

## FAUW's unwillingness to represent "noncompliant" faculty members during UW's COVID-19 vaccination mandate

Edward Vrscaj <ervrscaj@uwaterloo.ca>

Wed 1/4/2023 2:00 PM

To: Paul Wehr <pwehr@uwaterloo.ca>; Trevor Charles <trevor.charles@uwaterloo.ca>; Frances Condon <fcondon@uwaterloo.ca>; Heidi Engelhardt <heidi.engelhardt@uwaterloo.ca>; Mario Ioannidis <mioannidis@uwaterloo.ca>; Shannon Majowicz <smajowicz@uwaterloo.ca>; Nomair Naeem <nomair.naeem@uwaterloo.ca>; Su-Yin Tan <su-yin.tan@uwaterloo.ca>; Nancy Worth <nancy.worth@uwaterloo.ca>; Kim Nguyen <kim.h.nguyen@uwaterloo.ca>; Ryan Ball <r2ball@uwaterloo.ca>; Robert Case <rob.case@uwaterloo.ca>; Carol Acton <carol.acton@uwaterloo.ca>

Cc: Lori Curtis <lcurtis@uwaterloo.ca>; Roydon Fraser <rafraser@uwaterloo.ca>; Mary Hardy <mary.hardy@uwaterloo.ca>; Vershawn Young <vershawn.young@uwaterloo.ca>; Katie Damphouse <mcdamphouse@uwaterloo.ca>; David Porreca <dporreca@uwaterloo.ca>; Edward Vrscaj <ervrscaj@uwaterloo.ca>; ervrscaj@protonmail.com <ervrscaj@protonmail.com>

 2 attachments (1 MB)

ERV to FAUW Board December 19 2022.pdf; Reply from Roydon Fraser and ERV to RF.pdf;

Dear Members of the FAUW Board of Directors:

My greetings and good wishes to you, hoping that you had a pleasant and restful holiday break and that all will go well for you during 2023 and beyond.

Please find attached a letter that I sent to several members of the FAUW Executive just before the end of last term. I think that it is important that **all** members of the FAUW Board of Directors see this letter and that the matter of FAUW's "sleeping at the wheel" during the UW vaccination mandate be discussed at a future Board meeting so that such "sleeping" will be avoided in the future. Since I retired from UW on January 1, 2023, the matter of "compliance" vs. "noncompliance" to any future possible mandate/dictate will no longer apply to me. There are, however, a number of faculty members at UW (I know at least eight) who were "noncompliant" (and without exemption) during the "Requirement" and who may well choose to remain "noncompliant" should another mandate/dictate ever be invoked by the UW administration. I think that it is imperative that these people be properly represented by the FAUW in such a situation. Indeed, these people agree with me, as demonstrated in the responses I received after sending them copies of my letter.

After further reflection of the matter, I can only conclude that the behaviour of the FAUW was negligent and shameful. It chose to "look the other way", possibly because of individual prejudices against the "noncompliant". Indeed, if I could turn the clock back one year, I would consider filing a grievance or some kind of action against the FAUW. Is it possible for a UW faculty member to file a grievance against the FAUW according to the Memorandum of Agreement? This is a matter most worthy of discussion. If the answer is "No", then legal action would be a possible alternative. Can a UW faculty member take the FAUW to court? Once again, this is a matter most worthy of discussion. The Faculty Association of the University of Guelph, which is unionized, knew very well that it was required to act on behalf of all faculty members at UG - otherwise it could be sued. For this reason, the firing of "noncompliant" faculty members was avoided, unlike the situation at UW. I brought this up in an e-mail to Roydon Fraser, who replied to my original letter to the FAUW Executive. (I certainly

expected that Roydon would send a reply which looked both backward as well as forward. I was also encouraged by the positive response of David Porreca, FAUW President-Elect, who has expressed his sincere interest in pursuing the matter. None of the other recipients replied.) I am attaching a copy of Roydon's reply as well as my response to his reply.

Indeed, as I think more and more about this matter, I cannot help but arrive at the conclusion that **the FAUW must share some responsibility with the UW administration for the firing of Dr. Michael Palmer - to the best of my knowledge, the only firing of a full-time, tenured faculty member at a Canadian university for "noncompliance" to a vaccine mandate.**

How much responsibility? Time will tell.

I am copying this e-mail to those members of the FAUW Executive to whom I originally sent my letter so that **they** know that **you** have been sent copies of my letter. I shall also be sending copies of this e-mail with attachments to the eight "noncompliant" UW faculty members so that **they** know that I have asked the Board to discuss this in a future meeting. Hopefully, they will check with you in the future about the progress of your deliberations. And finally, I shall be sending a copy of this e-mail with attachments to Mr. Robert Williams, reporter for The Record/Torstar, because of his excellent, comprehensive reporting of UW vaccine mandate-related matters in the past.

Sincerely yours

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**To:** Lori Curtis, President, FAUW  
Roydon Fraser, Jasmin Habib and Jean-Paul Lam, FAUW Academic Freedom & Tenure Committee

**Cc:** Mary Hardy, Vice President/Acting President, FAUW  
Vershawn Young, Chair, FAUW Academic Freedom & Tenure Committee  
Katie Damphouse, Academic Freedom & Tenure Policy Officer, FAUW  
David Porreca, President-Elect, FAUW

**From:** Edward R. Vrscaj, Department of Applied Mathematics, UW

**Re:** Comments made at the FAUW Fall General Meeting regarding the FAUW “sleeping at the wheel” during the UW vaccination mandate

**Date:** December 19, 2022

Dear Members of the FAUW Executive – Past, Present and Future:

Please find attached the text of the presentation (to be referred to as “Comments”) that I started to deliver in the Open Feedback Session of the Fall General Meeting of the FAUW on Wednesday, December 7, 2022 but, because of the two-minute limit on speakers, was unable to finish.

