Teachers' responsibilities towards the bullying behaviours of students

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Abstract

Bullying is a serious issue faced by teachers on a regular basis in schools. Governments are instating antibullying legislations to try to curb bullying in schools. However, teachers may not be equipped to effectively recognize bullying, let alone deal with it successfully. This research examines the legal responsibilities of teachers and what barriers may be present that prevent teachers from meeting their obligations. It also investigates what resources and supports are necessary to ensure teachers are best equipped to successfully deal with bullying in their schools and classrooms.

Abstract

L'intimidation est un problème grave qui confronte les enseignants régulièrement dans les écoles. Les gouvernements adoptent des législations contre l'intimidation pour tenter de l'endiguer dans les écoles. Toutefois, les enseignants ne sont pas nécessairement équipés pour reconnaître effectivement l'intimidation, et encore moins y faire face avec succès. Cette recherche examine les responsabilités légales des enseignants et quels obstacles peuvent être présents qui empêchent les enseignants de s'acquitter de leurs obligations. Elle enquête également sur les ressources et les soutiens nécessaires pour s'assurer que les enseignants sont les mieux équipés pour traiter avec succès l'intimidation dans les écoles et dans les classes.

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Table of Contents

CHAPTER 1: OVERVIEW & METHODOLOGY

Introduction

The short- and long-term effects of bullying are well documented and carefully researched. Some of the negative consequences include anxiety, lower self-esteem, suicidal ideation and substance abuse (Craig & Peplar, 1997; Englander, 2012; Mishna, 2008; Klomek, *et al.*, 2007; Roland, 2002). Social problems include lack of social acceptance, difficulty making friends, fighting and carrying weapons (Bickmore, 2011; Carr-Gregg & Manocha, 2011; Olweus, 2003; Cassidy & Bates, 2005; Osterman, 2000). Academically, studies indicate that students who are bullied have poorer achievements, and higher absenteeism (Carr-Gregg & Manocha, 2011; Mishna, 2008; Craig & Peplar, 1997; Bauman & Del Rio, 2006). Teachers hold considerable influence in the lives of students and can play a pivotal role in recognizing and responding to bullying incidents (Dake, Price, Telljohann, & Funk, 2003; Mishna, Scarcello, Pepler, & Wiener, 2005; Smith & Sharp, 1994).

Due in part to these harmful effects of bullying, and in part to public pressure, governments are implementing anti-bullying policies. Quebec's Law 19, *An Act to prevent and stop bullying and violence in schools* is one such policy. However, it is questionable whether or not teachers have the knowledge to effectively assume the obligations set forth in the law. Much research has

been done on bullying and policies put in place to minimize it. However, there lacks a comprehensive analysis which considers how these policies are affecting—or will affect—the teachers who are expected to implement them. Therefore, the purpose of this study is to do a thorough investigation of the current research regarding teachers' responsibilities with regards to implementing anti-bullying policy in their schools and classrooms to provide a comprehensive overview thereof.

This research begins with a broad literature review of anti-bullying policy in Canada so as to examine key issues and identify important gaps that could then be addressed and clarified through future empirical research. The purpose is to inform the reader of specific issues and emerging trends as they relate to teachers' responsibilities towards anti-bullying policies and begin to highlight gaps in research on the issue of anti-bullying policy in schools. It investigates the barriers that prevent teachers from being successful interveners, as well as what resources they require to intervene effectively. It looks at what alternatives can be used to minimize the barriers, while simultaneously maximizing environments conducive to learning.

The review is followed by an analysis of research data, specific laws, school policies and best practices. The legal framework will focus on the *United Nations Convention of the Rights of the Child* (UNCRC) as an international law,

the Canadian *Charter of Rights and Freedoms* as a national law and Quebec's

bullying law, Law 19 -- *An Act to prevent and stop bullying and violence in*

schools (previously Bill 56), a provincial anti-bullying policy. There will be

comparisons made to some of the Ontario's implemented policies as a means of

demonstrating similarities and differences between existing provincial policies.

Background

      With increasing public incidents of violence in schools—such as the 1999

Columbine High School shooting in the USA—which directly linked bullying to

violence, bullying has become the topic of research and public debate. As a

result, governments have begun to adopt anti-bullying legislation, designed to

inhibit bullying behavior at school and to mollify its effects. The trend towards

legislation was later fueled by a number of highly visible suicides among school-

age children and adolescents that were linked to chronic bullying, attracting

national attention to the issue (Klomek *et al.*, 2007). The heightened visibility has

coincided with an expansion of research knowledge identifying a range of serious

and long-term consequences associated with bullying behavior, such as

increased depression, substance use, aggressive impulses, and school truancy

(Furniss, 2000; Epp & Watkinson, 1996; Sherer & Nickerson, 2010; Klomek,

Marracco, Kleinman, Schonfeld, & Gould, 2007). Together these factors have

placed increased pressure on governments and school systems for solutions to more effectively prevent or reduce bullying in schools.

Most recently, in Canada, the Amanda Todd case has reopened the public's eye to the cruel realities of bullying. The young fifteen year old from British Columbia committed suicide after years of cyberbullying and physical bullying in several schools. Public outcry has been tremendous, and more pressure is being placed on governments to have laws to protect victims such as Ms. Todd. There are currently two parliamentary committees studying the issue of bullying in Canada, and Liberal MPs Hedy Fry and Dany Morin are demanding more extensive governmental response be taken. This will be explored in greater depth in Chapter Three.

In the wake tragedies, and in attempt to deal with bullying, schools look for solutions. Some have adopted various different anti-bullying programs. *Stand-Up-Speak Out, Tribes, There's No Excuse For peer Abuse, Let's Be Friends* and *Steps to Respect* are just a few of the many programs available for schools to use. Many programs, however, are not scientifically proven to be effective.

Although bullying has certainly existed for centuries, the study of bullying really began to emerge with Dan Olweus, a Norwegian researcher, in the 1970s with an extensive project which is generally viewed as the first systematic study of bullying (Olweus D. , 1979). In 1983, three adolescent boys in northern

Norway committed suicide. The acts were most likely a consequence of severe

bullying by peers, which prompted the country's Ministry of Education to initiate a

national campaign against bullying in schools. As a result, the first version of the

Olweus Bullying Prevention Program was developed.

Olweus' research over subsequent decades has focused on three

principle elements that characterize bullying: first, the intent to harm (emotionally

and/or physically); second, the repetitive nature of the behaviour; and third,

an imbalance of power (Olweus D. , 1993; Olweus, Limber, & Mihalic, 1999;

Olweus D. , 2003). Olweus' research emphasizes a lack of empathy and

compassion within perpetrators and bystanders as being a key element

responsible for leaving victims feeling dehumanized and isolated.

To date, Olweus' work continues to provide the most comprehensive study

conducted on bullying, using 150,000 students who were in grades one through

nine. In this study, 15% of students reported they were bullied several times or

more within a three-to-five month timeframe. Studies in other parts of Europe

and the United States suggest higher rates. For example Melton *et al.* (1998)

studied 6500 fourth to sixth graders in South Carolina and found that 23% of

student reported being bullied several times or more during the previous three

months; Hoover & Olson (2001) found 45% of children reported having been

targets or agents of bullying; Nansel *et al.* (2001) found similar prevalence among 15600 sixth to tenth grade students.

Ken Rigby, an Australian researcher, found similar conclusions to Olweus (Rigby K. , 1996; Rigby K. , 2002). Building on intentional and repetitive abuse of power, Rigby adds that bullying argues that bullying is generally recognized as being along a continuum of seriousness, with most bullying acts being of low severity, as in occasional unpleasant teasing, and some much less commonly perpetrated of extreme severity, as in continual physical assaults and/or total exclusion from others over an extended period (Rigby K. , 2004). Rigby has also contributed enormous research on examining the effectiveness (and weaknesses) of a variety of anti-bullying programs. He argues that there is not yet a program available that can meet the complexities of bullying in schools (Rigby, 2004; Smith, Pepler, & and Rigby, 2004). Despite his extensive research, however, the role of teachers in the cycle of bullying is notably absent in Rigby's work.

Rigby also argues that bullying behaviour can be reduced with well-planned interventions. In a meta-evaluation of 12 well-planned interventions conducted between 1986 and 2001 in different countries, the programs were generally found to have had relatively small effects in reducing the proportion of children being victimized and little or no effect in the reduction of children bullying

others (Rigby, 2002). Perhaps this can be due teachers being insufficiently prepared to intervene appropriately in order to implement the programs.

Canadian researcher, Wendy Craig, has also investigated bullying for over a decade, and is one of a select few who consider the teachers' role in bullying. Her work demonstrates that there is considerable variability among teachers in their attitudes toward and confidence in implementing anti-violence programs (Craig, Henderson, & Murphy, 2000). She points to research which suggests that teachers' beliefs about bullying determine the rate at which they might intervene following a violent incident (Craig, Henderson, & Murphy, 2000). Teachers who do not perceive bullying incidents as serious will tend to be passive and ineffectual in addressing such behaviours. Teasing, social exclusion, and relational aggression, while constituting what it means to be bullied, tend to be viewed as less severe forms of violence, thereby decreasing the likelihood that teachers will intervene (Craig, Henderson, & Murphy, 2000). This absence of intervention indirectly communicates that the behaviour is acceptable and tolerated, thus the bullying will continue.

Peter Smith has also studied bullying at length. In particular, Smith has focused on the effectiveness of school policies and interventions. Smith *et al.* (2004) explain school-based interventions can minimize the harmful effects of

victimization are being used to tackle school bullying, however, they argue more research on procedures and aftereffects is needed to increase intervention.

Furthermore, while there has definitely been an increase in scholarly research on the topic of bullying, many myths still permeate the public conscious. Some argue that the media has had an impact in determining what bullying is, as well as the consequences of the media reporting on bullying. As Ken Rigby (2012) aptly points out, anyone who has looked on the internet for information about bullying will quickly realize that there is a massive amount available. However much of it is uninformed opinion, which, Rigby (2012) states, is sometimes sensible, but, too often, it is sometimes misleading. Like the general public, teachers use the internet as a source of information. They may stumble upon the information that is valid, but equally may fall upon misinformation that is unfounded and not researched. With so many programs available, and the media being so prominent in today's society, it is little wonder that teachers are unsure of the best approach to bullying.   And, I believe, since teachers have no more empirical knowledge concerning bullying than the layperson, they are not able to critically assess the validity of programs they find.

The media can glorify bullying—through television and movies; but in the news, incidents of "bullycide" are sensationalized and become a hot topic (Huffington Post, 2012; Fong, 2012; Fujita, 2012; Beekman, Kemp, &

Hutchinson, 2012; Leitsinger, 2012). It is clear is that the media certainly

influences the conception of bullying in its portrayal through both fictional and

non-fictional narratives.

Teachers are not immune to the media's input—they, too watch the news,

television, and listen to reports; they use the internet as a source of information.

While these sources can be legitimate, there are many myths which continue to

exist. These will be further explored in Chapter Four when I examine how

teachers are working within a context of misinformation being perpetuated.

Where do teachers fit in?

Despite the extensive research that has considered bullying and its

negative effects on children, there is a gap in knowledge pertaining to the role of

the classroom teacher on the cycle of bullying. This research will scrutinize the

research to identify areas of best practice involving teachers, as well as areas

which contribute barriers to their effectiveness in dealing with bullying.

An Act to prevent and stop bullying and violence in schools, which was

introduced as Bill 56 and assented as Law 19, was unanimously supported in the

Quebec National Assembly on June 12th, 2012. Therefore, Quebecois schools'

legal landscape has changed: all stakeholders, including teachers, are expected

to play an active role in eradicating bullying from schools. However, the gap in

knowledge concerning teachers' ability to effectively implement such a policy is reason for concern.

It is clear that teachers have an obligation to teach students boundaries for socially acceptable behavior both in person and in cyberspace (Hinduja & Patchin, 2011). Teachers who ignore threats and hostile behaviours would be implicitly condoning bullying and thus contributing to creating a negative learning environment. Yet, as Craig (2000) indicates, teachers' attitudes have a large impact on what they personally deem acceptable or unacceptable.

Teachers play a critical role in identifying signs of victimization; and in assisting children in disclosing threats and breaking the culture of silence about bullying that is all too prevalent in the school setting (Smith & Shu, 2000). A meta-analysis of 13 evaluation studies concluded that an important component of successful outcomes in reducing violence in schools is related to the degree of commitment of the teacher to end the violence (Pepler, Smith, & Rigby, 2004). As teachers are asked to implement programs, it does not seem that research has been conducted to determine how prepared they are to take on yet another responsibility. Do teachers feel prepared to take on the role of mediator and social guide? Are they equipped to run such programs at all? To further complicate the issue, there is a notable lack of clear legal boundaries to define what they are expected to do and courts have typically adopted a detached

approach in educational policy (Shariff & Hoff, 2006). Furthermore, the increase in reported cases of cyberbullying is adding even more challenge for schools, as they are not able to easily supervise the forum (Shariff, 2008; Hinduja & Patchin, 2008).

Significance of this research

In the current context, many provinces, such as Quebec, have responded to public concerns about bullying by implementing various policies. These policies will affect teachers' jobs and how they are expected to interact, and intervene with students. This research will provide a thorough examination of what government, school boards, schools and teachers will need to be able to meet their legal obligations regarding anti-bullying policy.

Policymakers will be able to use this research to guide them in how to best support the implementation of the new anti-bullying legislation. School boards can benefit from this research as it can guide the type of on-going professional development may be necessary to meet legal obligations. Teachers will also be empowered by this research as it will validate their feelings of frustration when unable to effectively manage bullying in their schools. It will also provide them with knowledge as to what resources they need to advocate for in order to meet their legal obligations.

The Framework of the Research

This investigation is built around the following framework: teachers are in a continuous state of considering their obligations and how to overcome obstacles to meet those obligations. Teachers work with administrators, students, parents and the community to ensure that they meet their legal and moral obligations and agents of the government. They are faced with barriers which can be real or perceived but which can negatively impact their ability to deal with bullying in their midst. They need basic resources to meet their obligations to the various stakeholders, and often need to find alternative methodology to do so. In sum, teachers are balancing complicated realities when attempting to satisfy their obligations.

This research will not seek to minimize or excuse bullying behaviours in children; it is a means of looking at a much more significant shift that needs to happen before we can really begin to eradicate bullying trends from our schools. Bullying is prevalent and problematic (Ellis & Shute, 2007; Sherer & Nickerson, 2010, Shariff, 2008; Shariff & Hoff, 2006). But it is not only students who are at fault: teachers consciously or unconsciously contribute to the problem. Importantly, as well, there is also minimal research available on *teachers* who bully their students. Nonetheless, this research does not in any way seek to victimize or tyrannize teachers. I believe the vast majority of teachers are

thoroughly dedicated to providing supportive learning environments, and many provide exceptional learning opportunities for their students.

