

Case Name:

Baugh v. Faculty Assn. of Red Deer College

David Baugh

v.

**Faculty Association of Red Deer College, Jim Scott,
Peter Slade, Lorinda Myers also known as Lorinda Stuber,
Pliny Hayes and Glynis Wilson-Boulton**

[2004] S.C.C.A. No. 384

File No.: 30474

Supreme Court of Canada

Record created: September 3, 2004.

Appeal From:

ON APPEAL FROM THE COURT OF APPEAL FOR ALBERTA

Status:

Application for leave to appeal dismissed with costs (without reasons) January 6, 2005.

Catchwords:

Administrative law -- Colleges & universities -- Labour law -- Collective agreement -- Whether the common law duty of fair representation applies in a disciplinary inquiry where there is no grievance -- If the duty of fair representation applies in a disciplinary inquiry where there is no grievance, how it differs from the duty as delineated by this Court for grievances -- Whether the common law duty of fair representation applies in a disciplinary inquiry conducted by a faculty association -- Whether the right of a faculty member to due process in a disciplinary inquiry conducted by a faculty association reside in contract -- Whether abuse of process and bias by an association entitles a member to independent legal counsel of his choosing by the association -- Whether rules of evidence governing summary judgment permit a court to parse several statements in documentary evidence, articulate a position not verbatim and contrary to at least one of them, when granting summary judgment, without the fact finding of a trial to determine truth -- Whether an action can be brought against individual members of an association for breach of duty and bad

faith.

Counsel:

David Baugh, for the motion.

Simon Renouf, Q.C. (Simon Renouf Professional Corporation), contra.

Chronology:

1. Motion to extend the time in which to serve and file the leave application granted September 3, 2004. Before: Fish J. S.C.C. Bulletin, 2004, p. 1363.

UPON APPLICATION by the applicant for an order extending the time to serve and file an application for leave to appeal to October 8, 2004;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The motion for an order extending the time to serve and file an application for leave to appeal to October 8, 2004, is granted.

2. Application for leave to appeal:

FILED: October 7, 2004. S.C.C. Bulletin, 2004, p. 1541.

SUBMITTED TO THE COURT: November 29, 2004. S.C.C. Bulletin, 2004, p. 1835.

DISMISSED WITH COSTS: January 6, 2005 (without reasons).

S.C.C. Bulletin, 2005, p. 13.

Before: Major, Fish and Abella JJ.

Procedural History:

Judgment at first instance: Respondent's motion for summary judgment granted; Applicant's allegation of defamation dismissed.
Court of Queen's Bench of Alberta, Lutz J., April 10, 2003.

Judgment on appeal: Appeal dismissed.
Alberta Court of Appeal, Conrad, McFadyen and Russell JJ.A., May 20, 2004.
[2004] A.J. No. 670.

ver/rpl/e/qljml

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Print Request: Current Document: 1

Time Of Request: Tuesday, June 29, 2010 09:37:28