Let me explain that the recipients of this letter who are listed in the “To” category are those members of the FAUW Executive to whom I had sent letters or copies of letters during the course of the mandate, including the letters mentioned in my Comments. Roydon Fraser was the **only** person who demonstrated any interest whatsoever. I sincerely thank Roydon (as I did in my Comments) for some very valuable exchanges during the UW vaccine mandate “imbroglio”. His actions clearly demonstrated an unconditional dedication to academic freedom and human dignity.

With regard to the “Cc” recipients, I consider it necessary that the Acting President, the President-Elect and the new Chair of the AF&T Committee see all contents of this letter. Hopefully, the inaction of the FAUW – an egregious disservice to a select portion of its membership deemed unworthy of representation and action – will not be repeated in the future.

Indeed, I am extremely encouraged by the fact that David Porreca, President-Elect, wrote to me immediately after the FGM to express his great interest in the matter. I quickly sent a copy of my Comments to David and we hope to discuss the “UW vaccine mandate imbroglio” personally in the near future. What an absolutely refreshing gesture of support coming from an FAUW President.

**An “aside”:** You’ll note that I have put quotes around the word “noncompliant” which, of course, means “judged by the UW administration to be noncompliant to UW’s ‘Requirement’”. As I mentioned briefly in my Comments, there were actually two “Requirements”: (1) a “softer” vaccination **policy** listed on the University’s website for the outside world to see and (2) a vaccination **mandate** which the University actually enforced on its members.

For your information, I am also attaching copies of (1) my November 15, 2021 letter to my Chair and Dean (violation of the Memorandum of Agreement is discussed on Pages 4 and 5) and (2) my December

2, 2021 letter to the Provost, both of which were copied to members of the FAUW Executive. Each of these letters was posted on the website,

[https://links.uwaterloo.ca/Repeal UW Mandatory Vaccination Policy/](https://links.uwaterloo.ca/Repeal_UW_Mandatory_Vaccination_Policy/)

immediately after it was sent.

I think that it is most appropriate for this letter to end with the closing remarks of another document which I recently wrote. These remarks are of a general nature and most certainly non-confidential. Everything which appears below has been posted publicly in the past – except the “motto”:

*The motives of my two grievances lie not in the University of Waterloo’s “Requirement” itself but in the ways in which the “Requirement” was enforced. Firstly, as pointed out in these grievances, the University unnecessarily resorted to falsehoods (i.e., that it was compelled to adopt a vaccination mandate) and deception (two “Requirements”) to justify its mandate.*

*Secondly, my grievances are concerned about how those deemed “noncompliant” with respect to the “Requirement” were treated by UW’s administration, both at the local level, i.e., Deans, as well as the higher level, i.e., President and Vice President Academic and Provost. Indeed, I conclude this document with an expression of sympathy and greatest respect for the fifty (to my knowledge) UW employees who were fired because of “noncompliance”. Why these fifty people were fired, while no people were fired at our sister institution, Wilfrid Laurier University, remains a mystery. One can only pray that the truth will someday be revealed. The authoritarian behaviour of the UW administration in its imposition and enforcement of the “Requirement” suggests a new and more appropriate motto for the University of Waterloo, namely,*

***Concordia cum falsitate per coercionem***      (*In harmony with falsehood by coercion*)

*A tragic stain on an institution which I used to consider, with pride, as my “home”.*

I’m afraid that the FAUW Executive, by “sleeping at the wheel” (or perhaps “looking the other way”), must shoulder at least some responsibility for this stain.

Sincerely yours



Edward R. Vrscaj  
Department of Applied Mathematics  
Faculty of Mathematics

**Some comments presented at the Open Feedback Session of  
the Fall 2022 Annual General Meeting of the Faculty Association of UW**

December 7, 2022

Edward R. Vrscaj  
Department of Applied Mathematics  
Faculty of Mathematics, UW

<https://www.math.uwaterloo.ca/~ervrscaj/>

Note: Unfortunately, I only got to the third paragraph below before reaching the two-minute limit!

First of all, I would like to thank Roydon Fraser for the enormous amount of time and assistance which he has provided to the several faculty members, including myself, who underwent disciplinary action by the University because of "noncompliance" with respect to the University's vaccination mandate. Most admirably, Roydon has worked tirelessly from the start of the mandates up to the present.

I would now like to express my disappointment with the FAUW Executive that was in operation during UW's vaccination mandate - apart from Roydon - for what could be termed at best, being "asleep at the wheel" or at worst, a noninterest in defending the rights of those undergoing disciplinary action because of noncompliance. Let me outline the history.

In October 8, 2021, the UW administration sent an e-mail letter to all UW employees entitled, "Consequences for noncompliance with vaccine mandate". In this letter were outlined "Employee Disciplinary Procedures" for staff and faculty. For faculty members who continued to be noncompliant, there was a three-step process: (i) a 3-day paid suspension, (ii) an 8-day unpaid suspension, (iii) a 40-day unpaid suspension followed by "dismissal with cause". There seemed to be no complaints about this. It seemed that everyone on the FAUW Executive was asleep at the wheel. On October 20, 2021, the UW administration imposed a 40-day unpaid suspension on a faculty member. The faculty member did the first two suspensions as well as the 40-day suspension. On November 15, 2021, I sent a letter to my Chair and Dean, copied to the FAUW Executive (including members of the AF&T Committee), and copied to Deans of all faculties and several members of UW's senior administration. I pointed out that the "Employee Disciplinary Process" violated the Memorandum of Agreement according to its Section 8 on Grievance. For example, according to Section 8 of the M of A, in the case of any disciplinary process, e.g., a suspension, the Dean must convene a meeting with the faculty member to give the member an

opportunity to make oral and/or written submissions before any disciplinary measures are imposed. This was not done in the case of "X". Interestingly enough, a little more than a week after my letter - November 24, 2021, to be exact - the 40-day suspension on the faculty member was cancelled, the salary that was withheld was returned to the faculty member, and the faculty member received a letter with an apology and admission that the M of A had been violated. With no thanks to the FAUW. The administration began enforcing disciplinary measures in early 2022 in a manner that followed the M of A, i.e., Deans informing noncompliant faculty members that they were being investigated for noncompliance, so-called investigations by the Deans (that is another story which we shall not get into here) followed by meetings with the noncompliant faculty members to allow them to provide oral and/or written submissions.

