



Ontario  
Civil Liberties  
Association

"The OCLA takes a vigorous and highly principled approach to defending free speech rights, which is an approach that is sorely needed in Canada today."

— John Carpay,  
President,  
Justice Centre for  
Constitutional Freedoms

"I am very pleased to learn of the Ontario Civil Liberties Association, and wish it the greatest success in its work, which could not be more timely and urgent as elementary civil rights, including freedom of speech, are under attack in much of the world, not excluding the more free and democratic societies."

— Noam Chomsky,  
Institute Professor, MIT

"Freedom of expression is our most fundamental and most precious freedom. It has been under attack in Canada for years. The Ontario Civil Liberties Association has taken a position on freedom of expression that is both courageous and principled. The OCLA now stands alone and its position should be supported by all Canadians who cherish democracy and freedom."

— Robert Martin,  
Professor of Law,  
Emeritus,  
Western University

March 7, 2014

By email and fax

The Honourable Brad Duguid  
Ministry of Training, Colleges, and Universities  
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Dear Minister Duguid:

**Re: Improper use of public funds by the University of Ottawa**

The Ontario Civil Liberties Association (OCLA) has a public campaign against the improper use of public funds by the University of Ottawa, which is paying the legal costs of a private plaintiff in a defamation lawsuit against a critic of the university. Please see the attached document about the factual basis of this campaign, and the campaign web page at: <http://ocla.ca/our-work/public-campaigns/public-money-is-not-for-silencing-critics/>

The University of Ottawa has spent approximately \$1 million on this litigation to date, and the matter has not yet gone to trial.

The university has spent this public money from its general operating budget, in the absence of any internal policy regarding such an expenditure, and at the sole discretion of the president of the university who testified in a sworn out-of-court examination to committing this expenditure "without a cap" or any conditions.

It is unclear from the testimonies on record whether any of the three members of the university Board of Governors appointed by the Government of Ontario were present at the Board meeting that subsequently (months later) was informed of the president's personal oral agreement to fund the litigation, or whether the funding agreement was an explicit agenda item.

This is the first time on record that a public university in Canada is funding a plaintiff in a private defamation lawsuit, unlike university liability insurance that contemplates funding employees who are *defendants* in lawsuits arising from their work.

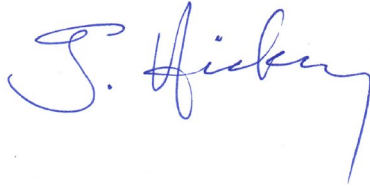
OCLA asks the Minister to investigate this serious matter. There must be oversight in such circumstances involving potential for conflict of interest, and such a large

amount of public money. There is no active oversight in the present on-going case.

OCLA is prepared to collaborate fully in an investigation by the Ministry, and has access to all the public records in this case.

We look forward to your response.

Yours sincerely,



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c.c. Robert Giroux, Board of Governors Chair, University of Ottawa (by email, c/o Diane Davidson, Vice-President of Governance, University of Ottawa: [diane.davidson@uottawa.ca](mailto:diane.davidson@uottawa.ca))

Enclosure



## Public Money is Not for Silencing Critics

*University of Ottawa must end its financing of a private defamation lawsuit*

(Ottawa, August 2013) — The Ontario Civil Liberties Association (OCLA) is demanding that the University of Ottawa stop financing a private defamation lawsuit against its long-time and outspoken critic Denis Rancourt.

The lawsuit is about a blog article on “U of O Watch” in which Rancourt concluded (correctly, it turned out) that the president had asked a black professor to criticize a student report that accused the university of racial discrimination.

Rancourt has published his “U of O Watch” blog since 2007, and is a former professor of the university. The private action was initiated in 2011, and has been widely reported in the media. The Ontario Superior Court recently scheduled the matter for a three-week trial starting May 12, 2014. A pre-trial hearing will be held on December 19, 2013.

The University of Ottawa is using public funds to finance the lawsuit. University president Allan Rock admitted under cross-examination that he approved the financing without a spending limit (with “no cap”) from the university’s operating budget.

Based on court submissions for legal costs, OCLA estimates that the university has spent over \$1 million to date pursuing Rancourt, who was fired by the university in 2009, and who is self-represented in the civil action.

OCLA believes that the university’s funding is wrong because:

1. It violates Rancourt’s right of freedom of expression and the public’s right to hear all points of view; and
2. It is antithetical to academic freedom, which the university is bound to protect.

