



Q & A

GORDON THOMAS

Q: What recourse do we have when a parent posts a rant about a school issue on the local community bulletin board? Even though the school was not named, everyone knew who had posted the comments.

A: If the author of the posting is known, a phone call from the principal of the school to the author would be a good first step. To the extent that comments may appear to be defamatory, it would be very difficult for the Association or individual teachers to take legal action against the person because fair comment based on facts or facts reasonably believed to be true is a strong defence to a charge of defamation, and a defendant is usually excused from liability for publishing opinions. Defamation is a tort in which a person makes an untrue statement about another that tends to harm the reputation of that person in the eyes of right-thinking members of the community. The person is liable for the defamatory

statement if he or she cannot show that it was a fair comment or made on an occasion of privilege without malice on his or her part. The defence of fair comment is available to both the media and to individuals as long as it is opinion based on facts or on events that the person has good reason to believe are true.

If this behaviour is common from this parent, you should first review your school jurisdiction's harassment policy. Determine if the harassment policy has been communicated to all students, parents, staff and teachers. A harassment policy is one of the school's most important policies and all staff need to know this. One way to impress upon them its importance is to present it at the beginning of the school year at an assembly or in homerooms. You could also consider providing each student with a copy of the harassment policy to take home. If the school has a website, post the policy online. The policy could also be posted publicly near the school office or other public place. If the school board has a harassment policy in place, teachers and principals should use its provisions to address situations as they arise.