The goal of my study is to engage in a literature review to examine the role of the teacher in reducing bullying. Within this goal, I have three objectives:

1) To investigate what legal obligations teachers have towards their students;

2) To determine what barriers, including misinformation, exist to prevent them meeting these objectives; and

3) To examine what resources and supports might be needed to attain these objectives.

This research touches upon the roles of administrator, parents, community and government only insofar as they directly relates to the role of the teacher. It also provides a summary of current research trends to allow teachers to better meet their obligations. This analysis offers administrators and governments a synopsis of what can be done to minimize bullying in schools.

Based on teachers' legal obligations, and given that sustainable resources needed to accomplish these obligations, it is important to examine the status quo in schools – what is currently happening in schools? Thus this research investigates the current context and compares it to best practices.

There are fundamental weaknesses in anti-bullying campaigns currently

used in schools. My research provides a cohesive and thorough synopsis of the

research available on the teachers' role in the cycle of bullying. I begin by

examining the research on efforts being made to eliminate bullying. I also

investigate the roles of teachers in the cycles of bullying in schools. I will finally

present the barriers to successfully abiding by the new anti-bullying legislation,

as well as what are the necessary supports to ensure that bullying in schools is

indeed minimized.

Limitations

Naturally, there are some limitations to this research. It is clear that the

due to the social stage of bullying, full community involvement in implementing

anti-bullying policy is ideal and necessary. This research, however, will focus

extensively on teachers and their relationships with principals and students when

trying to implement anti-bullying policy. While parents play a very important role,

as well as outside community organizations, the scope becomes too far-reaching

for this paper. Further research would be necessary to compliment this review.

Furthermore, it is not within the scope of this research to fully investigate the

moral obligations of teachers. However, it is an essential part of teaching and

thus I will bring forth some examples of how moral obligations do impact the way

in which teachers may deal with bullying in their schools. Nevertheless, this

research will set the stage for further research linking the teachers' moral obligations and bullying in school.

It is also important to note that this research largely does not differentiate the between distinct types of bullying that occur in and around schools. While cyberbullying has become an increasing public concern, this research will not offer solutions that are specific to cyberbullying exclusively. Rather, the research will look at the broader category of bullying and draw on research relating to all forms of bullying as it relates to students and teachers in school.

Finally, while many provinces have either adopted or are in the process of adopting anti-bullying policy, it is beyond the scope of this research to do a full comparison of all the provincial policies. While it is important to identify similarities and differences if we are to adopt a national policy on anti-bullying, this research will focus more Quebec's legislation and use other provinces, such as Ontario's current anti-bullying policy, as a means of comparison.

Definitions

Although much is known about bullying harms and dynamics, many questions, controversies, and discrepancies persist, beginning with its definition. Countless researchers have tried to develop a comprehensive and clear definition, there remains disagreement on how bullying should be defined.

Nonetheless, there is some agreement about certain elements of the definition. In this section, I will provide the elements which have been largely agreed upon as their definition.

Bullying: Researchers have traditionally defined bullying as a repeated pattern of aggressive behavior that involves an imbalance of power and that purposefully inflicts harm on the bullying victim (Olweus, 1979; Sherer & Nickerson, 2010; Ellis & Shute, 2007; Hinduja & Patchin, 2010; Smith, 2011). The attacks can be physical or emotional, obvious or subtle. In all instances, they cause lasting harm to the victim. Although bullying occurs at any age, research indicates that more direct physical forms of bullying tend to escalate through elementary school and middle school and gradually decline as students reach high school, whereas verbal and indirect bullying typically increase through adolescence (Yoon, 2004; Bickmore, 2011; Ellis & Shute, 2007; Hinduja & Patchin, , 2010; Klomek, Marracco, Kleinman, Schonfeld, & Gould, 2007).

Bully: The perpetrator of the abuse. Olweus has identified some characteristics of bullies; they tend to be impulsive, have dominant personalities; are easily frustrated and view violence in a positive light (Olweus, 1993). Boys who are bullies also tend to be physically stronger than their peers. However, Shariff (2009) warns that using the term 'bully' labels the individual and can lead to the (sometimes very wrong) impression that the individual is always bad or evil.

Instead, she prefers the term 'perpetrator' as it suggests that the individual is responsible for initiating action or actions within a specific context (Shariff, 2009).

Victim: The recipient of the abuse. There are generally considered to be two different types of victims—the innocent or passive victim and the provocative victim (who is sometimes referred to as the bully-victim). The innocent victims tend to be cautious, sensitive and/or insecure children who have difficulty asserting themselves among their peers (Olweus D. , 1993). They sometimes report themselves as feeling lonely or isolated (Nansel, et al., 2001). Olweus (1993) points out that some characteristics of passive victims can be seen as contributing factors as well as consequences of victimization. For example, the insecure child may become the 'easy target', but with frequent targeting, they become less secure.

The bully-victim shares the insecurities of the passive victim, but they also have a tendency to be hyperactive and quick-tempered. They will tend to try to fight back if they feel threatened, and may bully younger or weaker children as a response to their own victimization (Olweus, 1993). Nansel *et al.* (2001) have noted that bully-victims tend to have social and academic difficulties, and are more frequently involved in alcohol and smoking than their peers.

Bystander: Those who are not directly involved in a bullying interaction, but who witness the bullying as it occurs. According to Craig and Peplar (1997), as many

as 85% of bullying incidents were observed by students other than the bully and victim and their involvement ranged from passive observing to joining in. Melton *et al.* (1998) found that 38% of bystanders reported they did nothing because they felt it was none of their business; and 27% who did nothing felt that they should have acted, but did not.

Direct Bullying: Relatively open attacks against a victim (Limber, 2002). Direct bullying involves a great deal of physical aggression, such as shoving and poking, throwing things, slapping, choking, punching and kicking, biting, stabbing, pulling hair, scratching, scraping, and pinching.

Indirect Bullying: Attacks which are subtle in nature. This can include relational bullying which is the encouragement to shun and ignore the victim are common forms of non-physical bullying (Dussich & Maekoya, 2007). The objective is to disrupt shared relationships between peers and is more common among girls than boys (Raskauskas & Stoltz, 2004). Gossip and manipulation of friendships comprise the indirect attacks of relational bullying. Because of its indirect nature, relational bullying may go unrecognized by parents and teachers. Nevertheless, the effects of this kind of bullying become more pronounced over time, as peer approval is vital to adolescents. Victims experience isolation and humiliation.

Cyberbullying: Currently, cyber technology is a manifest reality which brings a new forum for bullying. While such technology can be used as a very effective

work or pedagogical tool, cyber bullies use computers, cellphones, and other electronic devices, as weapons to willfully and repeated inflict harm on others (Hinduja & Patchin, 2008). Several aspects of cyberbullying behavior increase its propensity to harm victims. Specifically, physical distance or separation between students who bully and those targeted as victims, as well as the perceived anonymity by the perpetrators, lessen the feeling of personal accountability and may increase the degree of abusive behaviours (Shariff, 2008; Hinduja & Patchin, 2011). The use of technology to rapidly transmit content to an audience who can grow exponentially within a day also makes acts of cyberbullying highly visible, more pervasive and more permanent (Hinduja & Patchin, 2008; Hinduja & Patchin, 2010; Shariff, 2008). Because cyberbullying is a relatively new phenomenon and because the victimization typically occurs out of school, it also imposes challenges for schools to effectively enforce policies without overreaching their legal authority (Hinduja & Patchin, 2011). Importantly, however, in Canada there is no legal definition of cyberbullying which can make it difficult to regulate in any way.

Bullycide: Bullycide is a controversial term that was coined in the book, *Bullycide, Death by Playtime* (2001) by authors Neil Marr and Tim Fields. It refers to suicide which can be attributed to the victim having been bullied, either in person or via social media. It is important to note that some researchers disagree with

the term as they feel that those who have committed suicide after being bullied probably had mental health issues prior to the bullying. They believe that bullying is a contributing factor, but the underlying cause of the suicide is the pre-existing mental illness. Hinduja and Patchin (2010), for example, clarify their definition of "bullycide" to refer to suicides by victims of bullying or cyberbullying which may not always be the actual *cause* of suicide but where mental health issues might exist, could push victims over the edge

Kim and Leventhal (2008) are currently studying whether being bullied actually leads to suicide, but it is difficult for researchers to get a firm grasp on a cause-and-effect relationship. In the review of 37 studies, it was noted that most of the studies failed to take into account the influence of factors like gender, psychiatric problems and a history of suicide attempts (Kim & Leventhal, 2008). Either way, there are sadly too many of these cases of these suicides.

Summary

Within the context of Quebec's Law 19, this introductory chapter gave an overview of the importance of investigation teachers' obligations with relation to the new anti-bullying policies which are emerging throughout Canada. The research will focus on an extensive literature review as well as highlighting statutory and case law to determine what barriers teachers face when implementing these policies, and what resources they may need.

In chapter two, I begin to examine the literature relating to anti-bullying policy. Specifically, I will present the literature on teachers' legal obligations regarding anti-bullying policy. The *United Nations Convention on the Rights of the Child (UNCRC)* will be examined, to determine what international expectations are place on teachers to ensure their students are safe from bullying. The Canadian *Charter of Rights and Freedoms* is examined to highlight the basic expectations in Canada regarding students' rights, and teachers' responsibilities to ensuring those rights are preserved. The Quebec Law 19 (previously Bill 56), *An Act to prevent and stop bullying and violence in schools* is examine to draw attention to how teachers' roles have been altered with this new legislation. And finally, chapter two will examine case law as it relates to the expectations placed on teachers.

CHAPTER 2 THE LEGAL OBLIGATIONS OF TEACHERS

Teachers and principals are placed in a position of trust that carries with it onerous responsibilities. When children attend school or school functions, it is they who must care for the children's safety and well-being. It is they who must carry out the fundamentally important task of teaching children so that they can function in our society and fulfill their potential. In order to teach, school officials must provide an atmosphere that encourages learning. During the school day, they must protect and teach our children.

Supreme Court of Canada (*R. v. M.R.M.* [1998], *supra.* Para. 35*)*

Introduction

This chapter serves to illuminate teachers' obligations. It will begin by exploring the laws which affect teachers' practice. Canadian and Quebec statutory law, case law and the United Nations Convention of the Rights of the Child (UNCRC) will be explored, relating them to the responsibilities of teachers.

While it is not within the scope of this research to provide an extensive study of the law, it will briefly illustrate the established protections for children under the UNCRC and the Canadian *Charter for Rights and Freedoms*. This research will indicate how these are being addressed in the new Quebec Law 19, *An Act to prevent and deal with bullying and violence in schools*, and how they may not be.

This chapter will also examine how teachers' moral obligations can shape their responses to bullying in their schools. It will provide an overview to

teachers' moral obligations as it has appeared in literature related specifically to bullying in schools.

Legal Obligations

As citizens and leaders in the community, teachers have many legal responsibilities. They must ensure that they are acting in legally acceptable manners. There are three bodies of law that this research will investigate regarding teachers' obligations towards bullying in their schools: the *United Nations Conventions on the Rights of the Child* [henceforth "UNCRC"], *Canadian Charter of Rights and Freedoms* [henceforth "*Charter*"] and Law 19, *An Act to prevent and stop bullying and violence in schools* [henceforth, "Law 19"] .   As well, some Canadian case law will be studied to better understand how the courts are defining teachers' responsibilities.

The Legal Context

Brief summaries of the United Nations' UNCRC, the Charter, and Law 19 are provided to ensure understanding of their reference thereafter.

1. **The *United Nations Convention on the Rights of the Child* (UNCRC)**

The UNCRC is the first legally binding international mechanism to include the full range of human rights—civil, cultural, economic, political and social rights—which recognizes children are fully entitled to having human rights. In

1989, world leaders held a special United Nations Convention to recognize that children require special care and security which are unique to children and which must be protected. By ratifying the obligations of the UNCRC, the Canadian government committed to protecting and ensuring children's rights will be upheld. Furthermore the Canadian government has agreed to hold themselves accountable for this commitment before the international community.

The UNCRC uses four principal beliefs on which they based the rights of the child; they are non-discrimination; commitment to the best interests of the child; the right to life, survival and development; and respect for the opinions of the child. In fifty-four articles and two optional protocols, the UNCRC sets out the basic human rights that children worldwide have: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life. The UNCRC protects children's rights by setting standards in health care; education; and legal, civil and social services.

Bullying is addressed within the provisions of the UNCRC to protect and defend children's rights to freedom from violence and discrimination in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.

The articles which may pertain specifically to incidents of bullying in schools and how it may impact teachers are Articles 3, 12, 13, 19 and 29.

Article 3 of the UNCRC requires that the best interest of the child always be considered by administrative, legal, and social bodies, and that the child be provided with competent supervision. Teachers are therefore obligated to provide competent supervision whereby students' best interest is central to all of the schools daily activities.

Research has indicated that supervision is more or less adequate in the classroom with regards to trying to prevent bullying. However, supervision outside the classroom is where bullying is more prominent: hallways, recess, cafeteria and playgrounds are some of the areas that teachers are less present, and bullying flourishes (Craig, Henderson, & Murphy, 2000). Indeed, research by Pepler *et al.* (1997) suggests that teachers only witness one out of every twenty five incidents of bullying in schools! While this does not mean that teachers are not supervising, it does suggest that they are unable to identify less overt forms of bullying in their midst. This is further supported by Craig and Pepler (1997), as they found that teachers are much less likely to be able to identify bullying that includes social exclusion even when they are supervising.

While not stated directly in the UNCRC, one can assume that it is not only supervision that is necessary, but when a child under an adult's supervision is placed in danger, the adult has a responsibility to intervene. Sadly, research indicates that teachers are inconsistent in their interventions. According to Craig

et al. (2000), while teachers feel they intervene consistently to a variety of

bullying acts, student reports suggest that teachers rarely intervene. This

discrepancy is important in that students living the bullying are in a much better

position to identify when interventions appropriately take place or not.

However, as Shariff (2004) aptly points out, covert bullying, especially

cyberbullying-often occurs outside school grounds where teachers are not

present. Yet when American courts have looked at incidents of covert bullying

and teachers' responsibility, they investigate whether or not the covert bullying

was *foreseeable*: were the bullying actions spontaneous or impulsive; was the

teacher had specific knowledge that the actions would occur at a specific time

and place; or whether the teacher had knowledge that the actions *might* take

place at some point (Shariff, 2004). If the acts were foreseeable, teachers may

be held accountable.

Articles 12 and 13 of the UNCRC protect the child's right to expression,

and state that the restrictions of which can only be instated if there is an

infringement of the "respect of the rights or reputations of others". Thus teachers

have the legal obligation to ensure students behave respectfully, and they must

behave respectfully themselves so as to model the expected behaviour. When

this occurs, children are more apt to feel they are being cared for.

Research indicates that students need to develop positive interpersonal relationships within the school environment in order to achieve academically (Konishi, Hymel, Zumbo, & Li, 2010). The basis of all strong interpersonal relationships is respect. However, if teachers are running autocratic classrooms, and do not demonstrate a caring approach to teaching, they are not fostering respect. Teachers have a responsibility to ensure that students understand respectful, inclusive, and non-discriminatory discourse. They have the responsibility to protect and educate students on their duty to behave respectfully to each other (Shariff, 2004).

