

**DEVELOPING A SUSTAINABLE CYBERBULLYING PREVENTION MODEL
FOR IMPLEMENTING QUEBEC'S BILL 56**

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Abstract

The central purpose of my thesis is to review Quebec's most recent legislation on bullying, Bill 56, in order to guide schools on how to meet its requirements to reduce cyberbullying. To do so, I review the content and highlight the common themes in 40 briefs submitted by various stakeholders to the Committee on Culture and Education suggesting amendments to Bill 56. I then analyze whether these suggestions were responded to by the government in its amendments to the Bill, which was assented in June 2012. To critique the assented version of Bill 56, I outline several themes in scholarly literature about bullying and cyberbullying prevention. This serves to highlight the existent gaps between Bill 56 and best practices of cyberbullying prevention. I also critique the new legislation by pinpointing knowledge gaps and challenges of Bill 56 that were not included in the 40 briefs submitted to the Committee on Culture and Education. Finally, I conclude by introducing a best practices model to guide schools on how to implement Bill 56 in order to sustainably address cyberbullying.

Résumé

Le but central de ma mémoire de maîtrise est d'examiner la plus récente législation contre l'intimidation au Québec, la loi 56, pour guider les écoles sur la façon de répondre à l'exigence de réduire des cas de cyberintimidation. Afin de le faire, j'analyse le contenu et je relève les thèmes communs des 40 mémoires déposés à la Commission de la culture et de l'éducation par des différents intervenants suggérant des amendements au projet de loi 56. Ensuite, j'évalue si les suggestions avaient été incorporés dans la loi 56, qui avait été sanctionnée en juin 2012. Pour critiquer la version sanctionnée de la loi 56, je fais ressortir quelques thèmes retrouvés dans les ouvrages académiques portant sur la prévention de l'intimidation et de la cyberintimidation. Ceux-ci servent à identifier les manquements et les défis de la loi 56 qui n'avaient pas été inclus dans les mémoires déposées à la Commission de la culture et de l'éducation. Finalement, je conclus en introduisant un modèle de meilleures pratiques pour guider les écoles sur une façon durable de répondre à la cyberintimidation en exécutant la loi 56.

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CHAPTER 1: INTRODUCTION

The most effective solution to cyberbullying is to combine a series of approaches to protect minors. [...] Education, technology, and law reform each have a role to play.

- John Palfrey

1.1 The proliferation of digital technologies among children and youth

The advent of the World Wide Web in 1991 (Crossman, 1997) brought many changes in societies around the world. As the Internet gained popularity, it started to become a digital communication network where one could access information from a vast digital repository worldwide. The United Nations' International Telecommunications Union (2009) study showed that in 2008, 20.2% of the world's population used the Internet. An astounding proportion, 61.1 %, used mobile phones. According to Statistics Canada (2009), 80 % of Canadians who were 16 and older used the Internet for personal reasons.

Marc Prensky termed it in 2001. He talked about a new breed of humanity, the Digital Natives, who speak the native “digital language of computers, video games and the Internet” (Prensky, 2001, p.1). Whom was he talking about? Perhaps he was referring to 27% of children under 12 and 55% of 13 to 17 year olds in the United Kingdom who had social networking profiles in 2007 (Livingstone & Brake, 2009; Ofcom, 2008). The story is no different overseas, where Pew Internet reported that 93 % of U.S. 12 to 17 year olds had some form of Internet access in (Lenhart, Madden, Rankin, Macgill, & Smith, 2007) and 71 % had a cellular phone (Lenhart, 2009). With over 18 million people on Facebook, 8% of whom are 13 to 17 year olds, Canada follows suit (Social Bakers,

2012). Nearly all (99%) of the adolescents interviewed in a Toronto study had a computer at home and 65 % communicated with a friend online at least once a day (Mishna, MacFadden, Gadalla, Daciuk, Solomon, & Cook, 2008).

