

Research Office Report (2009-2010)

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Faculté de droit
Faculty of Law

Section de common law
Common Law Section

June 2010

Introduction

The ongoing administrative work of the Research Office of the Common Law Section, which is comprised of the Vice-Dean Research and the Research Facilitator (also assigned to the Civil Law Section), consists primarily of support for faculty members involved in requesting research funding or assistance, either from within the University or from such external agencies as the Social Sciences and Humanities Research Council (SSHRC), the Law Foundation of Ontario (LFO), and the Foundation for Legal Research (FLR). A significant amount of time is also devoted to major applications relating to Canada Research Chairs (CRC) nominations or renewals, Canadian Foundation for Innovation (CFI) grants, and more recently involving international agencies. The Research Office is also an active contributor to the process of nominating colleagues for honours and awards in recognition of their accomplishments and contributions to education or the profession. An overview of activity for the current period is set out below.

In addition to these established operations, a number of initiatives focused on the relationship between faculty research and several other aspects of law school operations have recently been undertaken. The scope of these relationships was outlined in general presentations to the English and French Programme Assemblies which were intended to illustrate some of the linkages between faculty research and teaching at the graduate and undergraduate levels, between faculty research and financing, (including financial administration), and between research and the overall reputation of the Faculty, including the international dimensions of that status.

With reference to this overall framework, specific initiatives were undertaken in connection with international relations and profile, graduate student supervision, financial administration, and student research assistants. In addition, some attention was given to the work of increasing awareness of the research contributions of members of the Faculty of Law. To this end, selected faculty research contributions were collected in electronic format for the purpose of enhancing our collective awareness and appreciation of the range and quality of scholarship that members of faculty have produced. In addition, for the first time, a comprehensive list or inventory of faculty publications for 2009-2010 has been prepared. Each of these activities is more fully described in this report and accompanying documentation.

In addition to activities within the Faculty, the Vice-Dean Research serves as a member of the Research Commission of the University. Both the Vice-Dean Research and the Research Facilitator represent the Faculty at meetings of the University's Committee of Vice- and Associate Deans, Research. The Research Facilitator attends various meetings across the University, representing the Faculty's research interests while liaising with key personnel from many of the service departments at Central Administration, as well as Research Facilitators housed within the other Faculties. In 2009-2010, the Research Office was also involved in the University's strategic planning process.

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Overview of Applications and Awards 2009-2010

Partial Summary of Common Law Grant and Other Applications between January 2009 and June 2010

<u>Research and Conference / Workshop Grants</u>	Number of Applications
SSHRC – Standard Research Grants	4
SSHRC – Aid to Research Workshops and Conferences in Canada	3
SSHRC – Public Outreach Dissemination Grants: Innovation, Leadership and Prosperity (Special Call)	2
SSHRC – Bora Laskin Fellowship	1
SSHRC – Community-University Research Alliance	1
SSHRC – International Opportunities Fund	1
SSHRC – Research Development Initiatives	1
International Development Research Centre	2
Canada Research Chairs – New Nominations / Renewals	2
Law Foundation of Ontario	12
Foundation for Legal Research	11
Canadian Institute for the Administration of Justice – Charles D. Gonthier Research Fellowship	2
European Commission – EU Public Diplomacy and Outreach	1
United Nations – Environmental Programme	2
uOttawa – Conferences / Workshops on Campus	7
uOttawa – Research Development Program	3
uOttawa – Teaching / Learning Grants Program	2
uOttawa – Grant under Policy 94: Policy on the Pro-Active Recruitment of Women Professors	1
uOttawa – Initiatives on the Quality of Learning and the Student Experience	1

<u>Prizes, Honours and Awards</u>	Number of Submissions
Attorney General of Ontario – David W. Mundell Medal	2
Canadian Bar Association – Ramon John Hnatyshyn Award for Law	2
Ottawa Centre for Research and Innovation – Capital Educators' Award	2
Royal Society of Canada – RSC Fellowship	2
Trudeau Foundation – Trudeau Fellowship	1
Foundation for Legal Research – Walter Owen Book Prize	1
Law Society of Upper Canada – The Law Society Medal	1
Women's Executive Network – Canada's Most Powerful Women: TOP 100	1

Highlights of Grants and Honours Received between January 2009 and June 2010

Grants and Honours

Professors Jamie Benidickson, Jeremy de Beer, Ian Kerr and Peter Oliver received **SSHRC Standard Research Grants**. Professors François Larocque and John Currie were Co-applicants on successful research proposals head-quartered at other institutions.

