

Cyberbullying

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In a unanimous vote this morning in Toronto, the **Canadian Teachers' Federation** pledged to form an emergency workgroup to hammer out a national policy this fall on the use of **cell phones** in class and school penalties for using **blogs, email** and any form of technology to hurt other people's feelings.

The Toronto Star
Louise Brown, Education Reporter

July 13, 2007



August 28, 2007 –
Ontario College of Teachers Press Release

Eighty-four per cent of Ontario teachers say they have been the subject of comment by cyberbullies who use e-mail and the Internet to criticize their teachers' appearance and grading skills, spread harmful gossip and even make threats of physical harm.





Teacher Responses on Cyberbullying:

- 84 per cent have experienced cyberbullying
- E-mail and chatrooms are the main vehicles for cyberbullying
- 41 per cent believe the school/board should report most or all cyberbullying to the police.
- 43 per cent believe student-to- student cyberbullying should be reported to the police

August 2007 – Ontario College of Teachers Survey



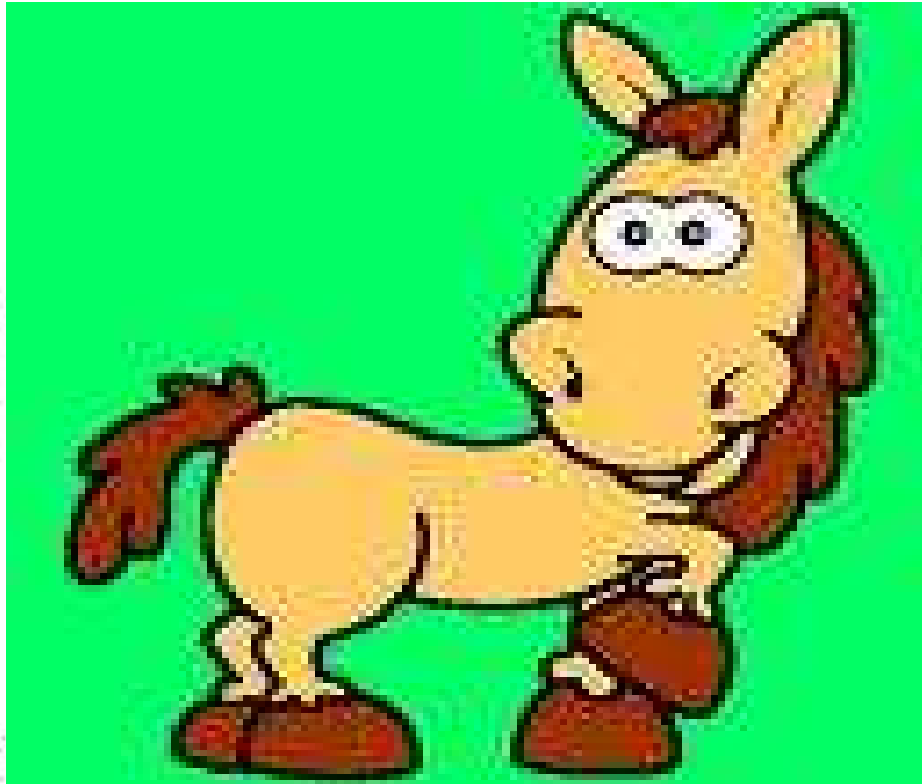
Teacher Responses on Electronic Communication:

- 49 per cent say their school or board has well understood policies on student use of e-communication.
- 21 per cent say their school or board has well understood policies of teacher-student e-mail communication.
- 83 per cent never communicate with their students via e-mail.

August 2007 – Ontario College of Teachers Survey



Not only has the horse has left
the barn....





