Fake News! Is your reputation safe?

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Abstract

Fake News! Two words that the leader of the free world uses as a weapon and a shield levelled against any news story (or even question) he doesn't like. Most educators enjoy a more fulsome reputation that Mr Trump and teachers and school leaders have fiercely guarded that reputation from any slurs from students, parents or colleagues. Indeed, they have felt they have no choice because the trust of the wider community is essential if they are to be able to successfully perform their roles.

Defamation law has been used by educators to protect their reputation when necessary, but in the last 10 years the law have been left behind. In that time developments in social media and the internet have meant we are all publishers now yet defamation law developed to tackle the 'big beasts' of the media jungle. Newspaper owners, television channels and book publishers are the traditional targets. Now reputations face the 'stinging insects' of media, such as disgruntled parents on Facebook or hard marking students on *ratemyteachers.com* claiming teachers are bullies or neglectful of children or simply bad at their jobs. Hurtful defamations surely, but worth an application to the court?

Put simply, defamation law cannot cope with these lower level defamations on internet platforms and it may be that, rather than swatting publishing mosquitoes with expensive defamation actions, teachers must instead concentrate on growing thicker skins. This paper is a largely first-hand account of the legal profession's attempts to protect teachers' reputations in this new environment.

Introduction

During his short and tempestuous time as Premier of Queensland Campbell Newman managed to upset many people. Most responded through the ballot box, but one particular lawyer was able to achieve greater satisfaction.

In February 2014 Mr Newman told reporters that lawyers who acted for outlaw motorcycle gang members were *"hired guns (who) take money from people who sell drugs to our teenagers and young people"*. When Mr Newman came under fire over the remarks from the Bar Association and the Queensland Law Society, the ever helpful Mr Bleijie came to his rescue, clarifying that his leader was responding specifically to a question about Hannay Lawyers on the Gold Coast. Solicitor Chris Hannay, whose clients do indeed include criminal motorcycle gang members, took a defamation action against both men to the value of $1.2 million and in May 2016 the matter was settled for an unspecified amount.

Some months later in late 2016, in my role as a solicitor at Holding Redlich in Brisbane, I prepared our standard 'defamation letter' for a teacher client. The letter was to be sent to parents who had made hurtful and untrue claims about him on Facebook. The Queensland Teachers' Union, who provided us with the referral, regularly field such concerns from members who have been defamed online either by parents or students.

The letter informed the parents of section 474.17 of the *Criminal Code Act 1995* (Cth), which provides that a person is guilty of a criminal offence if they use a carriage service in a way that reasonable persons would regard as being "menacing, harassing or offensive."

Having alerted the subject to this, we then followed through with *"it would be open to our client to institute proceedings for damages for defamation against you in the courts"* before generously stating words to the effect that our client wasn't going to do so on this occasion, but would do if the defamation was repeated. We then advised them to speak to a lawyer.

In truth, the purpose of these letters is not to put the defamer on notice of an impending action against them. The reality is that 99% are sent in the hope that most people still take a legal letter seriously. The assumption is that the defamer is not someone who understands that a defamation action is likely to cost $40,000 or more before it is even presented before the court and if successful, is unlikely to recoup the money spent on the 'win'.

The real purpose of the letter is to have the online defamation removed, to garner an apology and to shock the defamer into recognising there are potential consequences to their conduct. Hopefully this will discourage them from behaving in the same way towards your client in the future.

So when I sent the letter in late 2016, I didn't eagerly expect a reply. The aim was that the Facebook post would be removed, and the matter would disappear. When I got a call from Chris Hannay representing the parents, I quickly realised that my correspondence had not intimidated anyone. I assumed anyone with the 'Bikie's lawyer' (and Campbell Newman nemesis) on retainer has probably received a legal letter before. The Facebook post had been removed Mr Hannay explained, but we could whistle for our apology. All in all, a fairly sensible response.

Defamation

All Australian States including Queensland now have a uniform approach to defamation law. The relevant Queensland legislation is the *Defamation Act 2005* ('the Act'). Defamation itself is a common law construct, which consists of any published matter that tends to 'lower the plaintiff in the estimation of right thinking members of society generally'.[1] Published matter includes written material, spoken words, pictures and any other form in which a subject can be communicated to others. The definition certainly encompasses written text on an internet 'blog' or a social media site.