Professors Stewart Elgie and Michael Geist each received **SSHRC Public Outreach Dissemination Grants** under a special call soliciting proposals on **Innovation, Leadership and Prosperity**.

Professor Martha Jackman received a **SSHRC Community-University Research Alliances** grant worth \$1,000,000 over five years for her project titled "Reconceiving Human Rights Practice for the New Social Rights Paradigm."

Professor Elizabeth Judge received a **SSHRC Aid to Scholarly Journals** grant for the *uOttawa Law and Technology Journal*.

Professor Jamie Benidickson received a **SSHRC Aid to Research Workshops and Conferences** grant for a workshop titled "Charles Caccia: Contributions to Sustainability and Environmental Policy."

Professor Lucie Lamarche received a **SSHRC Aid to Research Workshops and Conferences** grant for a conference titled "Regards féministes sur le droit international des droits de la personne au Canada."

Professor Bradford Morse received a **SSHRC Aid to Research Workshops and Conferences** grant for a conference titled “The Politics of Community and Identity: Learning from One Another.”

Professor Elizabeth Sheehy received grants from the **SSHRC Aid to Research Workshops and Conferences** program as well as the **Law Foundation of Ontario** for a conference titled “Sexual Assault Law, Practice and Activism in a Post-Jane Doe Era.”

Professor Penelope Simons received a **SSHRC Aid to Research Workshops and Conferences** grant for a workshop titled “Protecting Human Rights in the Canadian Mining Sector.”

Professor Joanne St. Lewis received a **SSHRC Aid to Research Workshops and Conferences** grant for a conference titled “Reimagining Western Civilization: On the 60th Anniversary of the Writing of C.L.R. James American Civilization.” She also received funding from the **International Development Research Centre** for an international workshop titled “Women and Girls’ Equality Rights and the Extractive Industries in Africa.”

Professor Amir Attaran’s **Canada Research Chair in Law, Population Health, and Global Development Policy (Tier 2)** was renewed for another \$500,000 over five years.

Professor and **Canada Research Chair in Ethics, Law and Technology (Tier 2)** Ian Kerr was nominated by the University for a Tier 1 Chair representing \$1,400,000 over seven years.

Professors Jeremy de Beer and Debra Steger received an **EU Public Diplomacy and Outreach** grant from the **European Commission**.

Professors Jeremy de Beer, Pacifique Manirakiza, Marina Pavlović (twice) and Heather McLeod-Kilmurray received grants from the **Foundation for Legal Research**.

Professors Adam Dodek and Vanessa Gruben received the **Borden Ladner Gervais LLP Research Fellowship** in 2009 and 2010, respectively.

Professor and former Vice-Dean of the French Language Program Nicole LaViolette was a recipient of the **Excellence in Education Prize** from the **University of Ottawa**.

Professors Louise Bélanger-Hardy and Aline Grenon received the **Walter Owen Book Prize** from the **Foundation for Legal Research** for their book titled *Éléments de common law canadienne : comparaison avec le droit civil québécois*.

Professor Adam Dodek received a grant from the **University of Ottawa Research Development Program** as well as two separate grants from the **Law Foundation of Ontario**, one for a conference titled “Ethics 2010 @ uOttawa.”

Professors Angela Cameron, Jennifer Chandler and Vanessa Gruben received funding from the **Law Foundation of Ontario** for a symposium titled “Challenging Anonymity in Assisted Human Reproductive Technologies.”

Professor Pierre Foucher received research and development contracts from **Heritage Canada** and the **Quebec Community Group Network**.

Professor Yves Le Bouthillier secured funds to support activities of the IUCN Academy of Environmental Law from the **Faculty of Law**, the **Law Foundation of Ontario**, the **United Nations Environmental Programme**, **Natural Resources Canada** and other sources.

Professor Joanne St. Lewis received a major award from the **Law Foundation of Ontario** and was awarded the **Community Leadership in Justice Fellowship** on behalf of the Human Rights Research and Education Centre.

Professor Angela Cameron received a grant under **Policy 94: Policy on the Pro-Active Recruitment of Women Professors** from the **University of Ottawa**.

Professors Angela Cameron and Vanessa Gruben received grants for a research project from the **University of Ottawa Research Development Program** and the **Law Foundation of Ontario**.

Professor Lucie Lamarche received an **Initiatives on the Quality of Learning and the Student Experience** grant from the **University of Ottawa**.

