

Gordon Yusko
Vancouver, BC

September 20, 2023

How UBC Treated One of Its Own:
A Second Open Letter to the University of British
Columbia

Dr. Deborah Buszard
Interim President and Vice-Chancellor
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Via email: presidents.office@ubc.ca

Dear Dr. Buszard,

Background:

On November 2nd, 2022 I wrote to you as UBC's Interim President and Vice-Chancellor, and to the immediate past UBC President, Santa J. Ono, with a factual record of the ways in which my application for a confirmed appointment as a Librarian at UBC was unfairly handled; how there was a failure to acknowledge and correct or remedy this unfairness; and I included a summary of the harm that I have suffered as a result of UBC's actions and failures to act appropriately.

This second open letter provides related and additional details. The matter remains unresolved. In this letter I include the names of individuals who contributed to the unfairness in the handling of my application and the failure to correct or remedy this unfairness. I provide more specific information about these facts, and I restate the harm that I suffered and continue to suffer as a result.

In past communication I asked that the University exercise its authority using its own Investigations Policy (Policy Number SC8) to undertake a thorough and detailed internal investigation, to reveal for itself, both the facts and records that I have uncovered; and the records and actions, as well as the inactions, that haven't yet been shared with me through my efforts in exercising my rights under the Freedom of Information and Protection of Privacy Act. There is still an option for the University to investigate this matter.

Whether or not the University undertakes such an investigation, I am once again requesting a meeting with the University at which these issues would be discussed and in which the harm that I suffered will actually be addressed.

Responses to the November 2nd, 2022 Open Letter:

On November 18th, 2022, I received a written response from you, with a reference to a Memorandum of Agreement that I signed in 2018, and the accompanying assertion that the Agreement “resolved all issues”. What your response did not acknowledge, however, was that I only signed the Memorandum of Agreement under threat of early termination of my appointment if I refused to sign. I believed at the time that I had no choice but to sign, or to be subjected to further unfair treatment by the University.

On December 5, 2022, I responded to you, letting her know that I signed the Memorandum of Agreement under duress; that I was not given any alternative, and that if I thought that the Agreement had been a fair and reasonable resolution of my situation then I would not still be asking for a meeting with the University.

On December 12, 2022, I received an email from Mark Trowell, then Executive Director (Interim), Faculty Relations & ALDP, stating that the University considers the matter to have concluded. Like your response, the Executive Director also refused to acknowledge that the Memorandum of Agreement had only been procured, and the matter “concluded”, by threatening me with early termination of my appointment.

On January 6, 2023, I responded to Mr. Trowell stating that I did not agree that the matter had been resolved and expressed my disappointment.

Names and Roles of Individuals

Using the November 2, 2022 Open Letter as the source document for this second letter, here are the names and roles of people who are referenced in it. Their actions or inactions should be assessed in consideration of the expectations published in 2014 by the Board of Governors that faculty and staff would to adhere to “*the highest ethical standards and to the University’s core values in their professional and personal conduct*”.*

*<https://boq.ubc.ca/accountability-at-ubc/expectations-for-faculty-staff/>

My two supervisors between 2012 and 2019 were Simon Neame (2012 – 2016) and Sandra Wilkins (2016 – 2019). Both failed to update my position description to reflect roles and duties that they had assigned to me, or to provide up-to-date and contemporaneous performance reviews for consideration by the Library’s Standing Review Committee (SRC) or the Librarians’ Appointments Committee (LAC). Since a position description for the applicant is an **essential and necessary** component of the process for a confirmed appointment, this meant that my application was at a disadvantage from the start. In the case of Sandra Wilkins, she confirmed her decision not to contribute to my application directly with me in a one-on-one meeting in the second week of September 2018.

Had an up-to-date and accurate position description and contemporaneous performance reviews been submitted to the SRC and LAC, these would have contributed to a better and fairer review of my application for a confirmed appointment.