[1] *Sim v Stretch* [1936] 2 All ER 1237 at 1240.

The law of defamation is complex, however there are well established general requirements before a plaintiff can be said to have any prospects of success:

(a) There must be published material, which has been communicated to at least one person other than the plaintiff;
(b) The material must refer to the plaintiff in an identifiable manner;
(c) The material must be of a nature such that it would tend to cause the plaintiff to suffer embarrassment, ridicule or humiliation, or would tend to cause others to think less of them; and
(d) No legal defences (such as truth, or privilege) apply.

The first action is to send a "concerns notice", notifying the defamer of the alleged defamation and requesting that it be removed and an apology provided. If this fails the next step is to seek to obtain interlocutory relief. Namely that the defamation be taken down while the matter meanders its way through the courts. Unfortunately, orders for interlocutory injunctions to restrain defamation are rare.

There are two reasons for this. First, a plaintiff has to establish a sufficient likelihood of success to justify the injunctive order. Defendants have the benefit of an array of defences. The usual approach of the courts is that it is not appropriate to decide questions of truth, privilege, malice and the like on an interlocutory application.[2]

To some extent, it can be argued that there has been a softening of the approach following *obiter* comments by Callinan J and Heydon J in two High Court decisions from 2001 to 2006.[3] There is also authority supporting restraining a defamatory publication where a publication was plainly indefensible,[4] but those cases are rare.

In summary, the law has not kept pace with the changes in technology, including the rapid development of social media and the Internet. Principles that have been developed to deal with defamation in the mass media of newspapers, radio and television are also applied to the Internet. This generally leads to unsatisfactory results for plaintiffs attempting to stop the spread of defamatory matter on the web and especially so for teachers because the reality is that the type of person who feels the need to get online and defame a teacher is of modest means and even if an injunction is ultimately successful in truth the damage has already been done.

The price of fame

My learned colleague at Holding Redlich, Andrew Knott, has represented educators for more than four decades and he often compares teachers to minor celebrities. That is true. They are the studio stars of the school community, and similar to real life movie stars, that makes them a target for the multitude of publishers.

[2] See Church of *Scientology of California Inc. v Reader's Digests Services Pty Ltd* [1980] 1 NSWLR 344 at 349 per Hunt J.

[3] *Australian Broadcasting Corporation v Lenah Game Meats Pty Ltd* (2001) 208 CLR 199 at 341 per Callinan J; and *Australian Broadcasting Corporation v O'Neill* (2006) 227 CLR 57 per Heydon J.

[4] *Chappell v TCN Channel Nine Pty Ltd* (1988) NSWLR 153.

Just as Melbourne born Hollywood star Rebel Wilson was considered fair game for publications such as Woman's Day and OK Magazine, teachers seemed to be viewed in the same light by parents and students posting statements on social media. Unlike Ms Wilson's tormentors, these micro publishers generally do not have the funds to make court action against them worthwhile.

Unlike Rebel Wilson, teachers, even if they win a defamation action, cannot expect to win millions in damages. The case of *Mickle v Farley*[5] is the perfect illustration of when teachers win a defamation battle in the courts, they may still lose the war.

In this case a former student who posted defamatory statements on Twitter and Facebook was ordered to pay $105,000 in damages, plus costs.

The plaintiff, Christine Mickle, was a teacher in the music and arts department at Orange High School in regional NSW. The defendant, Andrew Farley, was the son of the head teacher of the same department at the school. He was also a former student of the school, but had not been taught by the plaintiff.

Farley's father had taken leave from his position as head teacher on more than 20 occasions for ill health from 2006 to 2012. Subsequently, the plaintiff was appointed as acting head teacher during part of that time. In her 30 years' as a teacher, Christine Mickle had established an excellent reputation. In 2012, the school honoured her by naming one of the school's buildings after her. When the defendant discovered this (for reasons unknown) he published a number of defamatory and abusive posts on Facebook and Twitter about the plaintiff. The tweets and posts were brought to the plaintiff's attention by the principal of the school after it became clear to her that the matter had spread to students, parents and others outside the school community.

Mickle sought an apology and removal of the material from Farley's social media accounts. Farley apologised and closed his Twitter account, before then setting up a new one under a pseudonym and continuing the conduct. Mickle commenced proceedings in the NSW District Court and a hearing took place on November 29, 2013.

