



Denis Rancourt <[REDACTED]>

False and Defamatory Statements

Frank Appleyard <[REDACTED]>

Mon, Mar 1, 2010 at 1:02 AM

To: [REDACTED]

Dr. Rancourt,

I am writing in regards to the recent posts on uofowatch.blogspot.com--identified as your blog--and a press release sent to media outlets. Statements made in two separate posts and one media release are defamatory to my character, and I am asking that the affected content be removed from your website, and a retraction of the appropriate content within the affected press release be published. Further, I am requesting that an apology be published on uofowatch.blogspot.com. Should the content not be removed and retracted as requested, I will seek legal action.

My contentions are as follows:

You have claimed in several blog posts & media releases (specified below) that my employment with the University of Ottawa in the summer of 2009 breached the Fulcrum Publishing Society's (FPS) Editorial Constitution as it occurred during my ongoing tenure as the FPS' Business Manager. Your claims, stated as fact both on uofowatch.blogspot.com and in your press release are false and defamatory to my character.

The Fulcrum's Editorial Constitution states:

Section 2: Constitution

2.01 This constitution shall serve to govern all policies and operating procedure of the editorial department of the *Fulcrum*.

Further, the terms "Editorial Department" and "Business Department" are defined within the FPS Constitution as follows (from Section 1: Interpretation):

- (j) "Editorial Department" encompasses the editorial board, all employees and volunteers responsible for overseeing aspects of producing editorial content, and all production of editorial content for the *Fulcrum*.
- (k) "Business Department" encompasses all employees and volunteers responsible for overseeing the financial management of the Corporation, but excludes the Board of Directors of the Corporation.

As defined within the above policy, the Fulcrum's Business Manager falls within the domain of the Business Department. According to the FPS Constitution--which governs "all policies and operating procedure of the editorial department of the *Fulcrum*", the position of Business Manager--which has no input or influence over editorial content--is not subject to the FPS' Editorial Constitution.

Thus, as defined by the Fulcrum Publishing Society's policy documents, no breach of the FPS' Constitution has occurred. This fact makes your repeated claims baseless, false, and defamatory under Ontario law.

Based on the facts presented above, I contest your following statements and request that the indicated remedies be taken:

1.) Friday, Feb. 26, 2010 (uofowatch.blogspot.com)

Your misrepresentation of the content of Mr. Nazemroaya's report constitutes defamatory material. By selectively quoting from Mr. Nazemroaya's report, you changed the meaning of his statement to reflect negatively on me.

Your website contained only the following text:

"I would judge this to be in breach of the FPS Editorial Constitution and an embarrassment to the FPS and the University of Ottawa. This is very serious..."

Whereas Mr. Nazemroaya's report contained the following text:

"It would be extremely disturbing, if Mr. Appleyard did work in the office of Allan Rock or for the University Administration and these dates can chronologically be connected to his criticism of Dr. Rancourt. If this is proven, I would judge this to be in breach of the FPS Editorial Constitution and an embarrassment to the FPS and the University of Ottawa. This is very serious and if proven true puts all BOD members aware of this in question."

Mr. Nazemroaya's report clearly indicates that no chronological connection had been proven linking my employment to alleged criticism of you, despite your portrayal of my employment as a breach in your post. As his statement indicates the absence of proof, the representation on your website simply stating that my employment at the U of O constitutes both a breach of the Constitution and an embarrassment to the FPS and U of O is false and defamatory. I contend that your misrepresentation and selective quoting of Mr. Nazemroaya's comments constitutes a clear manipulation of the intended message in an attempt to defame my character. I request that you remove the affected text from uofowatch.blogspot.com immediately and post an apology on the same website.

2.) Sunday, Feb. 28, 2010 (uofowatch.blogspot.com)

Your post "What Was Mr. Rock Thinking?" on uofowatch.blogspot.com on Sunday, Feb. 28, 2010 concluded that as I "was hired to work in the office of University President Allan Rock for the summer of 2009 while [I] retained the position of Business Manager of The Fulcrum", this "is a violation of the [FPS Constitution](#)."

As is established in the FPS Constitution and explained above, Business Department employees do not fall under the jurisdiction of the Constitution. As such, your claim that my employment with the University of Ottawa coinciding with my employment with the Fulcrum Publishing Society resulted in a breach of the FPS Constitution is false.

By disseminating false information that portrays me as guilty of breaching a journalistic code is defamatory to my character. I request that you remove the affected text from uofowatch.blogspot.com immediately and post an apology on the same website.

3.) Sunday, Feb. 28, 2010 (media release)

The title of your press release sent from denis.rancourt@gmail.com was titled: "Student editors found in violation of journalistic ethics at U of O".

As was indicated above, within policy the Fulcrum's Business Manager is not under the jurisdiction of the FPS's Editorial Constitution. As such, through being employed by both the University of Ottawa and Fulcrum Publishing Society in the summer of 2009 no breach of the journalistic ethics outlined in the Fulcrum's Editorial Constitution took place.

Further, no findings were ever made to indicate I violated any sort of journalistic ethics, nor is this statement corroborated in any way. The only relevant statement present in the link was "*If this is proven, I would judge this to be in breach of the FPS Editorial Constitution and an embarrassment to the FPS and the University of Ottawa*" as stated in Mr. Nazemroaya's report. The quote clearly indicates that no chronological connection (to paraphrase Mr. Nazemroaya) was ever made between my employment with the University of Ottawa and my tenure as editor-in-chief of the Fulcrum. As such, no violation was proven.

By stating the unproven allegations and assumptions in Mr. Nazemroaya's report as fact in the title of the press release, and proclaiming my guilt in violating journalistic ethics, I contend that you have disseminated a libellous statement and defamed my character. I request that you publish a retraction of the statement and an apology on your website, and distribute both the apology and retraction to the same mailing list that received the release in question.

These are my contentions. As indicated, I am seeking the remedies as outlined above. Should the content identified not be removed or retracted as requested, or an apology not issued, I will seek legal action on the grounds that you have defamed my character through the false information spread through these media.

Sincerely,

Frank Appleyard
