

March 24, 2013

Executive Committee  
c/o Margaret Moriarty  
Faculty of Graduate and Postdoctoral Studies (FGPS)  
University of Ottawa

**RE: Appeal of Dean's decision dated January 30, 2013 not to allow me to defend revised thesis orally**

Dear members of the Executive Committee of the FGPS:

My name is Nicholas Ali and I was a PhD candidate in the Department of Health Science, School of Human Kinetics (SHK). After over five years of work and preparation of my thesis from 2007 until 2012, my revised thesis was failed (grade of 3) by two out of the four evaluators and as a result I must withdraw from the program. Given that the majority result of the evaluation process was not failure, but rather there was a "tie" in the evaluation of results recommending failure and pass, the impasse was broken by way of a substantive decision by the Dean Ross Hastings dated January 30<sup>th</sup> 2013, which recommended that my thesis be deemed failed and that I be withdrawn from my program. These submissions constitute my appeal to Dean Hastings' decision and seek by way of remedy that my thesis be referred to an oral examination to allow my defense of same.

I am asking for this decision to be overturned for the following reasons:

1. Dean's Substantive Review of Thesis Contrary to FGPS Policy;
2. Reasonable apprehension of bias of Dr. Edward Lemaire;
3. Conflict of Interest between Professor Graham Caldwell and my supervisor; and
4. Lack of procedural fairness in revisions process for thesis.

The above noted grounds of appeal will be elaborated below. By way of summary, however, I submit that it is imperative that the decision of Dean Hastings be set aside given that it is based upon and confirms violations of FGPS procedure, which cannot be retroactively corrected and which render the paper review process of the thesis invalid. The decision of Dean Hastings is also contrary to FGPS policy as it purports to be based upon the Dean's discretion to administratively fail a thesis where the heart of the appeal relates to an issue of the technical merits of the thesis rather than an application of FGPS policy. In holding out that he has "broken the tie" between substantive reviewers of my thesis, the Dean has overstepped his administrative role through the application of FGPS policy by making a decision that effectively chooses between two expert reviews of my thesis. The Dean's role is not to make such assessment and that a proper exercise of discretion should either be to remit the thesis for further review or refer the thesis to an oral defense. In all of the circumstances, however, and for the reasons elaborated below, the thesis may not be referred back to the same panel of reviewers as there is a clear demonstration of reasonable apprehension of bias on the part of Dr. Lemaire that taints

the entire review process. This problem is further compounded by a conflict of interest between my supervisor and Professor Caldwell as discussed below. In the circumstances, a proper exercise of discretion should allow me to advance my thesis to an oral examination stage. This position represents not only a fair outcome in terms of a corrective action relative to the procedural fairness violations that I have faced, but is also substantiated by my publication history and track record (see Appendix A), which demonstrates a basic modicum of fitness for me as a candidate and the component parts of my thesis (see Attachment C – Exhibit 1, 2, 3, 4, 5, 6, 7, and 8) to be referred to an oral defense.

The decision of the Dean to break the tie in favour of the failure of my written thesis in this regard is not only outside of his domain of expertise, but it also contradicts the peer reviewed, external and rigorous evaluation of the component parts of my thesis. It was incumbent upon the Dean to have considered this in his ultimate decision. His decision to force the failure of my thesis is contrary to FGPS policy and is wholly unreasonable.

#### Procedural Background of My Thesis Preparation

1. On September 2007 I entered the program under the supervisor of Dr. Mario Lamontagne.
2. By May 2008 I completed all course work and started working on my thesis proposal.
3. In November 2008 Dr. Lamontagne expressed he wished to no longer be my supervisor.
4. On January 2009 Dr. Gordon Robertson agreed to be my supervisor.
5. My thesis work was completed between May 2008 and October 2012 on the topic of predicting risk factors to non-contact ACL injury during single-leg landings from increasing vertical heights and horizontal distances.
6. On March 2009 a thesis committee was constituted but along the way Dr. Blaine Hoshizaki, Dr. Jing Xian Li, and Dr. Daniel Benoit dropped off my committee.
7. None of the thesis examiners that evaluated my thesis have a background in non-contact ACL injury biomechanics, which is my main area of focus.
8. I met Professor Edward Lemaire only once for a discussion about possible RA position in January 2011 and had not met him otherwise.
9. Professor Graham Caldwell and my supervisor collaborated on a textbook entitled Research Methods in Biomechanics to be published in 2012. This textbook is a collaborative project which retails for 71.62\$. It also entails an ongoing relationship between my supervisor and Professor Caldwell.