In his decision, Judge Michael Elkaim awarded the plaintiff compensatory damages in the sum of $85,000 plus an award of aggravated damages in the sum of $20,000 and an award for costs against the defendant. His Honour accepted that all of the defamatory imputations were untrue and found that the "effect of the publication on the plaintiff was devastating" going on to state:

> *"That when defamatory publications are made on social media it is common knowledge that they spread.*
>
> *"They are spread easily by the simple manipulation of mobile phones and computers. Their evil lies in the grapevine effect that stems from the use of this type of communication."*[6]

[5] [2013] NSWDC 295.

[6] Ibid at [21].

The case was widely heralded as proof that this degree of defamatory conduct on social media could lead to serious consequences. Many similar judgements were predicted to occur in the future, and indeed, there have already been similar judgements. However, there was just one small problem. Young Farley, who had just recently left school, didn't have $105,000 to pay in damages. He probably didn't have enough money to pay the plaintiff's costs and it has been widely reported that he filed for bankruptcy shortly after the judgement was made.

Ultimately, while Mrs Mickle may have had her reputation restored, but without Union support, her bank balance would have been severely diminished.

A student teacher scorned…….

While social media is an increasingly popular forum to publish defamations against educators one mitigating factor for these "publishers" is the attitude that says "but it's my private Facebook account" or alternatively "I didn't understand the privacy settings". While it's not a defence, it's understandable that some people may not understand the impact of a foolish comment made on social media.

At Holding Redlich, we have dealt with a number of cases where individuals have used personal blogs and other websites to make pointed and sustained attacks on teachers that they wanted to be read as widely as possible. Strangely enough, two of these matters involved student teachers seeking 'justice' after their failed teaching practicums.

In 2015, we sought that legal assistance be extended to assist a Queensland Teachers' Union member with offensive comments made about him by a former pre-service teacher on a blog.

In his capacity as Deputy Principal at a Queensland State High School, the plaintiff was involved in the supervision of the defendant a pre-service teacher, who was a student at Queensland University of Technology ('QUT'). The defendant's placement at the school did not go well, and there was significant negative feedback from students and the plaintiff. Eventually the defendant's time at the school was cut short in circumstances where he was verbally abusive to the plaintiff, and resisted his requests that he leave the school immediately.

Subsequently, the defendant made derogatory comments about the school, the supervising teacher, and the students at the school on his blog which was hosted by both Blogspot (owned by Google) and WordPress. The school management approached QUT after becoming aware of this article, and the University issued the defendant with a non-academic misconduct letter. Undeterred, the defendant subsequently made comments on his blog about this letter and later made some specific and offensive comments about the plaintiff.

We made contact with Education Queensland's Cybersafety and Reputation Management Unit (I will talk more about this Unit later), who advised that they have taken the available steps to report the blog content to Google, and received a response indicating Google would

not remove the material without a court order directing it to do so. The terms and conditions of Wordpress where the blog was also located explicitly emphasise their similar position in this regard:

> *We take our terms of service very seriously and will suspend any sites that are found to be in violation. By the same token, we will not suspend blogs if they are not in violation of our terms or policies, even if they are offensive or objectionable. We think the right response to bad or offensive ideas is to speak out against them, not to censor them. Instead of asking us to suspend such a blog, please consider either responding in the blog's comments or on a blog of your own, to set the record straight.*
>
> ...
>
> *If we receive a complaint and are not in a position to make a determination (for example whether something is defamatory or not), we defer to the judgment of a court. Please forward any legal process relating to a site hosted on WordPress.com to court-orders@wordpress.com."*

Education Queensland's Cybersafety and Reputation Management Unit undertook to also report the content to WordPress and the Unit also liaised with QUT, who had intended to persuade the defendant to remove the material as a condition of his ongoing enrolment. However, the defendant did not respond to their correspondence and withdrew from all subjects.

We issued a defamation "concerns notice" under the Act after locating the defendant's residential address through an electoral roll search. The defendant refused to remove the blog posts and our only option for pursuing removal of the offending material was to seek to obtain a court order.

Our view was that the plaintiff was sufficiently identified (by his given name and his position and school), and that the material has been communicated to others by virtue of its appearing on the blog and being accessible using internet search engines. In fact, we were instructed that at least one individual had read the material and subsequently made a written complaint to the Department and the Minister based on a belief in the truth of the blog's contents.