Stay tuned...

www.backbonemag.com

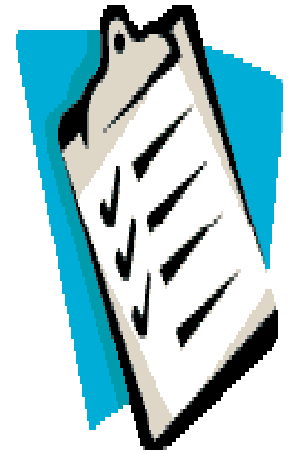
July/August 2007



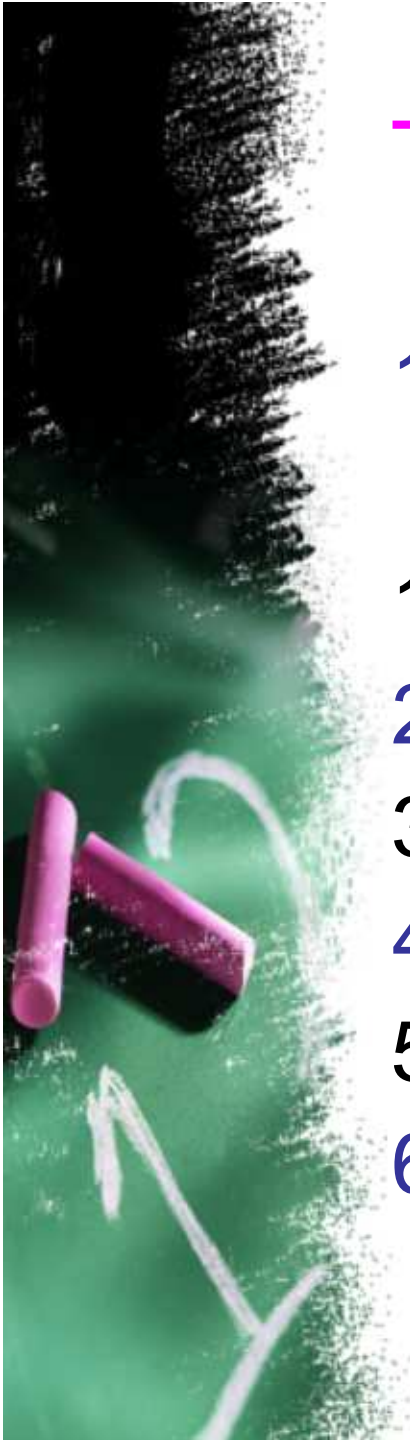
- 74% of students said “technology rocks my world”
- 42% said school encourages them to develop tech skills
- Almost half learn more about technology at home on their own



Topics



1. Technology in School: 2B or not 2B?
1. Social Networking: *Facebook*
2. 15 Minutes of Fame: YouTube
3. Cyberbullying of peers
4. Cyberbullying of staff
5. Nexus: You're not the boss of me!
6. Conclusion: Bug or Windshield?



1. Technology in School: 2B or not 2B? Devices

Risk Management:

Should the School/Board policy
Ban or Limit use?

Examples:

- Cell phones
- I-pods, MP3 Players
- Digital cameras (cell phones)

- See OPC advice





1. Technology in School: Legal Issues



- Safety, Confidentiality
- Ethics (cheating)
- Individual vs. collective freedoms/rights
- Public vs. private discourse
- Harassment & Human Rights
- Freedom of expression vs. defamation
- Pornography Laws
- Acceptable use policies



1. Technology in School Caselaw Reference



Judge Stone from New York State
Supreme Court decision upholds **cell
phone ban** in schools in response
to a challenge from parents

Price et al. v. New York City Board of Ed. et al.
Index #109703/06 (N.Y. S.Ct. May 7, 2007)



1. Technology in School

“Stone Judgment” Issues



- Exterior vs. locker storage
- Arbitrariness vs. rationality of school rules
- Definition of “cell phone”
- Parental vs. School control
- Constitutional claims



1. Technology in School Stone Judgment

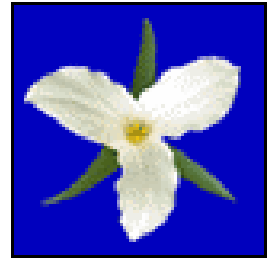


“This court does not rule on the wisdom or lack of wisdom of the Cell Phone Rules or on whether there may be... any better way to balance the desires of parents and the need for practical ways to maintain discipline in schools.”