About twenty-three percent, the second largest concentration, of Canada's teens live in Quebec (De Souza, M., 2012, May 29) and they are no different from the Digital Natives around the world. Seventy-four percent have their own laptop or desktop computer and a quarter of them spend over 21 hours on the Internet every week (Roy, Aubé, Lamy, D'Amours, Lavoie, & Letendre, 2009). Overall, what these studies reveal is that social media plays a significant role in the daily lives of youth in Canada. With these high prevalence rates, today's children and adolescents are taking part in a kind of digital ambient awareness to keep up with what everyone is doing (Thompson, C., 2006, September 5). It is perhaps this same FOMO (fear of missing out) that drives Web 2.0 by creating an artificial need for constant connectivity (Tinsley, J., 2012, September 22). With the Internet, however, come a few challenges, some of which have caught up with Digital Natives. One example is cyberbullying. Quebec's new anti-bullying legislation, Bill 56, includes cyberbullying. The focus of my thesis is how Bill 56 can be implemented to sustainably reduce cyberbullying.

1.2 Cyberbullying

Cyberbullying is the use of digital and social media to “[post] threatening, hateful, offensive or degrading messages about someone, using words or images. It also includes harassment” (Service de police de la ville de Montréal, 2012). Different forms of cyberbullying include the spreading of gossip and rumours, modified or intimate

photographs, videos of beatings or sexual assault, and the online dissemination of unauthorized films of an intimate sexual nature to humiliate or threaten other individuals (Shariff, 2012). Cyberbullying also includes the creation of “imposter profiles on social networking websites” (Hinduja & Patchin, 2012, p. 34).

Cyberbullying among school-aged children and youth has become an important and widespread social issue that affects their emotional wellbeing and has legal implications. These behaviours are expressed a variety of ways, ranging from jokes taken the wrong way to death threats and harassment. This is why schools are increasingly taking note of this problem. In a Statistics Canada report, 9% of Canadian adults reported that at least one child in their household had been a victim of cyberbullying and 14% of cases were brought to the attention of police (Perreault, 2011). About one third of Canadian adults know a child who has been a target of cyberbullying (Ipsos, 2012). Because of the vast array of forms that cyberbullying behaviours can take, measuring them is difficult. There is a lack of uniformity in scales used to quantitatively measure cyberbullying. For instance, Beran, Mishna, Hetherington, and Shariff (in press) found that reported prevalence rates in Canada vary widely, from 9% to 50% for victimization and 3% to 33% for perpetration. These variations in frequency may be due to the use of different measurements and definitions of cyberbullying.

A significant proportion of Quebec elementary and high school students have likewise been involved in cyberbullying either as targets or perpetrators. A study including over 500 students aged 11 to 15 at the English Montreal School Board, showed that 70 % of them had occasionally or often had negative experiences such as having been the targets of insults or deliberate social exclusion online (Shariff, 2009). A study

in a French-speaking school board, Commission scolaire Marguerite Bourgeoys (CSMB) (2009) conducted among 747 high school students indicated that 46% had insulted someone over the Internet and 26% of students had received insulting messages from others. This discrepancy could be due to their reticence to self-identify as victims of bullying, rather than as participants in digital drama (Marwick & boyd, 2011), a phenomenon I explore further in Chapter 3. Fifteen percent of students admitted to having attempted to cause someone harm via the Internet, mobile phone, or webcam, and the same proportion reported that someone they knew had tried to harm them using the same means.

Incidents of cyberbullying can be serious enough to cause disruption in the school and emotionally harm victims (Campbell, Spears, Slee, Butler, & Kift, 2012; Perren, Dooley, Shaw, & Cross, 2010). For example, victims' academic performance, school attendance, and home life may be affected (Tokunaga, 2010). Victimization has also been related to depressed mood, social anxiousness, anger, sadness, emotional distress, detachment, externalized hostility and delinquency (Tokunaga, 2010). Adolescents targeted by cyberbullying may experience a drop in their grades and have trouble concentrating because they are frustrated and anxious (Beran & Li, 2007, as cited in Tokunaga, 2010; Hinduja & Patchin, 2008, as cited in Tokunaga, 2010). Victims may also be scared for their safety (Sourander et al., 2010).

