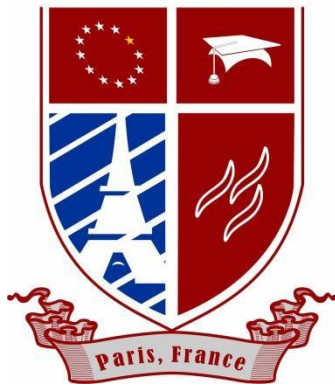

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OUR DEFAMATION POLICY



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The European International University (EIU - Paris) takes Defamation: libel or slander, an attack on the reputation of our institution, very seriously. Anyone who shall be found to have defamed (libel or slander) the European International University, Paris (EIU), will be **"prosecuted to the fullest extent of the law"** by the European International University, Paris under applicable laws.

To find out more information about defamation, please read the following:

"Libel or Slander, Attack on our reputation"

Defamation – libel and slander: Frequently Asked Questions

The law of defamation, libel and slander can be complex and is invariably highly fact-specific. This Q&A is designed to provide guidance only.

- What is defamation?
- What is libel?
- What is slander?

What is defamation?

Defamation is the publication to a third party of a statement about you which has caused or is likely to cause serious harm to your reputation. The defamatory publication will either be a libel or a slander (see below).

What is libel?

Libel relates to a defamatory publication which is permanent. Most obviously this includes written material (books, newspaper and magazine articles or material published online), as well as allegations appearing on TV or radio.

What is slander?

Slander relates to more transient publications, principally spoken words or even physical gestures.

Defamation in International Law

According to Article 17 of the United Nations International Covenant on Civil and Political Rights, no person may be subjected to unlawful interference with his family, home, privacy, honor, or reputation. It also specifies that every person has the right to be protected against such interference. While defamation of character is not considered a criminal act in the United States, a person accused of making defamatory statements can be sued in civil court for monetary damages. They may also be forced to retract the statements made, especially if they were published in a public forum, such as a newspaper or online.

Elements of a Defamation Lawsuit

Defamation laws differ for various states, but commonly, there are accepted standards that are universal in the U.S. When a person believes he has been a victim of libel or slander, filing a civil lawsuit may help him obtain a court order for the defendant to withdraw the defamatory remarks, and perhaps to issue a public apology. If the victim proves his defamation case, he may be awarded monetary damages for his pain and suffering, as well as any monetary losses he may have suffered as a result of the libel or slander. Required elements of a defamation lawsuit include:

1. A defamatory statement was made.
2. The statement made was published in some fashion, meaning it was told to others either verbally or in writing.

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3. The statement was not true, and the person who published the statement knew that it was not true.
 4. The statement caused the victim harm or injury, emotionally or financially.
 5. The statement did not fall under the privileged category

Publication of a Defamatory Statement

To prove publication of a defamatory statement, the statement must have been written, spoken, or otherwise expressed to others in some manner. Because spoken words are considered forgettable or merely “word of mouth,” slander is considered less serious than libel. However, when a person goes public with a spoken defamatory statement, it can cause irreversible damage to the victim’s reputation.

Injury Caused by a Defamatory Statement

The Statement must have directly caused harm or injury to the victim. Defamation can cause two main types of injury:

1. **Harm to reputation** – the loss of a job, loss of customers, causing the victim to become a social outcast.
2. **Financial harm** – the victim, whether personally or as a business owner, experiences loss of business or money, or incurs expenses in the attempt to repair his reputation.

False Statement

Defamatory statements classified as libel or slander must be statements that are untrue, and the person making the statement must know that they are untrue. Derogatory or unflattering statements made that express the opinion of the person making the statements are subjective, and therefore are not considered defamatory. There is sometimes a fine line in determining this factor.

For example, Melanie publishes on her Facebook page that Stephanie is “an ugly person.”

Stephanie is offended, and feels that Melanie has published defamatory statements about her for all their friends to see. However, because the statement reflected only Melanie's opinion, it would not be considered Libel.

Alternatively, if Melanie's Facebook post said "Stephanie is a crack-smoking brat," the statement would be considered defamatory and libelous, assuming Stephanie did not, in fact, smoke crack.