10. My initial thesis was approved by my advisors in September 2011 for submission to FGPS and sent for review by thesis committee members in October 2011.
11. On January 2012 the initial thesis was failed and returned to me for further revisions.
12. Between January to April 2011, I inquired many times that my supervisor have a sit down with all examiners to discuss their comments on my thesis as Dean Hastings instructed him. This in person meeting was never held and I was barred from speaking to the examiners by my supervisor.
13. Between January to May 2012 further reviews were performed by my review panel and comments were exchanged between reviewers and my supervisor prior to sending them to the FGPS.
14. My revised thesis was approved by my advisors in May 2012 for resubmission to FGPS.
15. Between August 2010 and December 2012, all five core chapters of my thesis were published in five separate peer-reviewed scientific journals. These publications form the thesis topic.
16. On or about December 2012 the thesis examiners comments were sent to FGPS.
17. On January 30<sup>th</sup> 2013, Dean Hastings indicated to me that my thesis was failed.
18. In January and February 2013 I sent several communications to Dean Hastings highlighting unfairness with my thesis evaluation.
19. On February 18<sup>th</sup> 2013, I wrote to Dean Hastings indicating that in a case of a tie, a failure was not mandated by FGPS policy.
20. On February 28<sup>th</sup> 2013, Dean Hastings rendered his decision indicating that he was effectively breaking the “tie” in terms of the evaluation of my thesis.
21. On 11th February 2013, I wrote to the FGPS seeking an extension of time to submit my letter of appeal. Such extension was granted until March 25<sup>th</sup> 2013.

### **ISSUE 1: Dean’s Substantive Review of Thesis Contrary to FGPS Policy**

The Dean’s letter of February 28<sup>th</sup> 2013 (see Attachment S) he states “In your case, there was no majority: two gave a verdict of 3, one gave a verdict of 2 (though with a relatively critical report), and one gave a verdict of 1. The practice in such cases is to refer such cases to the Dean of the FGPS for a final decision (effectively, the Dean breaks the "tie"). In your case, I was not convinced by the reports of the two examiners who were favorable to going to defense, and so my decision was to close the file.”

The review of my thesis was done by Dr. Lemaire, Dr. Caldwell, Dr. Michael Pierrynowski, and Dr. Michel Labrosse – all of whom have background in human kinetics, but no specific knowledge on the areas relating to the focus of my thesis. The academic background and area of specialization of the Dean is in Sociology/Criminology. This does not relate to my thesis and is clearly much less relevant than any of the backgrounds of those reviewers of my thesis. Accordingly, while my thesis reviewers were generally acquainted with the universe of science relating to my thesis, the Dean had no background whatsoever and in technical terms does not have the knowledge or expertise to discount those opinions that recommended that my thesis not be failed.

Under FGPS policy G.5.2 it is important to note that the relevant policy indicates: “A candidate whose thesis, following a second reading, is not recommended for the defense (a majority of verdicts 3 or 4) must withdraw from the program.”

In the absence of a majority and in case of a tie, therefore, it is incumbent upon the Dean to consider all of the evidence. FGPS policy does not mandate a failure in case of a tie. Moreover, it is submitted that the only fair and consistent manner to resolve the impasse would be to have a reassessment. To do otherwise places the Dean in a position of substantive review of the thesis. Concerns about expediency, time and administration are not indicated within the policy – the only provisions in the relevant policy dictate a process for substantive review. In these circumstances, it is submitted that the Dean, by inserting himself in this process has effectively contravened the FGPS policy.

Equally importantly, the Dean has ignored all of the evidence on the record, which substantiates the fitness of the component chapters of my thesis for an oral defense. In essence, the Dean’s decision contradicts the expert opinion of two of four reviewers of my thesis as well as my track record of publication.

Furthermore, I could no longer rely on my advisors to communicate key information to Dean Hastings and as such I took it upon myself to address him with my concerns despite my advisors forbidding me to do so. I informed Dean Hastings of most of my concerns (please see Attachment R) and requested to meet with the Dean. Stemming from this communication, the Dean did not meet with me. The due diligence to meet with all parties involved and affected in light of new information was not met by Dean Hastings (please see Attachment Rb for my letter and the Dean’s response). I was also never provided with any details regarding the Dean’s decision to deny me the opportunity to be heard despite my request for a meeting.

