DEFAMATION OF CHARACTER:

Written or spoken injury to a person or organization's reputation.

Libel is the written act of defamation, vs. Slander the oral act of defamation. A person can claim defamation if someone publishes (through libel - online or in print and/or through slander) false statements of facts resulting in harm to a person's reputation.

**EXAMPLE:** "Mr. Snowflake is such a high-on"

False Light: An additional charge someone can claim against you that include untrue or humiliating insinuations published widely (like online) exploiting someone personally.

**EXAMPLE:** A student takes a picture of another student (or teacher) from Instagram or Facebook and puts a controversial logo on the picture implying something in regards to the picture. (A gay/lesbian symbol, or pornographic logo, sex offender or any type of special interest group etc. etc.)

*There is an overlap for Defamation and False Light claims. However, BOTH are TORTS and can be actionable for monetary damages in a Michigan court of law.*

ELEMENTS OF DEFAMATION & MICHIGAN'S LAW:

- **False/judgmental/defamatory statements** regarding another
- **An unprivileged publication to a third party online** (Twitter/Facebook etc)
- **Harm done to person or reputation** (professionally, which is often referred to as “Defamation Per Se” or personal harm regarding a person’s likeness or reputation)
- Michigan does not have a per se defamation law resulting from professional defamation, however, just because it is not “per se” it does not mean it is not actionable (and most likely easier to prove damage on plaintiff’s part) This is a special situation.
- If teacher or person can show the statements of fact (published or spoken) by another were done with intent to do harm and/or reckless disregard (aka “with malice”) the person who published the statements can be held liable/accountable in a claim of defamation in court.
EXAMPLES:

- **DEFAMATORY:** Mrs. Snowflake’s tests suck. She is such a social misfit and really stinks at teaching physics.
  - **NON-DEFAMATORY:** Mrs. Snowflake gave us the hardest physics test in the world yesterday! In my opinion, the lady probably spends her entire summer vacation and all holidays designing these tests!

- **DEFAMATORY:** Snowflake Sun High School is a horrible drug trafficking school. The students there are all druggies.
  - **NON-DEFAMATORY:** High School students are all druggies.
    (Not a specified or identified group)

**LIKELY STUDENT RESPONSES**

1. **I didn’t write it, I just re-tweeted it:** You are not immune from defamation if you republish a defamatory statement someone else wrote. You are still liable for defamation.

2. **But it is true! She does stink at teaching physics:** Doesn’t matter. Does not give you the privilege to publish a statement of fact.

3. **I can say whatever I want. “Freedom of Speech”:** Again,-- Doesn’t matter. Does not give you the privilege to publish a statement of fact or an insult exploiting another personally or professionally.

*This document and the information above does not represent legal advice but was created for purposes of providing highlights/summary of the torts of defamation and false light. C.Williams

**Statute of Limitations for Defamation**


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