But that is not the end of the story. On December 2, 2021, I sent a letter to the Provost, copied to members of the FAUW Executive and, once again, to members of the UW senior administration, with a "modest proposal" to modify the disciplinary procedures along the line of what was being discussed at the University of Guelph - and what, indeed, was eventually invoked. The salaries of noncompliant faculty at Guelph who could not be on campus would be deducted in order to cover the costs of replacement teachers. As a result, no faculty members were ever fired. In contrast, as you know, Michael Palmer, of Chemistry was fired on March 21, 2022.

My question: Why did the FAUW not pursue the idea of alternate disciplinary processes which would avoid the firing of faculty members? Did they not care? Here is the tragedy: **I believe that the dismissal of Michael Palmer - the only full-time, tenured faculty member to be fired from a Canadian University - could have been avoided.**

We are still not at the end! As I mentioned earlier, the UW administration launched disciplinary procedures against several faculty members across campus, myself included. For reasons that we shall not get into here, many of these faculty members filed grievances because of the ways in which the disciplinary procedures were being enforced. I cannot even estimate how many grievances were filed from January to March. Let me just state that the two grievances that I filed - one in January and one in April - are only now being considered by an internal Tribunal for arbitration. I have no idea about the status of the others. Why the delay? One of the reasons is that the Faculty Grievance Committee, until very recently, was composed of only three members - there were four vacancies on this Committee, and for a long time! According to the M of A, the Tribunals are constructed on a rotating basis. You have the Chair of the FGC along with two other people on one Tribunal. For the next Tribunal, you skip the two people on the first Tribunal and choose from the remaining members of the FGC. But there were no such members! Back in January or February, the FAUW should have seen that there could be problems because of vacancies on the FGC. Was anything done? Answer: No, not until July, when an e-mail was sent out from the Secretariat asking for people to serve on the FGC.

My question: Why was the FAUW "asleep at the wheel"?

The story goes even deeper but I won't spend time on it here. Suffice it to say that I do not think that the FAUW was at all aware of the "shenanigans" conducted by the UW administration during the vaccine mandate. You can find out about this in a series of excellent and incisive posts by Prof. John Turri of UW's Department of Philosophy:

<https://mandates.substack.com/>

In summary, my dear colleagues, the FAUW was given a test to see if it truly subscribed to the principles of academic freedom and the defense of faculty members who are being inappropriately disciplined. Unfortunately, for whatever reason, it chose to look the other way. It seems that it didn't like the test that it was given -- it was just too politically incorrect. After all, as I wrote in my November 15 memo, we, the "unvaccinated", were the new "lepers", the "unwanted". As such, the FAUW failed the test. Let us hope that this is a wake-up call for the future. There will be more such tests, and they will undoubtedly be unpleasant as well.

Anyone interested in reading more about these events can go to the following site,

[https://links.uwaterloo.ca/Repeal UW Mandatory Vaccination Policy/](https://links.uwaterloo.ca/Repeal_UW_Mandatory_Vaccination_Policy/)

**To:** Mark Giesbrecht, Dean, Faculty of Mathematics  
Siv Sivaloganathan, Chair, Department of Applied Mathematics

**Cc:** Vivek Goel, President, University of Waterloo  
James Rush, Vice President Academic and Provost  
Cindy Forbes, Chair, Board of Governors  
Karen Jack, University Secretary  
Marilyn Thompson, Associate Provost, Human Resources  
Charmaine Dean, Vice President, Research and International  
David DeVidi, Associate Vice President Academic  
Jeff Casello, Associate Vice President, Graduate Studies and Postdoctoral Affairs  
Jean Becker, Interim Associate Vice President, Human Rights, Equity and Inclusion  
Matt Erickson, Director, Conflict Management and Human Rights  
Lori Curtis, President, FAUW  
Erin Windibank, Executive Manager, FAUW  
Roydon Fraser, Jasmin Habib and Jean-Paul Lam,  
Academic Freedom & Tenure Committee, FAUW  
Kathy Becker, UWSA President  
Greg Macedo, CUPE President  
Sheila Ager, Dean of Arts  
Mary Wells, Dean of Engineering  
Jean Andrey, Dean of Environment  
Lili Liu, Dean of Health  
Bob Lemieux, Dean of Science  
Bill Power, Chair, Department of Chemistry  
Raouf Boutaba, Chair, David Cheriton School of Computer Science

**Re:** Attention required: What shall we do with a noncompliant senior faculty member? (to be sung to the tune, "What shall we do with a drunken sailor?" English traditional sea shanty)

**Date:** November 15, 2021

Dear Mark and Siv, as well as others who might be interested to learn that the UW administration's "Employee Discipline Process" violates the Memorandum of Agreement:

I find it necessary to continue our correspondence and ask a few more questions which now require an immediate response. These questions concern actions that may be taken against me in the not-too-distant future, perhaps as early as the beginning of the Winter 2022 term. The actions will probably follow the "Employee Discipline Process" described in the October 8, 2021 memo entitled, "Consequences for noncompliance to the vaccine mandates" (copy attached):



(i) a 3-day paid suspension followed by (ii) a 42-day unpaid suspension with benefits and then, possibly, (iii) termination of pay and benefits at the end of the suspension (which presumably means that the University wishes to force me into retirement). Of course, I shall not be teaching during the Winter 2022 term: the PMATH 370 course, “Chaos and Fractals”, that I was originally scheduled to teach will probably be taught by someone else “in person”. Siv has also told me informally – but only informally – that my teaching duties for next term could be moved to the Spring 2022 term, which can help to delay the question of “work arrangements”.