I find the reasons used by the Dean to fail me insufficient. Further, in his response, the Dean (please see Attachment Rb) neither mentioned nor weigh the arguments I made. Further, he mentioned that my concern with Dr. Lemaire came after the fact, which completely ignores the evidence to support it, which pre-dates my first thesis evaluation. Respectfully, I found Dean Hastings statement “I do not consider that they provide sufficient evidence to call into question the objectivity of Professor Lemaire” after he considered Attachment I is unreasonable given the apprehension of bias. Given the brief replies I received from Dean Hastings in which he did not fully address my arguments, I

questioned whether or not my case had been scrutinized. It is unclear if some of my arguments were considered and why/how they were rejected. I strongly believe I have done all I can to show the Dean that the threshold for finding a real or perceived bias is met in my case.

### ***Requirements of the SHK and of the FGPS for a doctoral degree***

My thesis encompasses seven chapters. The first and last chapter is a Global Introduction and Global Conclusion, respectively. The five remaining core chapters are published peer-reviewed journal papers. All five chapters of my thesis were rigorously peer-reviewed by at least two subject matter experts in the domain of ACL injury biomechanics at a respected scientific journal with a very strong editorial board. What this indicates is that there were at least ten different independent experts that have reviewed my work, considered it original, innovative, as well as adding to the body of scientific knowledge, and subsequently agreeing to publish it. The fact that five separate editorial boards have rigorously reviewed and published my work is solid external confirmation of the scientific merit of my research and validates the scientific quality and innovative nature of my thesis, as well as confirms my ability to create and disseminate knowledge. Why these vast discrepancies in reviews between the thesis examiners and editorial boards at the journal? I kindly ask that this be investigated. Please notice that two co-authors on the fifth chapter of my thesis are both professors at Aalborg University, whose research group I collaborated with, which is further external confirmation of the scientific merit of my research. Please be aware that one of these co-authors, Dr. John Rasmussen, is one of the main developers of the AnyBody Modeling System Software and a world renowned researcher in Biomechanics.

The requirements for a doctoral candidate as stated in the University of Ottawa's SHK Graduate Handbook are *“The thesis involves the generation of new knowledge within the psychosocial or biophysical disciplinary areas of Human Kinetics and is expected to be of publishable quality.”* Given that a PhD thesis must feature work that *“is expected to be of publishable quality”*, what then of work that has already been published? Is it not correct to infer that published work has met and exceeded the expectations outlined above? The SHK Graduate Handbook also states *“The thesis should also make a significant contribution to the literature”* a tenet that my thesis has met. Furthermore, the SHK Graduate Handbook also states the thesis must follow *“Whatever format is submitted, the same standards of quality (described in the FGPS General Regulations, Section G.1) apply.”* What FGPS General Regulations, Section G.1 states is: *“A thesis must follow the outlined standards of quality:*  
*1) constitute a significant contribution to knowledge;*  
*2) embody the results of original investigation and analysis on the part of the student;*  
*and*  
*3) be of such quality as to merit publication.”*

My thesis makes a significant contribution to the scientific body of knowledge given it addresses unanswered questions in regards to predicting risk factors to non-contact ACL injury during single-leg landing, which includes but not limited to: 1) What

are the main effect and interaction of vertical height and horizontal distance on single-leg landing kinematics and kinetics and how to do these findings relate to risk of non-contact ACL injury; 2) Determine the coupling between trunk, hip, knee and ankle kinematics, and the link between these kinematic variables, knee energetics, ground reaction forces, and subsequently risk of ACL injury during single-leg landing from increasing vertical heights and horizontal distances; 3) What are the gender differences in whole-body kinematics during single-leg landing from increasing vertical heights and horizontal distances and do these differences explain the gender disparity in non-contact ACL injury rate; 4) How to develop, validate and apply a musculoskeletal model to study single-leg landings over varying vertical heights and horizontal distances; 5) Determine if musculoskeletal differences between genders can explain the gender bias in ACL injury rate; and 5) Present for the first time to the scientific community a whole-body musculoskeletal model that determines joint reaction and muscle forces during single-leg landings from increasing vertical heights and horizontal distances. Furthermore, the ideation, study design and conception, data collection, data analysis and interpretation, musculoskeletal modeling, simulation, and validation, as well as, all publications conception, creation, drafting, revising, writing, preparation and submission were predominantly performed by myself. As such, in accordance with FGPS regulations, Section G.1 my thesis is compliant to the set requirements for a doctoral thesis and therefore in my humble opinion should move forward to a thesis defense.

