



School District Not Liable For School Employees' Statements About Bus Driver

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By Jackie Wernz

A recent Illinois Appellate Court decision highlights the protections that courts recognize for statements by public employees about coworker misconduct. The case should reassure school district employees who in good faith report misconduct by other employees that their reports will not subject them or their school district to liability for defamation.

In *Goldberg v. Brooks*, a bus driver employed by Allenton Bus Company sued School District 65, one of its principals, and one of its teacher aide for defamation and tortious interference with contract. Goldberg was assigned as a bus driver for District 65, and the teacher aide was assigned to assist students on Goldberg's bus route. The teacher aide reported certain misconduct by Goldberg to her principal, who had already received other complaints about Goldberg from parents of school district students. The principal passed along the teacher aide's and parents' concerns to Allenton which Goldberg said harmed his professional reputation.

The Appellate Court held that the statements by the teacher aide and the principal could not support a defamation or tortious interference lawsuit, for three separate reasons. First, the School District could not be sued because the Illinois Local Governmental and Governmental Employees Tort Immunity Act (Tort Immunity Act) immunizes public entities for the libel or slander of their employees. Second, under the Tort Immunity Act, a public employee is not liable for any injury caused by the provision of information in the scope of their employment. Third, complaints about a coworker are absolutely privileged where there is a duty to report misconduct.

This decision demonstrates that when an employee reports information about a coworker to supervisors or to the coworker's independent employer that action will not support a defamation lawsuit, especially when the reporting employee is required to report misconduct as a part of his or her job.

More Information

Jacqueline F. Wernz
jfw@franczek.com
312.786.6137

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