As you both know, I am currently supervising two graduate students. In three separate letters to you (September 26, 2021, October 16, 2021 and October 29, 2021), I have raised questions and concerns about the effects that any disciplinary actions might have on my students. To date, the only replies that I have received from you in this regard are your acknowledgements that I am committed to my students and interested in their welfare.

It must be emphasized that each of my students will be entering a most crucial period in her respective program in the Winter 2022 term. My Ph.D. student will be starting to write her thesis. Naturally, it is important that I be able to provide feedback during the writing of the thesis. (As I have written in previous e-mails, I am the only person on campus that could provide such feedback given the nature of the research.) There is also some collaborative research work that needs to be completed during this time. (She and I are currently writing a research paper with an end-of-January deadline for submission.) Winter 2022 will be the second term of my M.Math. student, which is usually the period in which I work with my students to develop a preliminary framework for their thesis research – obviously an important step. As I wrote in a previous e-mail, my M.Math. student’s choice to come to Applied Mathematics was based on her desire to work with myself, and no one else but myself, as research supervisor. (I state this as a fact and not out of pride.)

My first question to you, Mark, and possibly Siv (and others who may have to work with UW’s disciplinary policy): What happens if I am disciplined with the 42-day unpaid suspension next term? In particular, how will it affect my students? (We’ll deal with the question of termination later.) 42 days is a long time. Who will be there for them? Are they expected to continue on their own, during my “exile”? Now you – or perhaps the UW senior administrators – may well respond as follows: “Wouldn’t you continue to provide supervision out of good faith, the goodness of your heart or, if nothing else, your dedication to your academic vocation? After all, you can continue to supervise them while suspended. Do you really need to be paid and “unsuspended” to do this? Would you let such a petty concern as salary destroy the bond of trust that you have developed with your students? Would you really do this to them?”

You were probably raising your eyebrows and smirking while reading the above, thinking to yourselves, “That does it! Ed has really lost it this time!” My question to you: What other response than “shifting the blame” would one expect from a University that is more interested in (or obsessed with?) making a faculty member bend (break?) and comply to a policy that he judges to be immoral, unlawful, medically unsound and discriminatory (cf. my letter to you of September 26, 2021) than in the welfare of his students? Especially when everything could be

left alone and allowed to proceed normally and quite successfully, as has been the case since the pandemic came to our campus?

This matter is of supreme importance and requires your attention as soon as possible. In the case of my M.Math. student, it may be necessary to discuss a change of supervisor (or possibly a change in university). My Ph.D. student needs to be assured that she will be able to finish her thesis and defend it with proper supervision. There also remains the question of how I could continue to provide any further financial support from my NSERC Discovery Grant if I am suspended. Mark, in your November 1, 2021 e-mail reply to my e-mail of October 29, 2021, you suggested that such support could “be continued through an Adjunct Professorship.” Such a strategy would, of course, have to be verified with NSERC. (I have a feeling that this will not be acceptable to NSERC so I shall write to them.) That being said, there also remains the question of whether I would be willing to submit to a rather insulting procedure, i.e., essentially being “fired” and then given permission to participate once again in University activities.

I am planning to meet with my students in a week or so to discuss this matter – the second such meeting concerning my possible suspension – and ask that you do all that you can to help them by providing all necessary answers to the questions posed above. Perhaps our senior administrators were hoping – or perhaps have decided – that nothing would be said about this matter until the day that my suspension would be declared. (After all, they do seem to like shock tactics, e.g., a proliferation of “Action required: You are not permitted on campus” memos.) And perhaps you are thinking the same. I, however, shall continue to strive not to let that happen. As you will recall, I have been the one who has been consistently taking the initiative to ask you relevant questions at each step of this process, often receiving very few, if any, answers. From my own experiences as well as those of the many other “refuseniks” on this campus, the enforcement of this entire vaccination mandate has been plagued with uncertainties, threats and conflicting messages from “line managers”, “HR partners” and the like. (Staff members, in particular, have also had to endure silence, misinformation, rejection and even bullying.) And all of this in the name of “wellness”!

I presume that you, Mark and Siv, will have the responsibility of dealing directly with me when the time for suspensions comes. Let me make some recommendations in advance so that the mistakes made in dealing with Richard Mann (Computer Science) will not be repeated. I’m doing this to save time and frustration for both myself as you (e.g., a possible grievance). My recommendations are based on the “Employee Discipline Process” – which I shall refer to as “EDP” – which was outlined in the October 8 memo mentioned earlier.

1. First, I ask you to follow Point No. 1 of the EDP, that “in consultation with the individual”, i.e., myself, “develop a plan for alternative work options if they are available”. To the best of my knowledge, this was not done with Richard. Had there been any serious consultation, Richard would not have been suspended since it could have been easily established that no “alternative work options” were necessary: (1) he is not teaching this term and (2) he can continue to pursue his research at home. (One naturally wonders if there may be grounds for a grievance in Richard’s case.) As such, I

shall expect an exchange of e-mails – not simply a single “line manager-to-employee” e-mail from Mark (or perhaps Siv) – which will comprise a *bona fide* “consultation” so that a “plan” can be developed if, indeed, a plan is even necessary (see 2. below).