In reading the evaluator's comments, it was troubling to read that some thesis examiners had serious doubts that any of the core chapters of my thesis would ever be published. Shouldn't these vast discrepancies warrant investigation? According to a thesis examiner's report "Although, Paper III, IV, and V has been submitted for publication, I believe they will not be accepted in their present form. Given that the "acid-test" to say something has advanced knowledge is publication in a peer-reviewed journal, this thesis, in its present form, does not meet this test" Another thesis examiner's report stated "I would not consider the final three manuscripts (III, IV and V) merit publication due to, among other things, described further, methodological concerns such as lack of sufficient subjects." None of the thesis examiners knew at the time of their evaluation that two significant chapters of my thesis were accepted for publication. I believe that had the examiners been armed with this knowledge of successful publications their reviews and grade would have been very different.

I also question why there were such vast discrepancies in reviews among the two examiners that passed me, the two examiners that failed me, and the five editorial boards consisting of at least ten independent reviewers. To investigate these discrepancies I sent my thesis to eight experts around the globe who have conducted research in my study domain. I have provided you their responses (please see Attachment C – [Exhibit 1](#), [2](#), [3](#), [4](#), [5](#), [6](#), [7](#), and [8](#)). Note that these experts have conducted research, published extensively and are very well respected in my study domain. Yet again you will observe vast discrepancies in reviews between the two thesis examiners that failed me and these subject matter experts from around the globe. These experts' reviews are even further external confirmation of the scientific merit of my research.

## **ISSUE 2: Bias of Examiner Dr. Edward Lemaire**

It is submitted that the panel of reviewers demonstrated a clear manifestation of reasonable apprehension of bias by virtue of a comment made by Professor Lemaire in respect of his inability to keep his mind “neutral” in my case. A reasonable person viewing such a comment could not but be led to the conclusion that Professor Lemaire would not demonstrate the level of neutrality, objectivity and professionalism required of his review. Even, in such circumstances, if it were Professor Lemaire’s intention to demonstrate the requisite degree of objectivity, such objectivity is called into question by his very pointed admission.

Please refer to [Attachment I](#) in which Dr. Lemaire states the following:

**From:** Lemaire, Ed [elemaire@Ottawahospital.on.ca]  
**Sent:** Thursday, November 03, 2011 11:55 AM  
**To:** Gordon Robertson  
**Subject:** RE: Nicholas Ali

Hi Gord,  
I am envious that you are in South America!  
When the office emailed me about the defense I asked if they had someone else who could replace me since I have had many “unsuccessful interactions” with Nicolas over the past few years. However, I did say that I would follow through with the evaluation if no one else was available. It seems that they had no problem finding someone else. Overall this is for the best since I seem to have trouble keeping my mind neutral in this case.

Ed  
Edward Lemaire, PhD  
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and  
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Please allow me to provide the context: upon submitting the initial version of my thesis, I was informed that an examiner had recused himself from my thesis committee. I received an email informing me of this ([please see Attachment D](#)). I was later informed by my supervisor that this committee member was in fact Dr. Lemaire.

When my supervisor, Dr. Benoit Seguin, and I were attempting to find a replacement examiner, I was suddenly informed that Dr. Lemaire would, after all, remain on my Thesis supervisor committee (TSC) and would evaluate my thesis. I expressed my concerns to the director and my supervisor of the impact of this decision on my thesis defense ([please see Attachment Da](#)). To this day I do not know why Dr. Lemaire changed his mind and why the SHK choose to keep him on despite his expressed and documented bias against me. Furthermore, my supervisor has expressed on occasions that Dr. Lemaire

was unfair and stated on May 10<sup>th</sup> 2012 “Ed knows you, and he maybe unfair but I don’t know why you would think that”.

Following the first evaluation of my thesis, I was asked to make substantive changes before submitting a revised thesis. In line with FGPS requirements I prepared a review sheet to address each and every comment made by all thesis examiners. Dr. Lemaire made 115 comments on the initial version of my thesis resulting in 74 pages of responses (almost twice the number of pages of responses than all the other thesis examiners combined – [please see Attachment O](#)). I responded thoroughly and completely to every comment made by this examiner to the best of my ability. Despite having diligently addressed every comment, Dr. Lemaire gave me a grade of three for the revised thesis.

