

Academicians' Perspective On Defamation

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Abstract—This paper discusses the relation between perspective on defamation and academicians in the workplace. Communication can be categorized into a variety of media, but if miscommunication happens, it consciously or unconsciously misleads and can be defamatory. The objective of this paper is to discuss the academicians' perspective on defamation in their workplace. Questionnaires regarding occurrence, media, motives and effects of defamation were distributed to academicians in Universiti Teknologi MARA (UiTM), Kota Samarahan campus. Recommendations to avoid defamation were also studied. There were significant results on aspects of media, effects and recommendation. In conclusion, academicians surveyed have strong opinion on aspects of defamation in the workplace.

Keywords- Defamation, Workplace, Academician

I. INTRODUCTION

Communication is very important in the workplace. It is a tool to build a quality interaction between employees. It involves two way process transmitting by a sender and received by a receiver. There are many types of communication and the objective is to make sure receiver understand information being delivered.

There are several methods to convey information. It can be done through communicate directly which is traditional way to obtain information. We can also communicate through printed and non printed publications. However, communications tend to defamatory statement if it harms the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him [1].

This paper reports on a research to study academicians' perspective in relation to defamation in workplace; Universiti Teknologi MARA (UiTM), Kota Samarahan campus. There are 5 specific objectives:

1. To identify the occurrence of defamation among academicians.
2. To identify media of defamation.
3. To study the motives of defamation.
4. To identify the effect of defamation among academicians.
5. To suggest recommendations on how defamation could be addressed.

II. LITERATURE REVIEWS

According to [2], defamation literally mean defaming someone or damaging someone's supposed good name, may

occur as libel or slander. Libel is defamation committed in writing; slander is defamation via the spoken word.

According to [1], defamation is the unprivileged publication of a false statement intending to harm the reputation of another person. In the popular sense, defamation is that which tends to injure one's reputation. However, the tort of defamation has specific applicability within the employment context. Defamation within this context arises from the communication of a false statement which imputes that a person lacks the ability to perform employment duties in a respective business, trade or profession.

Usually, the defamatory statement tends to be shunned or avoided. It has also the tendency to deprive the person of the public confidence, hurting him financially or emotionally [3]. That is to say, defamation resulting from negligence is just as bad as an intentional attack on another individual's reputation. According to [4], motives of defamation generally are as followed:

- Malice and revenge - Damaging a person's reputation and character for extinguishing flames of spite and revenge, blaze the heart of some people.
- Envy - When he not achieve his purpose, he tries to damage the envied persons reputation and credit through slander and revealing his weak points and relieves the fire on his envy in this way.
- Acquitting oneself from a committed sin - Justify action through mentioning the faults of others
- Mockery and deride - After knowing the man's entity than they start to slander.
- Recreation and amusement - Mentioning weak points and faults of others only for recreation and amusement, also enjoy causing others to laugh and making them slander to recreation.
- Excitation of curiosity instinct- Such people enjoy knowing mysteries and faults of others and searching and curiosity about them.

As a result of defamation, the person who's been defamed face lots of damages. According to [6], California Civil Code section 48a notified that generally there are three types of damages in a defamation case. The damages are as followed:

- a) General Damages - These include damages for loss of reputation, shame, mortification, and hurt feelings.
- b) Special Damages - These are all damages plaintiff alleges and proves that he has suffered in respect to

his property, trade, profession or occupation including such amounts of money as the plaintiff alleges and proves he has expended.

- c) Exemplary Damages - Damages which may be in the discretion of the court or jury to be recovered in addition to general and special damages for the sake of example and by way of punishing a defendant who has made the publication or broadcast with actual malice.

Communication is vital in the workplace to make sure subordinates work accordingly with achieving company objectives. According to [5], normal defamation cases in the workplace per se can be categorized as followed:

1. Those imputing the commission of a criminal offense.
2. Those imputing infection with a communicable disease of any kind which, if true, would tend to exclude one from society.
3. Those imputing inability to perform or want of integrity in the discharge of duties of office or employment.
4. Those prejudicing a particular party in his profession or trade.
5. Those imputing adultery or fornication.