2. Regarding Point No. 2 of the EDP, I shall most certainly agree to being classified as “non-compliant”. I shall, however, dispute any judgement that “no alternative work options are available” since I can easily continue my research and supervision of my graduate students while away from campus – as I have been doing since the original lockdown. In my opinion, therefore, an imposition of the 3-day paid suspension contradicts the very EDP that you will be trying to enforce.
3. Everything written in 2. above will apply to Point No. 3 of the EDP since the matter of “no alternative work options are available” will not be applicable: I can easily continue my research and supervision of my graduate students while away from campus during the Winter 2022 term. Once again, an imposition of the 42-day unpaid suspension will contradict the EDP. But that being said, you/“they” may well decide, for whatever reasons you wish to concoct – reasons that I insist be stated in writing – that the “no alternative work options are available” phrase does apply, in which case I shall be removed as supervisor of my students – temporarily, I assume, with the idea of permanent removal. If this be the case, then I assume that you will inform my graduate students and provide the names of their new supervisors.
4. We now come to a point which could, in fact, nullify 3. above. Unless the UW administration has other ideas, **all disciplinary actions by the University – EDP or otherwise (if the EDP applies only until January 4, 2022) – should be performed in accordance with the *Memorandum of Agreement (MOA) between UW and the Faculty Association of UW – see, in particular, Article 8, Discipline.*** In fact, Article 8 raises a number of rather serious questions regarding the EDP.
5. According to Section 8.4(b), “Suspension is the act of relieving a Member, without her/his consent, of some or all university duties and/or privileges.” As such, you must explicitly state all duties and privileges from which I shall be relieved. (I don’t think that this was done for Richard Mann.) For example, shall I be relieved of my graduate student supervisory duties? If so, then we’re back to 3. above, in which case you must definitely inform my graduate students. If not, then why would you suspend me?
6. Perhaps the most serious question of the EDP is in regard to its Point No. 4: “If the individual remains non-compliant 14 days before the end of the 42-day suspension, they will receive a letter indicating that their pay and benefits will cease as at the end of the suspension.” Is this to be considered a “dismissal”? If so, then there are potential problems. According to Section 8.4(c), “For Members with tenure or continuing lecturer appointments, dismissal means termination of appointment without the Member’s consent.” Sections 8.6-8.18 then describe the “disciplinary process.” Here I shall simply mention a couple of points: (i) According to Section 8.11, “The Dean shall convene a meeting within twenty-five working days of the date of notice to afford the Member an opportunity to make oral and/or written submissions before any disciplinary measures are imposed. The Member shall be given at least seven working days notice of the time and place of the meeting.” Clearly, the EDP makes no provision for such a meeting. (ii) According to Section 8.15, where the disciplinary action is dismissal for cause,

suspension with reduced pay or a fine in lieu thereof, the Member shall retain full salary and benefits ... until the time limit for filing a grievance under Article 9 has expired. If the disciplinary action is grieved, the Member shall retain full salary and benefits for a period of one year from the date of the disciplinary decision in 8.12, or until the grievance and arbitration procedures set out in Article 9 have been completed, whichever is earlier.” Clearly, none of this is discussed in the EDP, most probably because the UW administration, in its “noncompliance memo”, wanted to issue a stern “one size fits all” warning to all employees of UW. Unfortunately, one size does **not** fit all since faculty members are represented by the Memorandum of Agreement. It seems that the EDP was drafted in haste, with insufficient thought devoted to proper procedure according to the MOA. (With regard to staff members, let us hope that they have a proper avenue for grievance, e.g., Policy 33, *Ethical Behaviour*.)

From the final point above, it seems to me - and I’m speaking as a non-expert as far as legalities are concerned - that **the EDP – at least its Point No. 4 – violates the Memorandum of Agreement between UW and the FAUW**. Frankly, I am surprised that nobody else – in particular, the FAUW itself - noticed this after the EDP was announced on October 8, 2021. (Given the fact that the “unvaccinated” – both on- and off-campus – are considered to be modern-day “lepers”, however, I am not surprised.) I have discussed this matter with a member of the FAUW Academic Freedom and Tenure Committee who, I understand, will be bringing it to the attention of the FAUW Board of Directors. Let us see what happens, especially since one faculty member, i.e., Richard Mann, is directly affected at this time.

Speaking of academic freedom and tenure, I recommend Prof. Janice Flamingo’s excellent article, “How COVID-19 Killed Academic Tenure”. UW is the focus of this insightful piece (copy attached):

<https://the-pipeline.org/covid-killed-academic-tenure/#>

Regarding the question of whether or not “natural law” still exists on this campus, I do believe that the very basis of the UW mandatory vaccination and testing policy has never been communicated to its community members. I find this surprising since the policy has clearly affected our campus in a monumental fashion. Indeed, it may well turn out to be responsible for the dismissal of several (many?) faculty and staff members as well as the termination of programs of students who refuse to comply. (When asked, I recommend students to apply to universities which have chosen NOT to impose such mandates.) But even more disturbing is permanent scar that it has left in our community with regard to the two castes that it created, i.e., the vaccinated and the unvaccinated or, more accurately, the “unwanted”. To the best of my knowledge, the vaccine mandate was never discussed or passed in UW’s Senate or by its Board of Governors. Is UW’s President acting according to guidelines provided by the *UW Emergency Response Plan* (January 2020)? Was there an advisory body, composed of medical and other experts, to help in the development of the mandate? And if so, have the names of its members ever been communicated to the public? I find myself asking the same questions as Dr. Philip Britz-McKibbin in his powerful letter to the VP of Research at McMaster University –

copy attached for your information. Perhaps one of the most important questions is why the UW administration chose to go above and beyond the recommendations of the Chief Medical Officer of Health of Ontario (copy attached):

