am, with subsequent meetings on January 23, 2014 and January 30, 2014. During the course of these meetings I took detailed notes, which I later typed. I attach copies of both my hand-written and typed notes recording the meetings with Mr. Hitner hereto as Exhibit “J”.

100. I attended the meeting with Dr. Graeme Luke, the President of the McMaster University Faculty Association (MUFA).

101. On January 6, 2014, I attended the meeting with Mr. Hitner accompanied by Dr. Luke. However, Dr. Luke was not allowed to sit-in on the sessions.

102. Before Dr. Luke departed I informed Mr. Hitner that I would not be capable of commenting on any of the evidence or issues that were before the Tribunal as the other Applicants and myself were in the midst of reviewing the potential of a Judicial Review of the Tribunal's decision. Mr. Hitner did not object.

103. During the first meeting, Mr. Hitner informed me that he had reviewed the Tribunal's decisions and that the findings against me were "shocking" and "horrendous".

104. Mr. Hitner went on to stress four points in particular with me:

- (a) I am lucky that I do not work in the private sector and that I should be "thankful" that the complainants did not "go outside" and complain to the Ontario Human Rights Tribunal;
- (b) If I worked in the private sector I would have been terminated and that I had "got off easy";
- (c) Despite academic freedom and tenure that my actions were "completely unacceptable"; and
- (d) Others within the University are fearful of seeing me, and that I am "pompous" and "arrogant".

105. Mr. Hitner elaborated that my actions at McMaster would be "under a microscope" and that in the future I would have to "walk on eggshells". Mr. Hitner also informed me that the only way that I would not have to "look over my shoulder" was to avoid doing anything that might draw undue attention or concern to me, and that even if I

wanted to move to another university my chances of securing employment would be very limited given the Tribunal's decision.

106. During this meeting I was also informed by Mr. Hitner that if I had any aspirations of holding an Administrative position with the University, such as a Dean or Department Chair, those aspirations are now "out the window".

107. In the two subsequent meetings, Mr. Hitner reviewed with me the legislative context of harassment in the workplace as well as the complexities of harassment, and next steps for moving forward, before concluding that if I had any further involvement with "HR Tribunals", I would be unlikely to be having any conversations with him at all, which in light of his previous comments I took to mean that my career would be over.

#### Impact of the Tribunal Decisions

108. As a result of the Tribunal's recommendation that I be suspended for one term from October 1 to December 31<sup>st</sup>, 2013, I not only lost significant career progression potential, but I suffered significant income loss, and have seen my role in the University and academic community at large greatly diminish.

109. As a result of the suspension, I lost \$36,294.00 in employment income, as well \$12,516.00 in employer contributions to health benefits, pension, life insurance, dental benefits and other employment benefits.

110. Prior to being suspended, but after the commencement of the U/SHAD 002 & 003 proceedings, I had been elected to the McMaster University Senate, an important position from which I was removed and will not be permitted to run again for a minimum of five

(5) years from the date of suspension. None of the allegations or findings against me made by the Tribunal concerned my position in Senate.

111. As a result of the Tribunal Decisions, I was also removed from my elected position on the Faculty Tenure & Promotion Committee, which was a position I had not occupied prior to the commencement of the U/SHAD 002 & 003 proceedings, but was later elected to. I will not be able to seek election again for a minimum of five (5) years from the date of my suspension. None of the allegations or findings against me made by the Tribunal concerned my position on the Faculty Tenure & Promotion Committee.

112. The Tribunal's Decisions also resulted in my removal as Area Chair for a minimum of five (5) years, which was a position I did not occupy at the time of the commencement of the U/SHAD 002 & 003 proceedings. None of the allegations or findings against me made by the Tribunal concerned my position as Area Chair.

113. As a result of being stripped of my title as Area Chair, I have lost an additional stipend, as well as have been removed from the Dean's Advisory Committee, for which I had *ex-officio* membership by virtue of being an Area Chair.

114. My reputation has also suffered significant harm as a result of the Tribunal Decisions. Although the U/SHAD 002 & 003 proceedings were held *in camera*, upon my suspension the University moved swiftly to remove my e-mail address from circulation as well as removed my name and profile from the University website.

115. The combined effect of the release of the Public Report, my absence from campus, and the removal of my name and profile from the University website, was that

notwithstanding that I could not discuss the proceedings in any way, the academic community and greater public was aware of my suspension.

116. News of my suspension, combined with my inability to comment in my own defence has created a negative stigma surrounding me in the academic community, and I cannot be certain that I will ever be able to overcome this setback.

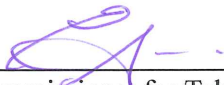
117. The duration of the suspension itself also resulted in significant harm. The suspension denied me access to the university campus, the library and the nearly \$100,000.00 in research grants for the period of my suspension, which made it impossible to perform meaningful research during my suspension, and which has set back my academic work immeasurably.

118. The combined effect of the stigma associated with having been suspended, as well as the setback in my research means that it is very likely that I will never achieve the same career progression I would have if I had never become involved in the U/SHAD 002 & 003 Proceedings.


119. The impact of the Tribunal's Decisions, as well as the U/SHAD proceedings, and the University's subsequent actions as a whole has been detrimental to my health, extremely damaging to my academic career, and although I am a tenured professor at McMaster has made my re-integration into the University extremely difficult such that I may never return to pre-hearing levels of involvement and advancement within the University or in academia as a whole.

120. I make this affidavit in support of the Applicants' Notice of Application for  
Judicial Review and for no other or improper purpose

SWORN BEFORE ME at the City of  
Hamilton, on February 2nd, 2015.

  
\_\_\_\_\_  
Commissioner for Taking Affidavits

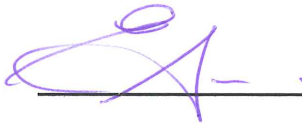
**ELLIOT SACCUCCI**

  
\_\_\_\_\_  
**DR SOURAV RAY**



**EXHIBIT "A"**

This is **Exhibit "A"** to the Affidavit of **Dr.**  
**Sourav Ray**, sworn before me this 2nd day of  
February, 2015



---

**Elliot P. Saccucci**

*A Commissioner etc.,  
Province of Ontario*

## Sourav Ray

---

**From:** Sourav Ray [sourav.ray@gmail.com]  
**Sent:** December-06-10 8:55 AM  
**To:** Sourav Ray mac  
**Subject:** Fwd: seeking appointment

----- Forwarded message -----

**From:** "Milé Komlen" <[komlenm@mcmaster.ca](mailto:komlenm@mcmaster.ca)>  
**Date:** Mon, Dec 6, 2010 at 2:51 AM  
**Subject:** RE: seeking appointment  
**To:** Sourav Ray <[sourav.ray@gmail.com](mailto:sourav.ray@gmail.com)>

Hello Dr. Ray. Thanks for your request to meet with our onsite Ombuds at the Business School. I can certainly arrange a time for you to meet with Rick Russell.

Before we do so, however, I'd like to follow up on our email exchange from the summer. At that time, I contacted you about a workplace consultation that I had been asked to arrange. The matter remained unaddressed because I understand that you may have been away during a portion of the fall term, and then I was away, and then one of the participants, Ms. Carolyn Colwell, was also off on a temporary leave. The matter has recently been revived, and there is an interest from Ms. Colwell and Dr. Brian Detlor to commence a dialogue with you regarding relations in the PhD program.

We have asked an external mediator to help facilitate this matter, Mr. Andrew Baker, who is also engaged at the Business School on a few other faculty matters. He met with Ms. Colwell and Dr. Detlor within the last week to hear their concerns. He is now ready to meet with you, if you will agree to participate in mediation. You had expressed some concerns in the summer about such a process, but I want to assure you that this is not an adversarial process, there is no complaint at the present time, and the intention is to address some unresolved issues regarding the workplace interactions between the three of you. You are entitled to have a MUFA representative present, and Dr. John Weaver has been very helpful with others in this regard. As for me, I hold a neutral function on these types of matters, and I have not been involved at all in this case. My role has simply been to identify schedule times to meet with the mediator. As such, Mr. Baker would be available to meet with you anytime on Friday, December 10, if you are free.

Secondly, in our summer correspondence, you mentioned you were on the receiving end of a sustained effort at discrimination and harassment. If this continues to be the case, I am available to address this with you. There are several options available. The first would be to bring your concern directly to Mr. Baker to see if the matter can be resolved through his informal mediation processes. He could engage other parties and attempt to resolve the matter with you. The second would be to meet with Rick Russell, as you have suggested. He would handle the intake of your concern and advise on the appropriate means to resolve the issue. The third option would be to bring a formal discrimination and harassment complaint through the Anti-Discrimination policy. If the matter is related to the ongoing issues of harassment at the School, and you feel that a formal complaint should be filed, I could refer you to one of our external investigators to explore the matter further. To date, your name has not arisen in the context of the preliminary audit I wrote last spring, but if your matter is related to an issue in this regard, I would suggest a referral to one of our investigators.

Let's discuss how you would like to proceed. In the interim, please advise if you will agree to meet with Mr, Baker this coming Friday to discuss the matter concerning the PhD program, and whether you would like Dr. Weaver to attend.

Please also advise if you would still like to meet with Rick Russell, as you have requested, or explore the possibility of bringing forward a complaint of discrimination and harassment on another matter.

I am certainly willing to explore these options with you on a neutral and confidential basis.

Regards,

Milé.

**Milé Komlen**

**Director, Human Rights & Equity Services**

**McMaster University**, MUSC Room 212

1280 Main Street West

Hamilton, ON L8S 4S4

Tel: 1-905-525-9140 ext. 23641

Fax: 1-905-522-7102

Email: [komlenm@mcmaster.ca](mailto:komlenm@mcmaster.ca)

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**From:** Sourav Ray [mailto:[sourav.ray@gmail.com](mailto:sourav.ray@gmail.com)]

**Sent:** Friday, December 03, 2010 2:18 PM

**To:** [komlenm@mcmaster.ca](mailto:komlenm@mcmaster.ca)

**Subject:** seeking appointment

Dear Mr. Komlen,

I seek an appointment with Mr. Rick Russell (the onsite Ombudsman). The most convenient day/time would be Dec. 7 morning (after 10am). Alternately, Dec 17 morning will also work. I know these are walk-in periods but I thought having an appointment may be better to coordinate our schedules.

Sincerely,

Sourav Ray

Dr. Sourav Ray  
Associate Professor of Marketing  
DeGroote School of Business, McMaster University  
1280 Main St. W., Hamilton, ON L8S-4M4, Canada  
Website: <http://www.business.mcmaster.ca/MKTG/sray/>  
Phone: 905-525-9140 x 22370 (W)  
Fax: 905-521-8995

--

Dr. Sourav Ray  
McMaster University

**EXHIBIT "B"**

This is **Exhibit "B"** to the Affidavit of **Dr.**  
**Sourav Ray**, sworn before me this 2nd day of  
February, 2015



**Elliot P. Saccucci**

*A Commissioner etc.,  
Province of Ontario*

## Sourav Ray

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**From:** Sourav Ray [sray@mcmaster.ca]  
**Sent:** May-11-11 3:58 PM  
**To:** "Milé Komlen"  
**Cc:** 'Graeme Luke'  
**Subject:** query about harassment

Dear Milé,

I learnt with some disappointment yesterday that the complainants' legal expenses are being paid for by the university. From the structure of the complaints it seems reasonably clear that some effort has been put in separating out two "groups" so to speak. I am unsure if the coordination required for that was just happenstance or was an outcome of a more deliberate process. Either way, I am intrigued if people were asked to join a complaint under the assurance that their legal expenses would be paid for. I hope you will understand this potentially creates degenerate incentives and an unfair framework.

Assuming you are familiar with the complaints as they are, I am somewhat intrigued that you did not invite me to join as a complainant; even while calling on me to come for mediation for an undefined conflict which I always presumed in good faith to be academic in nature. Yet, I know for certain that you were privy to the harassment that I was subject to, possibly of far more egregious nature than those contained in the current complaint against me.

My question is, is it too late for me to bring a harassment complaint to this Tribunal now? If I do, will the university pay for my legal expenses? Is there any reason my concerns of harassment are best handled within the normal faculty grievance process while other complaints are to be handled by the tribunal? Any thoughts will be welcome.