Recently, the news covered stories on teens, victims of cyberbullying, committed suicide (CTV News, 2011, November 30; Fong, P., 2012, October 12). Although studies need to further investigate whether or not there is a link between cyberbullying and suicide (Senate Standing Committee on Human Rights, 2012), an analysis of 41 teen

suicides in the United States, Canada, the United Kingdom, and Australia, reveals that 78% had been bullied at school and online (Leblanc, 2012). Seventeen percent had only been the target of cyberbullying. About one third (32%) had a mood disorder; while 15% had symptoms of depression (Leblanc, 2012). It is not clear, however, whether or not these are pre-existing conditions. Victims, however, could take legal actions against their perpetrators if the bullying were serious enough to be considered a criminal act.

In a recent case of cyberbullying, *AB v Bragg Communications Inc.* (2012), the Supreme Court ruled that Canadian children and youth who have been victims of cyberbullying have their identities protected in court. The case involved a 15-year-old Nova Scotian girl who was a victim of a defamatory Facebook profile that included her photograph, a modified version of her name, comments about her weight and physical appearance, and a private sexual commentary. The applicant, *AB*,

by her litigation guardian, applied in chambers for an order requiring the respondent Bragg Communications to disclose the identity of the persons who used a particular IP address to perpetrate the alleged defamation. As additional relief, the applicant sought an order which would allow her to proceed by pseudonym (initials), and as well, a partial publication ban to prevent the public from knowing the words contained in the fake Facebook profile. (Define The Line, 2012)

A unanimous Supreme Court decision was handed down, ruling that *AB* could proceed anonymously in her search for the identity of the person or people perpetrating the cyberbullying. Notable is the Court's holding that "it is not necessary for a victim to provide specific evidence of harm suffered because it is 'logical to infer that children can

suffer harm through cyberbullying” (Office of the Privacy Commissioner of Canada, 2012).

Cyberbullying and school-based bullying are often concurrent (Beran & Li, 2005; Ybarra, Diener-West, & Leaf, 2007). Both forms of bullying are “grounded in intersecting and interlocking systemic and social forms of expression, abuse, and threats rooted in homophobic, sexist, racist and discriminatory attitudes” (Shariff & Churchill, 2010, p. 3). A portion of perpetrators and victims attend the same schools. Sometimes the perpetrator is a friend of the victim’s (Beran et al., in press; Kowalski & Limber, 2007; Mishna et al., 2008) and other times it is someone that the victim knows (Beran et al., in press) or a student in her or his school (Mishna et al., 2008).

Due to these concerning prevalence rates of cyberbullying, governments around the world have responded by beginning to address cyberbullying in legislation.

1.3 Canadian and American legislation

In the United States, 48 states have legislation that address school bullying, 38 of which specify that cyberbullying is prohibited (Sacco, Silbaugh, Corredor, Casey, & Doherty, 2012). Laws in 13 states give schools jurisdiction over off-campus cyber conduct that interferes with the school’s learning environment (Stuart-Cassel, Bell, & Springer, 2011). Although Canadian provinces are eager to introduce anti-bullying legislation, it is a slow process after many years of taking action against school bullying (Mitchell, 2012). Canada was, however, among the first countries to enact criminal laws for computer crimes (Kowalski, 2002). Canadian law also addresses computer fraud and

forgery, and online child pornography (Kowalski, 2002). Movements to legislate against cyberbullying began in the last four years.