<https://ontariosuniversities.ca/wp-content/uploads/2021/09/CMOH-Instructions-EN.pdf>

I have copied this e-mail to other administrators because they, and indeed many more, need to be aware of what is happening on our campus as a result of the administration's attempts to enforce the vaccine mandate. I sincerely believe that each of you, and many others, all the way up to President Goel, should be receiving ALL of the e-mails of frustration, anxiety, sadness and despair from faculty, staff and students. **These are not problems that can be simply filed away and ignored, or conveniently passed to some “black box” called [coronavirus@uwaterloo.ca](mailto:coronavirus@uwaterloo.ca).**

I have also copied this e-mail to the Deans of all other Faculties at UW (as well as a couple of Chairs of Departments) since some of them may have to deal with their own “mandate resisters”. Indeed, I have had the sincere pleasure of getting to know some of these critical thinkers – there are more than you may wish to believe. And what a fine and diverse group they are. Some may be able to obtain exemptions and do penance here. Others will leave, either voluntarily or by force. Let us hope that some of these people will join the new and rapidly growing movement of independent-thinking scholars who are planning the establishment of new centers of learning and research. These “rejects” of our stagnating academic institutions, who think and question too much for their own good, will hopefully attract the many critical-minded students who have decided to delay their education in the hope that the “vaccine mania” will eventually disappear – a mania destined to be recorded as another unfortunate episode in the history of humanity as well as the history of UW.

I also think that it is important for Deans to know that the EDP may well be violating the MOA. If I were a Dean, I know that I would be very concerned! After all, I would have to be prepared to deal with bullets from “above” as well as bullets from “below”.

My own frustrating encounters with my “line managers” and “HR partner” are but a tiny drop in an ocean of confusion, frustration, fear, anxiety and depression being felt on this campus – by faculty, staff and students – as the administration tries to enforce its vaccination mandate. As I mentioned in previous letters, I have heard accounts, especially from staff members, that make my heart mourn and weep. I have seen letters from HR to faculty and staff treating them like pinballs. More recently, I saw a message from an academic advisor to students with regard to academic success – most probably directed toward those who are facing difficulties. The message began on a negative note, almost accusatory, ending with a “people are here to help you”. The advisor most certainly meant well but after reading the message I couldn’t help but feel that if students weren’t depressed before reading the message, they certainly would be afterwards. (My reaction was confirmed shortly thereafter by the following message from a student: “I wonder what kind of response I would receive if I responded to this e-mail and told them what’s \*really” going on. These kinds of e-mails are upsetting.”)

Is UW truly the caring community that our fancy websites and e-publications promote – a community that is interested in the wellness of each and every member? I fear not, which is why I sincerely ask you, dear people, to do what you can to see that what is being preached is actually being practised! Of course, this may mean that you will have to overcome your fear of thinking and acting “outside the mob”! For many, that will be too much of a price to pay. That being said, I know that at least one of the recipients of this letter (an administrator) has spent much time and effort listening to the cries of a number of people (mostly staff) who have been marginalized because of the mandate. I also know, from a number of e-mails, that this person has made a significant impression on these unfortunate people, making all efforts to listen to them and understand what they are going through and why, as well as giving them hope that humane solutions can be found – even though this person has little or no power to change things on “their” own. I salute this unique and charitable individual and can only hope and pray such a warm and caring – yes, Christian – attitude will “diffuse” to others, including those at the top of the administrative chain.

That being said, I fear that if this “vaccine imbroglio” is but an initial glimpse of where and how this administration wishes to lead our institution, especially with its dedication to the “great reset” [1,2], then “this kind does not go out except by prayer and fasting” (Matthew 17:21). Those familiar with the Bible will know the message contained in this quote. Others may wish to do a little “digging”. Those not at all interested, however, can simply continue to be silent, enjoy the ride on the good ship *SS UWaterloo* and faithfully support the UW administration without question in its relentless drive for coerced compliance. The penalty for noncompliance is exclusion (interestingly, a product of colonialism [1]) but you can rest assured that “everyone feels a sense of belonging at this institution, and can achieve their full potential” [1].

[1] UW President Vivek Goel’s Installation Address,

<https://uwaterloo.ca/news/university-president/president-goels-installation-address>

[2] *COVID-19: The Great Reset*, by Klaus Schwab and Thierry Malleret. World Economic Forum Publishing (2020). Is this the unofficial “textbook” being adopted by government, NGOs and universities, including our own? Copy attached for your convenience.

Edward R. Vrscay  
Department of Applied Mathematics

<https://www.math.uwaterloo.ca/~ervrscay>

[https://links.uwaterloo.ca/Repeal\\_UW\\_Mandatory\\_Vaccination\\_Policy/](https://links.uwaterloo.ca/Repeal_UW_Mandatory_Vaccination_Policy/)

“Schrodinger's Bat”: COVID vaccine mandates are necessary because the protected need to be protected from the unprotected by forcing the unprotected to use the protection that didn't protect the protected.