Sincerely,  
Sourav

Dr. Sourav Ray  
Associate Professor of Marketing  
DeGroote School of Business, McMaster University  
1280 Main St. W., Hamilton, ON L8S-4M4, Canada  
Website: <http://www.business.mcmaster.ca/MKTG/sray/>  
Phone: 905-525-9140 x 22370 (W)  
Fax: 905-521-8995

**EXHIBIT "C"**

This is **Exhibit "C"** to the Affidavit of **Dr.**  
**Sourav Ray**, sworn before me this 2nd day of  
February, 2015



---

**Elliot P. Saccucci**

*A Commissioner etc.,  
Province of Ontario*





**Dr. Sourav Ray, Ph.D.**  
**Associate Professor, Marketing**

1280 Main Street W. Ph.: 905-525-9140 Extn. 22370  
Hamilton, ON Fax: 905-521-8995  
L8S-4M4, Canada Email : sray@mcmaster.ca

Date: May 12, 2011

BY EMAIL ONLY

To:  
Dr. Patrick Deane  
President

Dear Dr. Deane,

This pertains to the complaints and the tribunal related to the business school. I assume that you know that I am named as a respondent. I am uncertain to what extent you are aware (possibly through MUFA) of what I have endured in terms of intimidatory and harassing procedural violations at the hands of the administration over more than a year now on a matter related to the tribunal. I am largely positive you do not know of me, my motivations and values since we have never spoken at that level. I am fairly certain you have no idea of how shocked I was on receiving the notice of complaint.

I learnt with great surprise yesterday that the legal costs for all complainants are being borne by the university. It is somewhat ironic that I am the **ONLY PERSON** in this whole exercise without any university provided lawyer. The irony lies on many fronts.

Degenerate incentives and double whammy

First, I looked at the clause 65(b) of the policy and took it to understand that the university does not pay the legal expenses of either the complainants or the respondents. I suppose the logic is to keep the cost of complaining just high enough to filter out all but the most significant ones. Absent such a barrier, e.g. when the university pays for the complainants, degenerate incentives could be at work. One such incentive could be akin to a free rider effect whereby even complaints without sufficient merit get thrown into the ring. For the respondents this creates a double whammy –the cost of dealing with a complaint that otherwise would not come forward, and the additional cost of belligerence anchored on the university's monies. Since no determination of the merit of a complaint is made at this point, how is this fair?

Targeted repeat scrutiny?

Second, for me who has already endured intimidation and harassment at the hands of a vindictive administration that have cynically made use of the university mechanism for more than a year, this is **YET ANOTHER** instance of the same people using the university mechanism **AGAIN** and to the same effect. Human Resources did an extensive investigation, came out with a material finding that no action is warranted, and on behalf of the University, the Dean concurred. By anchoring the degenerate incentives referred to earlier it would appear now that the University is simply rebooting the process for all practical purposes. That appears to me to be wholly unfair and akin to targeted



and extraordinary scrutiny. I remain convinced this would not have happened if the university had not created the degenerate incentives by paying for the legal expenses of the complainants in my case. My experiences are all a matter of record and involved not only the (ex) Dean and the (ex) Director of Human Resources, but MUFA as well. I am not sure if you are aware of it. I will be happy to provide more details if needed.

#### Participative governance and dissent

Third, I can assure you if I knew that normal academic dissent and disagreement can be wantonly brought forward as a harassment and human rights case *with the financial backing of the university* I would have no incentive at all to participate in any decision making without the assurance of a symmetric help from the university. Certainly, as the PhD Coordinator of Marketing, I would not have said anything but “YES” to every query and decision emanating from the administrative corridors. By taking seriously the notions of participative governance and principled dissent, I did not realize that I would be left to fend for myself while opportunistic complaints would get the financial and legal backing from the University. I do not know if this protects the University’s interests at all; unless that is, it is acceptable that participative governance and principled dissent could be collateral damage.

#### Collection of complaints

Fourth, I do not have any legal help from the university ostensibly because I am not a complainant. I did not join in any complain simply because I was not approached during the Human Rights Audit. I was not involved in the Komlen investigative report and never interviewed. The investigations predated the key incidents mentioned in the complaints in my case. In the absence of any “invitation to complain” to the Human Rights tribunal, I did engage however, in working through the normal collegial channels (faculty, MUFA) and others (e.g. ombudsman) to address the matters that affected me. Yet, unbeknownst to me, when the university sent out information that it will pay the legal expenses of the complainants, it possibly set forth the degenerate incentives to “collect” complaints. It is questionable without the free rider effect the complaints against me would form part of this “collection.” I realize that having me as a complainant would have upset the convenient clustering of “group A” versus “group B” that dominates the narrative of the current complaint. But that objective per se cannot trump fairness and moral obligations. Again, I do not understand how this protects the University’s interests, unless it wants to set a precedent of bypassing normal collegial channels and using the garb of “collection of complaints” to get back at normal academic dissent.

I suppose one can still make a case for the University’s interests in paying for the legal expenses of complainants. However, I cannot imagine that such an argument can be ethically made without some determination of the merits of a case, especially *when there are respondents whose legal expenses will not be borne by the university*. Absent such a determination, I would think that the university is morally bound to offer a level playing field for both the complainants and the respondents.

The intimidation that I faced within the faculty and now this asymmetric treatment with regards to the legal counsel expenses, have affected me profoundly – my health, my

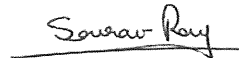
mental equilibrium, my relationships. My promising scholarly career has been set back significantly in the whole process. I am struggling to meet obligations to my grants. My ability and motivation to continue providing any leadership to the fledgling PhD program including supervision is being eroded every day. I am unable to respond to students' requests for research assistantships because I am uncertain what bandwidth I will have left for any scholarly pursuit. The remaining days of my research leave are being spent worrying about the financial implications of my participation in participative governance. I cannot shake the feeling that the University is treating me unfairly.

Can I humbly request for legal counsel expenses pertaining to the Tribunal? From my perspective it would address some of my concerns for unfair treatment.

I do not make this request lightly. I am not hesitant to face the allegations against me in front of an independent jury. Unfortunately, navigating the legalese dense tribunal would be impossible for me without legal aid that would be expensive. However, as a first generation immigrant and a relatively early career academic with a young family, I do not have the financial means to pay for such legal support. As such I am faced with a very stark financial choice.

I will eagerly look forward to hearing from you on my request for financial aid.

Sincerely,

A handwritten signature in cursive script that reads "Sourav Ray". The signature is written in black ink and is positioned above a horizontal line.

Sourav Ray

**EXHIBIT "D"**

This is **Exhibit "D"** to the Affidavit of **Dr.**  
**Sourav Ray**, sworn before me this 2nd day of  
February, 2015



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**Elliot P. Saccucci**

*A Commissioner etc.,  
Province of Ontario*

## Sourav Ray

---

**From:** "Milé Komlen" [komlenm@mcmaster.ca]  
**Sent:** May-20-11 7:12 AM  
**To:** Sourav Ray  
**Cc:** Graeme Luke  
**Subject:** RE: query about harassment

**Flag Status:** Flagged

Hi Sourav. I have spoken generally with Graeme Luke about the structure of the complaints before the Human Rights Tribunal, but I will address some of your specific concerns here.

As you may be aware, there are two main opposing factions at the Business School. This has been documented in several reports, including my Preliminary Audit of the Business School last year. In that Audit, I proposed several strategies for the resolution of the ongoing disputes, including the referral of complaints to the University's Human Rights Tribunal. The adoption of my recommendations in this regard, and the progress surrounding their implementation, were communicated to the School on several occasions by Peter George and Patrick Deane. In addition, my recommendation that an onsite Ombuds be retained for the Business School was also adopted.

On the first recommendation concerning the referral of complaints to the Human Rights Tribunal, two separate investigators were retained to gather information to determine whether there was sufficient evidence or information to refer the complaints to the Tribunal. The process for this inquiry is outlined in sections 33-36 and 37 of the Anti-Discrimination Policy, whereby the University has the option of bringing forward complaints on behalf of groups of complainants. The interest of the University in this regard is to ensure that broad allegations of discrimination and harassment are properly heard and adjudicated before a Tribunal. This is particularly the case in situations where there are multiple complainants in the same matter. In such situations, the University is authorized to bring forward a complaint with the University as the complainant.

When President Deane referred both complaints to the Tribunal under this premise, a decision was taken to ensure that the allegations were properly "prosecuted" by two external counsel. These counsel do not act as counsel for the complainants, but rather, as counsel for the University as complainant. In this sense, individual complainants (or respondents) are not provided with legal counsel, but are instead free to either represent themselves or retain their own counsel. Therefore, it is inaccurate to state that the University is paying the legal expenses of the complainants. The two "prosecutors" assigned to this case have only the University as their client, with their primary function being to put forward their case concerning the alleged instances of harassment.

In preparing their case, counsel would have had to identify the strongest complainants and witnesses to put forward. One of the complaints concerns allegations of harassment against the former Dean. The other complaint concerns allegations of harassment against a group of faculty who are accused of creating a climate of dysfunction. If an individual complaint did not fall within one of these two broad categories of complaints, it was not likely that counsel in each case would have contacted others with unrelated complaints. These individual complaints were instead referred to the onsite Ombuds, which is the reason why mediation efforts were attempted in your case. Regrettably, you seem to have declined or ignored my invitations to mediate, despite my suggestions to you that the matter might be referred to a Tribunal for adjudication. This would have been an opportunity to explore your complaint before referral to Tribunal. Your suggestion now that I did not invite you to join as a complainant seems, with all due respect, to be misguided.

Nevertheless, in response to your question, you are certainly entitled to bring a complaint of harassment to the Tribunal at any time. However, the University is not likely to pay for your legal costs since, under the Policy, each party is required to bear their own costs. This is not a decision that falls within my purview, but you could always discuss the possibility with President Deane.

You may also seek to have your complaint brought within one of the two main complaints currently before the Tribunal, either on your own or through counsel for either group of complaints. Counsel would need to determine whether your case fits within the categories of complaints they are litigating before the Tribunal.

And above all else, you would still be entitled to pursue options through the onsite Ombuds assigned to the School.

With regard to whether your complaint could be heard through the faculty grievance procedure, I don't think I'm qualified to answer that and will defer to MUFA.

Please let me know if there is any other information you need. I would be more than happy to discuss these issues with you further.

Regards,  
Milé.

**Milé Komlen**  
**Director, Human Rights & Equity Services**  
**McMaster University**, MUSC Room 212  
1280 Main Street West  
Hamilton, ON L8S 4S4  
Tel: 1-905-525-9140 ext. 23641  
Fax: 1-905-522-7102  
Email: [komlenm@mcmaster.ca](mailto:komlenm@mcmaster.ca)

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**From:** Sourav Ray [mailto:[sray@mcmaster.ca](mailto:sray@mcmaster.ca)]  
**Sent:** Wednesday, May 11, 2011 3:58 PM  
**To:** 'Milé Komlen'  
**Cc:** 'Graeme Luke'  
**Subject:** query about harassment

Dear Milé,

I learnt with some disappointment yesterday that the complainants' legal expenses are being paid for by the university. From the structure of the complaints it seems reasonably clear that some effort has been put in separating out two "groups" so to speak. I am unsure if the coordination required for that was just happenstance or was an outcome of a more deliberate process. Either way, I am intrigued if people were asked to join a complaint under the assurance that their legal expenses would be paid for. I hope you will understand this potentially creates degenerate incentives and an unfair framework.

Assuming you are familiar with the complaints as they are, I am somewhat intrigued that you did not invite me to join as a complainant; even while calling on me to come for mediation for an undefined conflict which I always presumed in good faith to be academic in nature. Yet, I know for certain that you were privy to the harassment that I was subject to, possibly of far more egregious nature than those contained in the current complaint against me.

My question is, is it too late for me to bring a harassment complaint to this Tribunal now? If I do, will the university pay for my legal expenses? Is there any reason my concerns of harassment are best handled within the normal faculty grievance process while other complaints are to be handled by the tribunal? Any thoughts will be welcome.