This notion of schools being obligated to provide environments which are respectful—and hence, conducive to learning—is further supported in the Supreme Court case, *Ross v. New Brunswick School District No. 15* (1996, 42), which involved suspension of a teacher for distributing anti-Semitic publications. The Court stated that:

> [S]chools are an arena for the exchange of ideas and must, therefore, be premised upon principles of tolerance and impartiality so that all persons within the school environment feel equally free to participate. As the board of inquiry stated, a school board has a duty to maintain a positive school environment for all persons served by it.
> (*Ross vs. New Brunswick School District No. 15* [1996] S.C.R. 825, para. 42)

This indicates that case law obliges teachers to be respectful and tolerant of others in order to have an environment which is conducive to learning for all students.

Article 19 requires that governments ensure that there are procedures in place to protect children from harm.   In Canada, we clearly see that there is an effort to be doing this. Provincial governments have implemented anti-bullying legislation (Quebec's Law 19, and Ontario's *Accepting Schools Act*, for example). As well, the Canadian government has two parliamentary committees studying the issue to see if a national policy is necessary, and the NDP is pushing for a national strategy to deal with bullying.

While the intention of these new provincial policies appear to be good—to limit bullying occurrences in schools—there are evidently some gaps in the process. This will be discussed later in this chapter when I look at Quebec's Law 19.

And, finally, **Article 29** of the UNCRC outlines the role of education. Schools are expected to work to the development of the fullest potential while instilling a respect for human rights and fundamental freedoms, including their own culture and that of others'. According to the UNCRC, schools are to be vehicles of preparation for developing a responsible child, with an attitude of

understanding, peace, tolerance, equality of sexes, and friendship among all individuals.

If a victim's academic functioning is jeopardized due to a school's inability to deal with the bullying and/or provide adequate protection, their right to an education may have been violated. This suggests teachers have an obligation of ensuring character education is integrated into their curriculum. Teachers need to ensure that students are aware of their own behaviours and how those behaviours affect others. Teachers are legally responsible for ensuring that students are aware of what it means to be respectful, according to article 29.

2. Canadian *Charter of Rights and Freedoms*

The broad purpose of the Charter is to eliminate antisocial conditions in society, especially sexual, racial, homophobic, and other prejudicial sources. Standards require employers and other institutional administrators to accommodate the needs of marginalized individuals to the point of undue hardship (Bowlby 1998). Therefore, the Charter provides a context for all citizens to ensure their rights and freedoms are respected. Students', as citizens, are guaranteed rights and freedoms in their schools, and it is the obligations of teachers in particular—and all members of the school community in genera—to ensure their rights are respected. Of particular interest when discussing bullying in school are Sections 7, and 12.

Section 7: Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Under this section, victims might argue that their rights to life, liberty, and security of the person are infringed under Section 7 if a school fails to intervene and protect them bullying. Since teachers spend the most time with students each day, it is fair to say that they have an obligation to, at the very least, identify when a child's right to life, liberty and security is being violated. If a school fails to investigate allegations and/or suspicions of bullying (especially within the school environment), act on obvious warning signals and do all within its power to protect a pupil from bullying behaviour and, in an extreme situation, a child is fatally injured or tragically decides to take their life, there may be an argument that the school could be in breach of section 7 of the Charter.

Section 12: Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

Similar to Section 7, teachers have an obligation—as *loco parentis*—to recognize when a child may be subject to such treatment in their schools. Given the known short- and long-term harmful effects of bullying, it can be categorized as "cruel and unusual treatment." Teachers must intervene to ensure that students' rights are not being violated when bullying occurs. The trouble is, as

mentioned earlier, that teachers are not always capable of recognizing the more subtle forms of bullying (Craig *et al.,* 2000).

3. **Quebec's Law 19 (Embedded in the Education Act)**

On June 12, 2012, a week after Ontario passed its *Accepting Schools Act,* the National Assembly passed *Bill 56: An Act to prevent and stop bullying and violence in schools;* making it Law 19. It contains various amendments to the *Education Act* and the *Act respecting Private education.* Like Ontario's *Accepting Schools Act,* Law 19 outlines out the duties and responsibilities of the relevant school stakeholders and their partners with very specific references to bullying and victimization.

In **section 1.1** of Law 19, the term bullying is defined as "any repeated direct or indirect behaviour, comment, act or gesture, whether deliberate or not, including in cyberspace, which occurs in a context where there is a power imbalance between the persons concerned and which causes distress and injures, hurts, oppresses, intimidates or ostracizes" (MELS, 2012).

Law 19 requires that students conduct themselves in a civil and respectful manner toward their peers and school board personnel, and must contribute to a healthy and safe learning environment. They are also obliged to take part in anti-bullying activities held in their school (MELS, 2012, Section 18.1). This section

does not specifically delineate teachers' roles, but it can be assumed that they, too, are to act respectifully.

Section 22 of the *Quebec Education Act* outlines the teachers' roles. Teachers are expected to promote literacy and knowledge, and elicit a desire to learn and to provide an environment which will lead to the development of the students in their care. This is clearly consistent with Section 7 of the Charter. The environment must foster mutual respect. Importantly, teachers are expected to "take the appropriate measures to attain and maintain high level of professionalism". Indeed, they are to collaborate in the education and professional development of future teachers and in the mentoring of newly qualified teachers. Sadly, this is often not the case in schools. Many schools live a poisoned professional environment whereby teachers do not collaborate (Elmore, 2004).

Law 19 delineates the role of the Governing Board as well. The primary goal is for the Governing Board to determine a plan which will prevent and stop all forms of bullying and violence targeting a student, a teacher, or any other school staff member. The plan must include an analysis of the school's bullying situation; prevention measures; measures to encourage parents to collaborate; procedures for reporting; actions to be taken; measures for confidentiality; support measures for victims of bullying; clear consequences for bullying

behaviour; and the follow-up measures that will be respected. Since teachers sit on the Governing Board, they will be—in part—responsible for developing these measures. It is important that they be knowledgeable about the best practices to ensure that the measures put in place are congruent with empirical evidence.

The Governing Board, under **Section 76**, must also outline the code of conduct for students. The code must include the required attitudes and behaviours expected of students. It must also specifically state what behaviours and social exchanges are prohibited at all times. And finally, the code must include the disciplinary sanctions if students do not respect the code. The code must be presented by the principal and staff to students annually in a civics lesson, as well as sent home for parents to read. All the school staff is required to collaborate in the planning of the code and plan for the prevention of bullying. But who is knowledgeable enough on the subject of bullying to effectively do so?

The strong language used in Law 19, however, is of concern. In **section 75.3**, Law 19 states that staff must "see to it that _no_ student in the school is a victim of bullying or violence" (MELS, 2012; emphasis added). While this is ideal, it is neither clear if anyone is held accountable to this ideal, nor if there is any consequence for not attaining the ideal. This is indeed an onerous responsibility!

The principal's role is also affected by Law 19. The principal is responsible for ensuring that the anti-bullying and anti-violence plan is

successfully implemented. The principal is also responsible for efficiently

responding to complaints about bullying and communicating with parents in a

prompt manner. Furthermore, the principal must submit a summary report of

bullying incidents to the director general of the school board. This brings to

question what exactly is worthy to put into the report. Is it only the incidents

which teachers have intervened? Is it every accusation made? Law 19 does not

specify.

Anti-Bullying Legislation in Other Provinces

Manitoba enacted the *Safe Schools Charter* in 2004. While this is not

specifically anti-bullying legislation, the *Safe Schools Charter* does state that

bullying or abusing someone physically, sexually or psychologically is

unacceptable. It requires that all schools develop codes of conduct and

emergency plans in consultation with school advisory committees. The *Safe*

Schools Charter further requires school boards to provide safe and caring school

environments, to develop email and Internet use policies, to develop codes of

conduct and emergency response plans, and review them regularly.

Like Quebec's Law 19, Ontario amended their *Education Act* with the

Accepting Schools Act, 2012. Both of these provincial acts will change the way

principals, teachers and students approach and deal with bullying in schools.

They provide administrators with a legislative framework to institute policies to

encourage positive behaviour, and to identify and address inappropriate student behaviour. Ontario's *Accepting Schools Act* has a greater focus on equity and inclusiveness than does Quebec's Law 19, though it appears that both provinces aim to facilitate the creation of policies and practices that allow every student to feel safe, accepted and supported.

Nova Scotia enacted Bill 30, the *Promotion of Respectful and Responsible Relationships Act* which amends its *Education Act*. Bill 30 primarily focuses on issues related to disruptive or seriously disruptive behaviour engaged in by students. While these behaviours may lead to bullying, the act focuses on creating a school-wide approach to maintaining a positive and inclusive school climate. It further specifies that all students are to be supported to develop healthy relationships, make good choices, continue their learning and achieve success. Finally, it states that for students to succeed, safe environments are necessary.

Other provinces, such as Alberta, are in the process of drawing up changes that they may impose on their *Education Act*. Therefore, like the United States, with increased public pressure to react to highly public bullycides, the provinces of Canada are stepping up their education acts to include anti-bullying provisions. Thus the obligations are similar throughout these acts: teachers must

create a healthy school environment. They need to demonstrate and expect an ethic of care in their classrooms.

Despite the trend toward establishing policy to deal with bullying in schools, Mitchell (2012) warns that politicians are introducing such laws with little evidence that they work and without appropriate ways to scrutinize their outcomes. Mitchell's (2012) report acknowledges that bullying is a significant issue which is no longer seen as a part of growing up and is now publicly broadcasted due to the proliferation of social media. He argues that the problem is not as simple as often portrayed by the media and government: being a bully, victim, or bystander is not mutually exclusive (Mitchell, 2012). Since there are significant numbers of students who identify themselves as both bully and victim, Mitchell (2012) argues it is difficult to create laws that respond to the complexity of the situation. This argument is supported by others as well (Amiel, *et al*, 2012; Bickmore, 2011; Shariff, 2004). Mitchell argues that legislation can be very useful when presenting expectations for student behaviour, but it cannot change the behaviours.

Relevant Case Law under the Charter

While there are not many cases that are settled in court, there does appear to be an increasing reliance by parents on the legal system to address a perceived inadequate response by schools to bullying. Included in this section are some

case law in Canada that shape the way in which schools must respond to bullying in their midst. Given the demoralizing psychological costs of bullying on victim—and on the entire school environment—the courts have rendered decisions which impact the way in which teachers are expected to behave in schools.

1) **R. v. M.R.M.** *(1998)*

In their research which focuses on the legal responsibilities for schools in dealing with cyber bullying, Shariff and Hoff (2006) demonstrate in the 1998 R. v. M.R.M. Supreme Court case, teachers have tremendous legal responsibilities as well. As the judge stated,

> Teachers and principals are placed in a position of trust that carries with it onerous responsibilities. When children attend school or school functions, it is they who must care for the children's safety and well-being. It is they who must carry out the fundamentally important task of teaching children so that they can function in our society and fulfill their potential. In order to teach, school officials must provide an atmosphere that encourages learning. During the school day, they must protect and teach our children.
>
> (*R. vs. M.R.M* [1998] 3 S.C.R. 393)

Accordingly, school authorities—including teachers—have the obligation to institute and enforce a policy to regulate safe and respectful behaviours. Schools could be held liable if they fail to act when students are being harassed at school (Shariff & Hoff, 2006, p.38). Teachers are "*in loco parentis*" (in the place of a parent) and as such have the duty to care and protect their students

(Shariff, 2008, p. 205). Being *in loco parentis* places a legal obligation on

teachers to anticipate certain acts involving student conduct may be damaging to

other students. If a teacher does identify such acts, s/he has an obligation to

initiate actions to prevent probable harm to students. For example, it is

foreseeable that cruel, intimidating, and harassing behavior toward victims of

bullying can result in harm to the victims. Teachers who do not ensure students

receive mutual respect are implicitly condoning bullying and not caring for the the

student's well-being, thereby failing to meet their legal obligations to the students.

2) *Regina v. D. W. and K.P.D. (2002)*

In the British Columbia Supreme Court suicide case *Regina v. D. W. and*

K.P.D. 2002, Dawn Marie Wesley hanged herself after receiving a threatening

phone call. Her classmate testified that she had not intended to harm Dawn

Marie when she yelled the words, "You're f-- dead!" However, the court ruled that

verbal harassment is deemed criminal under the Canadian Criminal Code if it

causes a victim to *perceive* a real threat of harm. This set a new precedent in

Canadian law: verbal harassment—a common element to bullying—can be

considered criminal if the victim perceives the threat as a real threat to harm.

Teachers, therefore, need to be aware that threats made under their

supervision need to be taken seriously. As we know, they have an obligation to

ensure the safety of the children in their car, and they must realize that threats

are criminal acts. Research indicates that teachers are much more apt to

respond to acts of bullying which are physical in nature (Craig & Peplar, 1997;

Craig, Henderson, & Murphy, 2000; Dake, Price, Telljohann, & Funk, 2003),

however, this court ruling demonstrates the necessity to take seriously bullying

which is verbal in nature. This ruling clearly demonstrates that there is an

expectation to ensure that the intention of verbal exchanges be clear. This will

impact how teachers intervene when they become aware of verbal threats

between students. As stated earlier, not responding to bullying implies that the

teacher condones the behaviours—and this ruling demosntrates that the law will

support the victim's interpretation of threats by others. Teachers, therefore, need

to be better equipped to recognize these exchanges, prevent them when

possible, and effectively respond to them when they do occur.

3) *Gould v. Regina (East) School District #77 (1996)*

The *Gould v. Regina (East) School District #77* case alleged the teacher had

spoken too loudly, made demeaning comments, subjected students to ridicule,

displayed a bullying and intimidating manner, and failed to fulfill the learning

needs of the students. It was also alleged that the teacher refused to address

the student's curriculum concerns, allowed other students to bully her, and that

the teacher failed to offer her positive reinforcement or create appropriate

learning experiences. Gould argued the teacher failed to perform the duties of a

teacher and the Board failed to satisfy its obligations by addressing her

complaints.

The Court decided that insufficient facts had been put forth to establish

assault or intentional infliction of mental suffering, and moved to consider

whether the pleadings could be sustained as an instance of "educational

malpractice". Here, again, the Courts demonstrated that they were reluctant to

make decisions concerning the public school system, stating that educational

malpractice is difficult to prove. Therefore, the Court concluded by dismissing

the claim as disclosing no reasonable cause of action, stating:

> It is surely not the function of the courts to establish standards of conduct
> for teachers in their classrooms, and to supervise the maintenance of such
> standards. Only if the conduct is sufficiently egregious and offensive to
> community standards of acceptable fair play should the courts even
> consider entertaining any type of claim in the nature of educational
> malpractice.
>
> (*Gould v. Regina School District #77,* [1996] para*. 47)*

This case demonstrates that while teachers may not have yet been held

liable for misconduct, the Courts have not ruled out the possiblity of a successful

claim. Such a claim, however, would remain if the conduct was "sufficiently

engregious and offensive to community standards" (*Gould v. Regina School*

District #77, [1996] para. *47).* The case has set the standard for what needs to be proven in order to bring forward an actionable statement of claim, yet fails to define what sort of conduct would be a tort. However, it has also left the responsibility of 'policing' on administrators within the schools. Therefore, administrators have a responsibility to make sure students are protected from unprofessional conduct in the workplace and that teachers model a tolerant environment.