Upon reviewing Dr. Lemaire’s report on the revised thesis, many of his comments stemmed from the initial submitted thesis. In fact, it became evident that Dr. Lemaire generated a fresh set of comments many of which were not on the revised thesis but on the initial thesis. It is as if this thesis examiner was continuing his review of the initial thesis but at the revised thesis stage. After diligently addressing 115 comments, this reality made me wonder what was going on with this specific evaluator.

To add to the confusion, following the evaluation of the revised thesis I was informed by my supervisor that Dr. Lemaire did not actually want me to fail my revised thesis even though he gave me a grade of 3 ([please see Attachment F](#)). I accepted this as great news and thought it meant I would be able to defend my thesis. Strangely, the fact that Dr. Lemaire had told my supervisor that he never intended to fail me was never raised by my advisors in their letter to Dean Hastings requesting him to reconsider his decision not to allow me to go to defense. This is despite my express request to my advisors that they communicate this promptly to Dean Hastings ([please see Attachment G](#)). To give you some context; I was first informed of the fact that I had received two evaluations graded at 3 in a meeting with Dean Hastings on December 13<sup>th</sup> 2012. At that meeting, Dean Hastings gave my supervisor and me an opportunity to address him in a letter in order to convince him that I should be allowed to defend. As with all matters, including this one, I trusted my advisors with their strategy and did as they instructed, that is, to not communicate with the Dean Hastings myself ([please see Attachment H – Exhibit 1, 2, and 3](#)). I also wrote to my advisors stating I have entrusted my life in their hands ([please see Attachment N](#)). I thought the issues around Dr. Lemaire were many important arguments to bring up but I did not want to upset my supervisor and lose his support, especially considering that Dr. Lemaire was my supervisor’s former master’s student, work colleague, co-author of recent publications, and a friend.

With regard to the letter written by my advisors to the attention of Dean Hastings, I was provided with the draft of this letter ([please see Attachment K](#)). Please take note of the differences between this draft letter and the official letter sent to the Dean ([please see Attachment Ka](#)). I had no input to this letter nor was I ever consulted by my advisors to provide input to this letter – I was only provided the draft for reference as a result of my distress. Upon reading the official letter sent to the Dean and observing the

inaccuracies and differences with the initial draft, I felt very concerned and compelled to write to the Dean. I informed Dean Hastings I would write to him (please consult [Attachment L](#) for my email dated December 19<sup>th</sup> 2012). My intentions were to convince the Dean that there were concealed facts that were not being provided to him, for example the fact that Dr. Lemaire had expressly said that he did not want to fail me, all the while expressing an inability to be neutral in my case. Upon seeing my communication to Dean Hastings my advisors immediately instructed me not to write to the Dean (please see [Attachment Mb](#)), stating that I should trust them and that they had confidence the Dean would grant me an oral defense. Given this I later wrote to Dean Hastings telling him I would no longer send him my letter and that I entrusted my advisors with their strategy (please see [Attachment L](#) and [Attachment Ma](#)). The instructions, discussions and warnings from my advisors were for me to stay quiet and not to communicate with Dean Hastings.

On January 20, 2013 I was most devastated when I received news from Dean Hastings that upon review of the thesis evaluations and the letter submitted by my advisors he did not recommend my thesis for oral defense. At that point, I chose to speak up, realizing that all the trust I had put into my advisors was not sufficient as there was a lack of transparency in my case. This is when I informed Dean Hastings that Dr. Lemaire did not intend to fail me but regardless, and most importantly, that there was a serious apprehension of bias to consider. I believe the Committee will be provided with all of my communications to Dean Hastings.

To my utmost surprise, when I finally did bring up my apprehension of bias directly with Dean Hastings as I could not stand to let it be unspoken, Dean Hastings informed me that my supervisor did not support my apprehension of bias (please see [Attachment J](#)). It is completely impossible for me to understand how my supervisor could say this now, when all along he had warned that Dr. Lemaire “may not be fair” and considering the email he received from Dr. Lemaire warning of his bias against me.

I am incredulous to the fact that a thesis examiner who had expressed his inability to be a part of my TSC and to be neutral in evaluating my thesis directly to my supervisor, has remained on my TSC; for these reasons, I believe that Dr. Lemaire’s evaluation of my thesis is invalid and should be set aside. In view of the bias (and procedural fairness issues) surrounding the involvement of Dr. Lemaire in my thesis review, the only appropriate remedy would be to discount his evaluation and to rely on those reviewers who had approved my thesis for defense. There is no scope in this circumstance for the Dean to insert himself to break a tie as the matter militates in favour of referral of the thesis to an oral defense.