Privileged Statements

In order for a statement to be considered defamatory, it must be *unprivileged*. This means that a person cannot be sued for defamation in certain instances, such as when they make a statement at trial as a witness, as the trial is considered privileged.

Privilege refers to a circumstance or excuse that justifies the statements made against another person. Privileged statements include two types:

1. **Absolute privilege** – refers to statements made by a person that cannot be used against them, such as evidence or testimony given in court. While false statements made in court may not be sued as defamation, the person making such statements may be criminally prosecuted for perjury.

Other examples of privileged statements include statements made by legislators during legislative debates, statements made by high government officials, and statements made between spouses.

2. **Qualified privilege** – refers to statements made that are considered important for public interest. Such statements may include statements made in official government reports, statements made by lower government officials, statements made to warn others, and published reviews that may be considered fair criticism.

Defenses to a Claim of Defamation

When a person is accused of defamation, the law looks at many factors. Some common defenses to a claim of defamation may include:

- **Statements made in good faith** – the person who made the statements reasonably believed that the statements were true.
- **Opinion** – because opinions are considered subjective, and not necessarily false, they are not considered defamatory.
- **Verbal abuse** – if a statement made is not to be taken literally or believed, such as name-calling in anger, it is not considered defamatory.
- **Unbelieved statement** – if the person hearing the defamatory statement does not believe it, or does not take an interest in it, the statement is considered not to have harmed the victim's reputation in any way.
- **No consent** – the victim must not have given consent to the person making the statements, whether verbally or in writing.

Definition of Actual Malice

The 1964 Supreme Court case *Hustler v Falwell* defined the term “actual malice,” ruling the term applies to cases in which defamatory statements were made with blatant disregard for whether they were true or false. This setting of precedent determined that a public figure could only win a defamation lawsuit if the statements made against him were not an honest mistake, and were made with the intent to cause harm.

For example, XYZ Magazine published a story based on hearsay, stating a politician cheated on his wife. If the magazine did not take the time to research whether this was true or not prior to printing, and the politician suffered harm as a result, the magazine may be sued for libel.

Case Example of Defamation

In the 1964 landmark defamation case of *New York Times v Sullivan*, the Supreme Court held that the First Amendment to the United States Constitution protects certain statements made in a defamatory nature. The case revolved around a newspaper article in which unkind statements were made about a public figure. The court stated that public discussions surrounding public officials are legal, and with these discussions there is room for allowable mistakes to be made. If the mistakes are made in honesty, the person making the statements is not to be held liable. If the statements were made with actual malice, however, the person making the statements is not protected from a defamation lawsuit.

Internet Defamation and Social Media

With the expansion of social media and the public's heavy reliance on the Internet, the opportunity for publishing defamatory statements, or *internet defamation*, has grown immensely. With outlets such as Facebook and Twitter, people can instantly publish statements that reach thousands of people. For this reason, the laws concerning defamation apply to statements made online, where private individuals or the public as a whole can view them. Other common outlets for internet defamation include private and public blogs. Defamation in social media and on the internet are generally easy to track, making it important that people carefully consider what they post concerning other people. According to Section 230 of the Communications Decency Act of 1996, however, a person that creates a forum on the Internet is immune from liability for the defamatory statements published by a third party.

Related Legal Terms and Issues

- **Civil Lawsuit** – A lawsuit brought about in court when one person claims to have suffered a loss due to the actions of another person.
- **Consent** – To agree, approve, permit, comply, or yield.
- **Defendant** – A party against whom a lawsuit has been filed in civil court, or who has been accused of, or charged with, a crime or offense.
- **Damages** – A monetary award in compensation for a financial loss, loss of or damage to personal or real property, or an injury.
- **Economic Loss** – Financial loss incurred by an individual or entity as a result of property damage, theft, injury, death, or other acts by a third party.
- **Monetary Damages** – Money ordered by the court to be paid to an individual or entity as compensation for injury or loss caused by the wrongful conduct of another party.
- **Reputation** – A common opinion that someone or something has a specific characteristic; the way in which people think of someone.
- **Publication** – The act of making something generally known.
- **Opinion** – A judgment formed about something which is not necessarily based on knowledge or fact.
- **Malice** – The intention to do evil, inflict injury, or cause suffering of another.