

# Slander, Libel and You!

By: Suzanne Elston, STERLON Underwriting Managers Ltd.

“Sticks and stones may break my bones,  
But names will never hurt me...”

... at least that's the lesson that we try to teach our children. In reality, name-calling can not only hurt your feelings, it can also damage your professional standing and do irreparable harm to your reputation. For the school administrator, defamatory comments can breed disrespect and ultimately affect your ability to manage effectively. By undermining your authority, such statements can make it very difficult to maintain control within the school environment.

In order to understand the legal impact of disparaging remarks, we first need to define exactly what constitutes libel, slander, defamation and harassment, and what remedy, if any, is available in law to prevent such actions.

The verb, **to defame**, means to attack the good reputation, or to speak ill of an individual. Therefore, any statement, whether **written in the form of a letter, e-mail or petition, or spoken, either falsely stated or directly implied**, that injures an individual's reputation or exposes him or her to public contempt is considered **defamation of character**.

When the defamation is verbal, it's called **slander**.

When the defamatory statement is written, it's considered **libel**.

**Harassment** is the repeated **act** of making libelous or slanderous statements with the goal of tormenting, irritating or otherwise attacking an individual, usually for the purpose of damaging that individual's reputation.

Fortunately, as a CPCO member you are afforded legal assistance to protect your valuable reputation and provide immediate assistance in the event that you are defamed.



The process begins with a call to the Telephone Legal Advisory (TLA). This service is also part of your Legal Expense Benefits Plan, (which includes employment, disciplinary issues, Ontario College of Teachers complaints, etc.) and is available Monday to Friday, from 9:00 am to 5:00 pm. A call to the toll-free number (1-888-STERLON) will put you in immediate contact with a lawyer who can help determine if you are indeed a victim of defamation or harassment. In some cases, this can be very difficult to prove without eyewitnesses or written evidence to corroborate your claim. Once merit has been established, a file will be opened and you will be advised to alert your school board of the civil issue at hand and, wherever possible, work collaboratively with them.

A lawyer will be assigned to represent you, and provided that the statements are indeed defamatory, your lawyer will arrange for the service of a demand letter to the offending party. The intent of this letter is to notify the offending party that you require an immediate retraction or cessation of any defamatory or harassing action. In most cases, the sending of such a letter successfully resolves the issue.

In the event, however, that the offending party persists in his or her actions, or the statements are so libelous that a letter of apology is insufficient, then CPCO will need to determine if your case merits additional legal services. In law, you can pursue civil litigation for defamation, seeking injunctive relief and/or damages. Such cases are complex, lengthy, costly and unpredictable.

All requests for this additional assistance are assessed based on the following criteria:

- ♦ A report is received from your assigned lawyer on the merits of your case.
- ♦ An estimate of the potential costs is considered.
- ♦ Does the matter benefit the entire membership if it is pursued successfully?
- ♦ Are there any prospects of recovering damages or other remedy?
- ♦ Is the case reasonable in all the circumstances?

In the event that these criteria are met, a lawyer will be authorized to take such further steps as deemed appropriate in the given situation. This may include mediation and/or litigation. Since this is a discretionary benefit, support can be withdrawn by CPCO at any time and the merits of the matter are constantly monitored.

Here are a few examples of situations where school administrators have required legal assistance:

- ♦ A retiring staff member sends out an e-mail to her teaching colleagues, listing the "Top 10" reasons why she disliked her former principal and vice-principal.
- ♦ A school council member publicly accuses the principal of misappropriating school funds at a school council meeting.
- ♦ A "Letter to the Editor" in the local newspaper demands the removal of an existing school principal, attributing erroneous facts and behaviour to the principal.

If you think that you may be a victim of libel or slander, or if you are being harassed, here's a list of dos and don'ts:

#### DO:

- ♦ Contact your supervisory officer and/or school board.
- ♦ Keep written records of all correspondence relating to the issue, including e-mails, petitions and letters.
- ♦ Call the police if you feel that you are in immediate personal danger.
- ♦ Take steps to address the behaviour. It may very well get worse if you ignore it. Phone 1-888-STERLON for immediate assistance from a lawyer.

#### DON'T:

- ♦ Ignore it.
- ♦ Contact the offending party directly.
- ♦ Reply directly to a "Letter to the Editor" or other public document in which you have been defamed.
- ♦ Try to mediate the situation by addressing the matter at your school council meeting, in the school newsletter, or on your school's website.
- ♦ Respond in-kind to any accusations or slanderous statements.
- ♦ Threaten, either verbally or in writing, the offending party.
- ♦ Solicit personal support from parents and staff.

For more information about your Civil Legal Services Plan or your Legal Benefits Plan, contact STERLON at 1-888-STERLON (1-888-783-7566).

*This article was prepared by STERLON Underwriting Managers Ltd., the administrators of CPCO's legal plans, as a service to CPCO members.*

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