This means that the Court decided school administrators are the front line against educational malpractice. Administrators, therefore have an enormous responsibility to differentiate the real complaints from those which are unsubstantiated and to help re-direct teachers who do not seem to have the aptitude for the profession, into other career paths more suitable to their personalities, temperaments, and skill levels. This responsibility cannot be taken lightly if one considers the repercussions of poor teacher conduct can have on the development of a child—even if it is not considered malpractice.

Furthermore, it is important to note that teacher incompetence is not limited to the inability to impart knowledge, but also "immorality in relation to students and other conduct in the classroom that adversely affects the ability to teach children" (Piddocke, *et al.*, 1997).

Finally, the *Gould v. Regina (East) School District #77* case puts into question the ulitmate effectiveness of a law such as Quebec's Law 19. If the courts are reluctant to determine what is or is not acceptable behaviour of teachers vis-à-vis their students, how then will the courts respond to teachers' responisbility for behaviours between students? Thus though the courts have left the possibility that a plaintiff could be successful—given the right set of facts—in claiming educational malpractice, it is quite unclear what those set of facts might be. While it is expected that teachers will create positive learning environments, the law as of yet, has not clearly outlined what it expects such an environment to be or not.

Davis v. Monroe County Board of Education 526 U.S. 629 (1999)

McEvoy (2005) uses the Supreme Court ruling *Davis v. Monroe County Board of Education 526 U.S. 629 (1999)* to demonstrate how the courts defined the factors it found compelling to expand school liability from staff-to-student and student-to-student sexual harassment. While sexual harassment may be only one form of bullying, the ruling provides schools with information which may be applicable to other bullying scenarios. It outlines four key elements which led to the schools being held liable. First, the school officials *had knowledge* of severe, pervasive, and objectively offensive conduct; second, school officials were *deliberately indifferent* to such conduct; third, the school *had control over the*

harasser and the context where the harassment occurred (the classroom); and

lastly, the school's *response was unreasonable* given such knowledge.   McEvoy

(2005) concludes that schools can avoid such issues by developing policies and

procedures to address abusive conduct; if schools neglect to do so, they may be

creating a hostile environment for learning which in turn enhances a school's

liability.

Teachers and schools are beginning to develop policies for their schools

as a result of Law 19. However, the law has not provided and specific guidelines

for these policies. Therefore, there is apt to be a huge variance from school to

school, as each will interpret the law differently.

4)   *Jubran v. North Vancouver School District (2005)*

The case of *Jubran v. North Vancouver School District* (2005), involves

the homophobic harassment of a male high school student, Azmi Jubran, in

British Columbia. Despite the fact that Jubran was not gay, many students in his

school taunted him as being gay based on his appearance. This harassment

was endured throughout Jurbran's five years at Handsworth Secondary School in

North Vancouver.   Through their lack of intervention, school officials and

teachers implicitly condoned homophobia in their midst.

The British Columbia Human Rights' Tribunal ruled that the school had

failed to protect Jubran and failed to discipline the perpetrators, thereby they had

created a negative school environment. The BC Human Rights Tribunal stated that the School District is responsible for discrimination in the learning environment, even when discrimination is caused by student conduct. Because Jubran experienced persistent homophobic taunting and bullying, his learning environment was not discrimination-free. Although the school had responded to Jubran's complaints about specific incidents of harassment, particularly after he had filed a human rights complaint. However, the court stated that this, in itself, was not a sufficient consequence: the school had failed to sufficiently educate students on socially responsible and respectful behaviours.

The School District filed an appeal with the B.C. Supreme Court. In the appeal the School District claimed there was not any discrimination since Jubran was not gay, and that the students making fun of him did not think he was gay, but wanted to find some way to harass him. The School District did not challenge the Tribunal's finding that the harassment of Jubran was persistent and homophobic in nature and negatively affected his high school experience. It argued, however, that homophobic schoolyard taunts by student bullies cannot result in a finding of discrimination. The School District argued that Jubran was not denied a "service or facility customarily available to a member of the public", which was a requirement for a finding of discrimination under the B.C. Code

(*School District No. 44 [North Vancouver] v. Jubran 2005*). The School District

said he was not denied educational services because of his sexual orientation.

Shockingly, the B.C. Supreme Court adopted a narrow construction of the

case whereby the judge ruled that Jubran, who claimed to not be gay, did not

have a case because the claim was brought under Section 8 of the Charter

(which protects homosexuals from harassment).

Jubran went to the B.C. Court of Appeal. This court stated that it was

important to look at the purpose of the *B.C. Human Rights Code* to decide if it

applied in his situation. The Court of Appeal decided that human rights laws are

meant to prevent discrimination, but discrimination is often based on stereotypes

and myths and not real characteristics of an individual. Calling someone "gay" is

based on the negative image of homosexuality that human rights laws are

supposed to prevent. For this reason, the court decided that the claim of

discrimination was valid. Therefore, the BC Court of Appeal overturned the BC

Supreme Court decision and re-instated the tribunal decision. The BC Court of

Appeal reiterated that because the school and school board had fostered and

sustained a negative school environment, Jubran had been prevented from equal

opportunities to an education free of discrimination. Therefore, he was within his

rights to take legal action against them (Canadian Human Rights Reporter,

2011).   The court stated, the "School Board has the duty to provide students with

an educational environment that does not expose them to discriminatory

harassment" (para. 115).

Under the Canadian *Charter of Rights and Freedoms*, the school board

had an obligation to provide him with an educational environment free from

discrimination, and teachers knew, or ought to have known, that the labels

directed at him were homophobic, discriminatory, and designed to hurt him.

Finally, as Piddocke *et al.* (1997) demonstrate via a variety of legal cases

involving teachers throughout Canada, teachers not only have to demonstrate

moral behaviours in school, but they are held to a high standard out of school as

well. Piddocke *et al.* (1997) establish further that teachers are legally expected

to set an example for their students to follow. If teachers fail to do so, they risk

impairing the system and having an detrimental effect on those who participate

and rely up on it (Piddocke, *et al.*, 1997).

These cases have demonstrated how there are tensions in the law that

already exist concerning the expectations of teachers. While we see that

teachers must create positive learning environments, *Gould v. Regina (East)*

School District #77 demonstrates that the courts don't want to define what such

an environment should be. However, *Jubran v. North Vancouver School District*

(2005) eventually came to the conclusion that teachers have a responsibility to

ensure that the positive learning envrionment be free of discriminatory harassment. Furthermore, *Regina v. D. W. and K.P.D. 2002* also adds clarification by ruling that verbal harassment is considered criminal under the Canadian Criminal Code if it causes a victim to *perceive* a real threat of harm. As more of such cases unfold in our legal system, teachers' responsibilities vis-à-vis bullying are becoming less ambiguous.

Teachers' Duty of Care

Teachers have a legal duty of care, *in loco parentis*: they have the responsibility as leaders within the community to demonstrate behaviours that are morally sound and that uphold the values of the community in which they work. Teachers are held to a higher standard of moral conduct than most, and can pay a heavy price for activities outside their roles within the classroom (Piddocke, Magino, & Manley-Casimir, 1997).

Teachers who fail to provide adequate supervision and care can be held liable in tort of negligence (unintentional tort) (Shariff, 2009). If a student makes a claim which satisfies four criteria: (1) there was a duty of care; (2) the plaintiff experienced tangible injury; (3) the injury was foreseeable; and (4) the injury was caused by the actions and/or omissions of the teacher as supervisor (Shariff, 2009).

Therefore, *in loco parentis* implies that teachers *must* educate students in all areas of humanity, and not simply subject matter. The Jubran case indicates clearly that teachers, and schools, have an obligation not only to deal with deviant and abusive behaviours of individuals, but they must also make notable efforts to provide education on civil responsibility and respectful behaviour.

Modelling An Ethic of Care

Nel Noddings has contributed extensively to raising an awareness of the importance and nature of care in schools (1992, 2002, and 2006). According to Noddings, (1992, 2002, 2006), caring is nurtured when teachers and school administrators model caring, engage in meaningful dialogue with students, confirm and celebrate caring, and provide opportunities to practice care. Noddings (1992) argues that the need for care is universal and students suffer when schools become less caring places. Since caring relationships prepare students to be receptive to learning, and alienation hinders their academic achievement, Noddings (1992) claims that the first priority of schools should be caring for students. Therefore, it is critically important for schools to attend to students' emotional needs if academic gains are desired. Noddings recommends that caring be done through four dimensions: modeling, dialogue, practice, and confirmation.

Therefore, teachers have the responsibility to ensure that they are modeling behaviour which is caring of self and others. They must also ensure that their classrooms engage in dialogue, allowing all students to have regular opportunities to have a voice. Students must be given opportunity to practice caring behaviour. If teachers provide such environments, Noddings suggests that students will be respectful of each other. Since bullying between individuals in incongruous with respectful behaviour, it is fair to conclude that bullying would be reduced in schools where teachers engage in an ethic of care approach.

Dickinson (2005) aruges that teachers' moral responsibilities include both their didactic lessons as well as modelling their own behaviours. After looking at several cases of teachers who lost their jobs due to the moral implications of their behaviours *outside* the classroom, Dickinson concludes that teachers are the most significant vehicle for "the transmitting of moral messages that legislation and other policy directives require be delivered to students" (p.8).

In the case of *Kempling v. BC College of Teachers*, the courts ruled that the "creation of a poisoned environment is a sufficient condition for showing harm, but it is not a necessary one" (p.27). As James *et al.* (2008) contend, modeling inappropriate behaviours may increase student aggression and maladaptive behaviours. Nonetheless, if a teacher's behaviour is being questioned, Piddocke *et al.* (1997) reveal that school boards are expected to err

on the side of generosity for the teacher, but to always put first the welfare of the students (p.210).

The idea of having an ethic of care approach is further supported by Shariff (2008) who argues that schools must create environments (both physical and virtual) which should be inclusive and empowering and support the education of children. Shariff (2008) contends that teachers need to develop ways to develop respect and trust within their students, as well as develop critical thought to enable them to make informed and thoughtful decisions. James *et al.* (2008) also support the obligation of teachers to create an environment which treats students with resolve, respect and consideration to avoid being viewed as adversaries rather than positive role models.

Clearly there is a strong need for sensitivity among educators. The values a school communicates through what it models, practices, and confirms have a significant effect on children's learning (Cassidy & Jackson, 2005). Schools are obligated to provide environments which are conducive to learning— environments which are inclusive, safe and ordered. When schools such as Whytecliff in central Vancouver adopt an "ethic of care approach" which focuses on building relationships and adapting to the students' needs, such an environment is created (Cassidy & Jackson, 2005). The mission statement reads:

> *We are a safe, respectful and nurturing community, sensitive to each*
> *person and his or her uniqueness. Within this community individuals have*

the opportunity to build their resources and develop new skills. These experiences encourage self-reflective behavior and a strengthened relationship to family and the wider community. Living these principles inspires hope and promising futures.

Cassidy & Bates (2005) also demonstrate that the positive social, emotional, and academic development of children and adolescents depends, to a considerable degree, on whether the contexts in which they develop, including schools, are reliable sources of caring relationships. In a study of Whytecliff School, they found that a common theme in the interviews with administrators, teachers and students was their perceptions that caring is the importance of building respectful, responsive, and supportive relationships (Cassidy & Bates, 2005). Cassidy & Bates (2005) also note that the staff's high regard for each student and absence of negative judgment was decidedly noticeable to students.

Vygotsky (1986) expressed the importance of linking affect with learning, arguing that if we separate learning from emotion, the learning experience is weakened. Thus, he would support the idea that schools embrace the whole individual and his or her needs when teaching them. He states that "every idea contains a transmuted affective attitude toward the bit of reality to which it refers" (Vygotsky, 1986, p. 10).

Fisher and Tronto (1990) note that genuine and effective caring depends upon the provision of adequate material resources, time, and knowledge and that

the caring process can break down if those involved in making decisions about caregiving are removed from those receiving care, or if care receivers lack the means or the opportunity to confirm whether the care offered has been received and that it corresponds with their needs.

Zerillo & Osterman (2011) argue that schools which have created healthy, inclusive and positive environments are schools which excel at confronting bullying and minimizing its effects. Osterman (2000) argues that pro social behavior can be learned and is best learned in an environment of caring. Mutual respect between teachers, between students and between teachers and students is embedded into the philosophy of every aspect of the school. Students and staff alike are aware of the how their actions and behaviours affect others and the impact their behaviours can have on the whole school environment. Staff—especially, but not exclusively, teacher—set the example for students to follow. By creating such an environment, schools are meeting the students' need for belonging (Zerillo & Osterman, 2011;Cunningham, 2007; Konishi, Hymel, Zumbo, & Li, 2010; Jones & Sanford, 2003). Osterman (2000) also explains that teacher practices have an indirect relationship with the students' sense of community and hence affects their school engagement and positive interpersonal behaviour.

Osterman (2000) further contends that teachers play a significant role in determining whether students develop a sense of belonging within the school

and a sense of being cared for. Teachers set the tone for welcoming and caring

in the classroom, which is then replicated by the students. Unfortunately, some

teachers provide differential support on basis of characteristics such as race,

gender, class, ability, and appearance (Osterman, 2000). This ultimately

influences peer relationships by establishing values, standards, and norms in the

classroom that will be followed by the students (Osterman, 2000). Setting the

tone of respect will minimize the likelihood of bullying behaviour; therefore,

teachers are morally responsible for establishing such a learning climate.

Empathy

When we begin to address the climate and relationships in education the

significance of empathy becomes apparent. There is much well-documented

research which reveals the importance of empathy in the formation of moral

values in children (Hoffman and Saltzstein, 1967; Rogers, 1975; Straughan,

1988; Bottery, 1990 Koseki and Berghammer, 1992). There is also much

research which indicates that students who engage in bullying lack empathy .

Rigby (2005) suggests that empathic feeling towards others, who were both

vulnerable at school, and subject to harassment from their peers, may work to

prevent aggressive behaviour which might otherwise be directed towards those

who were often victimized. However, research has not focused on the human

qualities of teachers who might model moral values to children in school and has not considered student teachers in this regard.