The material was clearly of a nature that would tend to damage the plaintiff's reputation in the eyes of the reader. Particularly significant here are the descriptions of him as a "skeezy old perv" and "stupid" and a "crap ... deputy headmaster".

We reasoned that the plaintiff had excellent prospects of success in a claim for defamation. We were confident that orders would be made compelling the defendant to remove the offending post (or amend it so it was not defamatory) and the defendant would be ordered to pay damages and costs if the matter progressed to trial.

Our examination of the relevant blog suggested that it was not widely read. The three relevant entries had no 'likes' and no comments in reply. There was an inherent risk that defamation proceedings would attract a wider audience to the offending material. Moreover, there were indications through our interactions with the defendant that they may have welcomed this type of response, and may make the response itself the subject of further entries.

Of course we also had to take into account that Defamation actions are expensive, even more so where the defendant elects to self-represent, or takes steps designed to frustrate the process. We broke the process down into several steps (including solicitor, counsel and court fees):

(e) Briefing counsel and letter to the defendant as a precursor to commencing proceedings - $4000;
(f) Commencing claim - $5500;
(g) Application for interim injunction to have the blogpost removed pending final decision - $15000;
(h) Trial to obtain permanent injunctions and damages - $25000-$40000.

(Total: around $60000)

Ultimately, our view was that despite the cost associated with defamation proceedings, this was an appropriate case for the Union to extend legal assistance. Their member had been clearly defamed and has been the subject of a complaint based on a member of the public believing the blogpost to be true. The plaintiff was concerned about the enduring nature of blogposts and the possibility it might affect his future prospects of employment. The defendant's blog also defamed other members of staff at the school and the indications were that further entries may be forthcoming. We felt that legal action which succeeded in restraining his future tendency to post such material had the potential to benefit other members, given his clear enmity towards the staff at the school.

We made an application for the injunction, and our day in court went as you might expect. The defendant was unrepresented and generally fairly incoherent. After metaphorically being handled with kid gloves by the judge for a short while, it was eventually made clear to both the defendant and ourselves that it would be in our best interests to settle the matter that day. This was of course the sensible solution and in very basic terms the settlement we arrived at

was that the defendant would remove the blog posts and we would discontinue the action. He had no money. There was no point seeking damages and no costs would be awarded.

We won and the defamatory imputations were removed. That had been the main concern for the member. However, the action had been costly, frustrating and due to the judge's quite sensible preference that we settle matters amongst ourselves, the benefit of the outcome was ultimately confined to that single member.

Sadly, it wasn't long until a similar matter came our way. Again, it involved a student teacher who felt his genius had not been sufficiently recognised by his supervising teachers.

This student teacher, a middle aged man, has a list of qualifications that some might say proves conclusively that there is such a thing as too much education. Despite claimed degrees in 'chemistry, biochemistry, medical physiology, nutrition, public health, epidemiology and biostatistics health economics and psychology' this individual, let's call him "Mr Ed", felt the best use of his time was to defame his former supervisor online.[7]

Our client was one of two supervisors for the student teachers practical placement. Following observations of Mr Ed's performance by our client and others at the State High School, the decision was taken not to permit the student teacher to complete his practicum at the School. Mr Ed then commenced a series of complaints which were ultimately rejected by the Associate Dean of the University; by the Senate Student Appeals Committee and by the Queensland Ombudsman.

Subsequent to the rejection of his complaints, Mr Ed sent an email to:

> *"People involved in Education or Psychology, Sociology, Criminology, Chemistry or Biology at UQ and other U's and/or student teacher practicum arrangement and supervision in Schools; teachers at (The State High School); people in relevant Government and governing bodies, and student teachers."*

The email claimed that he had been the victim of *"serial bullying and narcissistic personality disorder, cronyism, obfuscation and whitewashing"* during his practicum at the State High School.

Attached to the email was a 'forensic psychology report' which supported Mr Ed's argument that our client and the other supervising teacher had a *"propensity for bullying and substantial Narcissistic Personality Disorder."*

Other attachments to the email included Mr Ed's response to events he felt were instances of bullying including unfavourable lesson feedback by our client and the documents associated with the various complaints he lodged after his practicum was cancelled.