1. In addition, for reasons that are unknown to me, none of the following UBC representatives, with the responsibility and/or authority to insist, made requests that an up-to-date position description or contemporaneous performance reviews be provided as part of the review process for my application:
 - I. The Interim University Librarian, Melody Burton;
 - II. The University Librarian, Susan Parker;

- III. The Library Human Resources Director, Ina Reiche or a Library Human Resource Manager, Emily Kompauer;
- IV. A Senior Manager in Faculty Relations, Rebekkah Coburn, who advised the Library on HR matters related to Faculty members;
- V. Members of the Standing Review Committee and Librarians' Appointments Committee:

Standing Review Committee for my first application: Feb. 2015 – June 2016

Name	Term	Role
Eugene Barsky	From prior to Feb. 2015 – June 2016*	Chair, Sept. 2015 – Feb. 2016*
Ellen George	From prior to July 2014 – June 2016*	Chair, until Dec. 2015*
Robert Janke	From prior to Feb. 2015 – June 2016*	Chair, Feb. 2016 – June, 2016
Charlotte Beck	Late 2014 – June 2017*	Member
Elim Wong	March 2015 – Sept. 2017*	Member

*Approximate dates, based on F19-79851 (UBC 18-323); OIPC F19-78670 (UBC 19-005); email exchanges dated July 2014 and Sept. 2015.

Standing Review Committee for my second application: Sept. 2016 – May 2017

Name	Term	Role
Charlotte Beck	Late 2014 – May 2017*	Chair, Sept. 2016 – May 2017
Douglas Brigham	Jan. 2016 – Sept. 2017*	Member
Larissa Ringham	Sept. 2016 – August 2018*	Member
Elim Wong	March 2015 – Sept. 2017*	Member
Julie Mitchell	Early 2016 – December 2017*	Member

*Approximate dates, based on F19-79851 (UBC 18-323); UBC 19-005, OIPC F19-78670

Librarians' Appointments Committee for my application: 2017

Name	Term	Role
Susan Paterson	Prior to May 2017 – Sept. 2017	Chair
Chris Ball	Prior to May 2017 – Sept. 2017	Member
Katherine Kalsbeek	Prior to May 2017 – Sept. 2017	Member
Susan Andrews	Prior to May 2017 – Sept. 2019	Member
Christine Sylka	Prior to May 2017 – Sept. 2019	Member
Barbara Sobol	Prior to May 2017 – Sept. 2019	Member
Paul Joseph	Prior to May 2017 – Sept. 2019	Member and Faculty Association Representative
Katherine Miller	Prior to May 2017 – Sept. 2019	Member

The review period for my applications lasted over two years, allowing ample opportunity for one or more of these University representatives to advocate and insist on having an up-to-date position description and performance review included in my confirmation process. Yet, to my knowledge, none did.

2. On October 16, 2014, prior to the review period for my first application, I met with the Standing Review Committee to address the separate issue of a confirmation application for a Librarian who reported to me. At that meeting I was surprised to be asked a number of relatively aggressive questions about my own position and roles notwithstanding that it was not my application that was under consideration at the time. One of the committee members noted during this meeting that the Committee would soon be reviewing my application. I was concerned that the Committee was apparently taking it upon itself to scrutinize me in advance of the review of my application.

As I stated in my February 24, 2020 letter to the Board of Governors' Employee Relations Committee, immediately after that October 16, 2024 meeting I made a phone call to the Director of Library HR (Ina Reiche) and expressed my concerns about the fairness with which my application would be reviewed.

I was also concerned that Vanessa Kam was a member of the Committee at material times as Ms. Kam, as the University will know, brought a personal complaint against me in early 2015 that was found to be "without merit". Ms. Kam was an active member of the Committee during the October 16, 2014 meeting detailed above, and her term overlapped with the terms of others who remained as members and who reviewed my first application. Given that, I believe that there was at least the appearance of a potential conflict of interest given that the members of the Committee who reviewed my application possibly would have been aware of Ms. Kam's complaint and also, given the events at the October 16 meeting, appear to have discussed my application at a time when Ms. Kam was still a member of the Committee.