Moreover, Rigby (2005) found that student beliefs about their teachers' expectation to refrain from bullying and to support and protect victims had little impact on their behaviour. Thus, although it is important, and morally sound, for teachers to demonstrate expectations of empathic behaviours, Rigby's research indicates that this alone will not curb the negative behaviours (Rigby K. , 2005). However, if teachers model empathic behaviours, Vygotsky (1986) would argue that they will then internalize the information, using it to guide or regulate their own performance. Noddings (1986) links morality to empathy and the emotional closeness and understanding of others when she describes caring:

Caring involves stepping out of one's own personal frame of reference into the other's. When we care, we consider the other's point of view, his objective needs, and what he expects of us. Our attention, our mental engrossment is on the cared-for, not on ourselves. Our reasons for acting, then, have to do with both the other's wants and desires and with the objective elements of his problematic situation. (p. 24)

Genuine care therefore appears to be an engrossing developmental process, which encompasses affect as well as cognition. Therefore, care is empathy, the ability to be open to someone's feelings and feel to share a feeling

and an understanding. Like Vygotsky, Noddings suggests that teachers must

demonstrate that they care in order to set the climate for maximum learning in

the classroom. Sadly, teachers often feel that there are many constraints which

limit their opportunity to exercise their empathy. Using programs such as *Roots*

of Empathy (founded by Mary Gordon), have demonstrated to be powerful tools

in the classroom for changing the climate towards more empathic relationships

and language (Gordon, 2005).

Summary

After investigating a variety of law—statutory, case, and international—it is

clear that teachers have significant legal responsibilities toward their students. If

teachers fail to meet these obligations, they risk litigation. In order to meet their

legal and moral obligations, teachers must be able to identify when students'

safety and security is being put at risk; they must then ensure that they intervene

in such a way as to stop it from continuing. Furthermore, teachers have a legal

and moral obligation to create environments which are conducive to learning,

which are respectful and promote respect. Thus teachers need to develop

awareness of the laws that governs their responsibilities and obligations.

Nonetheless there is conflicting messages in the Canadian courts. While

they demonstrate strong support for human rights violations—as demonstrated in

the Jubran case—they are reluctant award claims for damages related to

educational malpractice. While the door has been left open, the courts fear that if educational malpractice were to become entrenched within the legal system, it may change the legal landscape of the educational system. Law 19 places onus on teachers to respond, giving future plaintiffs more legal fuel to support any claims against teachers' responsibilities. While the law intends to minimize bullying, it leaves more confusion than support for teachers who try to meet their obligations.

In chapter three I will highlight the scholarly research which exposes many of the barriers which teachers face when trying to successfully implement anti-bullying policies in their schools. While there are varying degrees of commitment to adhere to these policies, there are also many obstacles—some real, some perceived—which prevent teachers from being effective when intervening in circumstances of bullying.

CHAPTER 3: BARRIERS TEACHERS ENCOUNTER

Introduction

There are various barriers preventing teachers from being able to attain bully-free schools. These range from their original pre-service education experiences, to school culture, to management styles. Some of these barriers are also built-in to the educational system, and thus can seem overwhelming for teachers to surmount when trying to minimize bullying in their schools. Bullying is often treated as a childhood or adolescent phenomenon. Sadly, it does not cease to exist in adulthood. Schools have long been recognized as agents of socialization (Dreeban, 1968; Simms & Simms, 1969; Konishi *et al.,*2010). Thus, teachers' behaviours communicate values that encourage students' behaviour. Teachers are socialization agents within the school and their methods of instruction, classroom management and informal interactions communicate how students are to learn, behave and interact with others.

Students are very often exposed to numerous bullying events between adults throughout any given day—and they learn from example. While we can look to the media for easy examples whereby bullying is celebrated, laughed at, or seen as entertainment, students can look much closer for real examples. Too often, the school's staff culture is poisoned with bullying: teachers subtly or overtly discredit their colleagues in the presence of students, or participate in

exclusionary behaviours amongst each other (Cemaloglu, 2011). Students are surely aware of the social strata of the teachers in their school. It's likely they take the cues from their teachers and discredit each other.

Pre-service Education

Pre-service teacher programs often have a lack of preparation on the issue means that many teachers are arriving on the job without the necessary tools to effectively handle bullying. Furthermore, the lack of proper ongoing professional development and knowledge in the area of bullying means teachers who are already in the field may not have access to developing their skillsets related to bullying.

In an informal examination of teacher preparation programs in the Montreal area, I was unable to find a single course that applies to teaching about bullying and its impact on students and schools. At Concordia University, in the Early Education B.A. program, for instance, there are no specific courses which specifically address what bullying is, or how to identify it or how to appropriately and effectively intervene. A course entitled, *Promoting Moral and Spiritual Attitudes and Values in Children,* could lend itself to discussing bullying and its effects, however, it certainly would not be the topic of the entire course. There are two Special Topics courses which could, in principle, allow the topic of

bullying to be covered. However, it would require that there be a faculty member who is an expert in the field, which currently there is not.

Similarly, McGill's undergraduate education program does not offer any courses which deal specifically with the topic of bullying. However, like Concordia, it does offer Special Topics courses which could cover bullying. In 2008, Professor Shaheen Shariff offered one such special topics course: *Cyberbullying: Battle or Educational Opportunity*. It was the only time that such a course has thus far been offered by the Faculty of Education to its undergrad students. Furthermore, given that special topics courses are not part of the compulsory curriculum, only those students who opt to take the course would gain the knowledge necessary to become more effective in dealing with bullying.

At the Université de Montréal, there were not any courses that dealt with bullying as a topic. However, the course entitled, *Éléments de base en gestion de classe* (basic elements of classroom management) could address some of the concerns related to bullying. However, it certainly would not allow undergraduate students to understand the complexities of bullying and how to intervene.

Although this was a very brief and informal overview of the education faculties in the Montreal area, it is clear that there is a lack of information available to undergraduate students who wish to be informed about bullying. According to Craig *et al.* (2000), there is a desire among undergraduate students

to know more about how to effectively deal with bullying. However, in Montreal

at least, even if students actively sought to receive scholarly knowledge about

bullying, they would be out of luck: the courses simply do not exist!

Therefore when faced with bullying, pre-service teachers, like teachers in

the field, will often turn to other sources for information. The internet becomes

the most obvious of sources. While we know that the internet can provide a

wealth of valuable information, it can also provide much misinformation and

unsubstantiated claims. Without formal knowledge guided by sound research,

teachers do not have the means to be able to filter through the colossal amount

of information effectively.

Teachers' Personal Perceptions & School Culture

Teachers' personal beliefs about bullying and victimization will affect the

way in which they respond to bullying in their schools (Ellis & Shute, 2007;

Mishna, 2008). According to Mishna (2008), this may cause students to have

poor coping strategies when faced with bullying. Whitted and Dupper (2008)

agree as they found that if teachers are not knowledgeable about bullying and its

effects, their reactions and behaviours may indeed make victims feel more

vulnerable. For example, a teacher who ignores bullying communicates that

such behaviours are tolerated, even accepted. They are contributing to a school

climate that is built on uncaring attitudes. Mishna (2008) argues that this leads

students to feel vulnerable and isolated; their school experience is tainted by the fear of the dangers of bullying.

Teachers may also have many behaviours which are rooted in their own personal biases and experiences which affect the way in which they manage their classrooms (Osterman, 2000). Teachers who are authoritarian, for example, are modeling the use of intimidation as a method of interacting with others. Meanwhile students are absorbing all the lessons they are being taught—those in the curriculum, and those in the methodology, those intentional and those that are inadvertent.

In contrast, teachers who are knowledgeable and aware of bullying and its effects are much more apt to communicate in their overt and subtle behaviours that they are caring (Mishna, 2008). Thus students become better adjusted and develop skills to coping with bullying as it arises. The students absorb the lessons they are taught and apply them to their realities. This is consistent with Olweus' bullying prevention program, whereby a school environment is characterized positive adult interest and involvement; firm limits on unacceptable behaviour; consistent application of *non-punitive, nonphysical* sanctions for unacceptable behaviour; and adults who act as positive role models (Olweus D. , 2003).

Students who are continually exposed to lessons of intimidation will adjust their behaviours accordingly (James, Lawlor, Flynn, Henry, & Murphy, 2008; Skiba, Karega Rausch, & Ritter, 2005). Teachers thus have a significant responsibility to continuously monitor their own behaviours to ensure that they are not contributing to the cycle of bullying among their students. Teacher preparation programs and continuing education need to ensure that teachers are participating in discussions about bullying and what intervention skills are appropriate and necessary to minimize its presence in schools.

While Meyer (2008) considers specifically teachers' responses to gendered bullying in schools, her findings may reveal pertinent revelations as to why teachers may or may not intervene. Meyer (2008) defines school culture as the 'significant perceptions, thoughts and beliefs held by individuals associated with the school' (p.559). She argues that school culture has two primary areas of influence—institutional and social—which exert forces on teachers' perceptions and behaviours in school. Institutional influences include not feeling prepared to deal with bullying, not feeling supported by administrators, and having too much curriculum with minimal resources to cover creating a sense that they had to ignore behaviours to get through the curriculum (Meyer, 2008). These are significant barriers which need to be addressed to ensure that bullying can be addressed more consistently.

This is consistent with Craig's (2000) research which investigated how individual characteristics of teachers and the contextual characteristics of the bullying interaction can influence the way in which teachers respond and intervene to bullying. Craig *et al.* (2000) found that teachers' attitudes had a significant impact on their interventions. The research found that teachers respond more to physical and verbal aggression, but were much less likely to respond to social exclusion, despite the fact that the student perceived social exclusion as being at least as serious as physical and verbal aggression (Craig, Henderson, & Murphy, 2000). Craig *et al.* (2000) suggest that interventions need to include teacher education on the types of bullying, as well as on developmental and sex differences. Teachers' lack of ability to identify and respond to bullying presents a notable barrier to being able to prevent it. Teachers were consistently less able to identify bullying in vignettes than students, thus need to be able to better understand the visual cues of social bullying. Craig et al (2000) also recommend a school assessment of the aggression problems. Finally, Craig et al (2000) suggest fostering empathy among teachers.

Shariff (2009) also suggests that teachers are not always able to identify bullying in their midst. Too often, teachers apply their own frame of reference to

others' reality, and if the behaviour does not fit their experiences, they may not consider the possibility of harm (Shariff, 2009).

Finally, in a qualitative analysis of interview responses, Cassidy, Brown, & Jackson(2012) revealed that most teachers were unaware of the extent of cyberbullying among their students. Furthermore, although teachers stated prevention as a priority, and were able to pose possible solutions, no policies or programs had been implemented. But most disturbing to their study was that the teachers were not interested in the student portion results of the research, preferring instead that cyberbullying remain 'under their radar' (Cassidy, Brown, & Jackson, 2012). While the focus was on cyberbullying specifically in this study, it is possible the lack of interest among teachers and administrators extends to all forms of bullying. Sadly, as point out, indifference can lead to significant deficiencies in policies and even teacher behaviours which becomes a profound barrier to overcoming bullying in schools.

Perceived Lack of Time

According to the *Norwegian Bullying Prevention Program,*—one of the most widely studied and empirically proven-to-be-effective programs available—one of the necessary components of an effective anti-bullying program is to regularly set aside time to discuss bullying and bullying prevention. This includes involving students in the process of making classroom rules which address

bullying. Naturally, this can also be an effective classroom management technique as well.

Dake *et al.* (2003) examined a national random sample of teachers regarding their perceptions and practices concerning school bullying prevention activities. The study found that less than one-third set aside classroom time to discuss bullying (31.7%) or involved students in creating classroom rules against bullying (31.2%) (Dake, Price, Telljohann, & Funk, 2003). Those who did see the value in setting aside time for classroom discussions were more likely to have received formal violence prevention or bullying prevention training. The study also indicated that the more teachers openly discussed bullying in their class, the more likely they were to feel it was necessary to set aside time to do so.

In order to get the much-needed professional development related to bullying, teachers need to feel they have the time to do so. Unfortunately, many teachers either perceive or truly do not have enough time in their day to get the professional development, and release time for anti-bullying training is often insufficient for meaningful learning (Bickmore, 2011).

Classroom Management

Piddocke *et al.* (1997) demonstrate that the norms of teaching require not only teachers to have knowledge in their subject matter, and pedagogical expertise to present the subject matter, but also teacher must create and

maintain an environment conducive to learning. The authors further contend that

teachers must be trusted to act properly when no one is watching (Piddocke,

Magino, & Manley-Casimir, 1997). The idea of creating positive learning

environments is repeated throughout a significant body of the literature review

(Bickmore, 2011; Baldry & Farrington, 2007; Ellis & Shute, 2007; Englander,

2012; Hinduja & Patchin, 2010; Konishi, Hymel, Zumbo, & Li, 2010; Osterman,

2000; Mishna, 2008; Shariff, 2006; Shariff & Hoff, 2006; Yoon, 2004). Failure to

create positive learning environments can lead to schools being held liable for

allowing deliberately dangerous environments (Shariff & Hoff, 2006).

In order to address the issue of bullying, teachers need to be aware that it

is happening. Clearly, prevention is the best option. However, it is not always

possible to prevent it. Therefore, teachers have an obligation to create safe

environments which are conducive to learning. Unfortunately, as Bickmore

(2011) states, too often we have climates of discrimination in schools. These

climates breed distrust and violence which in turn are barriers to a bully-free

environment. If students do not feel that the adults in their school are going to

take action, very few will take the risk of reporting bullying (Furniss, 2000; Ross

Ebb, 1996). Whereas only 19% of students will tell a teacher that they are being

bullied, 47% will report their victimization to someone at home (Wurf, 2008). This

is further supported by a recent study in Montreal of 800 grade 6 and 7 students

found that 50% of teenagers do not report cyber-bullying in part because adults

(teachers, in particular) they report to do not do anything constructive to deal with

it (Shariff & Churchill, 2009). This suggests that students feel a barrier to telling

school officials, especially teachers, about bullying incidents.

Leadership within the School & Interpersonal Relationships

> *One of the biggest barriers to improvement in school systems is the presence of*
> *punitive accountability. If you fail you will be put on a watch list. We have already*
> *seen that punishment (and even its opposite, reward) can never lead to intrinsic*
> *motivation to put in effort to solve a problem and to sustain one's interest in solving*
> *inevitable future problems*. (Fullan, 2001, p.79)

Creating a healthy school environment is not solely the responsibility of

the teacher. According to Cemaloglu (2011), principals' leadership styles highly

influence the health of the school climate. Principals who have a more

transformational style of leading contribute to a healthier school climate than

those who use authoritative or punitive styles (Cemaloglu, 2011). As the health

of the school climate deteriorates, the incidence of workplace bullying increase

(Cemaloglu, 2011). Thus, the role of the administrator cannot be ignored when

considering ways to minimize bullying and maximize teachers' ability to

successfully intervene.

The social influences, including leadership style, and interpersonal

relationships between teachers and administrators and those with colleagues

were also considered in the literature. Meyer (2008) found that some teachers

identified that professional educators and employees of the school are modeling

the exact behaviours these teachers are trying to prevent. Clearly the

interpersonal relationships among teachers, and between teachers and other

staff, needs to be nurtured and developed. Without such, teachers' relationships

with other adults become a barrier to tackling bullying.