1. Technology in School

Ontario Experience



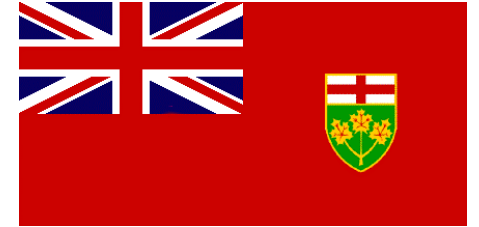
April 18, 2007

Trustees of Toronto DSB passed motion that all personal communication devices will be powered off and stored out of view during instructional class and other areas of the school, unless authorized by the principal.



1. Technology in School

Ontario Experience



February, 2007

- A teacher supervising exams comes upon a student receiving **text messages** on cell phone.
- Teacher **confiscates** cell phone.
- Parent alleges that the teacher **assaulted the student**.
- Investigation reveals no merit to the allegation.





2. Social Networking Internet Access

Risk Management:

Should the School/Board policy
Ban or Limit access?

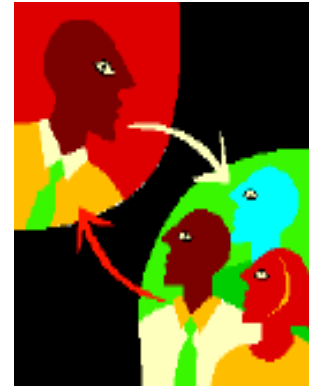


Examples:

- Social network (Facebook, MySpace)
- Video sharing (YouTube)
- Opinion polling (Ratemyteachers.com)



2. Social Networking



Risk Management:

Should the Board/school policy set out expectations re: bullying, cyberbullying, nexus, and acceptable use of technology?

Types

- E-mail, Website, Chat room, Blog
- Social Network
- Video Sharing
- Opinion Polling



2. Social Networking Facebook

- Launched on **February 4, 2004**
- Membership was restricted to students of **Harvard**
- Expanded to all **Ivy League** within two months
- Since **September, 2006** available to any e-mail user within
- **July, 2007** 30 million members worldwide
- *Wikipedia*



2. Social Networking Facebook

October 2007

Soon to be available on hand-held devices (see part 1)



2. Social Networking MySpace



- Owned by Fox Interactive Media
- World's sixth most popular website in any language; third most popular website in the U.S.
- 80% of visits to online social networking websites; influential part of contemporary popular culture
- Attracts 230, 000 new registrations per day

Wikipedia

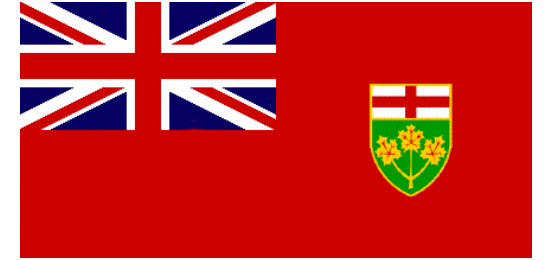


2. Social Networking Legal Issues

- Safety, Confidentiality
- Ethics (lying)
- Individual vs. collective freedoms/rights
- Public vs. private discourse
- Harassment & Human Rights
- Freedom of expression vs. defamation
- Pornography Laws
- Acceptable use policies



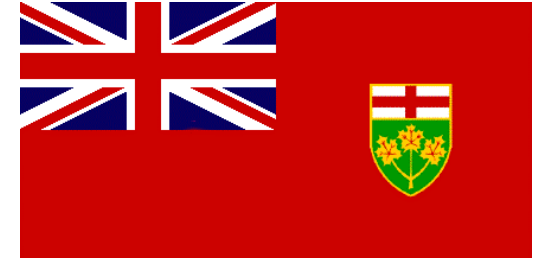
2. Social Networking Ontario Experience



- Board employee and her family create blog to communicate **feelings & photos**;
- In communication with her daughter, she frequently details her **poor opinion of the vice-principal**;
- A student **“Googles”** the vice-principal’s name, discovers the blog, and informs the v.p.;
- Board discipline is meted out.



2. Social Networking Ontario Experience



October 24, 2007

Two high school students in Thunder Bay charged with “criminal libel” for creating a Facebook group and inviting friends to join “Who wants to see X dead?”