The Interim University Librarian, Melody Burton, the Library HR Director, Ina Reiche, my supervisor, Simon Neame and the Senior Faculty Relations Manager, Rebekkah Coburn, were all aware of the details of the "without merit" complaint *and* Ms. Kam's tenure on the SRC that had overlapped with others who later reviewed my first application. Yet as far as I am aware, no action was considered or taken to resolve this apparent conflict of interest.

3. In the process of developing my first application for its submission, my first supervisor, Simon Neame, for reasons unknown to me, chose to ignore the Collective Agreement's procedural requirements with respect to soliciting letters of appraisal for me with the result that none of the 11 appraisal letters which had been provided in support of this first application could be submitted as part of my second application. These actions by Mr. Neame ultimately led to my first application being cancelled since a fair process had not been followed. I was required to develop and submit a new application. My representative for the second confirmation process was asked to start from the beginning and seek new letters of appraisal. These actions and requirements were examples of how **both** of my applications were at a disadvantage from the start.

There was no transparent and objectively fair process on which I or others could rely, to demonstrate that the SRC was conducting itself in ways to avoid conflicts of interest or other improper considerations. The "mysterious black box" of the Standing Review Committee process was a regular topic of discussion amongst librarians, even after Library HR had completed presentations attempting to explain that process.

In late September of 2015, just weeks after the "without merit" complaint had been ruled as such, I was impelled to challenge a set of 12 questions from the SRC, sent to me by the then Chair, Eugene Barsky because I viewed most of them as inappropriate. For example, I was asked about the nature of my research even though the word "research" did not appear anywhere in my position description. I was asked why no letters of appraisal from Music, Art & Architecture Library (MA&AL) librarians were included. However, Vanessa Kam, the person who filed the "without merit" complaint was the Head Librarian of that group, and

all SRC members knew that. This question conveyed an attempt to undermine my close collaboration with the Circulation staff in the Music, Art & Architecture Library, since they reported to me. I developed this collaboration in spite of being the subject of a formal and serious complaint by the Head Librarian in that branch. Another question in the set of 12 from the SRC, asked why a letter of appraisal from the Learning Commons Librarian had not been included, yet SRC members themselves, in other communication, had questioned the validity of me including appraisal letters from direct reports. The Learning Commons Librarian had been one of my direct reports during the review period and the Committee knew that. In this matter the SRC was inconsistent.

In summary, the 12 questions sent by Mr. Barsky questioned the foundation of my role as the manager of others, and as the Head of a diverse and innovative team and the project leader for significant changes to programs, services and policies in the busiest library building on the UBC campus. That role manifested itself in my assigned duties; duties that were conveyed to me in the first days, weeks and months in this position and were subsequently adapted and changed during the next eight years. Yet my official position description, an essential reference document in the process for a confirmed appointment, was never adapted or updated.

So, these questions led me to feel targeted by the SRC and looking at the record of email exchanges by committee members – those that were not redacted -- by Mr. Barsky in particular. My mental and physical health, which had already deteriorated since I became aware of the “without merit” complaint in March of 2015 deteriorated further. In mid-October of 2015 I was admitted to the hospital through the Emergency Ward where I was treated for three days, as a consequence of the increasing mental and physical impact of stress, fear, and the feeling of being unfairly targeted.

Mr. Neame, Ms. Burton and Library HR (either Ms. Kompauer or Ms. Reiche) were aware of my ill health at this time and were also fully aware of the details of the “without merit” complaint that had been investigated. Rebekkah Coburn, a Senior Faculty Relations Manager was also fully aware of the details of the complaint and the investigation. Thus, in order to properly ensure fairness for my application, these four people, by reviewing the relationships between the contributions to the complaint and the membership of the SRC, combined with the expectation for a fair process, had several opportunities to ensure exactly that, i.e., a fair process.