In 2008, the Canadian Teachers' Federation put out a brief addressing the Department of Justice, suggesting amendments to the Criminal Code to include cyberbullying (Canadian Teachers' Federation, 2008). What evoked such strong reactions on the part of teachers was the fact that many of them had been targets of cyberbullying by students. A Private Member's Bill on cyberbullying was introduced in September 2011, called "Bill C-273, An Act to Amend the Criminal Code (cyberbullying)", that targets sections of the Criminal Code including Criminal Harassment (section 264), Defamatory Libel (section 298), and False Messages (section 372) (Criminal Code, 1985). In 2012, the Senate put out a call for submissions regarding the Bill, to which many experts and organizations responded. Most recently, the Senate Standing Committee on Human Rights (2012) produced a 126-page document entitled "Cyberbullying Hurts: Respect for Rights in the Digital Age", which makes recommendations as to how cyberbullying may be addressed in Canada. Due to international attention on the case of Amanda Todd, a teenager who committed suicide in October 2012 and who was also a victim of cyberbullying, the National Democratic Party proposed to put together a national cyberbullying taskforce, but this notion was defeated in Parliament (Baklinski, P., 2012, November 22). Likewise, Canadian Justice Ministers (The Canadian Press, 2012, October 31) have begun discussing the issue in more detail by putting together an ad hoc working group to explore the possibility of criminalizing cyberbullying by including it in Canada's Criminal Code.

Many provinces, including British Colombia, New Brunswick, and Nova Scotia, have now put out bullying prevention recommendations and province-wide initiatives. Quebec and Ontario are the first two provinces to legislate against bullying and to include cyberbullying in their Education Acts (National Assembly, 2012; Legislative Assembly of Ontario, 2012). While the Quebec and Ontario Bills were assented, the Bill proposing amendments to the Alberta Education Act was not. Ontario's Accepting Schools Act (OASA), or Bill 13, was passed and received Royal Assent in summer 2012.

1.4 Study purpose and rationale

The purpose of this study is to analyze Quebec's Bill 56, entitled "An Act to prevent and stop bullying and violence in schools," and in so doing, develop a sustainable model to help schools to meet Bill 56's requirements to prevent cyberbullying. My central research question is: How can schools meet the requirements of Bill 56 to sustainably prevent and stop cyberbullying? In order to answer this question I review Bill 56's transition from the original Bill 56 to, introduced on February 15, 2012, to its current version assented on June 12, 2012, in light of briefs submitted to the Committee on Culture and Education on behalf of various educational and community stakeholders. To do so, I analyze the submissions between February 15, 2012 to June 12, 2012 according to recurrent themes in the suggestions and concerns. I then critically examine the assented version of Bill 56 and stakeholder concerns in light of scholarly literature on challenges schools face in dealing with cyberbullying. To conclude, I make recommendations, based on best practices for addressing school-based bullying, toward the development of a

model of sustainable cyberbullying prevention to help schools meet the requirements of Bill 56.

The Quebec Ministry of Education, Leisure, and Sport (MELS) budgeted \$16.8 million toward an action plan against violence in schools (MELS, 2008). In 2012, the Ministry introduced a new piece of anti-bullying legislation and a new anti-bullying website (irightthewrong.com) to quell growing concerns about bullying and cyberbullying in the province. A young Quebecer's suicide in November 2011, related to cyberbullying, resulted in sensationalist media and celebrity responses to, and citizen-initiated awareness raising campaigns about the issue of bullying and cyberbullying. It was in this context that Quebec's new anti-bullying legislation, Bill 56, was introduced in 2012. The Act requires Quebec elementary and high schools to "prevent and stop" (National Assembly, 2012) cyberbullying. Principals are required to develop anti-bullying and anti-violence plans to be approved by Governing Boards. They must also outline rules of conduct to be observed by students at all times including on social media (National Assembly, 2012). Students failing to abide by school policy on bullying, cyberbullying, and violence may be suspended or expelled by the school principal. While the Ministry promises that Bill 56 aims to prevent and stop all forms of bullying including in cyberspace (National Assembly, 2012), it does not explicitly include any educational elements. Students are, thus, not educated about bullying prior to the introduction of policies to counter these behaviours. Forty educational and community groups provided the Committee on Education and Culture with extensive and detailed briefs underlining their concerns and comments about the Act. A review of these stakeholder briefs and the changes made to Bill 56 in light of their comments would serve

to clarify and foresee issues that may arise from implementing the Act with respect to cyberbullying, and provide a framework upon which to critically examine the cyber aspects of Bill 56.