Sincerely,  
Sourav

Dr. Sourav Ray  
Associate Professor of Marketing  
DeGroot School of Business, McMaster University  
1280 Main St. W., Hamilton, ON L8S-4M4, Canada  
Website: <http://www.business.mcmaster.ca/MKTG/sray/>  
Phone: 905-525-9140 x 22370 (W)  
Fax: 905-521-8995

**EXHIBIT "E"**

This is **Exhibit "E"** to the Affidavit of **Dr. Sourav Ray**, sworn before me this 2nd day of February, 2015



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**Elliot P. Saccucci**

*A Commissioner etc.,  
Province of Ontario*

## Sourav Ray

---

**From:** presdnt [presdnt@mcmaster.ca]  
**Sent:** May-24-11 12:23 PM  
**To:** 'Sourav Ray'  
**Subject:** RE: confidential letter

**Flag Status:** Flagged

Dear Dr. Ray:

Thank you for your letter, dated May 12, 2011. I have reviewed your request for legal support from the University. I respectfully decline your request. I have made the decision that certain respondents will be entitled to legal support from the University. Those individuals who were acting in a managerial capacity at the material times will receive legal support. I have made this decision regardless of the identity of the party. Since you were not acting in any managerial capacity at the material times, I cannot agree to your request for legal support.

With respect to your position on the complainants receiving legal counsel, I can advise you that I am very interested in having the Tribunal's assessment of whether there was or was not harassment and discrimination in the School at the material times. Through the Office of Human Rights and Equity Services, two lawyers have been appointed to present the case on behalf of each set of complainants. These lawyers do not represent the complainants *per se*; their role is to present the evidence to the Tribunal. I believe that this is very important to the integrity of the process, and for all of the complainants to have their grievances aired. Once again, I made this decision regardless of the identity of the parties involved.

Sincerely,  
Patrick Deane

\*\*\*\*\*

Patrick Deane  
President & Vice-Chancellor  
McMaster University  
1280 Main Street West  
Gilmour Hall Rm. 238  
Hamilton, ON L8S 4L8  
Phone 905-525-9140 ext. 24340  
Fax 905-522-3391  
[presdnt@mcmaster.ca](mailto:presdnt@mcmaster.ca)

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**From:** Sourav Ray [<mailto:sray@mcmaster.ca>]  
**Sent:** Thursday, May 12, 2011 6:05 AM  
**To:** [presdnt@mcmaster.ca](mailto:presdnt@mcmaster.ca)  
**Subject:** confidential letter

Dear Dr. Deane,  
Attached with this email is a confidential letter. Pardon me for it is slightly long but I sincerely believe matters in it are significant. I will look forward to hearing back from you.  
Best,  
Sourav

Dr. Sourav Ray  
Associate Professor of Marketing  
DeGroote School of Business, McMaster University

**EXHIBIT "F"**

This is **Exhibit "F"** to the Affidavit of **Dr.**  
**Sourav Ray**, sworn before me this 24 day of  
February, 2015



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**Elliot P. Saccucci**

*A Commissioner etc.,  
Province of Ontario*





**Dr. Sourav Ray, Ph.D.**  
**Associate Professor, Marketing**

1280 Main Street W. Ph.: 905-525-9140 Extn. 22370  
Hamilton, ON Fax: 905-521-8995  
L8S-4M4, Canada Email : sray@mcmaster.ca

**DeGroot**  
SCHOOL OF BUSINESS

Date: May 29, 2011

BY EMAIL ONLY

To:  
Dr. Patrick Deane  
President

Dear Dr. Deane,

Thank you for your response on May 24. I respect your decision and thank you for your willingness to consider my request. I also appreciate your explanation.

I am disappointed at the outcome of course. Yet, I write now, not to give vent to my disappointment but to offer some observations that I think are relevant to this whole issue and if so, which would not be fair on my part to withhold. It is not my intention by any means to be confrontational and if I come across as such, it is entirely unintended. I also do not want to come across as lecturing, for that too is not my intention; I only seek to make my point logically. In case of either, my apologies in advance. I also apologize for the length of this note.

The University is enjoined upon with a greater burden of fairness than the individual

Your note caused me to first make an assessment of where I stand with my finances. Then, I looked into the policy in detail and spend a lot of time reflecting on it. I always have had concerns that the process seemed unfair, whether intentional or not. This in itself is disappointing because an institution like the university is actually enjoined upon with the burden of greater rationality and fairness, than an individual. If the individual may be at significant risk of harm, it is an even greater concern.

The process of the investigations and how complaints have been handled have always confused me. I cannot speak for others but I have certainly felt being at the receiving end of an ill-defined enterprise that overlay other normal University processes, imposed unreasonable expectations of non-academic judgments on me, been strangely adversarial, and in violation of the spirit of the policy. I have mentioned some of these to you earlier. But in light of your clarification there are some additional concerns.

Unreasonable standards is recipe for dysfunction in the future

I well understand your wish to find out if there has been harassment. I too welcome that. But the process of doing so should not create more victims. I started out here as a new recruit seven years back. As such, I was not burdened with the history of "culture," and worked closely with the *administration* for quite some time. I suppose I had a very proximal vantage point of observing the alleged harassments.

The spirit of the policy is unambiguous that the bars for allegations should be high enough. Unfortunately, in my opinion from the type of allegations that have been put forward, the standards imposed were much lower than what I thought were reasonable to

determine if some allegations merited the tribunal. For example, even at the receiving end of egregious wrongdoings, I pursued normal collegial channels assuming my experiences are not big enough to be deemed human rights matters. When PACDSB asked me if I felt any of my issues merited special consideration of harassment, I said “no” and that I was pursuing normal collegial remedies. PACDSB agreed. In light of the nature of some complaints to the tribunal brought forward by the officer, I seem to have been wrong! Yet I cannot really blame myself because no university officer claimed otherwise despite knowing details of my case. As late as December 2010, I have been explicitly told that my name has not come up in the investigations. Recent statements offering me the opportunity to join an existing complaint is completely disingenuous from that perspective. Would that not be opportunistic on my part? I do not know if there are others like me who acted in similar good faith within normal processes. However, with the manifestly low bar to complaining, I shudder to think how we will function if in the future all *perceived transgressions* were to be deemed human rights violations fit for a tribunal.

#### Spirit of Policy is mindful of risks

It would appear from a reading of the policy that it is mindful of the above. In particular, articles like #28, #46a-d, #65b, #70(e) etc. seem to discourage frivolous or malicious complaints either from coming to the tribunal, or even if they do, with the threat of significant penalty. In an ecological sense, these offer protection against wanton litigation being used as a tool for unfair victimization or harassment.

#### Does the University’s position compromise the spirit of the Policy?

Unfortunately, the University’s position with respect to the current process may have compromised even that deemed protection. This occurred to me as I was trying to understand the complaints and the implication of the statement that – the complainants’ lawyers do not represent the complainants *per se* but are just tasked to present the evidence to the tribunal.

First, I am not sure if there were complaints that were weeded out as not meriting the tribunal. If yes, that presumes some selection criteria, either by the University officer or the investigators. All I know from the established narrative is that an effort was made to put *people* in “two groups.” This seems to downplay the matter of the *complaints* themselves, which should have been the logical focus because it cannot be *membership of groups* that will be considered by the tribunal but the *individual complaints* themselves. I am sensitive to this because my context does not fit into this notion of *groups*.

Second, with respect to the lawyers’ roles, I think it is a very fine line that even if it were implementable is more likely to be breached than not.

Third, it opens up the whole question of ensuring reasonable protection against maliciousness or opportunistic complaints. Indeed, if the complainants’ lawyers are tasked with presenting evidence to the tribunal, they should expect to protect the *complaint* against charges of maliciousness as well. However, if the lawyers do not represent the clients *per se*, they should recuse themselves from the proceedings when such *individual* charges of maliciousness are being heard. Can they be enjoined upon to do that? If yes, will it breach their professional ethics? If not, does it not further load the

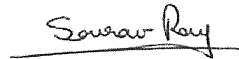
dice against presumably innocent respondents who are left unto their own resources as they mount a legitimate defense of malicious intent against *individual* complainants?

Holding the reins of a runaway horse

I must admit that I am troubled. I can accept the premise that the University may not have undertaken the process knowing it will be unfair, or to explicitly victimize one or more individuals. However, I cannot shake the feeling of having been left to hold on to the reins of a runaway horse. Where this will lead me I do not know and am left with no options at this point but to make the best I can to control the footprints this leave on my personal and professional life. I do not feel it is fair.

I have tried my best to stay away from commenting on what went on in the faculty and just focus on the current process and my role in it. I hope my comments are not out of line, or unwittingly compromise my position as a respondent. Yet, it seems that history has always had a way of readjusting disingenuous narratives and converging on accurate ones to impose a level of justice and fairness. Perhaps in the end this will indeed be about harassment and losses.

Sincerely,

A handwritten signature in cursive script that reads "Sourav Ray". The signature is written in black ink and is positioned above a thin horizontal line.

Sourav Ray

**EXHIBIT "G"**

This is **Exhibit "G"** to the Affidavit of **Dr. Sourav Ray**, sworn before me this 2nd day of February, 2015



---

**Elliot P. Saccucci**

*A Commissioner etc.,  
Province of Ontario*



JEFF C. HOPKINS  
E-mail: [jhopkins@grosman.com](mailto:jhopkins@grosman.com)

August 9, 2011

DELIVERED VIA ELECTRONIC MAIL

**PRIVATE AND CONFIDENTIAL**

University Secretariat  
McMaster University  
Gilmore Hall, Room 210  
1280 Main Street West  
Hamilton, ON  
L8S 4L8

Attention: Dr. Maureen MacDonald, Chair of the Tribunal

Dear Madam Chair:

**Re: Complaint # (2010-11) U/SHAD-003 ("Complaint 003")**

We represent Dr. Sourav Ray, a Respondent in Complaint 003.

We write in response to the Submissions of Dr. Brian Detlor, which were submitted on August 4, 2011, which appears to be his initial response to Dr. Ray's motion to add a counter complaint, submitted to you on August 5, 2011.

In his submission, Dr. Detlor advises that he is willing to consent to Dr. Ray filing a counter complaint, subject to a very aggressive timeline. It is Dr. Ray's position that the timeline outlined in Dr. Detlor's submission is wholly unreasonable, and in fact, impossible to meet.

Dr. Ray states the following:

1. First, Dr. Detlor did not request a "draft" of Dr. Ray's counter complaint, as stated in his submission. In fact, as evidenced in the email correspondence provided by Dr. Detlor, he requested "the actual pleading".
2. Dr. Detlor's requested timeline is also unreasonable given Dr. Ray does not know whether he will even be permitted to file a counter complaint. Dr. Ray's motion sought the Tribunal's direction as to whether a counter complaint against Dr. Detlor was even permissible, and if so, whether it could be heard at the same time as Dr. Detlor's complaint against him. While Dr. Ray has been able to provide his legal counsel with the general parameters as to what the contents of his counter complaint would be, which were included in his motion materials and supporting affidavit, it is understandable that he has not devoted the significant time required to meticulously prepare his allegations / draft counter complaint, provide that

material to his legal counsel, and then work with his legal counsel to prepare a final pleading. This is in significant contrast to the considerable resources, including time, preliminary legal counsel and assistance from the university processes (e.g. Mr. Mile Komlen's office) that collectively contributed to the drafting and preparation of Dr. Detlor's complaint as part of Complaint 003.

3. Moreover, the parameters Dr. Ray was able to provide in his motion materials and affidavit are more than sufficient to allow Dr. Detlor to make an informed decision as to whether he will provide his consent. In fact, given Dr. Detlor's willingness to consent, but on an extremely tight timeline, demonstrates that he has sufficient particulars of Dr. Ray's general allegations / counter complaint, to allow him to provide his consent.

4. In response to the email correspondence between legal counsel (the inclusion of which was never canvassed with Dr. Ray's counsel), it should be noted that by email dated August 3, 2011, in response to Dr. Detlor's proposed aggressive timeline, Dr. Ray's legal counsel advised, "... we will need to discuss with sourav and get back to you asap." (attached – as it was not included in Dr. Detlor's submission). However, the following day, Dr. Detlor's legal counsel advised that the issue could not wait, and he would proceed to write to the Chair. Therefore, Dr. Ray was never provided with an opportunity to propose an alternative timeline with respect to his counter complaint.

5. Dr. Detlor's proposed timeline requires Dr. Ray to file his counter complaint prior to the date on which Dr. Detlor is required to even respond to his motion in this regard. Dr. Ray has been proceeding based on the timeline outlined in the Procedural Order, and therefore, for him to now be forced to draft and file a complaint under such a tight deadline would be wholly unreasonable. As stated at the pre-hearing conference, and as requested in his motion materials, Dr. Ray intends to file his counter complaint along with his response to Complaint 003. At that time, Dr. Detlor should have an opportunity to bring any reasonable preliminary motion, or make a request for particulars, to which Dr. Ray will respond. There is no reason why Dr. Ray's counter complaint must follow the same timeline established for the existing complaints, which were filed in late March 2011. Again, any such drastic acceleration would be unreasonable.