In the absence of detailed, written guidelines for the SRC at that time, they were not bound to require that my application be reviewed by existing members of the SRC, but in any case, the expectation by the Board of Governors for adherence to the highest ethical standards stood as an over-arching guide for administrative actions. Yet they chose to disregard the existence of the complaint and the possibility that the complaint may have influenced the SRC and LAC members, thus disregarding the opportunity to correct an unfair process. In making that choice they added to the harm that I have suffered.

4. Further, and in addition to the above issue with the membership of the Standing Review Committee, prior to the submission of my second application, the University compounded the unfairness by permitting the appointment of Douglas Brigham to the Standing Review Committee, even though it was known at the time that he was the spouse of Susan Paterson, the Chair of the Librarians’ Appointments Committee. The appointment of spouses to such positions creates a conflict or potential conflict according to the University’s own policies as the work of each of the SRC and LAC is supposed to be separate and confidential from the other. I was very concerned that the SRC and LAC as constituted would not be able to undertake a fair review of my application, but again, to the best of my understanding the University took no steps to address this concern and declined to investigate this and other issues that I raised.

5. In the evening of March 3, 2017, Mr. Brigham sent an email to Ms. Paterson, with the subject line “Big Concern” in which the status of my application was discussed. Ms. Paterson responded. UBC has resisted disclosing the full content of either email for reasons unknown to me. I am continuing to try to obtain complete disclosure of both emails as they go to the heart of what I say was unfair about the review of my second application. Regardless, the fact that Mr. Brigham and Ms. Paterson were emailing each other about my application at a time when each sat on a different committee corroborated my concern that the appointment of spouses to the SRC and LAC meant that the work of each committee could not be kept separate and confidential from the other.

Within minutes of his email exchange with Ms. Paterson, Mr. Brigham then sent an email regarding my application to the Executive Director of the UBC Faculty Association. The proper way for Mr. Brigham to raise a concern would have been to communicate with the chair of his committee rather than an outside individual like the UBCFA’s Executive Director. It appears, however, that Mr. Brigham did not raise his concern with either the Chair of his committee or with any other member of his committee.

Two months later, in May of 2017, Mr. Brigham expressed approval for the then-draft letter from the SRC rejecting my application. Given the above procedural irregularities, I am compelled to express a concern that the rejection of my application was on its face unfair and tainted by potential conflict of interest and bias.

6. In May of 2017 Julie Mitchell, a member of the SRC, attended a meeting of Head Librarians at which she made comments about the confirmation process, stating that enormous amounts of time were spent reviewing applications but that the outcome had always, for decades, been the same, i.e., to recommend approval of an applicant’s confirmation. I was concerned that Ms. Mitchell was suggesting that in order to justify the significant time spent one or both of the Confirmation committees should reject some applications. As I stated in my August 26, 2019 letter to then President Santa J. Ono, this raised alarm bells for me.

The LAC had was about to start the review of my application at the time of this Head Librarians’ meeting, and so it was unfair and contrary to policy for Ms. Mitchell to be making statements about the process that would affect applications that were pending, as mine then was. There was no reason for an SRC member like Ms. Mitchell to be discussing the process in that manner that she did, in the presence of Librarians’ Appointment Committee members (or with any third party) while the LAC’s review was so close at hand.

As above, I am compelled to express concern that this was another example of the SRC and LAC failing to keep their individual reviews of my application separate and confidential from each other.