The issue is further complicated by Quebec teachers' difficulties integrating technology into their teaching due to time constraints and a lack of technical support (Sasseville, 2004); thus making preventative educational actions difficult to implement. Additionally, schools currently neither have adequate resources nor substantive knowledge at their disposal to effectively and responsibly identify, respond to, and prevent cyberbullying (Agatston, Kowalski, & Limber, 2007; Amado, Matos, and Pessoa, 2010; Centrale des syndicats du Québec [CSQ], 2008; CROP, 2011; Eden, Heiman, & Olenik-Shemesh, 2012; Huang & Chou, 2010; Kariuki & Ryan, 2010; Larocque & Shariff, 2001; National Cyber Security Alliance, 2010; Sakellariou, Carroll, & Houghton, 2012). A uniquely punitive approach, unaccompanied by educative preparation may result in unjustified sanctions of student behaviours and speech by school administration and staff, as well as a lack of sufficient support for targeted students. Therefore, an investigation of challenges schools are facing in dealing with cyberbullying would serve in informing steps to be taken in order to effectively meet the Act's requirements.

Furthermore, the Ministry has not provided schools with guidelines on how to address and implement the cyberbullying prevention and intervention requirements of Bill 56. Solutions to this social issue are not simple and there is no quick fix that will help to eliminate it (Shariff & Churchill, 2010); nevertheless schools are left to fend for themselves in finding programs, resources, and advice on ways to deal with the challenging issue of cyberbullying. The issue is complex and multi-faceted, demanding

careful study and devising appropriate prevention and intervention measures. Although substantive resources exist about cyberbullying in Canada such as Define The Line (2012) and Media Smarts (2012), some Quebec schools are simply adding cyberbullying into a mix of traditional conflict resolution, anti-bullying, and anti-violence measures. These resources do not extensively address the technological component of bullying. Although there are effective measures for addressing traditional bullying, “evidence describing how to effectively prevent and intervene in cyberbullying is virtually absent” (Cross, Li, Smith, & Monks, 2012, p. 292). Therefore, a review of current effective bullying prevention methods and how they can be applied to deal with the “cyber-differences” (Cross et al., 2012, p. 292) that characterize these new forms of behaviour in the digital context is necessary. In addition, a model presenting how these best practices may be successfully implemented would assist in guiding schools to sustainably reduce cyberbullying in fulfilling the requirements of Bill 56. This thesis suggests such a model.

1.5 Methodology

In order to develop a sustainable model of guidelines for schools to meet Bill 56’s requirements about cyberbullying, I analyze the new legislation. I then glean deficiencies of the original Bill 56, benefits and challenges of the assented Bill 56, as highlighted by experts in the field of cyberbullying, and best practices of bullying prevention to address cyberbullying as highlighted by experts in the field of bullying and cyberbullying prevention.

The method most suited to my research question is a an analysis of 40 briefs submitted to the Committee on Culture and Education about the original Bill 56, a review

of literature about cyberbullying published by worldwide scholars in the field. A concept map is provided (Figure 1) to outline the flow of the thesis.

