

cyberbullying

social networking and you

lies, gossip and the internet



intimidation.com
the truth about
cyberbullying
and the law

Technology makes it possible for people to gain control over everything, except over technology.

John Tudor

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<http://www.youtube.com/watch?v=QYaWNYXpBis>

<http://www.youtube.com/watch?v=seOQyMvG99w&feature=user>

Special thanks to...

Mr. Eric Roher, author of INTIMIDATION.COM: DEALING WITH CYBERBULLYING powerpoint, presented at the CCSS Conference, May 23, 2007 (the format and much of the content of this powerpoint is derived from Mr. Roher's presentation)

Mr. Bill Belsey, founder of the cyberbullying.ca website and originator of the term "cyberbullying"

Ms. Beatrice Schriever, author of Cyberbullying, in the September 2007 version of **Professionally Speaking**, The Magazine of the Ontario College of Teachers

"Adults have a functional relationship with technology. For young people, that's not the case... call them the 'always on' generation... kids live in a world that's fluid, open, collaborative and interactive..."

Belsey

<http://www.youtube.com/watch?v=QYaWNYXpBis>

It is estimated that this video has been viewed over 900 million times...

<http://www.youtube.com/watch?v=HPPj6viIBmU>

Freedom of Expression

- **Fundamental characteristics of democratic society.**
- **The Supreme Court of Canada has stated that the scope is to be considered broadly.**
- **Colleges represent a marketplace of ideas.**

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Not all bullies are on
the playground.

Canadian Charter of Rights and Freedoms

Section 1 guarantees...

the rights and freedoms set out in it subject to such reasonable limits prescribed by law as can be demonstrated justified in a free and democratic society.

Section 2(b) guarantees to everyone the “fundamental freedoms” of...

“Thought, belief, opinion and experience, including freedom of the press and other media communication”

The Challenge

"The challenge is to draw the line in a way that promotes robust but respectful discourse, and allows free expression short of abusive speech."

Prof. A. Wayne MacKay

Striking a Balance

In determining whether college officials can impose restraints on constitutionally protected free speech, these responsibilities must be balanced with the rights of the students.

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By banning YouTube in schools,
we hope to stop bullying in
cyberSpace...

... And get it back
into the playground,
where it belongs.



Wilcox



it's about
respect.

When can college officials impose restraints on a student's speech?

- Hate language i.e. anti-Semitic or homophobic comments
- Material and substantial disruption in the school
- Creates a poisonous environment in the college
- Must be a link or nexus to the school

"Sarcasm, cheap shots, silliness, irony and teenage bravado are not cyberbullying. It's not enough to dislike something someone has written about you. Schools should give oxygen to self-expression, criticism and creative writing, not smother it. If people can't be critical and probing in school, where can they be?"

Beatrice Schriever

What is Cyberbullying?

The use of information and communication technologies, such as e-mail, cell phone, pager text messages, instant messaging and websites, to support deliberate, repeated and hostile behaviour that is intended to harm others.

Bill Belsey
(cyberbullying.ca)

Some Facts <http://www.cyberbullying.org/>

- 48% of Canadian students spend at least an hour a day surfing the World Wide Web
- Almost 60% use chat rooms and instant messaging
- 24% of students say someone has sent them messages that said something hateful about others

Some Facts (cont'd)

2006 study conducted by the university of Calgary found (Prof. Quing Li):

One in four students in Grade 7 reported being a victim of cyberbullying

53% of the students reported that they knew someone being harassed on-line.

15% of the students said they bullied others using electronic communication tools.

Some Facts (cont'd)

- **2002 British survey found that one in four youths, aged 11 to 19 has been threatened via their computer or cell phone.**
- **Only 16% of students say they talk to their parents about what they do on-line**

RateMyTeacher.com

- **Students rate and comment on teachers and school administrators who affect their education**
- **Rated on student's opinions of their teaching ability**
- **Insight into what is happening in the classroom**

YouTube

- Pervasive downloading of videos
- Many taken from camera phones

<http://www.youtube.com/watch?v=c5z6MnNMA4w>

Canadian Cybercase Knight v. Halton District School Board

- Lawsuit against the Halton District School Board, principals, vice-principals, and other students
- Statement of claim issued on May 23, 2002.
- David Knight, 17, and Katherine Knight, 16.
- Action arises from over four years of harassment, abuse, humiliating and degrading treatment and bullying.

Knight v. Halton District School Board

- **Alleged the principals, vice-principals and school board owed a duty of care to them to take reasonable steps to protect them.**
- **Sued three ringleaders for deliberately taunting, intimidating, harassing and socially isolating them.**

Knight v. Halton District School Board

- **Bullying started in elementary school**
- **Ringleaders repeatedly taunted him by calling him fag, faggot or homo.**
- **Alleged that the bullying was pervasive and permitted**
- **1998 at Pearson High School, bullying continued**

Knight v. Halton District School Board

- **February 2001, ringleaders created abusive website: daveknightisgay**
- **Students asked to sign the guestbook – “What do you think of Dave Knight?”**
- **People anonymously posted hundreds of messages on the site**
- **They called Knight names like “faggot” or “dog f__ker”**

Knight v. Halton District School Board

- **Parents had numerous meetings with principals and vice-principals**
- **Alleged school personnel were aware of bullying but failed to act**
- **Knight left school and finished his studies at home**
- **Family wrote to Yahoo to close down the site.**

Knight v. Halton District School Board

- **“The taunting, food-throwing in the cafeteria, car vandalizing, threats and abuse continued to date with no appropriate action taken by Pearson to control or discipline the perpetrating students.”**
- **No settlement yet**

How is Cyberbullying Different From Other Forms of Bullying?