The Research Office continues to administer the annual Borden Ladner Gervais LLP Research Fellowship programme which for six years has supported significant research initiatives proposed by tenure-track professors. In 2009, the Fellowship was awarded to Professor Adam Dodek for his project titled “Conflicts of Interest in Canada: The Clash of Professionalism and Commercialism”; in 2010 it went to Professor Vanessa Gruben for her project titled “Discrimination in Funding of Assisted Reproductive Technologies in Canada.” Established in 2004, the BLG Fellowships are worth \$12,000 each and provide student assistants the opportunity to work on cutting-edge research projects.

Communications and Information

On the basis of valuable developments that were underway at the end of 2008, continuing improvements to the Research pages of the Common Law website have been made.

<http://www.commonlaw.uottawa.ca/en/list/research/>

- *Information for Faculty* provides updated guidance on internal and external sources of financial support for research, as well as guidance on application procedures and tools for budget preparation.
- A *Recent Books* section consolidates publication information on major research products.
- The *Research News* section reports on grants, publications, conferences, presentations and related activity.
- The *Research Centres* page provides an overview of the growing number of centres, networks and institutions headquartered at the Faculty of Law.
- A page on *Prizes, Honours and Awards* lists a number of relevant forms of professional recognition and encourages members of the Faculty to suggest suitable colleagues for possible nomination.

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Less success must be reported in connection with efforts to encourage faculty members to incorporate current research interests and activities on their individual web-pages. These are useful sources of information for prospective students and other researchers, among others. It is in the Faculty's collective interest to keep them up to date.

Other Research Office Activities

Funding Needs and Opportunities

Faculty members are always encouraged to familiarize the Research Office concerning their needs and proposed projects. In addition, a number of meetings were arranged with individual researchers to increase awareness of their current or upcoming research interests. This process, though time consuming, increases the likelihood that relevant information and support relating to funding opportunities can be made available. By way of example, a successful application to the EU Public Diplomacy and Outreach programme sponsored by the EC, as well as increased utilization of the University of Ottawa's Work-Study Program (WSP) (<http://www.registrar.uottawa.ca/Default.aspx?tabid=2861>), resulted from individualized consultations with Common Law researchers. Even if it is not involved on a regular basis with other funding sources, such as the Canadian International Development Agency (CIDA), individual government agencies or departments, or law commissions, the Research Office is prepared to assist in the development of applications and proposals.

Ad-hoc Information Session on SSHRC Grant Writing

In fall 2009, as part of a University-wide initiative to foster the submission and execution of high quality grant applications to SSHRC, the Faculty Research Facilitators coordinated an ad-hoc informal information session on grant writing. The session was led by Common Law Professors Constance Backhouse and Martha Jackman, along with one professor from the Faculty of Social Sciences. Their valuable contribution is greatly appreciated.

ExpressO Account

<http://law.bepress.com/expresso/>

In partnership with the Civil Law Section, the Faculty established an ExpressO account, which is intended to facilitate submission of manuscripts for review and publication in participating academic journals.

International Relations and Profile

While members of faculty often rely on dedicated grants to support dissemination of their work at conferences and research symposia, the Research Office administers one such fund provided by the University of Ottawa for the specific purpose of assisting with travel expenses associated with presentations of their work at international events. On an annual basis, these funds contribute to six or eight such presentations.

The Research Office was also able to explore more broadly the increasing role of international activity in the work of the Faculty. This resulted in a preliminary inventory of international presentations by faculty with a parallel consideration of visits from overseas colleagues who come to Ottawa – sometimes as conference and symposium presenters, sometimes as January Term or Visiting Professors, or to pursue their own research work, often in collaboration with Canadian researchers. Data was also assembled on international graduate

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student recruitment as well as undergraduate student exchanges and internships. The findings are available from the Research Facilitator.

Graduate Student Supervision

In collaboration with the Faculty's Graduate Studies in Law office, a faculty survey has been drafted for the purpose of identifying and updating fields of study and research in which graduate supervision is available, whether in the form of LL.M. and Doctoral Thesis supervision or in relation to major research papers.

In connection with applications for research funding, faculty have also been encouraged to consider opportunities to support graduate students through such avenues as academic bursaries, scholarship funding or formal employment as research assistants.

Financial Administration of Research Funding

The success of members of faculty in securing research support has added to the administrative challenge of managing funding on a consistent and accountable basis. In addition, monitoring visits to the University by representatives of the Tri-Council in 2008 and the CFI in 2009 underscored the importance of appropriate spending approvals, controls on delegation and documentation of expenditures.

With these considerations in mind, the Research Office facilitated individualized discussion sessions between a number of researchers and administrators at the Faculty in order to encourage understanding of financial management and reporting procedures and to identify areas of particular difficulty or concern. A guide or overview prepared in connection with these meetings is now available for the benefit of all researchers and project administrators.