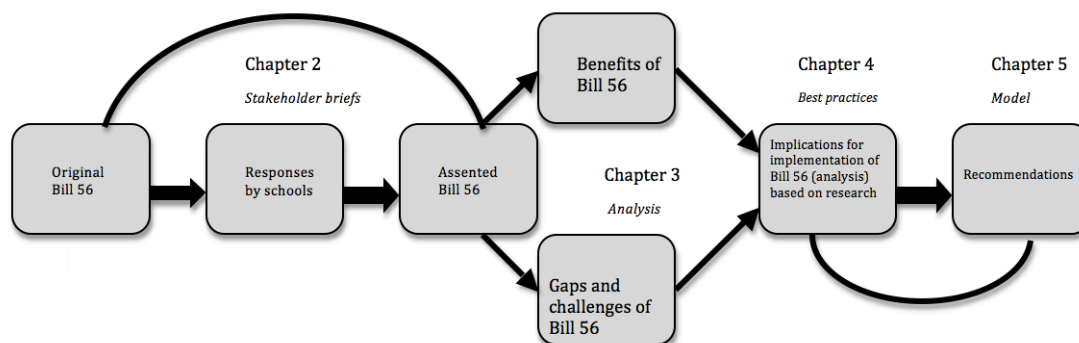


Figure 1. Concept map outlining the flow of Chapters 2 to 5.

To investigate the central problem in my thesis -- how Quebec schools can sustainably address cyberbullying in order to conform to the stipulations of Bill 56 – four distinct steps are needed. As outlined in the concept map, the first step, Chapter 2, is to shed light on the current struggles of Quebec educational and community groups in dealing with cyberbullying in their own words. This will help to identify their needs and issues with regard to preventing and responding to incidents of cyberbullying. To do this, I provide an overview of the original Bill 56: An Act to prevent and deal with bullying and violence in schools, outline which stakeholders submitted briefs to the Committee on Culture and Education to amend the Bill, how they responded to the elements of the Bill most pertinent to cyberbullying, and in what ways the Bill was amended to reflect their comments. I highlight recurrent themes in their thoughts, concerns, and suggestions in order to determine if they were addressed or not in the amendments to Bill 56.

In the second step, Chapter 3, I review scholarly evidence about these themes to underline the opportunities and challenges that Bill 56 presents to schools. I then analyze

these potential issues that schools may experience in addressing cyberbullying under Bill 56 to identify deficiencies in their approaches to preventing and responding to cyberbullying.

In the third step, Chapter 4, I investigate effective cyberbullying and bullying prevention measures that may be applied to help schools navigate their issues in dealing with cyberbullying.

The final step, Chapter 5, consists of coherently grouping these guidelines and recommendations under four main categories that serve to develop a potential model of sustainable cyberbullying prevention.

CHAPTER 2: BILL 56 AND SUBMISSIONS TO AMEND IT

Formulating a potential sustainable cyberbullying prevention model to implement the assented Bill 56¹ requires an examination of why the original Bill 56 was introduced and what it entails. To articulate schools' concerns about cyberbullying, I review the briefs submitted to the Committee on Culture and Education and draw some parallels in stakeholders' comments. I then look at whether or not the Bill was amended to reflect their collective concerns about cyberbullying. Finally, I highlight remaining problem areas that the amended legislation, the assented Bill 56, has failed to address.

2.1 Why was Bill 56 introduced?

The original Bill 56 was introduced in response to the need for addressing schoolyard bullying and violence in Quebec schools. In 1995, the Association des cadres scolaires du Québec (ACSQ) established the Table provinciale de concertation sur la violence, les jeunes et le milieu scolaire, funded by the Ministry to address school violence (Fédération québécoise des directions d'établissements d'enseignement [FQDE], 2012). In 2005, however, the Vérificateur general du Quebec indicated that schools were not adequately addressing violence (CSQ, 2012). Research conducted among Quebec schools between 1999 and 2005, shows that 50% of Quebec high school students had been insulted, 31% had been threatened by other students, and 29% had been insulted by members of school personnel (Janosz, Pascal, & Bouthillier, 2009). In addition, a study undertaken by le Ministère de la Sécurité publique du Québec (2002) showed that among

¹ For the purpose of differentiating the original and the assented version of Bill 56 for the reader, I refer to it as *the original Bill 56* and *the assented Bill 56* in Chapter 2. From Chapter 3 onward, I am only referring to the assented version as *Bill 56*.