7. In my 17-page letter to former UBC President, Dr. Ono on August 26, 2019, I raised vital concerns about the recommendation of the Librarians’ Appointments Committee and provided thorough evidence demonstrating that the LAC didn’t fully understand or give enough weight to the level of my professional work and the high standard of my performance. I had exceeded in the performance of my core assigned responsibilities, with numerous examples of successfully managing complex, multi-stakeholder projects from start to finish and also in guiding and managing signature programs that benefitted the University. The letter documented a highly selective and biased “cherry picking” approach that was strongly evident in the LAC’s letter to Dr. Ono.
8. In a meeting on September 17th, 2019*, that was convened to review my employment status after the rejection of my application I asked the University Librarian, Susan Parker, to consider approving a 5-year term appointment for me, since the University Librarian has the authority to do that. This would have paralleled the appointments of other Head Librarians, and in the context of the unfairness with which my

applications had been treated, provided an alternative to letting my then current appointment terminate later that year. However, in that meeting my request was summarily rejected without offering any option of fair consideration or review.

**My open letter of November 2, 2022 had this date as September 6th. I did meet with Susan Parker on the 6th. but it wasn't until the 17th that I made the request for a 5-year term appointment.*

Summary:

I asked twice for the University to undertake an investigation of the procedural irregularities and potential unfairness demonstrated by the Standing Review Committee and Librarians' Appointments Committee against me. One was in August of 2019 and the second in February of 2020. In summary, the requests provided evidence related to the matters addressed above: the handling of my application for a confirmed appointment; the influence of a complaint made about me that was found to be without merit; and breaches of the UBC Code of Conduct, Policy 3 regarding Discrimination and Harassment, Policy 97 regarding Conflict of Interest and the UBC Statement on Respectful Environment for Students, Faculty and Staff.

For reasons unknown to me the University chose not to have this matter investigated.

Further, the UBC Board of Governors shared a **confidential** letter from me with the University Administration without informing me in advance or seeking my permission or input. Instead, I was sent an unsolicited letter from Marcia Buchholz, then Interim Vice-President for Human Resources which did not reflect a fair or substantive review of the facts of my case.

As a result, I feel that through no fault of my own I was denied a fair opportunity to be considered for a position for which I believe I was fully qualified.

The harm that I suffered was and continues to be considerable: In 2015 I was treated seven times in a hospital Emergency Room and admitted to Vancouver General Hospital for three days, and again in September 2019 treatment in an Emergency Room was needed, all for serious and negative health impacts related to my application for a confirmed position at UBC.

In September of 2018 when Sandra Wilkins disclosed to me that she had deliberately chosen not to become involved in my confirmation process, I broke into tears and experienced additional emotional trauma. In November of 2018 I suffered an emotional breakdown in front of over a dozen of my Library colleagues and this became a subject of conversation throughout the Library and elsewhere. Yet still, despite incidents such as this, neither the Library nor the University Administration offered tangible support for the deeply flawed and unfair handling of my application for a confirmed position. I lost the opportunity of the position itself; I lost my employment and associated income and benefits; and my reputation in the library community was unfairly damaged.

After leaving UBC I tried to find a new and alternate position but was unsuccessful doing so, which I believe was at least in part a consequence of the reputational damage that I suffered. I was unemployed for over two years and saw myself sliding into poverty as I had to draw down and deplete savings to support myself. I suffered significant depression and anxiety and that is still the case now, with the strong likelihood of continuing negative impacts on my health.

I am frustrated because at no point has the University acknowledged my concerns about either the procedural irregularities associated with the treatment of my application, the conflicts of interest which existed in the Standing Review Committee and Librarians' Appointments Committee and the repeated failure of influential UBC representatives to act properly or ethically.

To reiterate from the opening of this letter, I have asked that the University exercise its authority using its own Investigations Policy (Policy Number SC8) to undertake a thorough and detailed internal investigation, to reveal for itself, both the facts and records that I have uncovered; and the records and actions, as well as the inactions, that haven't yet been shared with me through my efforts in exercising my rights under the Freedom of Information and Protection of Privacy Act. There is still an option for the University to investigate this matter.

By this letter I am again requesting a meeting with the University at which these issues would be discussed and in which the harm that I suffered will actually be addressed.

Sincerely,



Gordon Yusko

cc: Multiple recipients