2. Social Networking: Teaching Points: Students



- Internet is everywhere and forever
- Employers increasingly using *Facebook* et al. in reference-checks
- “Terms of Use” rules can be relied upon for disciplinary actions
- Know how to report misuse
- Observe Internet Safety Protocols



Social Networking: Teaching Points: Employees



- Candid comments by kids about teachers & principals is not new: the media are new
- Rules of use are not just for kids
- Off-duty conduct can impact on employment
- “Terms of Use” rules can be relied upon for disciplinary actions
- Adults need training in technology and media





3. 15 Minutes of Fame YouTube



- Website where users can upload, view and share video clips (movie, tv, music);
- Created in **February 2005**;
- Unregistered users can **watch** most videos on the site;
- Registered users are permitted to **upload an unlimited** number of videos.
- Users can post video '**responses**' and subscribe to content feeds.

Wikipedia



3. 15 Minutes of Fame: Quebec Experience

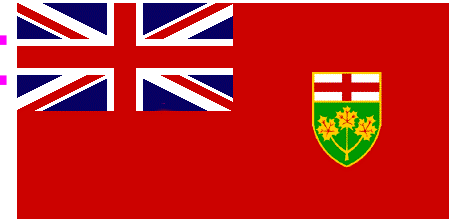


November, 2006

- Students at *Ecole Secondaire Mont- Bleu* in Gatineau, Quebec provoke a teacher into a temper tantrum, record this on a cellphone, and post to YouTube.
- School convinces YouTube to remove video.



3. 15 Minutes of Fame: Ontario Experience



September, 2006

- Students in Peel DSB and Simcoe County DSB arrange and post “Fight Club” videos on YouTube; extensive media coverage

April, 2007

- Ontario board approves suspension of students identified as fighters on cell phone video, as well as videographer and audience





What is Bullying?





Bullying is:

- Repeated, persistent, and aggressive behaviour;
- Intended to cause fear and distress and/or harm to body, feelings, self-esteem, or reputation
- In a context of real or perceived power imbalance

(No definition of bullying prior to)

PPM No. 144 October 4, 2007.






Bullying is:

- A dynamic of unhealthy interaction (physical, verbal, social)
- May occur through use of technology (e-mail, cellphones, text messaging, Internet websites, or others)

PPM No. 144 October 4, 2007.





Bullying will be one of the grounds for suspension of a pupil (Feb. 2008)

PPM No. 144 October 4, 2007.

A principal shall consider whether to suspend a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in another circumstances where engaging in the activity will have an impact on the school climate.

Education Act 306 (1)





Risk Management:

“Children who suffer prolonged victimization through bullying, as well as children who use power and aggression as bullies, may experience a range of **psycho-social** problems that may extend into adolescence and adulthood.

PPM No. 144 October 2, 2007



What is “Cyberbullying”?
Is it worse than bullying?





Risk Management:

"**Cyberbullying** involves the use of information and Communication technologies such as e-mail, cell phone and pager text messages, instant messaging, **defamatory** personal Web sites, and **defamatory** online personal polling Web sites., to support deliberate, repeated, and hostile behaviour by an individual or group, that is **intended to harm others.**"
Bill Belsey



4. Cyberbullying of Peers



Teachable Moment

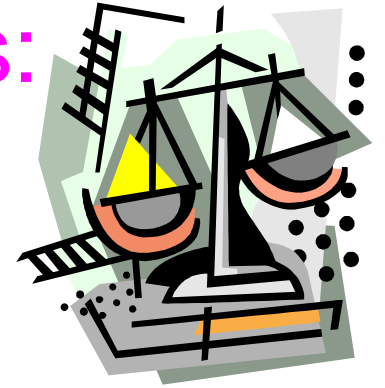
- Provincial/DSB/School Anti-bullying policies

Types

- Social network
- Video sharing
- Electronic messaging, website, blog



4. Cyberbullying of Peers: Legal Issues



- Safety, Confidentiality
- Ethics (bullying)
- Individual vs. collective freedoms/rights
- Public vs. private discourse
- Harassment & Human Rights
- Freedom of expression vs. defamation
- Pornography Laws
- Acceptable use policies