<http://www.bullying.org/external/documents/ACF6F8.pdf>

- **Cyberbullies hide behind the anonymity of the Internet**
- **Communicate with remarkable speed**
- **Cyberbullies do not fear being punished for their actions**
- **Believe they are outside the legal reach of schools and school boards**

Cyberbullying and the Law

Criminal Code

- It is a criminal offence to communicate repeatedly with someone if the communication causes them to fear for their own safety or the safety of others.

Cyberbullying and the Law (con't)

Civil Liability

- Defamation involves writing something designed to insult a person or hurt a person's reputation by exposing him or her to hatred, contempt or ridicule.

Cyberbullying and the Law (con't)

Ontario Human Rights Code

- Violation of the code if one discriminates or harasses based on race, national or ethnic origin, colour, religion, age, sexual orientation, marital status, family issues, or disability.

Confederation College Policy

- **Each member of the campus community is responsible for helping to create an environment that is harassment and discrimination free.... (p. 94)**
- **Students are responsible for knowing college rules, policies and regulations (p. 91)**

Confederation College – Code of Conduct

- Inappropriate behavior may include
- Using abusive language
- Physically or verbally harassing college students or staff
- Violating the Information Technology Policy
- Other unacceptable behaviours identified in the Charter of Student's Rights and Responsibilities

Inappropriate Use of Information Technology

- Propagation of hate literature
- Harassment, including sexual harassment
- Malicious or unethical use
- Use that violates college policy and regulations or provincial or federal law (p. 106)

Confederation College Policy

- **Managers/Supervisors have a duty to ensure a harassment/discrimination free environment for all staff and students by ensuring that harassment is not tolerated, ignored or condoned. (p. 94)**
- **Employees/Students have a duty to refrain from harassment/discrimination...(p. 94)**

Discipline for Off-College Conduct

- “...harassment and discrimination that occurs outside the college but has repercussions in the work and learning environment...
- and/or adversely affects campus community relationships, is covered by this policy
- Each situation must be examined in light of individual facts

American Cybercase #1

Beussink v. Woodland R-IV School District

- High school student created a web page that contained critical and vulgar comments directed towards school administration
- The student never accessed or worked on the web page at school
- Principal was “upset” by the content and suspended the student for 10 days

Beussink v. Woodland R-IV School District

- The Court held that disliking or being upset by the content of a student's speech is not an acceptable justification for limiting speech
- Further, there was no substantial disruption created by the website

American Cybercase #2

J.S. v. Bethlehem Area School District

- Student was in 8th grade at Nitschmann Middle School during the 1997-98 school year
- Kathleen Fulmer taught for 26 years. She was a math teacher
- Student informed another student that he created a “Teacher Sux” website.

J.S. v. Bethlehem Area School District

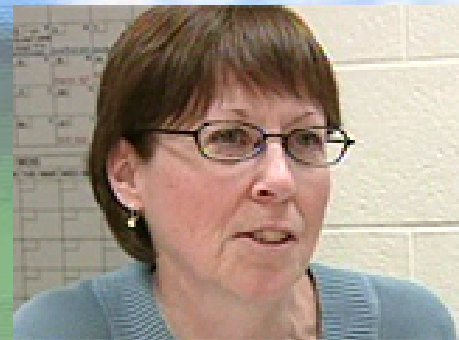
- “Why should Fulmer be Fired”
- She shows off her fat f---- legs...She’s a bitch
- Why should she die?
- “Give me \$20 to help pay for the hitman”
- Diagram of Mrs. Fulmer with her head cut off
- Student was expelled permanently from the Board

J.S. v. Bethlehem Area School District

- **J.S. sued – violation of his first amendment rights**
- **The principal was embarrassed by the student's allegations and Mrs. Fulmer felt threatened**
- **Teacher and students were aware of the student's disdain for school officials and discussed the website at school**
- **This behaviour presented a substantial interference with the educational process**

Canadian Cybercase #3 Willowbrook P.S. Thornhill

- students posted crude comments about a female teacher on FaceBook
- “...saw my teacher masturbating in class...”
- Principal barred 6 students from Montreal trip



Canadian Cybercase #4 Birchmount Park Collegiate

- 5 students suspended for posting derogatory comments about their VP on Facebook
- Violent protest attracted 100's... resulted in arrest of four students



"Tools such as text messaging and sites like Facebook and MySpace... are not means of communication; they are relationships."

Schriever

Victims of Cyberbullying should be
Encouraged to:

http://www.cyberbullying.org/pdf/cyberbullying_Information.pdf

As an Organization...

"The most effective approach to cyberbullying is to create a positive school environment..."

(from "Cyberbullying by Beatrice Schriever, Professionally Speaking: The Magazine of the Ontario College of Teachers)

- **Learn your legal rights and those of your students as they relate to education**
- **Lose the outdated world view that technology is only a means to an end or a way to transmit information**
- **Write clear policies that will help students thrive in a pluralistic society; one that balances freedom to express one's self and respect for others**

- **Work with students to help them understand the serious consequences of cyberbullying for themselves their victims, their families, friends and schools**
- **Involve students in rule making for school codes of conduct**
- **Close your own information gap by pursuing p/d about the internet, in which innovative thinkers offer forward-looking guidance**

- **Bring in technology experts including internet and cell phone providers to explain how to help students who have been cyberbullied document their experiences**
- **Inform students [and staff] about whom to contact at the school and respond quickly and consistently to incidents**
- **Remember that every case is different**

- Deploy creative techniques like peer mediation, restorative approaches, peacemaking and conflict resolution
- Network with community groups, such as the police; don't try to do it alone
- Maintain appropriate boundaries on social networking sites
- Learn to live with complexity... there are no easy solutions