Michael Fullan, a known expert on educational leadership argues that

relationships among people make a difference in a school's success. He

suggests that establishing and developing relationships among the people in an

organization helps to establish the foundation for communication and

achievement of a common goal (Fullan, 2001). Fullan argues that the

administrator's job, as the leader of the school, is to help change the

environment, to move towards improvement (Fullan, 2003). Fullan states school

culture consists of the beliefs, behaviours, morals, values, and attitudes that

characterize a school. Because effective bully prevention efforts require long

term, comprehensive efforts, the administrator's role is imperative to engage all

members of the school community to both prevent bullying behaviors as well as

promote social responsibility—among students as much as among staff.

Michael Fullan believes that effective leadership in schools has five

mutually reinforcing, powerful components that act as forces for positive change.

These are: a sense of moral purpose; an understanding of change which

balances optimism with practicality; a commitment to building relationships within and between schools; a belief in the importance of knowledge creation and sharing, especially in respect of professional practice; and a capacity to create meaning from complexity (Fullan, 2001). Certainly, the issue of bullying is complex and requires a strong leader at the helm!

Without a strong, decisive leader guiding the vision of the school, teachers begin to work as independent agents—each having his/her set of rules and expectations. The principal must work to try to develop a common culture with shared expectations and productive relationships to effectively deal with bullying. Consistency is an important element of effective intervention strategies. This is supported by Donat *et al.* (2012) whereby they argue that teachers' behaviour, as experienced by their students can explain bullying behaviours thereby highlighting the importance of teachers' responsibility to be consistent and just in their interventions. When there are inconsistency and hypocrisy among teachers, there are further barriers to successful bullying interventions. Ultimately, when the barriers outweigh the motivators for intervention, teachers will be notably less likely to intervene (Meyer, 2008).

According to Osterman (2000), the culture between teachers themselves is often less than supportive which creates barriers to preventing bullying. Students pick up on this lack of collegiality and their behaviours emulate the poor

behaviours between teachers. Collegiality is one of the most important

organizational characteristics influencing teachers' professional commitment,

sense of efficacy, and performance (Osterman, 2000). Fullan would argue that

the administrator's role would be to work on developing the staff relationships,

and move towards a culture of respect and sharing.

Structure of the Education System

Another barrier to creating bully-free schools is that, unfortunately, there is

evidence of systemic violence within the school system (Ross Epp & Watkinson,

1996). As defined by Ross Epp & Watkinson (1996), systemic educational

violence is any practice or procedure that prevents students from learning, thus

harming them. Since schools assume that all students of similar ages should

and can learn the same things in the same context, they are automatically

demonstrating discriminatory attitudes which go against the Charter as previously

discussed. Compounding that with a culture of fear of failure, Ross Epp &

Watkinson (1996) suggest that schools are rampant with poor learning

environments.

It is also important to consider the teacher as a victim to bullying

behaviours. As James *et al.* (2008) explain, "Students who witness or engage in

bullying teachers are unlikely to respect that teacher or believe in that teacher's

ability to manage bullying or help them with a bullying problem" (p.169). Because

teachers are expected to be able to manage bullying behaviours, admitting to being victimized is particularly humbling. However, as pointed out by James *et al.* (2008), teachers are often expected to deal with difficult classes with little to no training.

Myths, Misconceptions and the Media

Teachers who wish to effectively manage bullying in their schools must also be aware of, and dismantle, some pervasive myths that continue to fill the public conscious. They must also filter out what may be sensationalized drama. Teachers need to be able to sift through the myths and facts and ensure that what is taken for fact is indeed empirically supported.

Intuitive maxims must not be confused with empirical data when determining the most effective means to deal with bullying in schools. News coverage is sensationalized with dramatic headings, causing public fear which leads to demanding action to protect their children. As members of the public, teachers and school administrators are also influenced by public outcry. Without informed knowledge, some schools have adopted zero-tolerance policies towards bullying, which research has demonstrated is ineffective at reducing bullying (Pepler, *et al,* 2004; Skiba & Peterson, 1999; Shariff, 2004)

When people act from fear and panic, they are more likely to take actions that are counterproductive to themselves and to others. Surveys are showing that

bullying has surpassed drugs as the number one fear of parents (The Telegraph, 2008; Sachs, 2010). Parents are increasingly home-schooling their children for fear of bullies (Wright, 2012). Rather than reducing hysteria, the media have been doing a splendid job of sensationalizing it.

One myth—'students who bully have low self-esteem'—is held by many and has hence shaped interventions around building the self-esteem of bullies. However, research has indicated quite the contrary: students who bully more often than not have average to above average self-esteem (Olweus, 1993; Rigby & Slee, 1991). Bullies are not any more likely to be anxious or uncertain about themselves, either (Olweus, 1993).

Another myth—'students who bully are loners or social outcast'—is also commonly held. However, again, research has clearly indicated that this is not in fact the case. Students who bully are not at all socially isolated, but rather have been noted to have greater ease at making friends (Cairnes et al., 1998; Olweus, 1993; Nansel et al. 2001). Olweus' study (1993) also indicated that while bullies may be average to slightly below average in popularity, they consistently have a small group of friends that support their bullying behaviour. These studies highlight the importance of focusing on bystanders when trying to minimize bullying in schools.

Olweus *(2003)* also points to the misconception that students who have

physical attributes which are different (wear glasses, overweight, for example)

are more apt to be victims of bullying. However, what the research does indicate

is that personality characteristics in combination with physical strength or

weakness are the strong indicators of the potential of developing problems with

bullying. Some environmental factors, such as attitudes, are also known to

contribute to increases in bullying behaviour (Olweus, 2002).

Some scholars argue that the milieu of fear and danger "is reinforced and

perhaps amplified by the popular media, as well as the poses and styles than

express ways to manage threat and convey toughness and control" (Fagan &

Wilkinson, 1998, p. 81). Thus this reinforcement can cause teachers and school

administrators to believe that the best way to deal with bullying in schools is to be

tough, and implement zero-tolerance-type policies to ensure they maintain

control.   Barak (2003) argues that the media has consistently communicated a

"distorted and undeveloped picture of the various forms of interpersonal,

institutional and structural violence" (p. 201). Again, this portrayal of violence is

not supported by empirical data, but it does receive a lot of attention. While

perhaps not consciously, these continuous images undoubtedly impact teachers'

perceptions.   If teachers are not being offered any formal knowledge on the

research in the field of bullying, they risk developing false assumptions based on fictional and sensationalized accounts of bullying.

Ineffective Programs, Policies and Strategies

There are many programs that have jumped on the bandwagon to try to irradiate bullying in schools and in society. However, most have failed to document positive results, or have never been subject to systematic research evaluation. Therefore, it is difficult to know which programs will work and which will not. Importantly, as Olweus points out, when evaluating the effectiveness of the program, it's crucial to consider how it works for the students, and not how much the adults like to use it. Elliott (1999) studied 500 of such programs available in the US, and found that only eleven of them met the necessary criteria to be considered effective to minimizing bullying! In Norway, a similar study found that only one out of fifty-six programs met the necessary criteria (Norwegian Ministry of Education Research and Church Affairs, 2000).

Smith et al. (2007) found that the programs which were implemented with simultaneous monitoring were more effective than those without any monitoring put in place. Furthermore, even programs which have whole-school approaches with monitoring in place, have often neglected to consider school climate, including communication and interpersonal skills. Furthermore, while many schools adopted programs based on the school-wide approach introduced by

Olweus (1993), the way in which schools actually implemented the program

varied greatly. The study found that only 14% of the published studies showed

that the program produced a minor reduction in bullying. Thus, while the Olweus

program was highly successful in Norway, the results have not been replicated

elsewhere. Smith et al. (2004) suggest that this may indeed be due to the fact

that when schools 'tweaked' the program, they may have in fact watered it down

thereby affecting the effectiveness of the program.

As mentioned above, in reaction to pressures to eliminate bullying, many

schools have adopted zero-tolerance policies. Other schools try to implement

peer mediation in hopes of minimizing the effects of bullying. Unfortunately, as

the literature indicates, neither of these is effective in minimizing bullying. Too

often these programs give schools a false impression of dealing with bullying

because by owning a program, the school feels that they have met their legal

obligations. However, it may encourage schools to try to oversimplify a

complicated problem.

The adoption of zero-tolerance policies by schools poses a significant

barrier to effectively dealing with bullying. Zero tolerance policies "fail to address

intersecting and interlocking systems of oppression grounded in racism, sexism

homophobia or ableism" (Razack, 1999).   As Bickmore (2011) argues, such

policies are inequitable and rely heavily on restricting, blaming of individual students, punishing, and excluding but do not help solve the real issues.

Zero-tolerance policies towards school bullying have not been shown to be effective. Srabstein *et al.* (2008) state "zero tolerance by itself is ineffective, unless is accompanied by significant improvement in school climate" (p.15). A zero-tolerance response to bullying can have "adverse effects that essentially deny the child the safe, ordered and inclusive learning environment to which he or she is entitled to under the Charter" (p.456). Because of its reactive nature, zero-tolerance policies fail to consider many very important and relevant factors of bullying.

To further complicate the zero-tolerance policies, teachers often use labels on their students. Those who have the misfortune of having a negative label, are more at risk of being expelled as it does not allow the school environment to be part of the equation. Labeling, therefore, downplays the context of the action (Shariff, 2008). And as Mishna (2008), Shariff (2008) and Smith (2011) contend, the context is a significant element to bullying behaviours; by minimizing the context, consequences may not match the behaviour. Labeling also has the negative consequence of reinforcing any pre-existing negative attitudes the youth may already have towards him/her (Cassidy & Jackson, 2005). Finally, zero-tolerance policies encourage the use of labeling

and rigidity—neither of which are contribute to an inclusive environment necessary for learning.

The definitions used in zero-tolerance policies can also be problematic (Amiel, Feschuk, McKinnell, Newman, & Raphael, 2012). Quebec's Law 19 states "bullying means any direct or indirect behaviour, comment, act or gesture, including through the use of social media, intended to injure, hurt, oppress, intimidate or ostracize" (Beauchamps, 2012). By this definition, criminal assault, eye-rolling and rumor-spreading all fall into the same offence and could potentially all result in expulsion. Furthermore, as Amiel *et al.* (2012) indicate, most bullies report being bullied themselves; establishing who is a victim and who deserves to be disciplined may be murkier than any law contemplates. Shariff (2006, 2008) also strongly supports the fact that zero-tolerance legislation simply does not allow for the recognition of the social complexities and context of bullying. Bickmore (2011) agrees; as she states that "some school and classroom environments are more conducive to bullying, compared to others" (p. 650).

Zero-tolerance policies also contribute to the "wall of defense" that school administrators and teachers put up when approached to deal with bullying (Shariff, 2005, p. 471). The all-or-nothing approach either expels students or turns a blind eye to negative and non-inclusive attitudes. Instead, Shariff (2008)

argues that schools need to adopt "well-informed, educational, non-arbitrary, eithical and legally defensible policies and responses" to bullying behaviours both in school and in the virtual playgrounds in which students participate (p.8).

It is worth noting, as well, that in the literature on zero-tolerance policies to bullying, there is an absence of information on the consequences for teachers who engage in bullying behaviours. However, Zerillo and Osterman (2011) do state that many anti-bullying programs "fail to address the role that adults play in creating an environment that permits or may even condone peer aggression via modeling" (p. 255).

Another method that is often used in schools is peer mediation. Peer mediation and negotiation generally assume that the 2 children in conflict possess relatively equal power, but bullying episodes are *defined* by their imbalance of power inhibit the use—and certainly the effectiveness—of peer mediation (Theberge & Karan, 2004). This power imbalance renders peer mediation and negotiation often inappropriate for both the bully and the target. According to, Englander (2012) the victim is fearful to participate fully; while the bully may be skillful at being charming or lying during a mediation. Furthermore, as Englander (2012) suggests, mediation focuses on validating each individual's perspective; however, if the bully has misperceptions, it is better to correct those than it is to validate and hence perpetuate misbehaviours.

Mishna (2008) warns that while peer mediation can be beneficial, it

requires adult supervision and sufficient number of student participants from both

genders. Similarly, restorative justice approaches, whereby relationships are

'restored' through forgiveness and reconciliation, if the proper supports are in

place to avoid humiliation (p.334). In contrast, findings on successful prevention

programs suggest that programs offering health education and teaching

emotional self-management competencies can positively influence students'

strain level resulting from interpersonal conflicts (Patchin & Hinduja, 2011).

Inconsistent Application & Understanding of Existing Policies

In the United States, studies have looked at the effects of the anti-bullying

legislation has had on bullying behaviours in schools. For instance, in

Washington, Kester and Mann (2008) found neither was there a uniform means

between school districts to address bullying nor was there a notable decline in

bullying acts. Troy (2010) found that there was no significant improvement in

school climate. And according to Vermont's Human Right Commission (2009),

despite legislation obliging training be provided, there was not any evidence of

mandatory training in the state. Myer also suggests that policies are

inconsistently implemented (Meyer, 2008).

Interestingly, Meyer (2008) states that some teachers felt that while there

were clear policies regarding bullying in the schools or school boards, many of

their colleagues were unaware of them, while other teachers stated that they were unaware of any defined policy. This raises a very important question: once a policy has been developed and put into effect, what is being done to ensure that teachers understand the new policy and how it may affect their teachings and interactions?

Summary

This chapter explored the barriers that teachers face when trying to meet their legal and moral obligations to bullying in their schools. Firstly, not all teachers have the necessary knowledge to fully understand bullying, and others are not aware of what exactly their obligations are. Without scholarly knowledge about bullying, teachers are left to use their own perceptions and understanding of how to intervene with bullying. These perceptions can be built on the misinformation that is sometimes portrayed by the media. Furthermore, a poisoned school climate can affect the tone of the interactions between staff, which can then transmit to students through poor classroom management techniques. Some teachers feel that their schools are lacking in solid leadership as well.

Since Law 19 has come into place, schools have begun to adopt a variety of policies. Some may be effective, but others, such as zero-tolerance policies, do very little to improve the social tapestry of the school. Furthermore, there are

differing interpretations of the already existing policies, as well as differing

degrees of awareness of the policies. Therefore, the application of any existing

policy can sure not be cohesive.

Thus while many barriers do exist, in Chapter 4 I will present the current

research which helps to provide solutions to breaking down the barriers.

CHAPTER 4: RESOURCES & SUPPORTS

Introduction

The literature points to several resources which are necessary—but lacking—for the successful implementation of anti-bullying policy within the school context. Much of these resources first require an awareness of their existence; but more importantly, require that that administrators and teachers work together to ensure that anti-bullying philosophies are a priority. This will ensure that limited resources can be more effectively used.

I have developed a model to illustrate the proposed solutions to bullying in schools, as illustrated in Figure 1 below. This chapter will explore in detail the research to support my model.