### **ISSUE 3: Conflict of Interest between my supervisor and Dr. Graham Caldwell**

The FGPS, and the SHK have a procedural duty to ensure no conflict of interest exist in the selection of external thesis examiners, especially in my case where the stakes are so high and therefore the appropriate procedures were not followed. As per FGPS regulation G.5.1.C “*The proposed external examiner should be at arm’s length from the*

*PhD candidate, from the thesis research and from the thesis supervisor.*” The selection of thesis examiners by my supervisor violates FGPS regulation G.5.1.C given this examiner’s appearance of being impartial is questionable, and therefore should have been removed. As mentioned, my supervisor was in control of orchestrating everything.

There is a conflict of interest between the external thesis examiner Dr. Caldwell my supervisor. Upon investigation, FGPS regulation G.5.1.C states “*The test of whether or not a conflict of interest might exist is whether a reasonable outside person could consider a situation to exist that could give rise to an apprehension of bias.*” FGPS regulations G.5.1.C also states, “*The candidate's program must take reasonable steps to avoid recommending an examiner whose relationship with the candidate or supervisor could be seen as jeopardizing an impartial judgment on the thesis.*” I was never contacted by FGPS or the SHK to determine if there existed a conflict of interest between the external thesis examiner and myself nor was I involved in the decision making process related to choosing my examiners except for when Dr. Benoit dropped off my TSC and with haste we selected Dr. Pierrynowski.

There is a conflict of interest relating to Dr. Caldwell given his growing relationship with my supervisor. Dr. Caldwell and the fact that he and my supervisor are friends and they have, and are currently publishing a textbook together (see below) for which there is financial gain.

***Research Methods in Biomechanics, Second Edition, Robertson, D.G.E., Caldwell, G.E., Hamill, J., Kamen, G., and Whittlesey, S.N. (eds), Human Kinetics, Champaign, IL, USA. Publication due in 2012.***

There is a conflict of interest of a professional nature between Dr. Caldwell and my supervisor given the textbook they published in the past and the one they are presently publishing given the creation of links of a professional and financial nature. Dr. Caldwell and my supervisor’s personal and financial interest in their textbooks are sufficient to appear to influence the objective exercise of Dr. Caldwell duties as a thesis examiner.

Also, I was told by my supervisor that Dr. Caldwell and my supervisor’s wife were meeting during her visit to the USA, and at this meeting he hoped they discuss my thesis. More specifically, on April 30th 2012, my supervisor stated “My wife is talking to him right now ... so it would be interesting to see his answers that he gives to her”. After his review of my thesis, Dr. Caldwell informed my supervisor and SHK that any discussions stemming from his feedback on my thesis he wanted to have with my supervisor and not myself. Based on FGPS regulation G.5.1.C, from an outsider’s perspective, the relationship between my supervisor and Professor Caldwell should continue to be based on arm’s length criteria.

#### **ISSUE 4: Lack of Procedural Fairness in Review Process for My Thesis**

***The Thesis Examiner’s Report for a Revised Thesis Form was inappropriately administered as well as is misleading***

There was a fatal procedural mistake at the FGPS given that the form sent with my revised thesis was incorrect. This form did not specify that my thesis was a revised thesis. The examiners completed their evaluation without this knowledge. This was misleading in that it implied that my thesis was in its initial form, revisions were possible, and I would have the opportunity to undertake these revisions. This is particularly true for Dr. Pierrynowski who was only added to my committee at the second round and hence, had never seen my thesis. Hence all examiners were all unaware of the consequence of their decision and review upon completing their evaluation, not to mention that they were unaware that they were evaluating articles that had, in most part, been published.

The examiners were informed that it was a revised thesis and provided the correct form only after they had already completed their evaluation of my thesis. This is a fatal procedural flaw because it is uncertain that an evaluator having already made up their mind under some set circumstances would actually change their evaluation despite being later informed of the actual context of their evaluation. The potential consequence of this mistake was overlooked by the Dean of FGPS. To ask an examiner to change a grade after completing his evaluation is procedurally inappropriate as it calls into question the credibility and report already submitted to FGPS by this examiner. Even after having been provided the proper form and information about the revised version of my thesis, it is unlikely that the examiners would take the time nor have the energy to go back and re-review a thesis with new parameters in mind.