It is against the law in Canada for the government to sue an individual for defamation because that would violate the individual’s *Charter* right to free expression, yet here the government is financing such a lawsuit about a matter of public interest — racial discrimination at a major public institution.

### Key Documents

Video by Hazel Gashoka (former student, University of Ottawa):

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### Recent Work

Jan. 18, 2014: [OCLA position paper on Bill 83](#)

Jan. 14, 2014: [Press release: Bias allegations against judge go to Supreme Court](#)

Jan. 14, 2014: [Communiqué de presse : Allégations de partialité contre un juge présentées à la Cour suprême](#)

Dec. 5, 2013: [Letter to Attorney General re: OCLA's position on Ontario's anti-SLAPP bill](#)

Nov. 8, 2013: [Inaugural OCLA Civil Liberties Award presentation to Harry Kopyto](#)

Nov. 1, 2013: [The Work and Legacy of David F. Noble public event and film screening](#)

Oct. 20, 2013: [Video from Wealth Inequality and Civil Liberties event](#)

Oct. 3, 2013: [Post: "Quebec Court of Appeal rewrites law on SLAPP actions"](#)

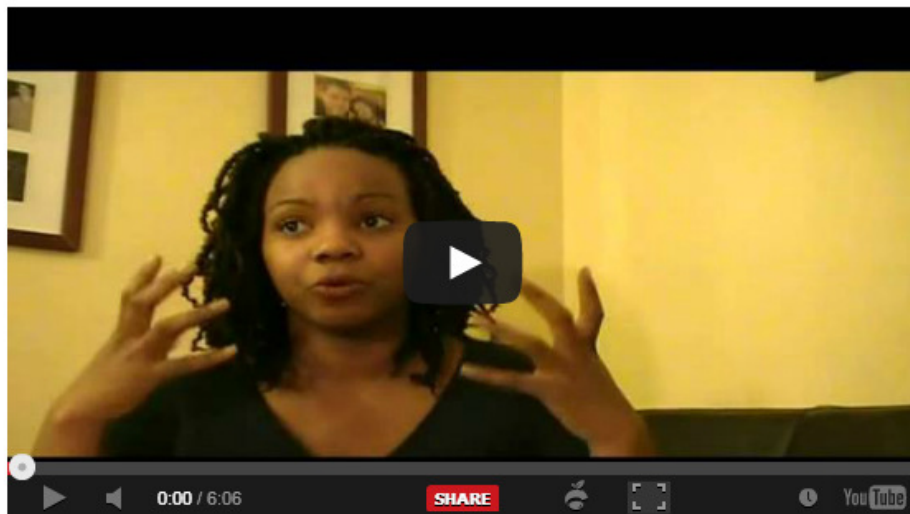
Aug. 28, 2013: [Opinion statement on new tasers permission](#)

Aug. 28, 2013: [Public Money is Not for Silencing Critics](#)

Aug. 22, 2013: [Justice for Deepan: Letter to Minister of Citizenship and Immigration](#)

Jul. 25, 2013: [Endorsement of public event: Deepan Speaks!](#)





[Expert opinion of Cynthia McKinney](#) (former U.S.A. Congresswoman from Georgia)



[Expert report of Professor Adèle Mercier](#) (Philosophy, Queen's University)

#### Letters from this campaign

- September 11, 2013 – Letter from President Rock to OCLA. [Download September 11, 2013 letter](#)
- August 28, 2013 – Letter from OCLA to Allan Rock, President of the University of Ottawa. [Download August 28, 2013 letter](#)
- August 28, 2013 – Letter from OCLA to Nathalie Des Rosiers, Dean of Common Law at the University of Ottawa. [Download August 28, 2013 letter](#)

#### Media Coverage

Oct. 21, 2013: « Affaire Rancourt : L'ancien professeur condamné à payer 100 000 \$ d'indemnités » *La Rotonde*

Oct. 23 2013: "Cops' doorstep visits with students under fire" *London Free Press*

Oct. 20, 2013: "London's tough stance on student rowdiness" *London Free Press*

Oct. 6, 2013: "SAIA protests outside Board of Governor's meeting" *The Excalibur*

Sep. 4, 2013: "U of O urged not to sue" *The Fulcrum*

Aug. 22, 2013: "Ontario Civil Liberties Assoc" *Talking Stress with Claude Laurin, CKCU FM Ottawa*

Jul. 31, 2013: "Should police take cameras to the streets?" *The Bill Good Show, CKNW AM Vancouver*

Jul. 25, 2013: "OCLA and Deepan Budlokati" *Talking Stress with Claude Larin, CKCU FM Ottawa*