The email and documents were published on the internet and Mr Ed created a Charge.org petition calling for a "Fair Go For Student Teachers". The material contained potentially defamatory material about a number of people and specifically in relation to our client that:

[7] In his defence, I note the individual's own explanation for his burgeoning quiver of university qualifications as follows "*The multiple university degrees were completed much by way of challenging heavy subject overloads and interspersed overdone farm labour that has left me with permanent damage to both hands, lest anyone feel inclined to put some negative interpretation to that.*"

- *He had a disorder namely "Narcissistic Personality Disorder"*
- *He suffered from a perceived handicap to overcompensate in other aspects of his life, namely "Small Man Syndrome".*
- *He was a "bully".*
- *He took a perverse and unmerited pride in being "an authority figure."*
- *He was unable to learn from his peer and is "not inclined to learn from another adult"*
- *He was in need of psychological assistance.*
- *He was a "gratuitous micro-manager."*

We wrote to Mr Ed notifying him of our client's concerns, asking him to remove all the defamatory material. He refused to do so. We again wrote to Mr Ed repeating our concerns and notifying him of our intention to make an application to the court for a search order under Chapter 8 Part 2 Division 3 of the Uniform Civil Procedure Rules (including the seizure of his computers) should he fail to take down the websites.

Mr Ed again responded that he did not intend to remove the material listing the defences of 'honest opinion', 'truth', 'qualified privilege' and 'public interest' further stating:

> *"It is very apparent to me from your communications that you have not at all properly read, much less correctly assessed the meaning of, the evidence contained very clearly and logically laid out in very sufficient detail in the documents involved, which you will find at the website, or probably already have already had forwarded to you. I suggest you make some suitably serious attempt to do so, in order for you to have the best possible chance of not making nonsensical assertions about the matter, and of not providing your client with sub-optimal advice."*

He went on to offer the following terms to our client:

> *"….if he can provide evidence that he has gained appropriate insight as to the defects in his thinking and behaviour in the matter, and can make an honest admission of this and of his sincere desire to not think or behave in this manner in the future, I will add information of this development to all publications made thus far."*

At this stage we considered commencing a defamation claim in the District Court and applying for an interim injunction to direct Mr Ed to remove the website material and restrain him from further publication of that material.

We anticipated the legal fees for commencing the action and applying for an injunction will be in the range of $35,000 to $40,000. We knew Mr Ed was almost certainly not a man of means and that if costs or damages were awarded by the court, it was unlikely he would be in a position to pay them. It was also true that there is no evidence of actual harm to your client, though there was certainly the potential for harm. Somewhat pathetically, Mr Ed's petition had only six signatories and we also considered that any reasonable person who read his material was more likely to form an unfavourable view of Mr Ed than of our client.

Balanced against these factors, the published material contained a very serious defamation of our client. It criticised his ability as an educational manager and made personal comments about his mental state. It was extremely offensive, and unlike Facebook or similar posts, was

loaded onto a freestanding site giving it greater longevity than many other forms of defamation.

We felt the client had good prospects of succeeding in a defamation claim, and good prospects of obtaining an interim injunction to have the material removed from the internet - but was that 'win' the right thing to do for the client in these circumstances?

In consultation with the client, we set aside the prospect of the defamation action and instead concentrated on perhaps the most defamatory and damaging aspect of Mr Ed's rantings – the bogus psychological report that 'diagnosed' him with Narcissistic Personality Disorder, authored by a registered psychologist (presumably a former student colleague of Mr Ed during the course of one of his many degrees).

We wrote to the Australian Health Practitioner Regulation Agency explaining the situation and sending them a copy of the bogus report. The issue was accepted for consideration by the Queensland Board of the Psychology Board of Australia who took the decision to caution the psychologist and impose conditions on his registration. Following this decision the psychologist surrendered his registration.

So was this a 'win'? Our client felt it was. At the very least Mr Ed had likely lost a friend and, given our experience with him, he probably didn't have a surplus of those.

Creative solutions and a defamation triage

So what should educators do when defamatory allegations are made against them on social media or blogs and other internet publications? When the defamation is unpleasant but falls way below calling them a paedophile or other similarly serious allegation it may be they must simply declare "Fake news!" like Donald Trump and move on to fight another day. Like with "Mr Ed", there may be times when a creative solution and moral victory is superior to the traditional court battle and associated costs, stress and risk of further publication of the original defamation.

