

NEWS

Feuding profs attempt to resolve issue

Lawsuit

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plained about as being “unfair.” He also said he doesn’t believe “racist remarks or name-calling in themselves are illegal” — but he denies that he ever made any racist remark against St. Lewis.

“House negro is a racial term that was introduced into contemporary usage by Malcolm X to critique black public or official figures in North America.”

Rancourt, who is self-represented, denies he defamed St. Lewis. “What I said I believe is true and I believe the evidence clearly supports and shows that it is true. If anyone reads the access to information records and the email exchanges on how [St. Lewis’s evaluation] was done and the various ways the administration was involved, it’s clear that what I say in that blog post I believe is true.

“The evaluation report was basically done in the service of the administration and it was not an independent study that had professional credibility and the level of expertise needed to accomplish its goal.”

In his statement of defence, Rancourt, 54, who holds a PhD in physics from the University of Toronto, referred to a May 18, 2011, blog post in which he

explained that he did not call St. Lewis “a house negro because she is black. I said it because it was reasonable to conclude in the matter that she acted like a house negro and because it is my reasoned opinion that she acted like a house negro. She did so while attempting to discredit a 2008 student union report that alerted the university to its now more than evident problem of systemic racism.”

Rancourt relies on the defences of truth, fair comment and responsible reporting in denying he made any defamatory statements.

In her reply filed with the court, St. Lewis states that Rancourt “has aggravated the damages he has caused to [her] personal and professional reputation by pleading that his defamatory statements are ‘true and verified’ facts. The defendant refuses to recognize the gravity and seriousness of his false and defamatory statements about the plaintiff and maliciously maintains that those statements are true.”

Rancourt believes the lawsuit lacks merit, and calls it a “SLAPP suit” — for strategic lawsuit against public participation — that is “funded by the University of Ottawa.”

In late October, he posted a letter he received from David



Dearden

Scott, co-chairman of Borden Ladner Gervais LLP in Ottawa, on behalf of the university informing him that the U of O is “reimbursing” St. Lewis for legal fees incurred in her defamation action against him.

“Your defamatory remarks about professor St. Lewis were occasioned by work which she undertook at the request of the university and in the course of her duties and responsibilities as an employee. Her efforts were not personal, but in the interests of the university.

“Furthermore, your outrageously racist attack on her takes this case out of the ordinary, and in the view of the university, alone creates a moral obligation to provide support for her in defence of her reputation.”

Scott declined to comment.

However, Rancourt doesn’t think the university should fund any lawsuit involving “any professor attacking another professor” and considers it to be a violation of his Charter rights.

“This is public money being used to fund a private litigation, which is legitimate for an individual to want to protect his or her reputation and use defamation law to do that. It’s not legitimate for an institution to fund such an attack in trying to silence one of its critics,” he said in an interview.

He said the U of O has liability insurance coverage to protect professors when they are sued for matters related to their work on campus. Furthermore, he believes the university should not pay for St. Lewis’s action against him, but has “a duty” to fund his defence.

“All of the charges complained about were made while I was a professor and the blog was officially part of my workload under the purview of my academic freedom and was never complained about by the university.”

However, Rancourt added that he believes his blog “had a lot to do” with his dismissal in 2009. He said that the university put forward the explanation that it fired him because he awarded an

A-plus to students in his upper-year physics class in 2008, but he and his union believe that’s a pretext for wanting to get rid of him.

The Association of Professors of the University of Ottawa is currently involved in a binding arbitration with the U of O administration over what he and the union hold is a “bad faith” termination.

Ultimately, Rancourt hopes he will be reinstated in the faculty of science and reimbursed for lost wages and benefits, along with damages.

Meanwhile, he would like the defamation lawsuit against him withdrawn or dismissed. However, if the mediation proceeds, he said he is prepared to explore measures “in the hope of resolving this issue.” Still, he added, there are “questions of principle that I will hold firmly to.”

St. Lewis’s position is also clear in her statement of claim. She wants Rancourt to “permanently remove or take down” the alleged defamatory statements from U of O Watch; help in removing them from any search engines, such as Google, or other online websites and databases; and to publish “a full and complete retraction...and apology.” ■

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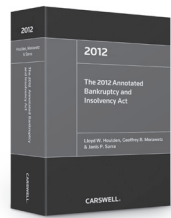
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Idea of interference dismissed

Moreno-Ocampo

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chief prosecutor for the international criminal tribunals for the former Yugoslavia and for Rwanda. In a speech in London, she argued for separating the ICC and the international criminal justice system from the “quintessential political body” — the UN Security Council — which can refer cases to the court under the Rome Statute.

“No, on the contrary,” Moreno-Ocampo said, “for me, what is clear is if cases start because I decide to do it, or because the Security Council refers it to the [prosecutor’s] office — in both cases the court has to keep its judicial mandate. So we cannot change our way to investigate and

prosecute because the referral came from the Security Council.”

Moreno-Ocampo called it “very interesting” that experts are expressing fears about the Security Council politicizing the court and international justice.

“In 1998, in Rome, it was the opposite idea,” he pointed out. “The concern was that the [ICC’s] independent prosecutor would politicize the court. So, in those days, the normal idea was that the Security Council should do the [war crimes] cases to avoid politicization.”

This major shift in perception shows how far the court has come in a short time, Moreno-Ocampo remarked. “Now the court grows so much, and the court’s legitimacy grows so much, that they perceive:

‘Oh, the Security Council is [negatively] affecting the legitimacy of the court.’”

If the Security Council wants to refer a case to the ICC “to see justice being done...we will do that,” Moreno-Ocampo vowed.

“But what people cannot expect is — because it is a Security Council resolution — we’ll then adjust to political ideas. No. The court will be judicial.”

Moreno-Ocampo did not want to comment on criticism that Canada is failing to carry out its international law obligations by opting, in nearly all cases, to attempt to deport, rather than prosecute, alleged war criminals.

“It’s absolutely not my business,” he insisted. “It’s a Canadian decision.” ■

Fee hikes in law society’s new budget

Ontario lawyers and paralegals will likely have to dig a little deeper next year to maintain their licensing by the Law Society of Upper Canada (LSUC).

Draft budgets for 2012 submitted to the law society’s November convocation called for

lawyers’ annual fees totaling \$1,826, up \$41 or 2.3 per cent from 2011. Paralegals would have to fork out \$982, up \$25 or 2.6 per cent from this year’s \$957.

In a report to convocation, LSUC’s finance committee said the only change from a draft presented to an *in camera*

Bencher information session in October was an increase in the number of budgeted lawyer licensing process candidates that resulted in \$400,000 more in revenue. That amount had been used to reduce the use of an expected surplus from 2011 operations. — Tom Claridge