## A modest proposal for an alternative "disciplinary process for noncompliant faculty"

Edward Vrscaj <ervrscaj@uwaterloo.ca>

Thu 12/2/2021 12:20 PM

To: Vice Pres Academic Provost <provost@uwaterloo.ca>

Cc: Lori Curtis <ljcurtis@uwaterloo.ca>; Erin Windibank <erin.windibank@uwaterloo.ca>; Roydon Fraser <rafraser@uwaterloo.ca>; Jean-Paul Lam <jplam@uwaterloo.ca>; Jasmin Habib <jasmin.habib@uwaterloo.ca>; Mark Giesbrecht <mwg@uwaterloo.ca>; Siv Sivaloganathan <ssivaloganathan@uwaterloo.ca>

**To:** James Rush, Vice President Academic and Provost, University of Waterloo

**Cc:** Lori Curtis, President, FAUW  
Erin Windibank, Executive Manager, FAUW  
Roydon Fraser, Jasmin Habib and Jean-Paul Lam,  
Academic Freedom & Tenure Committee, FAUW  
Mark Giesbrecht, Dean, Faculty of Mathematics  
Siv Sivaloganathan, Chair, Department of Applied Mathematics

**From:** Edward R. Vrscaj, Department of Applied Mathematics

**Re:** A modest proposal for an alternative "disciplinary process for noncompliant faculty"

**Date:** December 2, 2021

Dear Professor Rush:

My greetings and good wishes to you, hoping that you are in good health and spirits. I am writing at this rather late date – and admittedly rather quickly – to ask if you have ever considered, or are perhaps willing to consider, alternative disciplinary measures for faculty members who remain noncompliant with the University's current mandatory vaccination and testing policy. If, by any chance, you have discussed such measures with the Faculty Association of the University of Waterloo (FAUW), then perhaps this memo is unnecessary. Nevertheless, please allow me to elaborate – albeit very briefly – on this idea since such alternative measures, which may be viewed as more "tolerant" of those who wish to remain noncompliant, are being adopted at other universities, notably one which is situated not too far from us, i.e., the University of Guelph (UG).

I am in regular correspondence with a Professor at UG (a former student of mine) who has been very active, at a high level, with the UG Faculty Association (as well as CAUT) for a good number of years. According to him, the UGFA and the UG Administration were in communication about noncompliant faculty right from the start – something that does not seem to have been the case at UW. (Of course, if I am mistaken here, I stand to be corrected.) The UGFA raised a number of issues – the same issues that I raised in my letters to you, e.g., What happens to graduate students? What happens to funding? The UGFA and UG Administration have, for the moment, agreed upon a financial penalty imposed on noncompliant faculty, possibly deducting from the faculty member's salary the amount of \$8K needed to hire a sessional/overload instructor for any assigned courses that the faculty member will not teach face-to-face. My friend has also stated that the UGFA "will continue to fight and take to arbitration any attempt to terminate a member."

Needless to say, from the perspective of those of us at UW who do not wish to be vaccinated, the situation at UG seems much more "enlightened" than what is happening on our campus. Perhaps it

is due not only to a Faculty Association which is willing to defend the rights of the noncompliant (being unionized may help, but I have always been opposed to unionization) but also to an Administration which may be more willing to admit that there are uncertainties associated with the vaccines themselves. For example, some time ago, in an interview with the *Guelph Mercury*, the UG President admitted, among other things, that vaccinated individuals can spread the virus. (It may also help that UG has internationally-recognized scientists such as Byrum Bridle and Bonnie Mallard who have been quite vocal about the questionable efficacy, as well as potential dangers, of the mRNA vaccines.)

It is for these reasons that I am writing to you, Professor Rush. Instead of suspending a faculty member with the idea of terminating her/his employment – especially one who is heavily involved with graduate student supervision – why not simply allow such a member to continue with her/his supervisory work and deduct an appropriate amount from her/his salary if she/he cannot be on campus at this time to teach courses in person? This would avoid the enormous – and, frankly, uncalled for – disruption of not only the faculty member’s research program but, more importantly, of the lives of her/his graduate students.

I am thinking not so much of myself, Professor Rush, but of people such as Professor Dan Smilek of the Psychology Department at UW. Dan was denied a religious exemption, a medical exemption, and an expedited (but long overdue) sabbatical request. I understand that discussions were under way to assign new primary supervisors to his seven graduate students and to plan who will have signing authority on his large NSERC grants – essentially a dismantling of his research laboratory and prolific research program. The first word that comes to mind is “brutal”. But it is beyond brutal – it is barbaric and unbecoming of an academic institution. The immense stress caused by this process has exacerbated Dan’s underlying medical condition, such that his medical team suggested he take medical leave, for which he is now applying. If it has not already been doing so, the FAUW should definitely investigate Dan’s case. I do think that what is being done to Dan and others is contrary to what was envisaged as “disciplinary measures” in the Memorandum of Agreement between UW and the FAUW. By the way, I had the pleasure of serving on the three-person team of FAUW representatives which negotiated the M of A with the UW Administration back in 1997-98. In no way do I claim to have made any significant contributions to the development of the M of A. Its development was primarily due, most thankfully, to a rather small number of very wise and forward-thinking architects, including then-FAUW President John Wilson (Political Science, UW) RIP. But even these people could not have been expected to foresee the horrors that would be taking place at our institution a little over 20 years later: injustices to which the FAUW itself – except for one outstanding individual who has consistently demonstrated a dedication to truth and fairness – appears to wish to turn its back.

I thank you in advance, Professor Rush, for your consideration of the idea proposed in this memo and look forward to hearing from you. Let me state that I would be most willing to meet online with you to discuss this matter and, if you deem it suitable and/or necessary, to help in any way that I can, not just as a "faculty member" but rather as a member of an institution which I have served to the best of my abilities over the past 35 years. I do this sincerely with the wish to help both my colleagues on this campus as well as the University of Waterloo in general. It may seem to be a rather unorthodox request on my part, but I am desperately seeking solutions to problems that our own Faculty Association seems reluctant to acknowledge.