Finally, beware of defamatory statement in the workplace as it encourages hatred among employees. Defamation can affect on psychological, spiritual and career developments among people in a workplace, including academicians. Therefore, company can take further step to educate employees about the risks of defamation claims.

III. METHODOLOGY

In the study, questionnaires were distributed to the academicians. The questionnaire was divided into five sections, which contain categorical type and open ended questions. The six sections were:

1. Demographic profile
2. Occurrence of defamation
3. Media of defamation
4. Motives of defamation
5. Effects of defamation
6. Recommendation to avoid defamation

There were also five categorical types of answers to be chosen, where every each of categories was assigned a value ranging from 1 to 5. The assignments were:

1. "Strongly disagree" was assigned the value of 1.
2. "Disagree" was assigned the value of 2.
3. "Undecided" was assigned the value of 3.
4. "Agree" was assigned the value of 4.
5. "Strongly agree" was assigned the value of 5.

The result data were analyzed using Statistical Package for Social Science (SPSS) software, version 17.0.

IV. RESULTS AND DISCUSSION

For opinion on occurrence of defamation, it indicates that 28.30% respondents were undecided while another 26.42% said agreed, 24.53% thought that they strongly disagreed on

the opinion, 13.21% replied disagreed and 7.55% strongly agreed. This result shows that majority of respondents chose to be undecided on potential occurrence of defamation. Besides that, there is also no significant relationship between gender and occurrence of defamation. The p-value is 0.303 and since this is more than 0.05, it can be concluded that no significant relationship exists between this two variables. There is also no significant relationship between year of service and occurrence of defamation. The p-value is 0.539 and since this is more than 0.05, it can be concluded that no significant relationship exists between the two variables.

Figure 1 show the opinion on electronic defamation (media of defamation). Figure indicates that 60.38% respondents strongly disagreed on the opinion of Electronic defamation. Another 22.64% said undecided, 7.55% thought that they agreed on the opinion, 5.66% replied disagreed and 3.77% strongly agreed. This result shows that majority of respondents chose to be disagree on potential of electronic defamation. But, there is no significant relationship between gender and electronic defamation. The p-value is 0.257 and since this is more than 0.05, it can be concluded that no significant relationship exists between the two variables. Table 1 shows the relationship between year of service and electronic defamation. The p-value is 0.010 and since this is less than 0.05, it can be concluded that a significant relationship exists between the two variables.

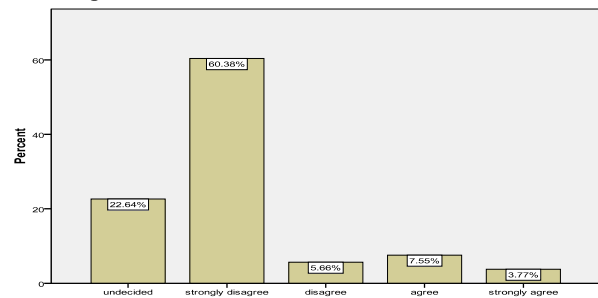


Figure 1. Electronic defamation

	Value	Df	Asymp. sig. (2-sided)
Pearson Chi-Square	20.136 ^a	8	0.010
Likelihood Ratio	17.384	8	0.026
Linear-by-Linear Association	2.264	1	0.132
N of Valid Cases	53		

TABLE I. YEAR OF SERVICE AND ELECTRONIC DEFAMATION

The case of Western Provident Association v Norwich Union is one example of electronic defamation. In this case, WPA alleged that NU's staff had been circulating E-mail claiming that WPA was insolvent and being investigated by the Department of Trade and Industry (DTI). WPA sued and NU swiftly settled. NU was forced to accept that there was no truth in the rumors and was reported to have paid WPA £450 000 (and costs) [7].

For opinion on physical action (media of defamation), it indicates that 32.08% respondents were strongly disagreed and undecided. Another 22.64% said agreed, 9.43% thought that they disagreed on the opinion and 3.77% strongly agreed.

This result shows that majority of respondents chose to be strongly disagree and undecided on potential of physical action. Besides that, there is also no significant relationship between gender and physical action. The p-value is 0.332 and since this is more than 0.05, it can be concluded that no significant relationship exists between the two variables. There is also no significant relationship between year of service and physical action. The p-value is 0.374 and since this is more than 0.05, it can be concluded that no significant relationship exists between the two variables.

