

November 1, 2022

**PERSONAL AND CONFIDENTIAL**

Richard Mann  
Professor  
School of Computer Science  
University of Waterloo

Dear Professor Mann,

I am writing in response to the emails you sent on October 21. I will attempt to answer the questions you raise in those emails.

First, when I stated in my previous letter that “your pay will cease”, I was not suggesting I would issue discipline under the Memorandum of Agreement (“MOA”). You have effectively been on an unapproved leave since May, while continuing to receive your regular salary. Accordingly, I was suggesting that your unapproved, paid leave would be converted to an unapproved, unpaid leave. I will explain more fully below.

On April 11, you were advised by the Director of Computer Science of your course assignments for Fall 2022 and Winter 2023. You disputed these course assignments. As early as April 23, Dean Giesbrecht advised that the Director’s assignments were consistent with your previous accommodation agreement. Dean Giesbrecht also specifically stated: “If there is a concern with your accommodation agreement...this needs to be addressed through Occupational Health.”

Since April and to date, you have been told again and again (first by Dean Giesbrecht, and then me) that if you require new or further accommodations, you must contact Occupational Health to develop a new or revised accommodation plan. You generally refused to meet or engage with Occupational Health until very recently. Despite your actions, on an entirely gratuitous basis, the University has continued to provide you with your regular salary.

The fact that you have an outstanding grievance, may not like the courses you were assigned, or may require further accommodations to be put in place, does not alter the basic bargain between you, as an employee, and the University, as your employer. This bargain is as follows: you provide services to the University and perform your assigned duties, in exchange for your salary. It is entirely unacceptable for any University employee to remain out of work for months on end, refusing to perform assigned work on the basis of medical restrictions, but at the same time refusing to engage with Occupational Health to verify such restrictions.

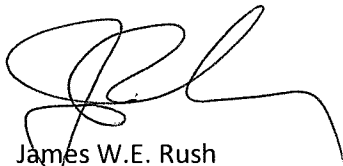
You have effectively been on an unapproved leave since May, while continuing to receive pay. We will not permit you to spend another term (Winter 2023) in these circumstances. Accordingly, I imposed a deadline of November 18 to allow sufficient time to prepare for Winter 2023. As an aside, your statement that my deadlines are “unreasonable” is unfounded, as you were told, six months ago, to engage with Occupational Health to develop a new accommodation plan. If any future delays in putting a new accommodation plan in place are directly attributable to the University, we would be willing to grant short extensions. However, Karen Parkinson continues to engage with you despite being off work, so I do not anticipate any extensions will be required.

Second, regarding your comments about harassment and bullying, I can offer the following. The University has a statutory obligation to address harassment and bullying in the workplace. This obligation applies to all employees, and an accommodation plan is not required to address such issues.

Finally, regarding your grievance, you do not seem to understand what I mean by "without merit". To clarify, the University's position regarding your grievance is that the University has not committed any wrongdoing. Your rights under the MOA, University Policies, and/or relevant legislation (i.e. the *Human Rights Code*) have not been violated. I was, of course, required to investigate your grievance by asking questions and soliciting documentation, to come to this conclusion.

You have filed a grievance and it is your right to proceed to arbitration under the MOA. To that end, I would be happy to arrange for an external arbitrator to hear your grievance. Please confirm your intention to proceed to external arbitration and my office can begin making arrangements.

Sincerely,

A handwritten signature in black ink, appearing to read 'JWR', with a long horizontal flourish extending to the right.

James W.E. Rush  
Vice-President Academic & Provost  
University of Waterloo

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