6. Dr. Detlor also submitted that Dr. Ray's failure to provide his counter complaint as a condition for his consent, "potentially" prejudices the existing timeline. First, as stated above, Dr. Detlor did not request a "draft", but the final pleading itself. Moreover, there will be no prejudice to the existing timeline if Dr. Ray is permitted to deliver his counter complaint as part of his response. The effect will simply be another timeline, only as between Dr. Ray and Detlor, running adjacent to the existing timeline. In fact, if the subsequent timelines for Dr. Ray's counter complaint regarding any potential motion, and response are temporally similar to those contained in the existing timeline, those deadlines will have long past before any actual hearing dates occur, which in all likelihood, may not be until January 2011. Assuredly, Dr. Ray's counter complaint will have been fully responded to by that time.

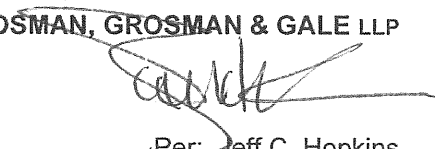
7. It is respectfully submitted that Dr. Detlor's attempt to impose extremely aggressive timelines as a "condition" for his consent is disingenuous. First, the issue of timelines and his consent are separate issues. Second, the matter of "consent" *per se* ought to be a moot point because the disposition of Dr. Ray's motion is a decision to be made by the Chair.

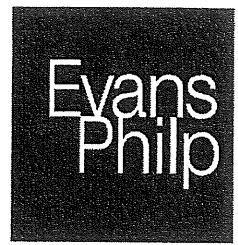
Given the foregoing, it is respectfully submitted that if you are inclined to order Dr. Ray be permitted to file a counter complaint against Dr. Detlor, Dr. Ray be permitted to file his

counter complaint as part of his response, which is due on September 16, 2011, and that the subsequent timelines from September 16, 2011 be temporally similar to those contained in the existing timeline.

Yours very truly,

**GROSMAN, GROSMAN & GALE LLP**

  
Per: Jeff C. Hopkins



Evans, Philp LLP  
Barristers  
and Solicitors  
Since 1919

August 10, 2011

**SENT VIA EMAIL**

To all Parties or their respective Counsel  
Listed on the Distribution List Attached

Dear Madams/Sirs:

**Re:** Complaint #(2010-11) U/SHAD-002 brought by Dr. Chris Bart, Dr. Devashish Pujari, Dr. William Richardson, Dr. Joe Rose, Dr. George Steiner and Dr. Wayne Taylor (the "Complainants") against Mr. Paul Bates, Dr. Elko Kleinschmidt and McMaster University (the "Respondents") dated March 31, 2011

**And Re:** Complaint #(2010-11) U/SHAD-003 brought by Dr. Terry Flynn, Dr. Milena Head, Dr. Christopher Longo, Dr. Al Seaman, Mr. Peter Vilks, Ms. Linda Stockton, Ms. Rita Cossa, Dr. Brian Detlor and Ms. Carolyn Colwell (the "Complainants") against Dr. Steiner, Dr. Taylor, Dr. Bart, Dr. Ray, Dr. Pujari, Dr. Rose, Dr. Nainar, Dr. Shehata and McMaster University (the "Respondents") dated March 31, 2011  
Our File No. 414-30

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I write to you in my capacity as counsel to the tribunal and at the direction and upon instructions from the Chair in respect of the following:

**A. Submissions concerning Reconsideration regarding the Timing for Exchange of Materials among the Parties**

Upon review and consideration of the additional submissions, the Chair shall extend the timelines, in respect of all Complainants, for the following:

- i) Reply to Particulars and Document Productions by all Complainants;



- 
- ii) Response and Documentary Productions by Respondents; and,
  - iii) A Reply to a Response by a Complainant,

to the same dates as those presently set in paragraphs 15, 16 and 17 for a Continued Complainant, such that Complainant and Continued Complainants shall be subject to same dates in respect of the above-noted materials.

**B. Motions for Cross or Counter Complaints**

Any party who seeks by motion previously filed to add a party or bring a counter or cross complaint must serve his or her complaint in the proper form on the Respondent and file same with the University Secretary on or before August 12, 2011. Subsequent filing and exchange dates will be dealt with in the Order described below.

**C. Supplementary Order**

The Chair has indicated that a formal Supplementary Procedural Order shall issue on or before August 19, 2011 formally reflecting the foregoing, addressing such other necessary matters and possibly fixing a new date for the Pre-Hearing Conference. Until that time the Chair has directed that the contents of this letter constitute binding direction of the Tribunal to the parties.

Yours very truly,



Randall S. Bocock

RSB/tl

attachment

cc: Chair of the Tribunal  
Dr. W. Bruce Frank, University Secretary  
Ms. Michelle Bennett, Assistant University Secretary

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**Distribution List**
Complaint #(2010-11) U/SHAD-002

<p>Ms Catherine Milne Turnpenny Milne LLP</p> <p>SENT VIA EMAIL</p> <p>on behalf of : Dr. Chris Bart Dr. Wayne Taylor Dr. Joe Rose Dr. Devashish Pujari Dr. George Steiner Dr. Albert William Richardson</p>	<p>Mr. George Avraam Baker &amp; McKenzie LLP, Barristers and Solicitors</p> <p>SENT VIA EMAIL</p> <p>on behalf of: McMaster University Mr. Paul Bates</p>
<p>Mr. Kevin Robinson Bernardi Human Resource Law</p> <p>SENT VIA EMAIL</p> <p>on behalf of: Dr. Elko Kleinschmidt</p>	

Complaint #(2010-11) U/SHAD-003

<p>Mr. James Heeney Rubin Thomlinson LLP Barristers &amp; Solicitors</p> <p>SENT VIA EMAIL</p> <p>on behalf of: Dr. Christopher Longo Dr. Milena Head Dr. Terrence (Terry) Flynn Dr. Brian Detlor Ms. Rita Cossa Mr. Peter Vilks Ms. Linda Stockton Ms. Carolyn Colwell Dr. Al Seaman</p>	<p>Mr. R. Mark Fletcher Grosman, Grosman &amp; Gale LLP</p> <p>SENT VIA EMAIL</p> <p>on behalf of: Dr. Mohammed Shehata Dr. Devashish Pujari Dr. Khalid Nainar</p>
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<p>Mr. George Avraam Baker &amp; McKenzie LLP, Barristers &amp; Solicitors</p> <p>SENT VIA EMAIL</p> <p>on behalf of: McMaster University</p>	<p>Mr. Jeff C. Hopkins Grosman, Grosman &amp; Gale LLP</p> <p>SENT VIA EMAIL</p> <p>on behalf of: Dr. Sourav Ray Dr. Chris Bart Dr. Joe Rose Dr. George Steiner</p>
<p>Mr. Derek Collins Turkstra Mazza</p> <p>SENT VIA EMAIL</p> <p>on behalf of Dr. Wayne Taylor</p>	



**GROSMAN, GROSMAN & GALE LLP**  
BARRISTERS & SOLICITORS

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**JEFF C. HOPKINS**  
E-mail: [jhopkins@grosman.com](mailto:jhopkins@grosman.com)

August 12, 2011

**DELIVERED VIA ELECTRONIC MAIL**

**PRIVATE AND CONFIDENTIAL**

University Secretariat  
McMaster University  
Gilmore Hall, Room 210  
1280 Main Street West  
Hamilton, ON  
L8S 4L8

Attention: Dr. Maureen MacDonald, Chair of the Tribunal

Dear Madam Chair:

**Re: Complaint # (2010-11) U/SHAD-003 ("Complaint 003")**

Enclosed with this letter is the (counter) complaint of Dr. Sourav Ray against Dr. Brian Detlor, to be heard at the same time as Dr. Detlor's complaint against Dr. Ray.

We have made best efforts to ensure Dr. Ray's complaint is as comprehensive as possible, in light of the very constricted timeline for filing, as per Mr. Bocock's August 9, 2011 letter.

Yours very truly,

**GROSMAN, GROSMAN & GALE LLP**

Per: Jeff C. Hopkins

**EXHIBIT "H"**

This is **Exhibit "H"** to the Affidavit of **Dr.**  
**Sourav Ray**, sworn before me this 26 day of  
February, 2015



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**Elliot P. Saccucci**

*A Commissioner etc.,  
Province of Ontario*

1                   THE WITNESS: You know, I have no  
2 negative feelings about being included in the group  
3 to the extent that these are talking about certain  
4 issues in the faculty. We hardly ever get the  
5 chance to talk about things in the faculty, and my  
6 interpretation of this group has always been that  
7 the -- the writers of these emails sometimes bring  
8 issues to my notice that I wasn't even aware of, or  
9 even -- has paid attention to, because I've never  
10 been in the administration so I'm not really very  
11 sure about how these things work.

12                   I have -- you know, so -- to --  
13 for me the emails over here are more in the nature  
14 of information about the goings on in the faculty.  
15 Sometimes I see strong opinions being expressed by  
16 others through these emails, and I have not  
17 necessarily been either necessarily attended, but  
18 certainly not very participative in any of those  
19 things. So, that's the way I interpret these as  
20 discussions between colleagues (inaudible).

21                   THE CHAIR: In light of the extent  
22 to which you've been able to participate in the  
23 hearings this far, and all of the points of view  
24 that have been expressed and all of evidence that  
25 we've seen for. Notwithstanding the questions

1 Mr. Avraam asked you about your remedies, is there  
2 anything that you would like to, now, with your  
3 knowledge that have right now, alter about your  
4 complaint?

5 THE WITNESS: I'm in a difficult  
6 situation. Sorry. I don't believe in David and  
7 Goliath.

8 THE CHAIR: Sorry, I couldn't hear  
9 you --

10 THE WITNESS: I don't believe in  
11 David and Goliath. The university is a huge --

12 THE CHAIR: Sorry, I still didn't  
13 hear your first statement --

14 THE WITNESS: The David and  
15 Goliath story, you know?

16 UNIDENTIFIED SPEAKER: David and  
17 Goliath.

18 THE CHAIR: Oh, I'm sorry.

19 THE WITNESS: Goliath. You know,  
20 I just come from a different -- I don't think I  
21 have the means to take on the University. I have  
22 been -- I have been put through the ringer with  
23 respect to these (inaudible) actions. Through  
24 these proceedings, I've come to know that all my  
25 suspicions about being targeted, about it being a

1 witch hunt, and about myself being subjected to an  
2 unfair process, were true. I have had --  
3 independently, I have felt that my rights and  
4 natural justice are violated. Independently,  
5 Professor Weaver felt the same. Independently.  
6 Dr. Russell, the ombudsman told me the same. But I  
7 just don't have the means to fight them.

8 THE CHAIR: But your complaint is  
9 specific to Dr. Detlor, so my question is more with  
10 respect to that. In light of the full  
11 participation, would you like to tell me if you  
12 would like to alter anything in that --

13 THE WITNESS: No, no, I thought  
14 you were talking about the bigger scope, no.

15 THE CHAIR: (Inaudible)

16 DR. IBHAWOH: Okay, Dr. Ray, I  
17 have a few questions. Can you pull up DSB 2295? I  
18 think that's one of Dr. Ray's -- number 20, I  
19 think, number 22. Okay. So, there you state in  
20 item A that's you were not in a position  
21 to (inaudible) Dr. Detlor, and then you say that  
22 the issues were purely academic, never personal,  
23 which is noted.

24 DSB 2117, number 6. Here, you now  
25 make the point that Dr. Detlor engaged in a



**EXHIBIT "I"**

This is **Exhibit "I"** to the Affidavit of **Dr. Sourav Ray**, sworn before me this 2nd day of February, 2015



---

**Elliot P. Saccucci**

*A Commissioner etc.,  
Province of Ontario*

September 26, 2013

**DELIVERED BY EMAIL, SAME DAY COURIER, AND REGISTERED MAIL**

Dr. Sourav Ray  
264 Lavender Drive  
Ancaster, ON  
L9K 1E5

Dear Sourav:

**Re: Tribunal's Orders and Recommendations**

I am writing further to the Tribunal's findings and recommendations that were issued under the McMaster University Anti-Discrimination Policy (the "Policy"), dated May 15, 2013, and September 23, 2013. As you are aware, the Tribunal's findings and recommendations were based, in part, on complaints made against you under the Policy by various individuals at the DeGroot School of Business ("DSB").