Also, the form titled “Thesis Examiner’s Report for a Revised Thesis” is misleading and ill conceived. This form seeks to determine whether a student should pass or fail his dissertation. With that in mind, asking for the evaluators to award a grade between four options is ineffective. Why have four choices on this form when there can only be two outcomes? By offering four categories, one of which depends on anticipating the grade of another thesis examiner, is inappropriate. Is it fair for an examiner to request revisions when no revisions are possible at the revised thesis stage, if two examiners are opposed? If two or more examiners request revisions, I fail and none of the examiners requests are met. As it stands now, an examiner can assign me a grade of 3 and request revisions without knowing whether or not I will pass or fail. Also, what is the outcome of the two thesis examiners that graded the thesis to be defended? In the situation that ensued, all evaluators were unaware of the implications regarding a pass or fail grade. For these reasons the procedures and form used to administer the evaluation of my revised thesis are flawed.

#### ***Lack of Guidance by Thesis Supervisory Committee (TSC)***

I am of the opinion that a supervised thesis should not fail at the revised thesis stage if proper procedures of teaching and guidance were provided – after all, my thesis was approved for submission both originally and in its revised form by both my supervisor and co-supervisor.

Furthermore, it is disconcerting that these examiners are raising their concerns now, and not during the period of my studies. If proper guidance was indeed provided during the period of conducting my research, then one would ask why some thesis examiners are raising concerns at the thesis evaluation stage? Shouldn’t these questions

be raised by the TSC members much earlier and during the period of conducting my research? If these examiners did provide the proper guidance, which I obviously would have taken into serious consideration, there should have been no possible way for a revised thesis to fail.

As per SHK graduate handbook *“The thesis supervisory committee is responsible for guiding the student throughout the program.”* Therefore, my advisors and the TSC are responsible for guidance, mentorship and supervision throughout the period of my studies. As well, the SHK is responsible for preparing me via appropriate training for graduation and subsequent employment in my field. My failure at this stage must be put in context. In my opinion it reflects a breach of contract, a failure on the part of all professors involved as well as the SHK, and an injustice.

### ***Violation of FGPS Policy on Sharing Comments***

Dr. Pierrynowski sent my supervisor my revised thesis evaluation report prior to sending it to FGPS. This is a violation of FGPS regulation G.5.2.C and highlights the relationship existing between these two individuals. I am concerned about the nature of this communication which is not allowed, is a manipulation of the examination process, and questions the impartiality of this examiner. Furthermore, my supervisor informed the Dean he had not been in contact with Dr. Pierrynowski but yet he had received my thesis evaluation report prior to FGPS receiving it. On the other hand, at our meeting with Dean Hastings, the Dean stated Dr. Pierrynowski confirmed he had no communications with my supervisor. Also note this comes in spite of FGPS sending a letter to both my advisors to the effect that they not communicate with any of the thesis examiners.

### ***Lack of Fairness in Supervision***

I believe that my supervisor demonstrated a closed-mind to my ideas, which adversely impacted upon the fairness of the review process in my case. I believe that a bias may have existed all along because I am an engineer and my attitude might have been misunderstood as being “arrogant towards kinesiologists”. My supervisor was annoyed at me on many occasions indicating that “I have poisoned the well.” This attitude, I believe impaired his judgment to deal with me and my thesis in an objective manner. Also despite repeated claims of me “poisoning the well” my supervisor retained the internal thesis examiners, never expressed their apprehension of bias, and did nothing to bring about fairness in my case.

To give an example, Dean Hastings requested that my supervisor sit with all thesis examiners to go over every comment they raised on the initial version of my thesis and my supervisor agreed he would have these discussions with the examiners (please see Attachment V – [Exhibit 1](#) and [2](#)). I also requested on numerous occasions for my advisors and I, or myself, to sit down with all examiners (please see Attachment W – [Exhibit 1](#), [2](#), and [3](#)). My supervisor then stated that he would sit down and have these discussions only after the revised thesis was submitted. I believed that by addressing the thesis examiners concerns prior to my thesis resubmission was a low risk approach given it eliminated any potential concerns and mitigated risk, but my supervisor instructed me not to (please see Attachment Z – [Exhibit 1](#), [2](#) and [3](#)). All thesis examiners had my responses to their

comments prior to FGPS sending it to them because my supervisor said he would use these documents to close off all major concerns. Soon after submitting my revised thesis, I asked my supervisor for us to sit down with all examiners like he promised, however he said this was too late (please see Attachment X – [Exhibit 1](#) and [2](#)). I was extremely devastated and frustrated at this (please see Attachment Y – [Exhibit 1](#), [2](#) and [3](#)). One should investigate what was the outcome of my supervisor’s discussion with Dr. Caldwell, Dr. Lemaire and Dr. Benoit on my thesis review sheet sent to them by my supervisor prior to FGPS sending them these documents.