Necessary Resources and Supports For Effective Teacher Bullying Intervention

- **Supportive Legislation**
  - Compulsory Preservice Education on Bullying
  - Time for PD & Self Reflective Practice
  - Provide a Framework for Effective Programs
- **Teachers' Ongoing Responsiblities**
  - Model Ethic of Care
  - Remain informed
- **Supportive Administration**
  - Establish & Maintain Healthy School Culture
  - Ensure School-wide Approach
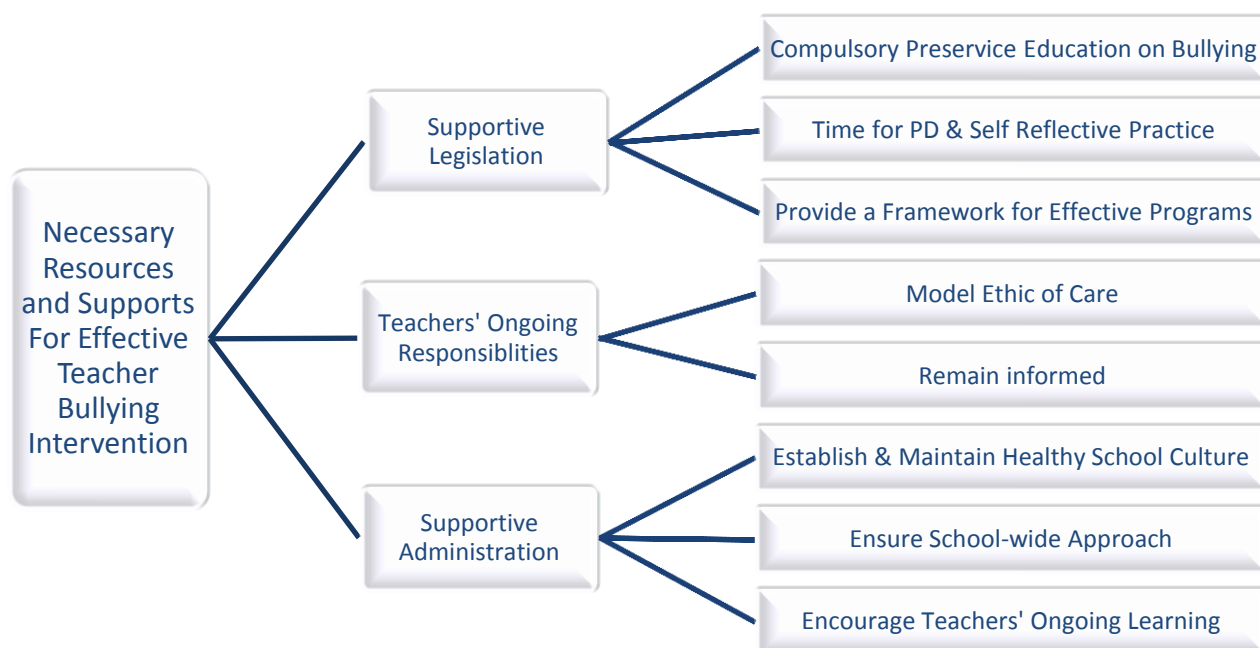 - Encourage Teachers' Ongoing Learning

Figure 1: *Leonard's Model for Necessary Supports & Resources for Effective Teacher Bullying Intervention, 2013*

Supportive Legislation

Srabstein *et al.* (2008) argue that there is a need for legislation to support anti-bullying efforts. However, they specify what needs to be included in any laws. They argue that all laws must contain at least the following four elements: a clear and universal "definition of bullying; an explicit articulation of a bullying prohibition; implementation of prevention and treatment programs; and acknowledgement of the association between bullying and public health risks" (Srabstein, Berkman, & Pyntikova, 2008, p. 15).

However, Bickmore (2011) is leery of legislation because laws are unlikely to mitigate the complexity of bullying and could intensify the inequities often associated with punitive attempts at peacekeeping. Schools may use the law as a quick-fix approach to dealing with this social issue: let the courts deal with bullying, we've got material to cover!

Skiba *et al.* (2005) agree with Bickmore: they argue that oftentimes, the results of blanket zero-tolerance policies have many negative consequences, including lower achievement, higher rates of dropout, a more punitive schooling environment, and high rates of recidivism. Instead, Skiba *et al.* (2005) suggest much more proactive interventions which are implemented with awareness of the local needs and available resources. This is further supported by Mitchell (2012)

who believes that although the politicians have legislated anti-bullying policies, they have not fully researched how these policies will impact the school community, nor exactly how they expect to be implemented and evaluated.

When we consider Law 19, the legislation does not mandate school boards to educate their teachers about bullying—on how to identify, prevent and respond to it. Furthermore, Law 19 omits measures to focus on educating students on bullying and the social impact in can have. While schools may try to integrate these into their plan of action, the fact that it is not mandated in the law, allows for the possibility that they will not. Without the instruction and education on bullying, the stakeholders are disempowered to effectively eradicating bullying in their schools.

If lawmakers want to legislate anti-bullying policy, it would be wise to have a uniform program with clearly outlined means of implementation and evaluation. The Olweus Bullying Prevention Program was successful in Norway, possibly due to the fact that it was implemented consistently throughout the country and was being evaluated in the same way throughout the country. This consistent element is fundamental to being able to have meaningful legislation.

Professional Development on Bullying

Much research points to the importance of professional development for teachers as a means of minimizing bullying in schools (Bickmore, 2011; Shariff,

2006; Shariff, 2008; Sherer, 2010; Smith, 2011; Zerillo, 2011, Yoon, 2004; Meyer, 2008). This is particularly true to ensure that the interventions are sustainable (Smith, 2011). Professional development and teacher development programs should include opportunities for teachers to reflect on their own (mis)conceptions and assumptions as well as to better understand their obligations to students (Shariff, 2006; Meyer, 2008). It is essential to create a knowledge base from which teachers and administrators can obtain guidelines towards better practice.

The lack of access to professional development and guidance will result in an incoherent and unsustainable program (Bickmore, 2011). And, as Smith (2011) explains, presently there is a significant lack of teacher professional development on bullying standardly available. Smith (2011) does state that although in Canada the development of resources for teachers is promising (such as PrevNet), there continues to be a need for more formal training. Furthermore, the training ought to be ongoing so as to prevent the "fossilization" of interventions; teachers need to be kept current on successful approaches (Smith P. , Why interventions to reduce bullying and violence in schools may (or may not) succeed, 2011, p. 422).

Englander's (2012) study demonstrates that there are six primary areas that schools need to ensure get integrated into any school policies concerning

anti-bullying. Teachers need to have their overwhelming reality be

acknowledged and adapt any training accordingly. Schools need to adopt an

academic or teaching model towards bullying, and need to have a research-

informed practice. Schools need to understand the difference between bullying

and conflict, and integrate programs that involve curriculum that deal with

cyberbullying in particular. These programs need to be dynamic, and must adapt

to the new trends. And finally, Englander (2012) argues that school culture—and

thus all the stakeholders involved in the school—must be addressed when trying

to minimize bullying.

Despite the research to support professional development, however,

Zerillo & Osterman (2011) did not find a significant correlation between teachers'

sense of accountability for peer (teacher-to-teacher) bullying and their

participation in professional development (Zerillo & Osterman, 2011). The most

significant correlation in their study was related to years of experience: teachers

with eleven or more years of experiences had a significantly greater sense of

accountability regarding dealing with teacher-bullies. Thus, teachers may benefit

from peer mentorship to work towards a better means of personal development

and accountability.

Self-Reflective Practice

Yoon's research (2004) on teachers' attitudes and interventions towards peer bullying asked ninety-eight graduate-level teachers about their perceptions of bullying through a questionnaire of vignettes. The study indicated that the most significant factor that led teachers to intervene in bullying was their perceived seriousness of the bullying. This suggests that teachers need to be more aware of the negative consequences of bullying and victimization. This would be done in pre-service education as well as ongoing professional development workshops.

As stated by Shariff (2008) teachers need to develop within themselves, as well as within their students, a sense of critical awareness. They also need to be aware of the extent to which they have the authority to protect victims of abuse by their classmates (Shariff, 2005). Therefore, clearer policy on the role and responsibility of teachers would be much more beneficial than blanket zero-tolerance policies. Teachers are expected to teach by example as well as by classroom instruction, according to Piddocke *et al.* (1997).

To manage bullying effectively, James *et al.* (2008) and Skiba *et al.* (2005) contend that schools need to have consistent approaches to classroom management; teachers need to be instructed to deal with difficult behaviours; and supportive management needs to be in place. Schools need to work closely with

parents, staff and students to implement effective disciplinary measures to deal

with bullying (Sherer & Nickerson, 2010). Furthermore, research also shows that

with training and support, teachers can feel more confident in managing bullying

and be perceived by students as being interested in dealing with bullying and

competent to do so (James *et al.*, 2006).

Bickmore's (2011) study is consistent as she determined that many

teachers "frequently expressed desire for unified, consistent approaches to

handling aggressive behavior" (p.661). Therefore, James *et al.* suggest that

there is a need for increased training at both pre- and in-service levels.

Time

Time is needed for teachers to have dialogue (Bickmore, 2011; Shariff,

2008, Skiba, 2005). While programs may provide some structure, or guidance, it

is not the be-all-end-all. As Shariff (2008) explains, there is no perfect packaged

solution to the complexities of bullying. I would argue that this is even more

applicable when talking about teachers' behaviours which can be interpreted as

bullying. By allowing for time for teachers to meet and mentor each other on a

regular basis, communication lines stay open (Skiba *et al.,* 2005*).*

In a national random sample of teachers regarding their perceptions and

practices concerning school bullying prevention activities, Dake *et al.* (2003)

found that, compared to other classroom bullying prevention activities, a larger

portion of teachers perceived barriers to regularly setting aside time for classroom discussion about bullying and bullying prevention. This is of concern, as teachers must ensure that they prioritize time for the social climate of the classroom in order to ensure that the environment is conducive to learning. Linked to the need of increased professional knowledge, Dake *et al.* (2003) also found that teachers who did ensure that they set time aside for discussions about bullying prevention were significantly more likely to have had violence and/or bullying prevention education.

Teachers' most need for time and structures that allow them to converse with and learn from one another in order to ensure that they are sharing their knowledge, experiences and questions about bullying in their school (Dake, *et al.* 2003; Pérez-Katz, 2007). This will increase the likelihood of consistent and on-going approaches to dealing with bullying. However, teachers often feel they need to carve time into their day for discussion, and hence, it frequently does not remain a priority. Therefore, the onus is on administrators to ensure that the school day is structured to encourage collaboration and conversation.

School-Wide Program

Most anti-bullying programs used in schools deal with surface conflagrations and never get to the source of bullying behaviours, never investigate the complexities of human interactions (Bickmore, 2011).

Nonetheless, there are positive elements in such programs. Probably the most

famous school-wide bullying prevention program is the Norwegian Bullying

Prevention Program. The core components of the program include creating

awareness among all stakeholders, having an anti-bullying conference day to

increase awareness and dialogue, providing effective supervision during

unstructured times, creating classroom antibullying rules, and participating in

regular classroom meetings with students to discuss bullying. Mishna (2008)

reviews a range of anti-bullying programs; and she outlines the common

elements of successful ones. It is essential to begin with a needs assessment to

know the direction necessary for the school to take (Mishna, 2008). The primary

objective of any school-based anti-bullying program should strive to shift the

school culture, and not merely focus on the victim and/or the bully (Skiba *et al.*,

2005). This perspective is consistent with Shariff's studies (2004, 2006, and

2008) which demonstrate that bullying is the result of the interaction of multiple

complex factors including individual, social and contextual variables.

Mishna (2008) and Bickmore (2011) further contend that anti-bullying

programs which foster inclusion and respect for diversity require notable

commitment from teachers and administrators and must be ongoing. There

requires an "infusion of solid, sustained adult support for the students' and

programs' development" (Bickmore, 2011, p. 670).   The curriculum must have

embedded within it a continuous modeling and practice by means of the teachers' relationships with students (Noddings N. , 2006). Students and their families need to have the school establish good communication and demonstrate that they care (Skiba, Karega Rausch, & Ritter, Disipline is always teaching: Effective Alternatives to Zero Tolerance in Schools, 2005). Again, this is consistent with the Charter and Law 19.

Jones and Sandford (2003) studied the impact of the National Curriculum Integration Project (NCIP), which provided teachers with a "process for infusing the critical life skills inherent in conflict resolution education into the formal and informal curriculum". The results from the study indicated that the more training and experience teachers had with the NCIP, the more conducive their learning environment became. Students responded that mutual respect was very present with the NCIP teachers. Furthermore, students said that they felt the NCIP teachers seemed to care more about them (Jones & Sanford, 2003). This suggests that a consistent method throughout the school benefits the climate and culture by minimizing bullying and other negative behaviour.

Mishna (2008) argues that the policies must have very clear protocols so that all stakeholders (students, teachers, staff, administrators and parents) know what to expect when bullying occurs as well as how to respond. Having clear measures in place to support "adaptive conflict resolution" will further develop a

more positive school culture (Mishna, 2008, p. 329). Furthermore, Mishna (2008) explains that successful anti-bullying programs have included direct lessons on bullying and how to prevent it. Bickmore (2011) also argues that there is a need for explicit programs of instruction to facilitate students' social and cognitive development including respect and tolerance of differences, inclusion of marginalized students, and opportunities to be positively involved and to build strong relationships. Furthermore, teachers and students both can benefit from understanding the relationship between power, status and bullying in their efforts aimed at reducing bullying in schools.

Summary

There are necessary resources that teachers require to ensure that Law 19 can be successfully implemented in their schools. Legislation, in itself, however is a controversial resource. Srabstein *et al.* (2008) outline the necessary components that the anti-bullying laws must contain; these include the definition of bullying; an unambiguous explanation of the bullying prohibition; clearly articulated programs to be implemented; and acknowledgement of the association between bullying and public health risks. However, many researchers (Bickmore, 2011; Skiba, 2005; Mitchell, 2012) argue that legislation is unable to effectively deal with the social complexities of bullying. Instead, Shariff (2006) recommends professional development be offered as a key

resource which must be provided to guide teachers' understanding of bullying

and its implications, as well as how to intervene. Professional development is

widely accepted in the research as a tool to combat bullying (Bickmore, 2011;

Shariff, 2006; Shariff, 2008; Sherer, 2010; Smith, 2011; Zerillo, 2011, Yoon,

2004; Meyer, 2008; Englander, 2012). Time is another resource necessary as it

provides the forum for discussion for school-wide cohesive policy development

and implementation. By ensuring that teachers have time to discuss, develop,

and reflect on antibullying strategies, they will be more likely to be able to meet

their legal obligations.

In Chapter Five I provide an analysis of the current literature. I explore how the

current literature tries to find solutions to the barriers teachers face when trying to

meet their legal and moral obligations. Common themes are explored, as well as

identified gaps.