I have reviewed and considered in detail both of the Tribunal's decisions, and specifically considered the findings the Tribunal made against you. In its decision, dated September 23, 2013, the Tribunal recommended that you should receive a disciplinary suspension of one (1) academic term. In addition, the Tribunal issued various other orders that relate to you personally.

Based upon my review of the Tribunal's decisions, and the specific findings made against you, I confirm that I am proceeding to implement all of the Tribunal's orders and recommendations, including the Tribunal's recommendation for suspension. Therefore, in accordance with the Tribunal's recommendation, the Policy, and the *McMaster University Revised Policy and Regulations with Respect to Academic Appointment, Tenure and Promotion* (the "Yellow Document"), you shall be suspended from your employment for the period commencing on October 1, 2013 and ending on December 31, 2013. This suspension will be without pay, benefits, privileges or access to the University's premises.

During the period of your suspension, you are not to perform any duties for and on behalf of the University. Further, and in accordance with the Tribunal's recommendation, you are not to enter any part of the University campus or premises, which includes the Ron Joyce Centre, unless explicitly requested to do so by a duly authorized member of the University or DSB administration. You will also not have access to your McMaster email during the period of your suspension. The Dean will make appropriate arrangements to ensure that all of your duties and responsibilities will be appropriately covered during your suspension.

Should you require personal support during this time, services are available through the University's Employee and Family Assistance Program, as offered by Homewood Human Solutions. These services may be accessed by calling 1-800-663-1142 or on-line at <http://www.homewoodhumansolutions.com/>.

With respect to any personal effects that you may have in your office, or any other logistical issues that you may need to discuss, please contact Wanda McKenna, Director of Human Resources at ext. 24855, or [mckenna@mcmaster.ca](mailto:mckenna@mcmaster.ca), to make appropriate arrangements.

Finally, please note that you are not to engage in any retaliatory conduct against any other faculty member or staff member in relation to the complaints or the Tribunal's decisions. Any retaliatory conduct is inappropriate, illegal and will not be tolerated by the University.

A copy of this letter will be placed in your HR file. If you would like to meet with me to discuss this matter, please contact my office at ext. 24340, or at [president@mcmaster.ca](mailto:president@mcmaster.ca), to arrange an appointment.

Yours Sincerely,

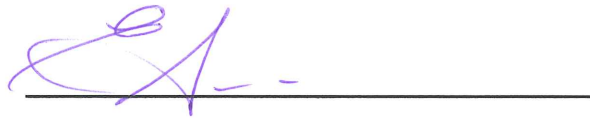


Patrick Deane  
President and Vice-Chancellor

cc. HR File  
Faculty Appointments Committee

**EXHIBIT "J"**

This is **Exhibit "J"** to the Affidavit of **Dr. Sourav Ray**, sworn before me this 2nd day of February, 2015



**Elliot P. Saccucci**

*A Commissioner etc.,  
Province of Ontario*

Draft Affidavit of session 1

## BACKGROUND

In its Remedy Decision dated September 23, 2013, the Tribunal directed at paragraph 10(a) that I participate in "Mandatory Sensitivity, Harassment and Conflict Resolution Training" upon my return from suspension. By letter dated September 26, 2013, President Patrick Deane confirmed that the University would be implementing all of the Tribunal's recommendations, including those which related to me personally.

In December, 2013 through exchange of emails with Wanda McKenna in McMaster's Human Resources Office, I arranged to meet with Trevor Hitner who was retained by the University to conduct the training. The first meeting was scheduled for January 6, 2014 at 10 00 am.

During my exchange with McKenna, I asked her for information about the sessions with Hitner. I have never participated in this kind of training before, and I wanted to be as prepared as possible for my meetings with Hitner, and to understand what the meetings would consist of. I asked McKenna for details about the sessions by e mail dated December 3. McKenna provided me with Hitner's CV on December 3. In the same e mail, she told me that the sessions would consist of one-on-one conversations/discussions, in the following "format": "1) overview of this situation and what has happened; 2) a specific discussion on harassment and the delivery of the required training; and 3) a discussion of best interests and next steps". By e mail dated December 5, I asked if she had any more information and she replied and said Hitner could provide further information. She repeated that the meetings would follow a "conversation format". I was reassured that the format of the meetings was to be conversational.

Before that meeting, I communicated with counsel to CAUT and with my MUFA representatives. After speaking with them I decided that I wanted Graeme Luke, President of MUFA, to sit in on the meetings with me because I had not been provided with much information about the process and I did not know what to expect. In addition, I was concerned about McKenna's reference to an "overview" of the situation and the past. I thought that education and training was about moving forward.

## JANUARY 6, 2014 MEETING

I reported for my meeting with Hitner at 10 00 am on January 6. Luke accompanied me. I told Hitner I wanted Luke to sit in on the meeting. Hitner said the meeting was to be one on one and Luke could not sit in. I consulted with Luke and spoke to counsel and decided to go ahead with the meeting in Luke's absence.

## MY STATEMENT: GOOD FAITH MEETING TO PARTICIPATE IN TRAINING

While Luke was present in the meeting room, I read the following statement to Hitner:

I am meeting with you in good faith, and in compliance with the direction of President Patrick Deane dated September 26, 2013, following the Remedy Decision of the Tribunal dated September 23, 2013. In particular, I am here to participate in Mandatory Sensitivity, Harassment and Conflict Resolution Training, as set forth in paragraph 10(a) of the Decision. I

look forward to receiving training from you regarding these issues. As you may know, I and six of the faculty member parties to the proceedings before the Tribunal (Complainants in 002 and Respondents in 003) have retained counsel and are seeking advice in connection with a possible judicial review of the tribunal's orders. Accordingly, I have been advised by counsel not to comment on the content of the evidence or the issues that were before the tribunal. I hope and expect that this training will proceed in confidence, and that the content and substance of our discussion will remain confidential. I do not object to you providing confirmation to the University at the conclusion of this training that I have satisfactorily concluded the training as directed by the President, following the Tribunal's recommendations. I do not authorize you to disclose any additional information to the University, or anyone else.

After I read the statement, Hitner did not object or seek to qualify any of the concerns I had raised. He confirmed that the contents of our discussion would remain confidential. He said this is important for his credibility.. He told me that he would send a report to the University at the end of the three sessions I had with him. He said the report would consist of the following: a list of the times and dates we met; a description of the topics we discussed; and whether, in his opinion, I had "internalized" the training. I asked him if his report would reference the issues before the Tribunal or the complaints or the complainants and he said no. He confirmed that the session would not be recorded.

#### HITNER TELLS ME THE FINDINGS AGAINST ME WERE SHOCKING AND HORRENDOUS

At the beginning of our meeting, Hitner then told me he had read the Confidential Decision of the Tribunal. He also told me that he had spoken with the complainants about me. He followed up by making the following comments:

- a) I am lucky I do not work in the private sector, and that I should be "thankful" to the complainants for they did not "go outside" and have their complaints heard in a forum outside the university. He referred specifically to the Ontario Human Rights Tribunal;
- b) if I worked in the private sector, I would have been terminated for the findings that the tribunal made against me; I got off easy only because the proceedings were internal;
- c) the findings against me are horrendous and "shocking" and despite academic freedom and tenure, my actions were "completely unacceptable"; and
- d) the complainants said they were fearful of seeing me, and that I am aggressive, "pompous", "arrogant" and that I treat others who are "not at (my) level, like peons".

I was surprised at how aggressively Hitner communicated this information. It did not seem like I was a participant in "conversational" training.

Hitner told me early on in the meeting that my actions at McMaster would be "under a microscope" in the future and that I would have to "walk on eggshells". He further said that the only thing I can do is to not do anything to trigger further concerns. That is the only way I do not have to look over my shoulders. I said then and I repeated at least two or three times during the meeting, that my only interest is in moving forward and concentrating on my research and teaching in a way that no one is hurt by my actions.

#### HITNER GETS SOME OF THE FACTS WRONG

On at least three separate occasions during our meeting, Hitner accused me of doing things or saying things which I had not done. He said that the Tribunal findings show:

- a) that I have used unacceptable terms such as “drawer full of resumes”;
- b) that I lied on the stand about Peter Vilks; and
- c) that I was part of the group referred to in the decision as the G 21 which had compiled the Performance Report about Bates.

All three of these statements were incorrect. I corrected him on these issues and told him that his recitation of these facts was incorrect. He seemed taken aback by my correction of him.

During our meeting, Hitner referred to me more than once as a “senior” faculty member. I found this surprising, since I am relatively junior and was identified as such in the tribunal decision.

Later on during our meeting, Hitner told me that I “got off easy” and that the tribunal considered a more severe penalty for me (dismissal), but that the more severe penalty was not imposed because the university itself breached its policy in connection with me. I was surprised that he said these things, because they were also not true. The tribunal report made these observations in connection with Ashish Pujari, and not with respect to me. I did not correct him when he said these things.

Since Hitner had referred to complaints that were not directly related to me, I asked him whether he is going to talk to me about all the complainants and complaints or only those that were found against me. At that point he confirmed he would focus only on those that were found against me. He then consulted a chart to say that there were findings of breach only in two cases: Colwell and Detlor, and that that there were no findings of breach with regards to “Rita Cossa, Linda Stockton, Peter Vilks” and the others.

Hitner then told me that my failure to “recant” my complaint against Detlor before the tribunal, despite having been told that it was malicious, without any basis and retaliatory and being asked to do so twice, was a “mea culpa” and evidence of my aggressive nature. I said that I acted on the information I had been given at the time, and if I had been notified more clearly, in the way Hitner expressed, I would have acted accordingly. He appeared not to know or understand that my counsel had argued that the tribunal had improperly failed to notify me in accordance with s. 70 (e) of the Policy that it was considering making a ruling of this nature.

#### HITNER REFERS TO CONSEQUENCES FOR THE UNIVERSITY AND FOR ME

Hitner said the effects of the Tribunal’s decision would stay with me forever, and that the confidentiality order issued by the Tribunal was a “double edged sword”. He explained that, despite the Tribunal’s order of confidentiality, the sudden and unexplained absence of faculty from the university (including me) enabled others to identify those against whom findings had been made by the Tribunal. Hitner said



that even if a judicial review application eventually succeeded, the fact that the decision was made against us at the first instance would always be known.

Hitner told me that I have been removed from my position as a Chair and prohibited from holding any position of responsibility for five years, and after that only at the discretion of the President. Further, if I had aspirations of holding a senior administrative position like Dean or Department Chair, those aspirations are now "out the window". If I were to try to be hired by another university I would not succeed if I would have to disclose that I was the subject of a human rights investigation and the disposition of the investigation. He illustrated his own personal experience of hiring on behalf of a firm where he asked the candidate the same question and that if the candidate had answered yes, he would have nixed his/her candidature. He referred to a case of two large international law firms merging and how a senior partner at one of those firms whose name I thought was Heath, but I now understand to be Haythe, was accused of engaging in sexual harassment. Because of the alleged harassment, the merger between the law firms was abandoned. He suggested that my misconduct as described in the Tribunal's decision was equivalent to the misconduct of Haythe in connection with the law firm merger.

Hitner said that the University had spent lots of money as a direct consequence of "my actions". He further stated that this was ongoing including his own consulting fees.

#### OTHER ISSUES

Hitner asked me if I was surprised by the Tribunal's findings and their remedies. I explained that I was surprised by the findings and I volunteered that the process was unprecedented, so anything would be surprising. He agreed with me that the findings were unprecedented.

I told Hitner repeatedly during the meeting that I wanted to put the past behind me and move forward and continue to do teaching and research. I said I can't change the past, but I told him that in the future I do not want anyone to be hurt by my actions.

I told Hitner, in response to his question about what I learned from this whole process, that I learned humility.

Handwritten scribbles for session 1

Sta. Genova

3-362

1 Semana

Enero

Gener	January
Ustrila	Janvier
Xaneiro	Januar
	Gennaio

3

Sábado

Saturday	Disabte
Samedi	Larunbata
Samstag	Sábado
Sabato	

8

9

10

Notes

11

Meeting with Trevor Hittner.