Below is a short and recent list of events in which my supervisor provided inconsistent and contradictory directions as well as did not act in good faith, which has contributed to my present situation:

1. I was against Dr. Benoit being apart of my TSC but my supervisor said he was best in musculoskeletal modeling and independent. After receiving the feedback from this examiner on my thesis, my supervisor said Dr. Benoit was a junior professor and young. I expressed my reluctance to have this examiner on my thesis committee with rationalizations very early on but my supervisor disagreed. Dr. Benoit failed me at the initial thesis submission. In a phone conversation in mid 2012 between my supervisor and Dr. Sviestrup my supervisor said Dr. Benoit’s comments were “nasty”, “unfair” and “horrible”. Yet my supervisor and Dr. Sviestrup both did nothing to bring about fairness. I believe the feedback from this examiner on my thesis was very personal, subjective, and insulting. After many months of hard work, as instructed, all comments raised by this examiner were completely and thoroughly addressed by me, but later was told this examiner wished to no longer be apart of my thesis committee. I question why he removed himself at that stage, after having me do tireless work on revisions and wonder if the matter was ever investigated.
2. I repeatedly expressed to my supervisor that I was concerned about fair treatment by some TSC members but he maintained they all were fair despite the evidence presented and his very early knowledge of the apprehension of bias of at least one examiner.
3. My supervisor repeatedly stated that Dr. Lemaire did not know what PPMC or partial etha squared is, yet this examiner repeatedly questions the merit of my statistics, in both the initial and revised thesis. My supervisor stated “I was surprised Ed did not know what etha squared meant. He was complaining about all this stuff but he did not know what etha squared was.”
4. I was the victim of unfair treatment at the hand of staff from SHK given all my office belongings were packed and moved without my knowledge, while my supervisor did nothing.
5. My supervisor was not forthcoming about the date he got my thesis evaluation report from Pierrynowski and never disclosed this to the Dean.
6. I was told by my supervisor earlier on that Dr. Pierrynowski was the best person in musculoskeletal modeling and then was told his work in

musculoskeletal modeling was published in 1986 and he had many personal life struggles.

7. Finally my supervisor told me it was “a mistake” to entrust him with guiding me.

I entrusted my supervisor with my need to graduate and all other decisions with my studies in the past, and did as he instructed. I informed my supervisor I was very tired, stressed, and these events combined were making me unhealthy. I truly trusted my supervisor and believed that he would act in good faith, as any doctoral student assume of their supervisor.

Based on the above, I submit that I was not afforded procedural fairness in the review process of my thesis. There is no remedy that can be retroactively imposed to cure this unfairness. An appropriate remedy requires that this review process be discounted or that I be afforded the benefit of the doubt in respect of the “tie” in my thesis evaluations. This requires that my thesis be referred to an oral examination. Any reliance directly or implicitly upon the adverse findings of a review process that was procedurally unfair must be set aside.

### **Conclusion and Summary Comments**

Two of the main goals of a doctoral student are the creation and dissemination of knowledge. Peer-reviewed publications are one of the principal means of evaluating whether or not a professor, department, or the university accomplishes these goals. Obviously, it should also apply to evaluating a doctoral student. Thus, I kindly ask to be given the dignity to defend my thesis. I strongly believe I have earned the right to defend my thesis at a formal thesis defense given the four issues raised above.

I kindly and respectfully request that you permit me to orally defend my research that I have spent over five years of my life on so that I may graduate. I am requesting to have an external expert in my study domain be a panel member on the Executive Committee to review and facilitate a decision on my case. As well, I kindly ask for this external expert to review and oversee my appeal file as an independent observer. I am also requesting the University of Ottawa to conduct a formal investigation into my allegations by appointing an investigator to conduct a fact finding exercise into these allegations. I am also requesting a newly reconstituted thesis examining committee excluding Dr. Lemaire, Dr. Caldwell and Dr. Pierrynowski but retaining Dr. Labrosse. I am indebted to you for your time, effort and consideration of my plight, and earnestly thank you in advance for your impartiality.

Sincerely Yours,

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