CHAPTER 5: DISCUSSION & ANALYSIS

Introduction

After examining a range of literature on the topic of teachers' roles in bullying in school, some themes have been recurrent, while some questions have been left unanswered.   As one considers the gaps and themes, it helps to shape where the literature has been, and where we need to continue.

A strong theme throughout most of the literature is the need for meaningful teacher development. It has been repeatedly noted that pre-service education as well as ongoing professional development need to become a part of the framework to dealing with bullying. Teachers need to be given formal understanding of the various forms of bullying and their responsibility—indeed, their *obligation*—to intervene when undesirable acts are committed by bullies. Another theme throughout much of the literature is the important of a healthy and positive school culture. Developing collegiality among teachers and staff will translate to a positive experience for students. Teachers thus have a responsibility to ensure that they are working on team-building and mutual respect on a daily basis. They must also ensure that they get formal guidance on a regular basis, to ensure that the staff is developing strongly together.

Highly related to the theme of collegiality is the importance of the role of the administrator to set a tone of trust. Leadership has a significant impact on

the school climate (Cemaloglu, 2011). Thus administrators must be vigilant

about ensuring they are working towards self-improvement and more a

transformational style of leadership. Teachers need to feel that their

administrators are not only strong leaders, but someone they can depend on to

support them in their efforts to deal with bullying in their classroom or in the

school in general (Cemaloglu, 2011). When teachers feel the support of the

administration, they are empowered to be active promoters of an anti-bullying

environment.

Proposed Solutions

As demonstrated in my model of necessary resources and supports

presented in Chapter Four (*see Figure 1, page 83*), effective teacher intervention

requires much more than a law to be laid down.   Legislation must provide the

necessary supports; teachers must ensure they meet their ongoing

responsibilities; and administration must valuable assistance and

encouragement. The rationale for the model will be further explained in this

section.

Mandatory Pre-Service Education on Bullying

Section 456 of the Law 19 gives the Ministry of Education, Leisure and

Sports (MELS) the power to determine what teachers' qualifications will be. This

gives MELS the power to ensure that teacher preparation programs offer formal

and extensive education on bullying. Notably absent from Law 19 is any stipulation stating teachers must receive any formal instruction on the topic of bullying. Thus, legally, Law 19 makes it clear that teachers have a role to adopt with regards to the prevention of bullying; however, there is not any specified knowledge or education that is put in place to neither support teachers, nor give them the skills necessary to be effective in preventing bullying. Teachers need to be provided the tools to both understand what bullying is, but also how to effectively manage bullying through successful interventions. To ensure consistent application and knowledge throughout the province, MELS must mandate courses to ensure teachers are cognizant of bullying, its effects and how to effectively intervene.

This must begin with dialogue. As stated by Bickmore (2011), providing opportunities for dialogue among school staff and with students and parents seems like a reasonable first step toward addressing bullying in general and cyberbullying specifically. Solutions that seek to change school culture and adolescent behaviour take time and concerted collaborative effort. All the stakeholders must know what it is that needs to be changed before they can take steps towards making those changes a reality.

Ongoing Teacher In-service and Professional Development

Teacher professional development must be considered to ensure that teachers are able to work together, that interpersonal relationships are kept professional and productive. Self-reflection as well as team-building practices are necessary to develop a school culture that is healthy and conducive to learning, welcoming differences while not tolerating harassing behaviours or attitudes (Shariff, 2008; Yoon, 2004). The education must also include components of how teachers can better their relationships between each other to ensure that they are modeling healthy and strong working relationships. If students are aware that the teachers they work with are a team and work through their differences in a civil and rational manner, the students, too, will be more likely to do so. The collegiality between teachers sets a culture of support and openness that is then filtered down to the students. Teachers have a responsibility to ensure that they shape the school's culture positively: they must actively engage in developing their interpersonal and communication skills to ensure that they are properly socializing the students in their care.

Administrators need to be sensitive to the teachers' perceptions, and consistent in their response to bullying. This, too, requires a shift in school culture. Principals need to engage in transformational leaderships styles in order

to create better school climate and overall health of the school (Cemaloglu, 2011).

When new policies are implemented, teachers need to be informed and receive instruction on how it will impact their role as teacher (Konishi, Hymel, Zumbo, & Li, 2010; Englander, 2012; Warnick & Silverman, 2011). Policies need to be clearly explained to all the school stakeholders: teachers, students, administrators and support staff, as well as to parents. Ongoing discussion and review of the relevance of implemented policy must also be considered to ensure that it can be applied. Challenging applications of the policy ought to be openly discussed and reflected upon to seek greater understanding and consensus to its interpretation.

Factual, Scholarly Information on Bullying

Provincial policymakers must communicate clear, practical and realistic expectations of legislation to the teachers who are expected to execute it (Mitchell, 2012). The law has a limited role in addressing bullying, particularly so if teachers are not properly educated on its anticipated actions and results. To prevent bullying, behaviours must change. Legislation without education for teachers will undoubtedly wield few results in decreasing bullying. The social health of a school community will not be determined by legislation, but by the people who are already invested in the school (Shariff, 2008; Smith, 2011;

Mitchell, 2012). Therefore, teachers need to have a better understanding of how laws affect their roles and responsibilities. While the government may be working hard to develop laws for the best interest of students, if teachers are not kept up to date on these laws, the laws become futile.

Rather than work on creating more laws around bullying, full courses should be available to teachers to help them understand bullying. As noted in Chapter 3, no such course exists in the Montreal area pre-service teacher undergraduate programs. Aside from one course offered in 2008 by Shariff as a special topics course, pre-service teachers have not had access to developing an understanding of bullying and its complexities. Furthermore, once practicing, the information is inconsistently offered.

Similarly, teachers themselves should be able to offer their students regular lessons or even full courses on what cyberbullying and bullying are, and how they can be recognized and dealt with. Schools have maintained the same basic curriculum for over a century—focusing on reading, writing and arithmetic, but have failed to provide students with tools that affect their social development. While teachers need to be informed, so, too do students. It would serve the governments well to develop a curriculum around social responsibilities to address the realities of today, rather than those of the industrial revolution (Robinson, 2009)!

Teacher engagement with bullying issues can be one of the best strategies for prevention (Crothers, Kolbert, & Barker, 2006). Therefore, if teachers are well informed themselves, they would be better able to intervene. Their interventions could target change in beliefs among bullies which support the use of aggression. Teachers' interventions would become teachable moments whereby children and adolescents learn that bullying is not a legitimate response and that bullying hurts the victims and that victims do not deserve to be hurt. Ang *et al.* (2011), found that cyberbullying prevention and intervention efforts should aim at modifying norms and beliefs of students—teaching that cyberbullying in its various forms is neither legitimate nor acceptable.

Teachers have a responsibility to be able to recognize the spectrum of bullying behaviours. They then need to be in a position whereby they have the skills and support to provide empathy training to be able to deal with bullying issues. Since we know that those involved in cyberbullying on a regular basis show less empathetic responsiveness (Steffgen, Konig, Pfetsch, & Melzer, 2011), teaching empathic responsiveness seems to be a reasonable response to minimizing the effects of bullying. Furthermore, teachers themselves may need to practice their own skills in empathizing with others.

Unanswered Questions

If students are expected to develop a sense of social responsibility, and a tolerance and respect for the ideas and beliefs of others, can failure to successfully teach these suggest educational malpractice? When teachers ignore incidents of bullying, can they be held liable? Rather than mandate student social responsibility, Shariff (2009) recommends mandating professional development for all teachers regarding bullying. Indeed, such initiatives appear successful at increasing pre-service teachers' knowledge and skills to deal with school bullying (Beran & Tutty, 2007). This education can be extended to school administrators as well.

Related to the question regarding teacher negligence for student social development, can teachers be held liable for demonstrating bullying behaviours? A Canadian judge ruling in the case of a girl who claimed she was bullied by her teacher stated that only if the conduct is "sufficiently egregious and offensive to community standards of acceptable fair play should the courts even consider entertaining any type of claim in the nature of educational malpractice" (*Gould v. Regina (East) School Division, No. 77* (1996), as cited in Shariff, 2009). Importantly, much of literature I have found on anti-bullying usually only considers the students as potential bullies, and not teachers (Amiel, *et al.*, 2012; Bickmore, 2011; Ellis & Shute, 2007; Furniss, 2000; James D. , *et al.*, 2008;

Mishna, 2008; Shariff & Hoff, 2006; Srabstein, *et al.*, 2008). Occasionally, teachers' responsibilities are mentioned, but not as perpetuators of the behaviours. Neglecting to see the modelling role of the teacher is significant, in my opinion, but marginally researched.

As noted by Carr-Gregg & Manocha (2011), there is an incompatibility between young people's fundamental drives and self-regulatory skills. This manifests as difficulty expressing thoughts and feelings, understanding another's point of view and predicting the consequences of one's actions. Thus, developmentally, young people are more apt to bully in late primary school and early high school, when this incompatibility peaks (Carr-Gregg & Manocha, 2011). This mismatch further makes it improbable that bullying behaviour can ever be entirely eliminated from schools, although it can surely be minimized. To respect the school's obligation with regards to the UNCRC, it would be wise to consult with pupils when reviewing the school anti-bullying policy, as it may help to develop an anti-bullying culture as a whole in the spirit of article 12. Similarly, the victims of bullying should be consulted about the best way forward regarding the school's response to bullying behaviour from which they have suffered.

CHAPTER 6: CONCLUSIONS

We know much about bullying: it is a serious problem in schools; the victims of bullying experience a range of emotional and psychological problems that may persist throughout their lifetime; some victims commit suicide or retaliate against bullies, perpetuating a violent cycle. We also know a lot about the classroom climate: students have the right to be educated in an environment free of fear; bullying incidents disrupt students' learning and academic performance. Indeed, children have the right under the UNCRC, the Canadian Charter and the Quebec Education Act to attend schools that are free of fear, threats, and intimidating behaviour. With this knowledge, and with the increasing anti-bullying legislation, we also know teachers *must* respond to bullying in their midst. Teachers and administrators have a prominent responsibility to protect students from the harmful behavior exhibited by bullies. They are expected to recognize that bullying is a harmful activity and *must* initiate appropriate steps to eliminate it.

The research has indicated that policy can be beneficial, but it is not flawless: it can be overly simplistic in nature, failing recognize the complexity of bullying; and teachers are not always aware of the policies which are already in place. (In other circumstances, they are aware, but not very knowledgeable about the details regarding their particular obligations.) Therefore, it would be beneficial for

policy makers to ensure they also provide education for those who will be with the students, namely the teachers and the students themselves. It appears that in some cases, policy has been developed subsequent to a public demand for justice, due to an event such as Amanda Todd's suicide. While the event is tragic, and does necessitate action, policy may not be the best answer. If policy is implemented in haste, it may be without scientific corroboration and have very little impact in minimizing bullying in schools.

Therefore, although bullying in school does oblige us to act, we must do so with care. The media has sensationalized bullying, putting forth erroneous 'facts' at times which skew the public's understanding. Teachers, too, are not immune to the effects of the media. There are programs and so-called solutions to bullying all around teachers—some are effective and have been scientifically scrutinized, while many have note. When teachers and administrators look to find answers to issues of bullying, they need to have reliable sources of information, and not merely a pop-star's personal hypothesis as solutions to bullying. Since there are no formal courses available—let alone compulsory—to pre-service teachers, working teachers, or even administrators, schools are forced to make uneducated decisions regarding how they will proceed under the new Law 19.

It is recommended that policy makers to ensure a scientific assessment of existing anti-bullying programs be done. That assessment could then guide schools with best practice models to use in their schools. This would minimize the time factor involved—it is easier to implement a program than it is to develop it and then implement it.

Swearer *et al.* (2009) outline ten best practices to include in anti-bullying policy, namely:

- Changing the school climate;
- Training staff;
- Assessing bullying behaviors;
- Including staff, parents and students in antibullying action;
- Creating safe school teams;
- Establishing clear rules and consequences;
- Increasing supervision;
- Providing individual support;
- Including classroom time for social-emotional learning; and finally,
- Monitoring and continuing antibullying efforts.

The research presented in this paper supports and expands on the work of Swearer *et al.* (2009) and outlines recommendations to ensure success in attempts to minimize bullying in schools. In Chapter Four, it is possible to see at a glance, how we might conceptualize the necessary recommendations to ensure bullying is dealt with effectively by teachers.

Policy makers must ensure they provide the necessary elements to maximize

teachers' abilities to effectively respond to bullying in their schools by:

1. Ensuring pre-service teachers receive formal education on the topic of

   bullying, including its many forms and how to recognize each type. This

   means that the Ministry of Education must mandate at least one course for

   all pre-service teachers to attend in order to graduate. This will guarantee

   that new teachers are provided with a solid basis for identifying bullying,

   as well as how best to intervene. They will better be able to engage in

   dialogue with their students about bullying as well.

2. Ensuring teachers in the work force get regular professional development

   on the current research on best practices concerning bullying. This will

   minimize the impact of the sensationalizing of bullying as portrayed by the

   media, and allow teachers to make informed decisions. With the rapidly

   changing world around us, surely new research will provide us with more

   empowering knowledge on the topic of bullying. All practicing teachers

   must be kept aware of the most current best practices in order to be

   effective in their management of bullying in their schools.

3. Ensuring administrators are also kept up-to-date on best practices so they

   can monitor the school climate and school culture in the spirit of

   minimizing bullying in schools. They will be responsible for ensuring that

antibullying policies are implemented in their schools, so they, too, must

be knowledgeable about best practices. In order for the best practices, as

outlined by Swearer *et al.* (2008) are respected in schools, administrators

need to take an active role in overseeing and guiding appropriate

practices. Setting up dialogue about antibullying efforts between students,

teachers, parents and the community is the administrator's responsibility.

Together, a safe school team can be created to assess the bullying in the

school, and identify strategies and consequences that can be used to

ensure bullying behaviours are effectively dealt with.

For changes to occur in any behaviour, but particularly in bullying

behaviour, there needs to be a comprehensive effort to do so which include

members of the school and the community in general. While everyone's role is

important, this research has focussed predominately on that of the teacher.

Teachers have many obligations: they must ensure that the school environment

is safe, peaceful, and free of intimidation; they must ensure the environment is

conducive to learning; and they must act diligently to correct violations of such.

However, they are not adequately prepared to be able to take on this

responsibility, despite the pressures and legal obligations to do so.

Dealing with bullying must begin with teachers' relationships themselves and

with each other before they can be effective with students'. Active and conscious

self-reflection and critical thought aid in identifying biases and thus can help

teachers (and students) to act in discriminatory manner.

Future research is needed on the incidence of teachers who engage in

bullying behaviours themselves—both between teachers and teacher-to-student.

It is a topic which is very delicate in nature, and may be difficult to get school

boards to grant permission to do such research. Nonetheless, teachers'

behaviours are an integral part of the culture of the school and must be critically

analyzed. Governments need to provide teachers with the resources and

supports highlighted in this thesis if we are to be successful at dealing with

bullying.

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