12

Jan 16, 2014

10 am

13

MUSC 301

14

Craem Luke present initially

S. Rigoberto

4-361

⊕

1 Semana

Enero

Gener	January
Ustrila	Janvier
Xaneiro	Januar
	Gennaio

4

Domingo

Sunday	Dimenge
Dinanche	Iganda
Sonntag	Domingo
Domenica	

L M T J V S D Febrero

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L M T J V S D Marzo

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(1)

Lunes	5	Enero	Sta. Emiliana
Dilluns	Mondy	January	Gener
Astelchena	Lundi	Janvier	Urtarrila
Luns	Montag	Januar	Xaneiro
	Lunedì	Genoaio	

Meeting at 10 am

5-360

2 Semana

Trevor witness  
Training @ MUSC 301

6/1/2014

- 8 Trevor witness.
- 9 Objected to Graeme Lulu being present  
- one on one
- 10 - said, will be confidential (his credibility)
- 11 Graeme ~~left~~ came back in.  
→ Read the statement in Graeme's presence
- 12 → Trevor did not object  
→ Seemed ok with it
- 13
- 14 • Session started.  
• I told him that I had to do it given things are sub-judice.
- 15 Trevor mentioned that
- 16 (1) Meeting will be confidential (his credibility on this)
- 17 (2) His report will be written at the end of the three sessions
- 18 (3) We will tell me the content of the report.
- 19 (4) His report will consist of:  
(a) Times we met  
(b) Topics we have covered  
(c) whether in his opinion
- 20

Diciembre	J	M	J	V	S	D
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Enero	J	M	J	V	S	D
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2

Epifanía del Señor

6-359

2.Semana

Enero

Gener  
Utarila  
Xaneiro

January  
Janvier  
Januar  
Genauio

6

Domingo

Sunday  
Dimanche  
Sonntag  
Domenica

8 I have "internalized" the training

9 Discussion format.

10 Mostly Trevor talking.

11 He has read the findings document and takes that as given.

12 → Read me the excerpts

13 → Says I am lucky I am not in Private sector

14 → Says I should be thankful that the complainants did not go outside

15 → Told me that the findings and charges against me are horrendous and despite academic freedom and tenure, ~~and~~ based on lies experience, completely unacceptable

18 → Shocking!

19 He has spoken to other complainants.

They have said:

19 - I am arrogant, pompous, "treats others like peas", aggressive

20 - They are "fearful"

① ② ③ ④ ⑤

L M M J V S D Febrero

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9 10 11 12 13 14 15  
16 17 18 19 20 21 22  
23 24 25 26 27 28

L M M J V S D Marzo

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23 24 25 26 27 28 29

Miércoles  
Dimecres  
Asteatsena  
Mércores  
Miercoledi

7

Enero  
January  
Janvier  
Janar  
Gennaio

S. Raimundo de Peñafort  
7-358  
2 Semata

8 Misattribution

9 At several points Trevor misattributed events and ~~was~~ incidents.

- 10 ① Said I said "drawer full of resumes"
- 11 ② Said I lied in stand @ Peter Vikes.
- 12 ③ Said I was part of (E2)
- 13 Corrected him (Was he not fully debriefed?)

14 Impact

15 Trevor asked me what I thought was the impact on individuals. I responded that I want to move forward in a way that my actions do not hurt anyone.

16 - How did it impact the school and university?

17 I did not say anything but Trevor volunteered that it has cost the University a lot of money.

18 Dark future / End of road for career.

19 For whatever reasons, Trevor seemed to be ~~quite~~ too willing to tell me that my future is dark. Area chairship taken away, removed from positions of responsibility - for 5 years and then at the discretion of the President People will not look at me with respect

Diciembre	L	M	M	J	V	S	D
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4

S. Severino

8-357

2 Semana

Enero

Gener January  
Ustrila Janvier  
Xanero Januar  
Gennaio

8

Jueves

Thursday Dijous  
Jeudi Oategins  
Donnerstag Xores  
Giovedi

8 and that I will not be hired by another  
9 university. At this point he told  
10 the story of Torres and Heath - two  
11 law firms which started a merger  
12 but which had to be abandoned because  
13 of sexual harassment allegations against  
14 Heath. Told me that I could not do  
15 anything about it. My aspiration of being  
16 the Chair, or Dean is out the window  
17 now and that the only thing I could  
18 do was not do anything that can be  
19 construed as bad behavior.

Strength and weakness

15 Asked about my strength - Ability to communicate  
16 difficult ~~concepts~~ concepts to peers.  
17 weakness - Eloquent, Passionate, about  
18 everything. Not able to prioritize.

17 Confidentiality as double edged sword and JK  
18 Even if confidential everyone knows for  
19 suddenly people are retired or away! So  
20 not really confidential. Tribunal will stay  
21 with me forever. Even if I went for JK  
22 and the results were thrown out, the  
23 history will not change, even if I felt  
24 good!

L M M J V S D Febrero

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L M M J V S D Marzo

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23 24 25 26 27 28 29

Viernes  
Divendres  
Ostirala  
Venres  
Friday  
Yendredi  
Freitag  
Venerdì

9

Enero  
January  
Janvier  
Januar  
Genaro

Gener  
Urtarrila  
Xaneiro

5

S. Eulogio de Córdoba

9-356

2 Semana

8 My role as a senior!  
Trevor mentioned while talking about how  
9 outrageous my actions were that what  
I did as a senior faculty will be  
10 emulated by the junior colleagues.  
(Once again this seems to be a  
11 misattribution). Did he think I was a  
senior colleague?

12 My feelings regarding the Tribunal  
Asked me if I was surprised by the  
13 findings. I said I was. Further  
asked if I was surprised by the remedies.  
14 I said I was.  
I volunteered that this tribunal had no  
15 precedence so anything would be surprising.  
He agreed that this was unprecedented.

16 Complainants and bad legal advice.  
He has spoken to the complainants.  
17 Suggested that the complainants have  
used ~~not~~ words such as arrogant,  
18 aggressive, pompous etc. to describe  
me. "Those who are not at his level,  
19 he treats them as peons". They  
are fearful at the thought of my  
20 coming back. "My training will

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Enero	L	M	M	J	V	S	D
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S. Nicanor

10-355

2 Semana

Enero

Gener	January
Utarrila	Janvier
Xaneiro	Januar
	Genaino

10

Sábado

Saturday	Dissabte
Samedi	Larunbata
Samstag	Sábado
Sabato	

That, they feel they are moving around with X on their back.

8

be useless for he will not change."

9

I asked who said all these. He did not reveal the names.

10

After reciting the tribunal descriptions of me, he stated that these were such

11

serious that I would be fired in a private corporate.

12

One of the things he repeated was "you did not recant your complaint"

13

even after asked so "twice". He then went on to suggest that my not

14

recanting my counter complaint despite being told it was malicious, without basis, retaliatory etc. was just a

reflection of my aggressive nature.

S. Martín de León

11-354

O

2 Semana

Enero

Gener	January
Utarrila	Janvier
Xaneiro	Januar
	Genaino

11

Domingo

Sunday	Dimeenge
Dimanche	Igandea
Sonntag	Domingo
Domenica	

At that point I said that people act based on the information they are given. If the information was given to me in the manner he stated I would have acted accordingly. (Does not appear that he knows that the tribunal did not tell me).

L M M J V S D Febrero

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L M M J V S D Marzo

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Lunes  
Difluns  
Astelehena  
Luns  
Monday  
Lundi  
Montag  
Lunedì

12

Enero  
January  
Janvier  
Januar  
Gennaio  
Gener  
Utarrila  
Xaneiro

7

S. Martín de León

12-353

3 Semana

8 Then Trevor went on to say that my not  
9 recording was a mea culpa!  
10 He mentioned that I got bad legal  
11 advice!  
12 You do not list 16-20 complaints  
13 You simply list a few.  
14 I did not say much in response.  
15 Not sure what I could or should have  
16 said.

13 Findings of breach  
14 Towards the end I asked if he was  
15 going to talk to me about all the  
16 complaints and complainants or only  
17 those that were found against me.  
18 At that he said, only those that were  
19 found against me. He then checked  
20 a chart and said that there was no  
21 breach found for me in the cases of  
22 Rita Coisa, Linda, Peter, etc. but  
23 only for Carolyn Cwell and Brian  
24 Deltor.  
25 I then asked if all the complaints  
26 made against me are relevant or  
27 only the ones that are found against  
28 me. He said only the ones found

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8

S. Hilario

13-352

3 Semana

Enero

Gener	January
Utarrila	Janvier
Xaneiro	Januar
	Gennaio

13

Martes

Tuesday	Dimarts
Mardi	Astarcia
Diensag	Martes
Martedi	

8 against me. At that point he said that  
 9 for DeLor it is only the counter complaint  
 and no direct harassment. But  
 10 direct harassment for Colwell.

11 At that point I was very surprised  
 for all the things he told me about  
 my behavior did not seem relevant,  
 I did not raise the issue with him.  
 12 This was yet another incident of him  
 mixing up my case.

13 Co21 and Paul Bates

14 At one point towards the end, Trevor  
 started talking about public knowing the  
 15 details. He pulled out a paper  
 cutting from the news papers and said  
 16 the "only name here is that of Paul Bates".  
 Then he made the statement "Can you  
 17 imagine that senior executives of a  
 company go public with their complaints  
 18 against their CEO?" Then he made  
 references to the Co21 Performance  
 19 Report. I was quite confused as to  
 why he was saying all these and  
 20 told him that I was not part of  
 Co21 and had no idea of what went

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Miércoles  
Dimecres  
Astascena  
Mécrores

14

Enero  
January  
Janvier  
Januar  
Gennaio

S. Pulgencio  
14-351  
3 Semana

8 on then, He seemed a little taken aback  
and said that "but you have been  
9 copied emails". At that point I told  
him that yes, I have received emails  
10 as part of the Co21+ list but that  
I did not participate. I further told  
11 him that I had no complaints  
against Bates and in fact there is  
12 no such finding against me. He  
seemed to quickly retract.

13 I got the sense he was in the  
middle of a rehearsed sequence of steps  
14 that was drawn up independent of my  
case. It almost seemed as if he had  
15 identified the "themes" and was  
applying those to me. yet another  
16 instance of misattribution.

17 What are my feelings - he asked me.  
On being asked the question I said  
18 that I wanted to move forward. I do  
not want anyone to be hurt by my  
19 actions. I can only control my own  
actions.

20

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S. Mauro  
15-350  
3 Semana

Enero  
Gener January  
Utarrila Janvier  
Xaneio Januar  
Gennaio Gennaio

15

Jueves  
Thursday Dijous  
Jeudi Osteguna  
Donnerstag Xoves  
Giovedì

8 He asked - what did I learn  
9 I responded, "humility". The experience  
10 has brought me closer to religion and  
11 the core of religion for me has been  
12 humility.

11 Next sessions  
12 I asked Trevor if the next sessions will  
13 also refer to his discussions with the  
14 complainants. He said, no. That the  
15 next sessions will focus on harassment,  
16 DILLIP etc.

14 The magnitude of impact.  
15 While talking about the impact on the  
16 individuals, Trevor also spoke about the money  
17 spent by the university ~~the~~ including fees paid to  
18 him. I did not comment.

18 Overall I felt today's session was geared to  
19 establishing the magnitude of the impact of my  
20 breaches without talking about the specifics of the  
21 breaches. It was also seemingly geared towards  
22 a "theme" in which he had some trouble  
23 fitting me. That said, he did say that the  
24 next sessions will be more about harassment,  
25 and that he will not be referring to his discussion  
26 with the complainants.

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11

Viernes		16	Enero		S. Marcelo
Dixendres	Friday		January	Gener	
Ostirala	Vendredi		Janvier	Urtarrila	16-349
Venes	Freitag		Januar	Xanciro	
	Venerdì		Gennaio		3 Semana

8

9 Next meeting: Jan 23, Thu, 10-12.  
(We will be in Singapore in the interim).

10 Three questions:

[1] What is harassment in the workplace

[2] What is leadership.

[3] Billboard on QEW with my face.

12 Which words will you use for the three cases?

a) What you think of yourself

b) What someone who likes you think of yourself.

c) What someone who does not like you " " " " " "

14 Additional

15 You should thank the complainants

Trevor said I should be thankful to the

complainants because they kept it internal

and did not go external (e.g. ON Human

Rights Commission). "You got off easy."

17 According to him the ~~cost~~ (cost) suspension

18 for me would definitely have been a

firing if the complainants went external.

19 I could not but help thinking that he was

subtly discouraging me from going external

20 through a J.R.