For opinion on self satisfaction (motives of defamation), it indicates that 33.96% respondents agreed. Another 32.08% said strongly agreed, 16.98% thought that they disagreed on the opinion, 11.32% disagreed and 5.66% strongly disagreed. This result shows that majority of respondents chose to be strongly agree on potential of jealousy. Besides that, there is also no significant relationship between gender and self satisfaction. The p-value is 0.316 and since this is more than 0.05, it can be concluded that no significant relationship exists between the two variables. There is also no significant relationship between year of service and self satisfaction. The p-value is 0.668 and since this is more than 0.05, it can be concluded that no significant relationship exists between the two variables.

Literature shows that self satisfaction would be the main motive of defamation. In the case of Dr Trevor Cullen v Bill White, there were proofs of defamation for self satisfaction. Dr Trevor Cullen first met Bill White when they were both working at the Divine Word University in 1996. As they were teaching in different schools, they had little contact with each other. Following a series of disturbing messages posted by White to the Pacific Forum website in July 1998, Dr Cullen sent the Web maestro a letter, asking them to take action on the abusive and defamatory postings. Instead, his letter was posted on the website, and within two days White had created a web page in Dr Cullen's name, alleging he was a pedophile and had committed academic fraud. Initially White concentrated his attack on Dr Cullen through a series of websites defaming him personally and professionally, and through dozens of emails he sent to staff at the University of Queensland. In April 2002 Cullen sued White in the Supreme Court of Western Australia, having obtained leave to serve White in California. Dr Cullen was awarded \$70,000 in compensatory damages, and a further \$25,000 in exemplary damages, in recognition of the deliberate nature of White's attacks [8].

In addition to self-satisfaction as in the Dr Trevor Cullen v Bill White case, the respondents also identified jealousy and revenge as common motives for defamation, with mean averaging 3.54 to 4.69. These two categories have been listed by [4]. Hence the respondents' opinion in the Malaysian context aligned that of literature.

For opinion on jealousy (motives of defamation), it indicates that 62.26% respondents strongly agreed. Another 22.64% said agreed, 9.43% thought that they disagreed on the opinion, 3.77% strongly disagreed and 1.89% undecided. This result shows that majority of respondents chose to be strongly agree on potential of jealousy. Besides that, there is also no significant relationship between gender and jealousy.

The p-value is 0.388 and since this is more than 0.05, it can be concluded that no significant relationship exists between the two variables. There is also no significant relationship between year of service and jealousy. The p-value is 0.480 and since this is more than 0.05, it can be concluded that no significant relationship exists between the two variables.

For opinion on revenge (motives of defamation), it indicates that 47.17% respondents agreed. Another 24.53% said strongly agreed, 15.08% thought that they disagreed on the opinion, 7.55% undecided and 5.66% strongly disagreed. This result shows that majority of respondents chose to be agreeing on potential of revenge. There is no significant relationship between gender and revenge. The p-value is 0.420 and since this is more than 0.05, it can be concluded that no significant relationship exists between the two variables. Besides that, there is also no significant relationship between year of service and revenge. The p-value is 0.238 and since this is more than 0.05, it can be concluded that no significant relationship exists between the two variables.

Figure 2 show the opinion on mental disruption (effect of defamation). Figure indicates that 33.96% respondents agreed on the opinion of mental disruption. Another 22.64% said strongly disagreed, 16.98% thought that they disagreed on the opinion, 15.09% replied strongly agreed and 11.32% undecided. This result shows that majority of respondent chose to be agreed on potential of mental disruption. Table 2 shows the relationship between gender and mental disruption. The p-value is 0.035 and since this is less than 0.05, it can be concluded that a significant relationship exists between the two variables. Besides that, there is no significant relationship between year of service and mental disruption. The p-value is 0.294 and since this is more than 0.05, it can be concluded that no significant relationship exists between the two variables.

Figure 3 show the opinion on sabotage (effect of defamation). Figure indicates that 47.17% respondents strongly disagreed on the opinion of sabotage.