I have in my practice suggested a sort of defamation triage system to teacher clients when deciding how much action we need to take to protect their reputations.

1. *Is this causing me real damage or does it just hurt my feelings?*
2. *Does this have the potential to cause me real damage?*
3. *Reflecting on the first two questions how much am I willing to invest in time and money to (maybe) make this go away?*

That said, if the defamation is serious and the person making it is credible, or at least likely to be believed by some people, then something must be done. As we have discussed, formal defamation proceedings are often not optimal in these circumstances. The following are some standard things that I now do before embarking on the formal path.

Education Queensland's Cybersafety and Reputation Management Unit

This body is managed by Rob Priddy, a former Queensland Police officer, who in his current role, supports and provides advice to state schools on the management of online behaviours and the reputation of the school and its staff. We have found his Unit has established good

contacts within social media organisations such as Facebook and Twitter. This is beneficial, as they are often successful in having demonstrably defamatory imputations removed by administrators without the need to commence legal proceedings.

Direct approach to Google, Bing, Firefox ……

Search engines such as these are notoriously in favour of "free speech" and are also notoriously reluctant to take on any responsibility for the content published on their sites. That said, if you can provide them with clear evidence that things published on their sites are defamatory and make it clear to them that you are formally notifying them of their responsibility for publishing such material it is possible that they will remove the links to that material. This is especially so as there have been some decisions that may ultimately attach liability for publishing defamatory comments to search engines as 'third party' publishers. [8]

Work with the school community

We dealt with a matter recently where a couple of parents who were members of the school P&C had made defamatory comments about a teacher on social media and in conversation with other P&C members. When a concerns notice from us was hand delivered to these individuals at a P&C meeting they subsequently claimed to their peers that the letter was a forgery and that they had called our firm, and we had denied authoring it. In this way they further defamed the teacher involved. We contacted the P&C president confirming that the letter was legitimate and the President then circulated this information to the rest of the P&C.

Of all our creative solutions I think this was the most satisfying for our client. The defamers ultimately humiliated themselves and exposed to the school community as exactly the sort of people you might expect them to be.

Consider simply replying online

This is a tricky decision. The last thing the client wants is to get into a public slanging match online and risk encouraging further defamatory comments but sometimes this can be the most effective way to debunk the defamation and to exact the same audience that has already viewed it. This is rarely something we suggest and depends on the nature of the defamation and the type of person who authored it, but is always something to be considered. I have even thought of posting formal concerns notices in the comments sections of Facebook accounts although I confess I've yet to take the step of doing so.

Conclusion

In the Victorian Court of Appeal ruling in *Google v Trkulja* [9] judges Ashley, Ferguson and McLeish JJA considered Google's submissions that it should be immune as a third party publisher to the results of searches conducted on its' search engine. In basic terms, the Internet giant's contention was that the owner/operator of a search engine ought to have immunity from liability in a defamation proceeding when liability is said to depend on publication of automatically generated materials returned by the search engine in response to

[8] *Trkulja v Google Inc* [2015] VSC 635*; Duffy v Google Inc* [2015] SASC 170.

[9] [2016] VSCA 333.

an individual user's query. It is an immunity claimed by all such 'third party' publishers and one that continues to be ferociously defended in the courts.

In allowing Google leave to appeal the judges discussed the great utility of search engines and the conflicting seriousness of the defamatory publication they can assist stating that "a balancing of interests, in those circumstances, must be undertaken".

They concluded:

> *"But one thing, in our opinion, is clear. If there is to be any immunity in favour of a search engine from liability for defamation, it must be conferred by legislation."* [10]

This is true for many of the problems now associated with defamation online. The law cannot effectively evolve through judge made decisions to deal with the revolution in publishing that has taken place over the last ten years. While traditional defamation laws might be ample to deal with the more serious defamations online; an accusation of paedophilia for example, they are not fit for purpose to deal with the 'smaller' defamations that claim a teacher is a bully, negligent, cruel to a student or favours one student over another. In the past, such claims would never have been published. Today, they are almost certainly published every day about a teacher in every school in Australia and read by an audience that can't even be accurately quantified.

The fact is that until Parliament takes on this challenge, teachers must add yet another occupational hazard to the profession, develop yet thicker skin, protecting themselves when they can and maybe communicating 'Fake News!' to the school community when there are no better options on the table.

[10] Ibid at [414].