Sincerely yours



Edward R. Vrscaj  
Department of Applied Mathematics

P.S. My good friend, and brother-in-Christ (and fellow Canadian of Slovene descent), Nikolaj Zunic of St. Jerome's University, has informed me that you, too, Professor Rush, are a Roman Catholic. I send you and yours my sincerest wishes for a Blessed Advent and the upcoming Feast of the Immaculate Conception of the Blessed Virgin Mary, December 8. (Is it a coincidence that the deadline for compliance falls on that very day?) Let us pray for the triumphs of the Immaculate Heart of Mary and the Sacred Heart of Jesus, so that all be done according to God's Divine Will.

Yours in Christ  
ERV

## Re: Letter to FAUW Board Members

Edward Vrscaj <ervrscaj@uwaterloo.ca>

Mon 12/19/2022 8:29 PM

To: Roydon Fraser <rafraser@uwaterloo.ca>;Lori Curtis <ljcurtis@uwaterloo.ca>;Jasmin Habib <jasmin.habib@uwaterloo.ca>;Jean-Paul Lam <jplam@uwaterloo.ca>

Cc: Mary Hardy <mary.hardy@uwaterloo.ca>;Vershawn Young <vershawn.young@uwaterloo.ca>;Katie Damphouse <mcdamphouse@uwaterloo.ca>;David Porreca <dporreca@uwaterloo.ca>

Dear Roydon:

Thank you very much for your reply. I think that it would be most instructive if the FAUW could look at what was done, and how it was done, at the University of Guelph. To the best of my knowledge, no "noncompliant" faculty members were fired. Deductions were made from salaries of those who could not be present to teach courses, in order to cover sessional replacements. (There are some rather bizarre cases there, however, e.g., Byram Bridle, the vaccinologist from who has been a very vocal opponent of the vaccines, mandates and lockdowns (originally, he was very "pro-vaccine"). He continues to be employed and run a lab, although he is not permitted to go on campus!)

One might think that the fact that the certified union status of Faculty Association of the University of Guelph helped in the formulation of a disciplinary process that prevented the firing of faculty members. It probably did help in the negotiation process but there is another factor which is very important, as told to me by my friend and colleague (and former student), Herb Kunze, who is a member of the Board of the FAUG. It is the matter of the "willingness" of the FAUG to act on behalf of "noncompliant" faculty. I have put "willingness" in quotes since many (most?) of the FAUG Board members may also have wished to "look the other way". Since the FAUG is a union, it faces much greater to act on behalf of those whom it represents. Why? Because members can sue their union! In summary, there was an incentive to get something done.

You well know, Roydon, that during all of my years as a faculty member at UW, I have opposed unionization of the FAUW. I have always refused to consider the professoriate as "employees" and the administration as "managers" or "employers", even though I have witnessed, as everyone else, the increasing corporatization of the university over time. It may well be that those "rosy days of academe" are over.

Thank you again for writing, Roydon, and for your kind wishes.

With best regards and all good wishes

Ed

Edward R. Vrscaj  
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<https://www.math.uwaterloo.ca/~ervrscay>

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**From:** Roydon Fraser <rafraser@uwaterloo.ca>

**Sent:** Monday, December 19, 2022 2:39 PM

**To:** Edward Vrscay <ervrscay@uwaterloo.ca>; Lori Curtis <ljcurtis@uwaterloo.ca>; Jasmin Habib <jasmin.habib@uwaterloo.ca>; Jean-Paul Lam <jplam@uwaterloo.ca>

**Cc:** Mary Hardy <mary.hardy@uwaterloo.ca>; Vershawn Young <vershawn.young@uwaterloo.ca>; Katie Damphouse <mcdamphouse@uwaterloo.ca>; David Porreca <dporreca@uwaterloo.ca>

**Subject:** RE: Letter to FAUW Board Members

Ed,

Thank you for your letter.

There is much learning to be had from how things have unfolded in the application of Policy and the MofA, that I hope FAUW, led by the new President, will reflect on and then seek changes where changes are due. Flaws in a system are often not seen or wished will never occur until they are revealed in application. At a base level I believe all FAUW Board members will agree that FAUW was left on the sideline in developing COVID mandates and strategies – this common realization gives me hope FAUW will be open to considering all the academic freedom and tenure issues raised prior, during, and following the time of the UW COVID mandate.

I wish you all the best in your retirement and your years of dedication to UW, your students, FAUW.

Thank you.

Roydon Fraser  
Mechanical & Mechatronics Engineering

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**From:** Edward Vrscay <ervrscay@uwaterloo.ca>

**Sent:** Monday, December 19, 2022 12:00 PM

**To:** Lori Curtis <ljcurtis@uwaterloo.ca>; Roydon Fraser <rafraser@uwaterloo.ca>; Jasmin Habib <jasmin.habib@uwaterloo.ca>; Jean-Paul Lam <jplam@uwaterloo.ca>

**Cc:** Mary Hardy <mary.hardy@uwaterloo.ca>; Vershawn Young <vershawn.young@uwaterloo.ca>; Katie Damphouse <mcdamphouse@uwaterloo.ca>; David Porreca <dporreca@uwaterloo.ca>; Edward Vrscay <ervrscay@uwaterloo.ca>

**Subject:** Letter to FAUW Board Members

Dear members of the FAUW Executive - Past, Present and Future:

Please find attached a cover letter along with the text of the presentation that I started to deliver at the Open Feedback Session of the recent FGM (but could not finish because of the time limit - no complaints!). Also attached are two previous documents which I wrote during the UW vaccine mandate which are relevant to the discussion.

I am sending this letter to you at this time, i.e., just before the end of this Fall term, because I am retiring at the end of this year.

I wish you all a very Happy and Blessed Holiday Season and all the best in 2023 - health, happiness, peace and wisdom.

With best regards and all good wishes

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