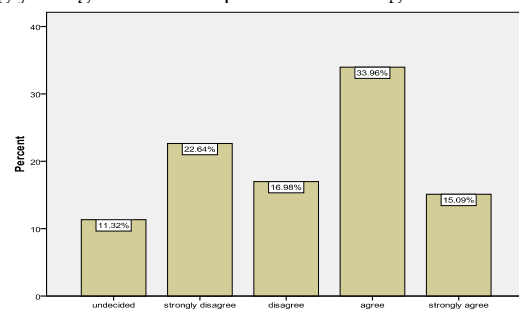


Figure 2. Mental disruption

	Value	Df	Asymp. sig. (2-sided)
Pearson Chi-Square	10.363 ^a	4	0.035
Likelihood Ratio	11.277	4	0.024
Linear-by-Linear Association	.647	1	0.421
N of Valid Cases	53		

TABLE II. GENDER AND MENTAL DISRUPTION

Another 28.30% said undecided, 13.21% thought that they agreed on the opinion and 11.32% disagreed. This result shows that majority of respondents chose to be strongly disagree on potential of sabotage. Besides that, there is also no significant relationship between gender and sabotage. The p-value is 0.345 and since this is more than 0.05, it can be concluded that no significant relationship exists between the two variables. Table 3 shows the relationship between year of service and sabotage. The p-value is 0.019 and since this is less than 0.05, it can be concluded that a significant relationship exists between the two variables.

Figure 4 show the opinion on neglect responsibility (effect of defamation). Figure indicates that 56.60% respondents strongly disagreed. Another 20.75% said disagreed, 11.32% thought that they undecided on the opinion, 9.43% replied agreed and 1.89% strongly agreed. This result shows that majority of respondents chose to be strongly disagree on potential of neglect responsibility.

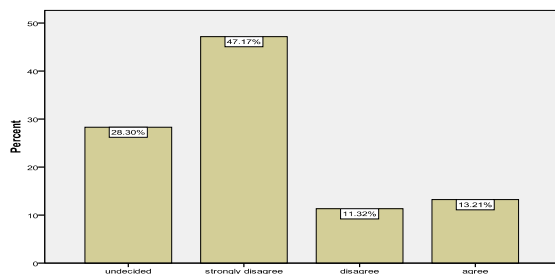


Figure 3. Sabotage

	Value	Df	Asymp. sig. (2-sided)
Pearson Chi-Square	15.133 ^a	6	0.019
Likelihood Ratio	13.406	6	0.037
Linear-by-Linear Association	5.062	1	0.024
N of Valid Cases	53		

TABLE III. YEAR OF SERVICE AND SABOTAGE

Besides that, there is no significant relationship between gender and neglect responsibility. The p-value is 0.774 and since this is more than 0.05, it can be concluded that no significant relationship exists between the two variables. Table 4 shows the relationship between year of service and neglect responsibility. The p-value is 0.002 and since this is less than 0.05, it can be concluded that a significant relationship exists between the two variables.

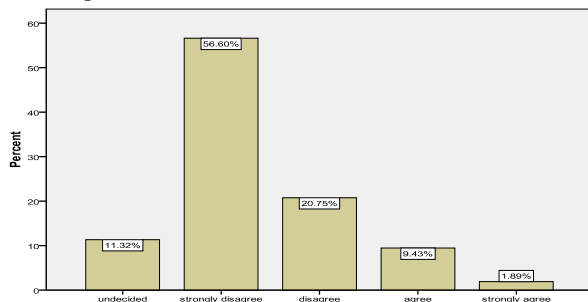


Figure 4. Neglect responsibility

	Value	Df	Asymp. sig. (2-sided)
Pearson Chi-Square	24.041 ^a	8	0.002
Likelihood Ratio	22.612	8	0.004
Linear-by-Linear Association	7.665	1	0.006
N of Valid Cases	53		

TABLE IV. YEAR OF SERVICE AND NEGLECT RESPONSIBILITY

Figure 5 show the opinion on self distance (effect of defamation). Figure indicates that 52.83% respondents strongly disagreed on the opinion of Self distance. Another 20.75% said disagreed, 13.21% thought that they agreed on the opinion, 9.43% replied undecided and 3.77% strongly agreed. This result shows that majority of respondents chose to be strongly disagree on potential of self distance. Besides that, there is also no significant relationship between gender and self distance. The p-value is 0.207 and since this is more than 0.05, it can be concluded that no significant relationship exists between the two variables. Table 5 shows the relationship between year of service and self distance. The p-value is 0.004 and since this is less than 0.05, it can be concluded that a significant relationship exists between the two variables.