This became somewhat self-evident

Diciembre	L	M	M	J	V	S	D
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12

S. Antonio Abad

17-348

3 Semana

Enero

Gener  
Utarrila  
Xanciro

January  
Janvier  
Januar  
Gennaio

17

Sábado

Saturday  
Samedi  
Sanstag  
Sabato

8 when he also said that according to the  
 9 tribunal all "this" (pointing to the findings  
 10 binder) ~~will~~ will be made available to  
 11 others in case this goes to further  
 12 litigation. I listened to these ~~things~~  
 13 ~~things~~ but did not know what to say.  
 He also said that the tribunal considered  
 removal for me and the only reason  
 they did not do that is because the  
 university itself was found to be in  
 breach!

14 I stared in complete disbelief at what  
 he was saying. This was not my case  
 but he seemed so sure and so  
 self-absorbed in the presentation, I  
 just let him say it.

Sca. Beatriz

18-347

Ⓞ

3 Semana

Enero

Gener  
Utarrila  
Xanciro

January  
Janvier  
Januar  
Gennaio

18

Domingo

Sunday  
Dimanche  
Sonntag  
Domenica

This was just another example of  
 misattribution. Was he confusing me  
 for someone else (Ashish?). The tribunal  
 never mention removal for me and the  
 university was not found in breach for  
 me. These were true of Ashish.

Do all Indian names sound the  
 same to him? Is he mixing up the training?

L M M J V S D Febrero

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L M M J V S D Marzo

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Lunes  
Dilluns  
Atelchena  
Luns  
Monday  
Lundi  
Montag  
Lunedì

19

Enero  
January  
Janvier  
Januar  
Gennaio  
Gener  
Urtarrila  
Xenciro

13

S. Mario  
19-346  
4 Semana

## Microscope and Eggshells

Somewhere in the early stages he said that my actions will be under the microscope from now. This was in the context of his trying to convince me that I would have to change my ways. I had then also said that my only interest is in moving forward with my teaching and research and in a manner that no one is hurt by my actions. He mentioned also have to walk on egg shells.

Despite my good faith statement about moving fwd, his statement about being under the microscope was confusing. Perhaps it related to his next point that I will have to be careful. It was not clear if he is going to talk about solutions.

## Doctor Bates

In talking about the newspaper cutting that mentioned Bates, he first said that it "... referred to Dr. Bates". Then he said "well, not quite; he is still Mr. Bates but will be Dr. Bates soon." This was mentioned ~~at~~ before his point about C21 going public with their performance report. I was not aware Paul Bates was doing a PhD. So this stood out. He probably knows Bates that is why he mentioned.

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14

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## Wrapping up.

In wrapping up the meeting we ended up talking about communication.

I mentioned that despite the fact that I am of Indian heritage, he South African and that we speak English, the only reason we understand each other is because of shared experiences, perhaps through English literature. We agreed. He narrated an example of teaching in a class in Asia where the audience did not identify themselves as "managers" for fear of offending others that were not. He used that as an example of cultural barriers in language.

I also used the example of the beetle in a box. To one who knew it it would be a beetle. To the one who did not it will be a box!

We exchanged cards and decided to meet 23<sup>rd</sup>. I told him I will reconfirm after making sure I will not have to travel then.

L. M. M. J. Y. S. D. Febrero

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L. M. M. J. Y. S. D. Marzo

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Homework before session 2

my notes about  
Trevai's home work.

- 8 Harassment (characteristics of ~~power~~)
- (a) Overt actions - not thoughts
  - (b) Social construct = Target thinks so } necessary
    - Source thinks so
- 10 If Target does not think so - not harassment  
If Source is not motivated / unaware - not harassment
- 11 (c) Anchored in Governance structure  
→ Complaint → Awareness → Rectification → Resolution
- 12 → Reassessment → Litigation.

Repeated  
Unwelcome

out of ordinary  
without cause

13 Leadership (My Opinions)

(a) Contextual & Meaning is socially constructed

- 14 [ Hierarchical structures  
Collegial / Participatory structures ] Different Meaning
- [ Military, Government  
Religious NGO ]

Transcends Roles  
(vs. social construction)

(b) (For Universities)

Always organic

- Emergent, not implanted
- Dynamic, not static (many)
- Informally bestowed
- Not limited to functions
- Chaotic (Chaos theory)
- SDIC - but not absolute

Ideas

Power of conviction  
derived from the dialectics (better than others)  
Convergence without coercion

Lunes  
Dilluns  
Astelchena  
Luns  
Monday  
Lundi  
Montag  
Lunedì

26

Enero  
January  
Janvies  
Januar  
Gennaio  
Gener  
Urtarida  
Xanciro

Stos. Timoteo y Tito

26-339

5 Semana

8 About me:

1. What I think of myself: Confused.

9 2. What someone who likes me thinks of me: Thinking

10 3. What someone who does not like me thinks of me:

11 • I do not know how to answer this question.

12 • I have not come across people who dislike me and have shared their opinion of me

13 • I have been told that I am arrogant and pompous here.

14

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Handwritten summary session 2

Sta. Juliana

Febrero

7

Sábado

38-327

TH Session # 2

Febrer  
Otsaila  
Febreiro

February  
Février  
Februar  
Febbraio

Saturday  
Samedi  
Samstag  
Sabato

Disabte  
Larunbata  
Sábado

6 Semana

Summary / Highlights

23/1/2014

8

have to view the copy of the email exchange between Peter Jacobsen and the Tribunal lawyer. TH left a copy.

10

TH started with asking if I have any observations about the last session. I mentioned that he had referred to several issues that were complaints but which were dismissed and that he referred to things that were new complaints (thinking of "Feeding Turkey" - a comment he made in the last session), and even inaccurate stuff like I was part of CE21. To this he said I was part of CE21 and I responded that I was in the email list but that I did not send emails and only received. He did not say much.

S. Jerónimo Emiliano

Febrero

8

Domingo

39-326

TH then went back to his notes and said

Febrer  
Otsaila  
Febreiro

February  
Février  
Februar  
Febbraio

Sunday  
Dimanche  
Sonntag  
Domingo  
Domenica

6 Semana

that going back to ~~be~~ an discussions he appreciates my desire to move forward in a way such that my actions do not hurt anyone and that I said I needed "help". (I am not sure I did so, but perhaps said all help he can provide would be valuable).

Then he said there was one thing about what I said that bothered him. He was referring to my saying that my

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Lunes  
Dilluns  
Astelehena  
Luns

9

Febrero  
February  
Février  
Febbruar  
Febbraio

Sta. Apolonia  
40-325  
O  
7 Semana

8 feeling was one of "shock" at the Tribunal  
9 findings and recommendations. I kept  
10 quiet. He then continued that this was  
11 bothering him. I then told him that given  
12 the unprecedented nature of the Tribunal, any  
13 outcome would be shocking. ~~and so~~ He  
14 then said that it should not have heard  
15 the case given what the Tribunal found  
16 against me. In particular he was  
17 perplexed that I would not withdraw my  
18 complaint against Det Bar, even after the  
19 Tribunal gave me two opportunities saying  
20 that I do not have a case. To this, I  
21 responded as I did the last time - that  
22 I acted on the information that was presented  
23 to me and that if the Tribunal had  
24 presented the information the way he did,  
25 I would have acted based on that  
26 information.

27 He spoke in details about the ON HR laws.  
28 Three main governing principles were pointed out:  
29 (1) Non-absolute without obligations (2) ~~Academic Freedom~~  
30 (2) HR legislation trumps other laws except - ~~not absolute~~  
31 criminal code, war measures act and charter of  
32 rights (He used this to justify why Mile and the  
33 ~~Academic Freedom~~ had to act when people came to him  
34 with complaints.

(3) He used #1 to suggest that ~~Academic Freedom~~ was not absolute

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③ Rights cannot be contracted away (e.g. for a high salary). (This was confusing but I suppose

④ he was simply saying one with always the "harassment")

④ Legislation (HR) is about behavior. This was his segue to say how bad Q21 were behaving.

Then we went over what is "harassment". I told him about what I thought were the three bases of harassment that I had prepared. He seemed alternately intimidated, impatient and bored as I articulated the points. After I was done he basically simply said that he now "understands" why I behaved the way I did. I did not react. He then proceeded to illustrate his notion of harassment in the workplace.

⑤ The highlights of this were:

① No necessary obligation on part of the target to confront the presumed perpetrator

② Harassment does not have to have a pattern of repeated behavior. It can be a single incident.

③ Bystanders have an obligation to intervene and stop the behavior. He was very critical of Q21/+ members not intervening, thus.

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Miércoles

Dimecres  
Astaskena  
Miecores  
Mercoledì  
Mittwoch  
Mercoledì

11

Febrero

February  
Février  
Februar  
Februaro

Ntra. Sra. de Lourdes

42-323

④ People follow Role models. He used this to suggest that I had a leadership role and "juniors" would follow me (once again I thought he was simply rehearsing his most punchy lines regardless of whether they applied to me).

⑤ There does not have to be any intent. He used this to suggest this is because we cannot prove intent.

TH then went on to cover several other topics like creating appropriate environment in the workplace so that people feel empowered to come forward; meaning of arrogance; changing society etc.

This was followed by some discussion (he telling me) about Bill 16P. He then talked about the organization's obligation (legal) to have a policy and then the differences between a worker (covered by 16P) and employee (covered by HR).

As we ended, I asked him that he spoke at length about the first two of my Harassment constructs - overt actions and shared construct; but he did not quite address my point #3 that harassment must be within a Coercive structure. TH took me by surprise by turning red, very defensive, almost angry while telling me that - "But the university had the policy!"

It was clear to me he did not want to discuss this.

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Handwritten scribbles session 2

Sta. Angela de Mérida

27-338

5 Semana

Enero

Gener January  
Utarrifa Janvier  
Xanciro Januar  
Gennaio

27

Martes

Tuesday Dimarts  
Mardi Asteartea  
Dienstag Mates  
Martedì

23/1/2014

8

Thinking back

9

Comments - Need help

10

operati

11

(Shock) - Tribunal - parshi

12

perplexed

Not reflect the counterpart.

You do not know a case.

13

Relevant

14

Why? → communication - about  
strength & weakness.

15

Communication is imp in my role.  
No one benefited → my actions.

16

Capred → (rap) - Thinking.

17

consistency

↓ (rap)  
organ

18

mitigate the impression

[expounds]

19

What can you do  
(pick up later)

20

L M M J V S D Febrero

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L M M J V S D Marzo

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S. Valerio

29-336

5 Semana

Enero

Gener	January
Utarrila	Javier
Xanciro	Januar
	Genain

29

Jueves

Thursday	Dijous
Judi	Osteguna
Donnerstag	Xoves
Giovedì	

8 Academic Freedom  $\leftarrow$  Cr21  
 9 not absolute

10 2nd principle  
 '80-S HR  $\rightarrow$  the most imp legislation  
 in ON ...

11 Contradictory legislation  $\leftarrow$  HR legislative  
 assume primacy

12 Supreme Court  $\rightarrow$  1991  $\rightarrow$  Constitutional

13 The only 3 that can override HR legislation

14 - Criminal Code  
 15 - War Measures Act  
 - Charter of Rights  
 Ask a question - 10 people in the neighborhood.  
 16 Could you pl. tell me what is the most  
 imp  
 17  $\rightarrow$  Fundamental right of employees.

18 [When people came to Mike and admin  
 19 with complaint of harassment  $\rightarrow$   
 it is profound]

20

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8 3<sup>rd</sup> principle  
 cannot contract out of your rights.  
 9 - what are you prepared to give up  
 Dr. West HBS work  
 10 → sign.

11 Key word: Human → gives meaning  
 to the right  
 12 Cannot contract out being human ← Suicide  
 Euthanasia

13 4<sup>th</sup> principle  
 14 any org has 4-9 people  
 directly or through body language  
 15 → will not change → attitudes will not change.  
 → five lectures

16 → Legislation is about behavior.

