



Libel, Defamation and Slander

How might libel, defamation and slander occur during committee meetings?

MPHOA committee members are leaders in our community and must understand what is and is not appropriate speech. Inappropriate speech is injurious to our members and makes MPHOA vulnerable to expensive legal action and lawsuits.

In general, libel, defamation and slander are “false statements that are communicated, either written or orally, and damage the person addressed”. Damage can be to reputation or it can be financial.

Key points to remember are:

- 1) Libel, defamation or slander is an action by one individual or group (e.g. besides one individual taking the offending action, the HOA or several individuals could be taking the action) against another. The comments could be made by either a committee member or a member of the audience attending the meeting.
- 2) The Committee Chair has the responsibility to speak up and advise the offending party that this is inappropriate behavior. Additionally, if the Chair fails to speak up, all Committee Members have the responsibility to speak up. If you witness a potentially inappropriate comment by a member of the committee or an audience member, you have the responsibility to address the behavior.
- 3) The Chair does not assume liability for what a participant says, however if the participant repeats the inappropriate comments or is engaging in ongoing bullying the Chair has the responsibility of advising the offending party and requesting that the behavior stop.
- 4) MPHOA has an obligation to step in and protect owners if inappropriate comments or actions occur at meetings.

Examples:

An opinion statement is not considered a false statement, e.g. “In my opinion the house is not maintained well.”

Certain classes of people are considered protected. Comments should not contain references to ethnic groups or other types of labels.

Although discussions relating to personnel or certain financial and legal situations are unlikely to be done at the committee level, they should be held in an executive session. Discussion of a homeowner being “in collections” or having financial difficulty for example, would not be appropriate in an open meeting.