603 respondents, 19.8% had been bullied, cyberbullied, or teased. The spectrum of behaviours included under school violence in Quebec is, thus, concerning and involves adults such as parents and teachers.

To respond to the need for addressing the issue of violence in schools, the Quebec Ministry of Education put together an action plan against violence in schools, including cyberbullying, between 2008 and 2011 (Ministère de l'Éducation, du Loisir et du Sport [MELS], 2012). The plan was called “La violence à l'école : ça vaut le coup d'agir ensemble !” (MELS, 2012). The Ministry budgeted 16.8 million dollars toward the plan (La Presse, 2008), which also aimed to address cyberbullying (MELS, 2008). The action plan consisted of 20 or so measures to help create and maintain healthy, safe school environments – to be carried out through 23 different actions (MELS, 2008).

As a way to somewhat assess the action plan's impact, a large-scale study about bullying, violence, and cyberbullying was conducted among 914 educators by the CSQ (CROP, 2011). The study showed that 47 % of respondents report increases in violence in their educational milieu since the action plan against school violence was launched. Thirty-eight percent of respondents said that the Ministry's action plan was not implemented in their workplace. Furthermore, nearing the end of 2011, the Ministry's plan was met with scrutiny and deemed a failure by media (Portail du Québec, 2011) after the 3-year period dedicated to implementing the project had elapsed.

In November, 2011, Marjorie Raymond, a 15-year-old girl from the Saint-Anne-des-Monts, Quebec committed suicide (CTV News, 2011, November 30). Marjorie had been the target of bullying for many years at school. Following Marjorie's death, two marches against bullying were organized by adolescents. The first in Montreal (Simard,

V., 2011, December 3) and another in Trois-Rivières (Émmanuelle Deprés, 2012). The Raymond suicide was the turning point that culminated in the introduction of Bill 56 (Agence QMI, 2012, February 12). The Ministry reacted with concern to the teen suicide by promptly putting together an anti-bullying campaign including a website called IRightTheWrong.com that aims to raise awareness about bullying and cyberbullying. The website warns its audience that cyberbullying may fall under the Canadian Criminal Code and violate Quebec's Charter of Rights and Freedoms (I Right The Wrong, 2012). The Ministry also put together a series of public service announcements regarding bullying (Portail du Québec, 2012). However, no new funds were put toward preventing cyberbullying; instead, the left over budget was allocated it to schools for their existing staff (Séguin, R., 2012, February 15).

A short span of time between the moment the previous plan was considered a failure and the moment the anti-bullying Bill was introduced did not seem to leave any opportunity for research to provide a pretext to the legislation. Although the previous action plan had aimed to “ensure that schools and school boards and the Ministère have a better understanding of violence in Québec schools” (MELS, 2008) by “document[ing] the phenomenon in terms of its causes and determining factors” (MELS, 2008) and “create an ongoing profile of the situation regarding violence in Québec's schools” (MELS, 2008), this objective was not reached. Furthermore, in 2009 the Commission de l'éthique en science et en technologie's (CEST) recommended that the Ministry of Education, along with Quebec granting agencies, study causes and effects of cyberbullying to better understand the issue (CEST, 2009). This recommendation was also not taken into account. It would seem, then, that the legislation is a reaction to media

coverage of the issue of bullying rather than an in-depth assessment of the issue in Quebec schools. Bill 56 was written and introduced by Minister of Education, Line Beauchamp, on February 15, 2012 (National Assembly, 2012). It was discussed again on March 22, 2012 when the Committee on Culture and Education, including 9 deputies composed of members of the Parti Québécois, Quebec Liberal Party, and Coalition Avenir Québec, heard different groups speak about their suggestions and concerns regarding Bill 56 (MELS, 2012). Among the 40 groups who submitted briefs to the Committee, 24 were heard. The Bill was subsequently amended and assented as Bill 56 on June 13, 2012.