The Research Office also assumed direct responsibility for managing and monitoring financial accounts related to a number of internal research and travel assistance programmes. The objectives of this change were to alleviate some of the workload otherwise falling on the Common Law financial administration team and, ideally, to stream-line approvals, record-keeping and reporting.

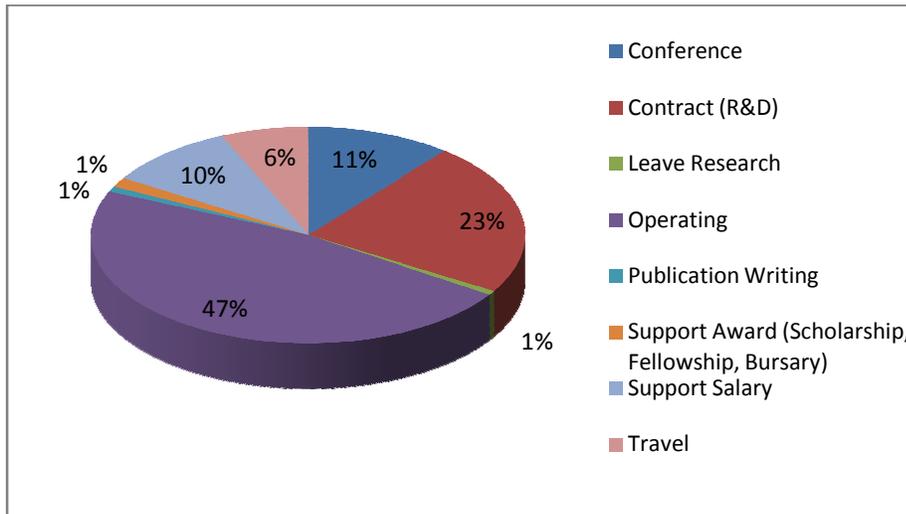
Student Research Assistants

Funding associated with faculty research projects and programmes contributes significantly to student training and experience. Such employment opportunities also represent important sources of financial support for the students involved. In order to assess the extent of this contribution, the Research Office consulted with the Human Resources administrator who provided a statistical overview of the number and dollar value of student research assistant positions that are funded on this basis. The report indicates that over the 12-month span of the 2009-2010 fiscal year, the Common Law Section payroll issued student research assistant salaries to the sum of nearly \$825,000. Approximately 74 percent of these went towards undergraduates while approximately 21 percent went towards master's students.

The accompanying pie chart is based on confirmed information available through the University's Research Trust and Information System and represents a composite of research funding awarded to Common Law between 2001 and 2010 by category type. Most research projects with substantial portions of their budgets allocated for research assistance fall under the "Operating" and "Contract" categories, however several other

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types may support student salaries as well. Over the ten-year period for which this chart applies, there are 298 operating grants and 144 contracts recorded.



Source: University of Ottawa Research Trust & Information System, Research Grants & Ethics Services, Office of the Vice-President, Research, June 2010

Selected Research Contributions and Common Law Publications

Faculty members were encouraged to select a sample publication for inclusion in a collection of research contributions. Admittedly highly selective rather than fully representative, approximately forty “writing samples” in the form of academic journal articles, book chapters, policy papers or other essays were submitted. These have been made available in electronic format for the purpose of enhancing our collective awareness and appreciation of the range and quality of scholarship that members of faculty have produced.

In addition, for the first time, a compilation listing publications for the 2009-2010 period has been prepared. This represents a snapshot of one aspect of current research activity and further demonstrates the scope and depth of the scholarly contribution of Common Law faculty at the University of Ottawa. The research inventory is attached as an appendix to this Report.

Although neither of these initiatives constitutes a complete and comprehensive presentation of faculty research, it is hoped that foundations have been laid for intermittent follow-up reporting that will continue to assist in promoting awareness of the research accomplishments of members of the Common Law Section.

Future Directions

The recent hiring of six new colleagues and the anticipated further renewal of the faculty cohort in 2011, suggests the continuing importance of specific programmes of support and encouragement for new legal scholars alongside the continuing needs of the Faculty’s very successful participation in external funding programmes. From an institutional perspective it is important to underscore that research funding not only contributes to knowledge creation and law reform through publication, but does so in ways that enhance the profile and reputation of the Faculty so as to encourage the recruitment of graduate and undergraduate students who in turn may benefit from opportunities for research employment and for advanced learning. In a few short years, the Research Office has made a substantial contribution to these collective accomplishments by the faculty and should continue to do so.