17 CR21 → Mac people → how do they  
 18 behave

19  
 20

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S. Juan Bosco

31-334

5 Semana

Enero

Gener  
Uanilla  
Xaneiro  
January  
Janvier  
Januar  
Gennato

31

Sábado

Saranday  
Samedi  
Sanstag  
Sabato  
Dissabte  
Larunbara  
Sábado  
Sabato

8 Harassment

\* Complex notion

9 \* We are all different (sensitivity)

\* Forcible  $\leftrightarrow$

10 \* Sharon — Mary

All over my case

Give me a break

11

12  $\uparrow$  Repeated  
till she had enough  
Why will Sharon will not say  $\rightarrow$  Power differential

13

$\rightarrow$  Colleague:

14 \* Confrontation Averse

In the absence of divine insight

Sra. Viridiana

32-333

5 Semana

How a personal feeling at this instant changes

Febrero

Febrer  
Ottalla  
Febrero  
February  
Février  
Februar  
Febbraio

1

Domingo

Sunday  
Dimanche  
Sonntag  
Domenica  
Dimenge  
Igandea  
Domingo  
Domenica

No necessary obligation  $\rightarrow$  to confront the person

In the absence of a dark culture when she feels safe  $\rightarrow$

L. M. M. J. V. S. D. Febrero

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L. M. M. J. V. S. D. Marzo

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Lunes  
Dillan  
Aueleehena  
Luns

2

Febrero  
February  
Février  
Febriar  
Febbraio

La Presentación del Señor

33-332

6 Semana

- 8 vexatious comment or  
9 know to be unwelcome  
or might reasonably be known to be unwelcome
- 10 Harassment can be a single incident  
11 (not necessary for repetition / pattern)  
Stwell → retaliation.
- 12 Savage people do it over and over again
- 13 If this was just one act, we would not be here →
- 14 - There was a pattern of behavior?  
- Pattern is readily apparent
- 15 - But when was the administrative.
- 16 - Do not get an opp to walk away.  
→ If you see a colleague being abused
- 17 → No one did anything.
- 18 → Unprecedented tribunal  
→ Why did not anyone say...
- 19 "don't do this"?
- 20 - Have an obligation to step  
others → civilized society

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8 - Not just DSB, every other organization.

9 As you move up, obligation to assist others becomes more profound.

10 - When the juniors get their cues from.

11 - People model their behavior on you...

12 - What kind of reputation do you want?

- Part of the problem
- Exhibits integrity

14 Inside the org rules are more stringent

15 CLA, Staff, good student

• Hold my career → cannot just walk away

16 Extraordinary expectations

17 Role models

18 Tribunal was saying things were falling apart

19 To avoid → recognize being in position of Power; Role model for others;

20 ↓ if not  
Disintegration / complex topic

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Miércoles  
 Dimecres  
 Aaraskena  
 Mércotes

4  
 Febrero  
 Febrer  
 Février  
 Februar  
 Februaio

S. Juan de Brito  
 35-530  
 6 Semana

8 3rd point

9 Intent ← Does not have to be intent

10 Direct harassment of Colwell  
 unintended consequences  
 effect / impact

11 Cannot prove intent - victim should believe they were harassed  
 12 Unlike criminal law - where you have to prove intent.

13 How to close the gaps Target - Same  
 ↓  
 14 create an environment for "sharon" to come on say "by off".

16 Arrogance - when you believe the other person's feelings are irrelevant.  
 17 → next week.

18 Hard skills & Soft Skills  
 19 Organization are about relationships.  
 Teacher  
 20 Supervisor  
 Researcher ) All about relationships

Eneto

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Febrero

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Sta. Agueda

36-329

6 Semana

Febrero

Febrer  
Ousala  
Febreiro

February  
Février  
Febbruar  
Febbraio

5

Jueves

Thursday Dijous  
Jeudi Osteguna  
Donnerstag Xoves  
Giovedì

8 Have to be cognisant of how we come across.

↳ screaming my head off.

9 ↳ People will take offense.

↳ Feels like thing to do

10 Organizations are changing rapidly

11 Eskimo.

12 Changing society  
4 different demographics

Intergenerational  
Dynamics

13 70's

Baby boom

14 1964+ Y-ers

Millennials 20+

15 Information flows have changed / Social media

16 \* Employees are more willing to exercise their rights.

18 Faculty members behaving inappropriately with students (sexual)

19 ↳ students are more willing to come forward.

20 ↳ Need to be cognizant of that.

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Viernes

Divevices Friday  
Ostirala Vendredi  
Venres Freitag  
Venerdi

6

Febrero

February Febrer  
Février Otsaila  
Februar Febrêiro  
Febbruu

S. Pablo Miki

37-328

6 Semana

8 Where is the workplace  
→ my social interaction

9 Bill 168

10 Amend

(1) Violence prevention

11 (2) Harassment - same as HR legislation

↳ Diff. No prohibited grounds

→ Much broader.

→ Personal / Psychological

harassment (June 2004)

14 Does not say the org shall have policy

15 But Bill 168 → shall have policy

16 (168) worker vs (HR) employee

17 ↓  
18 function for money

19 e.g. Consultant

↑  
[Health & Safety act]

Joint responsibility

20 → Very upset at my 2: role of government

→ said Univ had the policy!

Back to the kind of  
social interaction it was  
unpredictable  
understand reaction  
the way in which  
relates  
more  
Mind for

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Handwritten scribbles session 3

S. Modesto

55-310

9 Semana

Febrero

Febrer  
Otsaila  
Febrero

24

Martes

Tuesday  
Mardi  
Dienstag  
Martedì

30/1/2014

8

9 Strech

10 obs.

future:

11 Bad

Complaints -

12 Adverse impact

Unintended

13

Confused → more good

14

Thinks of Crap

Broogent

15

Harassment

Poisoned Environment:

16

abandoned organization sector.

17

Canada Labor Court:

Harassment:

18

Unwelcome comment, conduct, contact,

gesture → which embarrasses

19

(not thought) sustains a hostile environment

20

quid pro quo → sexual harassment

the most common → hostile environment

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Miércoles  
 Dimecrs Wednesday  
 Ascahena Mercredi  
 Mércors Mittwoch  
 Mercoledì

25

Febrero  
 February  
 Février  
 Febtuar  
 Febraio

S. Cesáreo

56-309

9 Semana

8 Best of friends  
 9 Tell the best of jokes  
 10 Take 3rd person popped in and hears the joke  
 11 offended

11 Hostile, offensive work environment  
 12 Not directed at a person necessarily  
 13 Does not have false intent  
 14 [2 breaches] < not just on the target  
 15 adverse impact on relationship

14 Today.  
 Moving forward:

15 mandated → conflict resolution.

16 tenure: if that opp over comes.

17 Became a leader when you became tenure  
 18 People look up to you

19 Dean, President  
 Direct staff.  
 20 Playing a leadership role

I am not a leader

Enero	L	M	M	J	V	S	D	Febrero	L	M	M	J	V	S	D
				1	2	3	4								
	5	6	7	8	9	10	11		2	3	4	5	6	7	8
	12	13	14	15	16	17	18		9	10	11	12	13	14	15
	19	20	21	22	23	24	25		16	17	18	19	20	21	22
	26	27	28	29	30	31			23	24	25	26	27	28	





Viernes  
Divendres  
Ostiaua  
Venres  
Vendredi  
Freitag  
Venerdì

27

Febrero  
February  
Février  
Februar  
Febbraio  
Febrer  
Ostia  
Febrero

S. Gabriel

58-307

9 Semana

8 Music of  
9 Conductors → has an interpretation of  
the music  
→ when it does not work → more of the blame  
10 Ecstatic → less of the credit

11 Respondents lost the respect of some  
people → what are you left with  
12 Do you job in a vacuum

13 Allegiality → is all about respect  
(as an attitude)

14 What do you want to achieve at Mac?

15

16 What are you going to do

Sullied reputations | Barriers  
Respect loss of

18 Microscope

19

20 2 kids outside  
March break.  
at home

↓  
identify  
↓  
and conduct  
myself with  
the objective  
in mind.

Enero	J	M	M	J	V	S	D
				1	2	3	4
	5	6	7	8	9	10	11
	12	13	14	15	16	17	18
	19	20	21	22	23	24	25
	26	27	28	29	30	31	

Febrero	J	M	M	J	V	S	D
							1
	2	3	4	5	6	7	8
	9	10	11	12	13	14	15
	16	17	18	19	20	21	22
	23	24	25	26	27	28	

8 took home your laptop. han

9:30am

9 breakfast

Kids → basement

10 Upstairs

3rd emails

11 Kids @ cream → Enter the basement -

both get an orange

12 "Only an orange"

Cut in half...

13 Learning to bake an orange cake

14 Johnny wanted the skin.

"Why do you want the orange?"

Best Interest Decision Making

Conflict resolution

Move people from position to interest

Focus on what you want to achieve and how are you going

2 questions:

→ What is it that I want? Keeping your best

→ How am I to do it? Interest in mind.

Dilluns  
Astelehena  
Luns

Lunes  
Monday  
Lundi  
Montag  
Lunedì

2

Marzo

March  
Mars  
März  
Marzo

Març  
Martzoa  
Marzo

S. Eusebio

61-304

10 Semana

- 8 Previous life  
vice chair of race relations Cmte.
- 9 Egeketan → often out → so chaired the meeting.
- 10 Public meetings  
→ phone call → on another line
- 11 → time to think.
- 12\* Give it some thought.
- 13 Consultants — best int in providing excellence  
best interest ↓
- 14 — Must be cogent
- 15 Being focused on one's best interests  
↓
- 16 As opposed to I am right  
(Other must be wrong)  
↓
- 17 cannot be both right
- 18 Do not undermine relationship.
- 19 Difficult choice → when you have to  
admonish.
- 20 Best Interest;  
Do not disrespect, harass

Febrero L M M J V S D  
2 3 4 5 6 7 8  
9 10 11 12 13 14 15  
16 17 18 19 20 21 22  
23 24 25 26 27 28

Marzo L M M J V S D  
1 2 3 4 5 6 7 8  
9 10 11 12 13 14 15  
16 17 18 19 20 21 22  
23 24 25 26 27 28 29

8 Families with fractious relations with kids

9 ↳ Father → I am the father.  
Do you want to have a relationship?

10 One thing:  
Health and Safety

11 What does one have to be right about?  
↳ Cultural, religion belief  
↳ Piercing

13 Same thing in organization.

14 Hard on the issue } Human with foibles  
15 Soft on the person } with failures

16 Conflict:  
Unmet needs  
See it as antagonism.

17 The point at which the knife goes in.

18 Persuasion  
Leave behind the defenses ("yes, but...")

19 Soccer referee vs. Arbitrator.

20

L	M	T	W	T	F	S	S	D	...	Abril	L	M	T	W	T	F	S	D	...	Mayo	
6	7	8	9	10	11	12					4	5	6	7	8	9	10				
13	14	15	16	17	18	19					11	12	13	14	15	16	17				
20	21	22	23	24	25	26					18	19	20	21	22	23	24				
27	28	29	30								25	26	27	28	29	30	31				

Miércoles  
Dimecres  
Asteskoena  
Mércores  
Miercoledi

4

Marzo  
March  
Mars  
März  
Marzo

S. Casimiro

63-302

Ⓢ

1) Semana

8 Recap.

9 1<sup>st</sup> session: toughest, incidents, adverse  
impact on victim, inhibition, you

10 2<sup>nd</sup> session: Lepz labive context, HR, 168

11 Complexity of harassment  
Obligation to be judicious

12 → Tenured faculty has obligation to do something  
3<sup>rd</sup> session:

- 13 - How do we move forward  
14 - Leader - what it means  
15 - operationalize  
- Best interest focus

16 Report - 1 page  
17 Times we have met  
18 Topics covered

19 Did get the message  
Did internalize

20 Never had 2 conversations  
→ another HR tribunal → unlikely  
we will have a conv like this.

Febrero	L	M	M	J	V	S	D
	2	3	4	5	6	7	8
	9	10	11	12	13	14	15
	16	17	18	19	20	21	22
	23	24	25	26	27	28	

Marzo	L	M	M	J	V	S	D
	2	3	4	5	6	7	8
	9	10	11	12	13	14	15
	16	17	18	19	20	21	22
	23	24	25	26	27	28	29

S. Adrián

64-301

10 Semana

Marzo

Març	March
Marxoa	Mars
Marzo	März
	Marzo

5

Jueves

Thursday	Dijous
Jeudi	Osteguna
Donnerstag	Xover
Giovedì	

8 Strategy session → everyone needs to move forward.

9 Need to have differences  
↳ Dignified, respectful manner.

11

12

13

14

15

16

17

18

19

20

L	M	M	J	Y	S	D.
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Abril

L	M	M	J	Y	S	D.
	1	2	3			
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Mayo

DR. CHRIS BART et al.  
Applicants and  
McMASTER UNIVERSITY et al.  
Respondents

Court File No. 210/14

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**(Divisional Court)**

Proceeding commenced at TORONTO

**AFFIDAVIT OF DR. SOURAV RAY**  
**(SWORN FEBRUARY 2, 2015)**

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