4. Cyberbullying of Peers Caselaw (Cyberlibel)



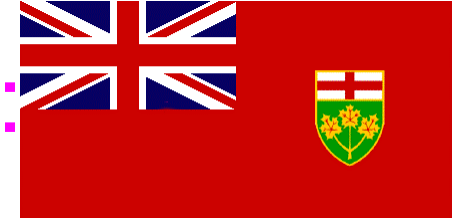
Barrick Gold v. Lopehandia [2004]

O.J. No.2329(CA)

- *“Cyberlibel” distinguished from other defamation because of “instantaneous, seamless, inter-active, blunt, borderless and far-reaching nature” and;*
- *that “anonymous nature...may ...create a greater risk that... remarks are believed.”*



4. Cyberbullying of Peers: Ontario Experience



- Two female Gr. 11 students attend party; consume large amounts of alcohol; lose consciousness; male peer helps them to undress and shower; takes photos; posts to Internet
- Principal reports to police; charges of distributing child pornography





5. Cyberbullying of Staff



Teachable Moment:

- Bill 212 (February 2008)
- Board/school policy
- Anti-bullying policies/programs

Types:

- Opinion polling (Ratemyteachers.com)
- Social Net work
- Electronic media (E-mail, Website, Blog)



5. RateMyTeachers.com

- Controversial review site used to rate elementary/secondary teachers' performance and popularity
- 1-5 rating & comments
- Over one and a half million teachers are graded on the website.
- Launched in August of 2001

Wikipedia



5. Cyberbullying of Staff: Legal Issues



- Safety, Confidentiality
- Ethics (bullying)
- Individual vs. collective freedoms/rights
- Public vs. private discourse
- Harassment & Human Rights
- Freedom of expression vs. defamation
- Pornography Laws
- Acceptable use policies



5. Cyberbullying of Staff: Caselaw



Beussink v. Woodland R-IV School District
30F.Supp.2d1175(1998US Dist.)

- *Student created website with vulgar and critical comments re: school admin.*
- *Court did not uphold suspension “dislike or upset not sufficient”*



5. Cyberbullying of Staff Caselaw



J.S. v. Bethlehem Area School District

- Student created website “Teacher sux”
- about math teacher
- Expulsion upheld because of threats, harassment, and disruption of learning environment



5. Cyberbullying of Staff Caselaw



Biom v. Fulton County Sch. Dist.,
No. 06-14706 (11th Cir. *July 31, 2007*)

The U.S. Court of Appeals (11th District) ruled that a Georgia school district did not violate a student's right to free speech when it suspended her for a narrative about shooting her math teacher



5. Cyberbullying of Staff Caselaw



*Biom v. Fulton County Sch. Dist.,
No. 06-14706 (11th Cir. July 31, 2007)*

The court also ruled that she was not entitled to a court injunction ordering the school district to expunge her records of any documentation related to the suspension.



5. Cyberbullying of Staff Case study



Robert F. Hall

Catholic Secondary School

January 2007

- Eleven students suspended for derogatory comments made on Facebook about the principal
- *Reference February 12, 2007:*
CBC.ca & *The Toronto Star*





6. Nexus:
You're not the boss of me!



By what authority can school officials monitor, control, and apply consequences for “*Off-school*” conduct ?





6. Nexus: You're not the boss of me!

- Bill 212 (February 2008)
- Common Law Standard of Care
(careful & prudent parent in the
circumstances)
- *Regulation 298 "Duties of Principal"*
- *DSB Policies re: Electronic
Communication*



6. Nexus: You're not the boss of me



- Interference with school operations
- Impact on school culture
- Rules of use
- Board Policies



7. Conclusion: Bug or windshield?



Teaching Points

- Training for the grown-ups!
- Responsible use
- Reputation, public profile
- Electronic Etiquette
- Acceptable Use Policies
- Reporting strategies
- Cyberbullying.ca – advice re: Internet Safety; responses to bullying





References

- See attachment for print and on-line resources



E-laws.gov.on.ca



e-Laws
Lois-en-ligne