Figure 6 show the opinion on effective communication (recommendation on defamation). Figure indicates that 50.94% respondents agreed on the opinion of effective communication. Another 33.96% said strongly agreed, 5.66% thought that they disagreed and strongly disagreed on

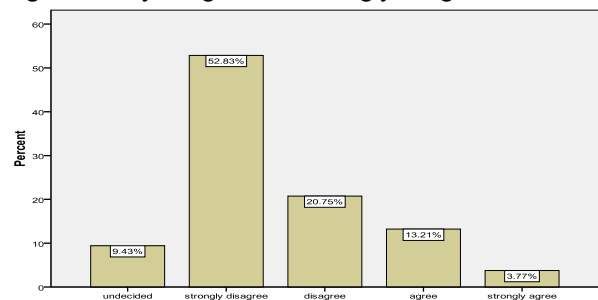


Figure 5. Self distance

	Value	Df	Asymp. sig. (2-sided)
Pearson Chi-Square	22.471 ^a	8	0.004
Likelihood Ratio	20.879	8	0.007
Linear-by-Linear Association	9.646	1	0.002
N of Valid Cases	53		

TABLE V. YEAR OF SERVICE AND SELF DISTANCE

the opinion and 3.77% undecided. This result shows that majority of respondents chose to be agree on this aspect. Besides that, there is no significant relationship between gender and effective communication. The p-value is 0.547 and since this is more than 0.05, it can be concluded that no significant relationship exists between the two variables. Table 6 shows the relationship between year of service and effective communication. The p-value is 0.039 and since

this is less than 0.05, it can be concluded that a significant relationship exists between the two variables.

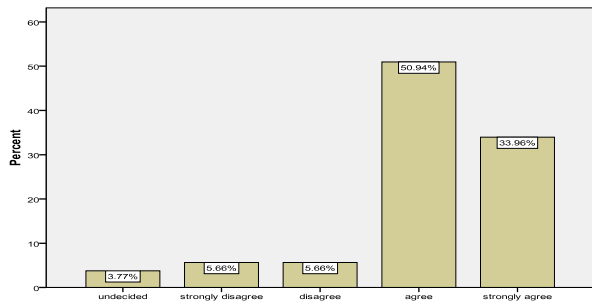


Figure 6. Effective communication

	Value	Df	Asymp. sig. (2-sided)
Pearson Chi-Square	16.238 ^a	8	0.039
Likelihood Ratio	16.092	8	0.041
Linear-by-Linear Association	2.540	1	0.111
N of Valid Cases	53		

TABLE VI. YEAR OF SERVICE AND EFFECTIVE COMMUNICATION

According to Barry (1989), defamation can be avoided when there is effective communication between two parties with a common interest. Within the employment context, the employer's interests in protecting its property investment and in maintaining employee morale should allow the employer to engage in communications with employees who have an interest in continuing that employment. For example, an employer is protected in criticizing his employees' performance in periodic evaluations so long as it is made to further serve the parties' legitimate interests.

For opinion on awareness (recommendation on defamation), it indicates that 54.72% respondents agreed. Another 20.75% said strongly agreed, 11.32% thought that they disagreed and strongly disagreed on the opinion and 1.89% undecided. This result shows that majority of respondents chose to be agree on potential of awareness. There is no significant relationship between gender and awareness. The p-value is 0.070 and since this is more than 0.05, it can be concluded that no significant relationship exists between the two variables. Besides that, there is also no significant relationship between year of service and awareness. The p-value is 0.556 and since this is more than 0.05, it can be concluded that no significant relationship exists between the two variables.

V. CONCLUSION

Based on results, the respondents showed to be disagreeing on media and effect (except mental disruption) aspects of defamation. But agree to motives and recommendation aspects of defamation. The respondents were analyzed to have appropriate knowledge on defamation and aware on how to solve it if defamation occurred. As a conclusion, academicians had strong opinion in every studied aspect on defamation.

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