In short, a series of studies and events raised public consciousness about school-based bullying in Quebec. The Vérificateur Général du Québec audited and criticized the levels of school violence in Quebec. Consequently, the Ministry put in place an action plan for school violence that did not bear fruit. To remedy the situation, the Ministry put in place an anti-bullying website and introduced anti-bullying legislation. In the next section I discuss the original Bill and what it entailed.

2.2 Bill 56: An Act to prevent and deal with bullying and violence in schools

The original Bill 56 is an amendment to the Quebec Education Act and the Quebec Private Schools Act. It aims to "prevent and deal with" (National Assembly, 2012) bullying and violence in schools. The Bill outlines a set of exigencies for schools, including roles for principals, Governing Boards, the Student Ombudsman, an anti-bullying and anti-violence committee and coordinator, the police, and social and health services in responding to all forms of bullying and violence in school. The Bill also

imposes monetary penalties on schools that failed to come up with anti-bullying plans or follow required protocols.

While in English the Bill's title uses the words 'prevent and deal with;' the French version, having a more detailed definition, uses "lutter contre la violence et l'intimidation dans les écoles" (MELS, 2012). While the English text implies prevention, which would entail taking action prior to an event of bullying or violence, the French version, implies eradication (Termium Plus, 2012). Eradication does not explicitly require that any action take place prior to an event of bullying. In both cases, the Bill is a series of intervention protocols for all cases of bullying and violence. Apart from alluding to bullying prevention potentially being required by the Minister in "broad areas of learning" (National Assembly, 2012, p. 8) and a "civics session held each year by the principal in collaboration with the school staff" (National Assembly, 2012, p. 5), there is no mention of educational or preventative means of raising consciousness about bullying and violence. Governing Boards are required to come up with anti-bullying and anti-violence plans with the principal's approval. The principal is in charge of suspending or expelling students who have bullied others, if this is believed necessary in order to end acts of bullying. The rules of conduct specified by the plan must include students' interactions at all times, including on social media (National Assembly, 2012).

The original Bill 56 defines bullying as: "any direct or indirect behaviour, comment, act or gesture, including through the use of social media, intended to injure, hurt, oppress, intimidate or ostracize" (National Assembly, 2012, p. 3), and "includes cyberbullying" (National Assembly, 2012, p. 3). Moreover, the definition does not provide any explanatory note as to what constitutes cyberbullying. Cyberbullying is

added on to the existent definition of traditional bullying. The Bill also stipulates that all staff members must ensure that “no student in the school [is] a victim of bullying or violence” (National Assembly, 2012, p. 110).

In brief, the original Bill 56 claims to be preventative in its approach, but it is not. Punitive sanctions are prescribed and schools are asked to come up with anti-bullying plans that are reminiscent of disaster response protocols. While containing brief mentions of educational elements, the Bill does not elaborate upon them. Cyberbullying is included in the definition of bullying, but not defined independently. Most of the responsibility outlined in the original Bill 56 rests on the shoulders of school principals and Governing Boards. Other staff members are required to be supportive of anti-bullying plans and make sure students are not targeted by bullying.

As previously mentioned, following the introduction of Bill 56, the Committee on culture and education held public consultations with various educational and community groups, as well as individuals. These groups and individuals had submitted briefs to the Committee addressing Bill 56. I discuss these groups in the next section.

2.3 Summary of stakeholders who submitted briefs to the Committee on culture and education

Stakeholders² who submitted briefs to the Committee on culture and education made comments and suggestions to amend the Bill. They represent a range of 40 educational and non-educational groups, organizations and individuals (see Appendix A). Among these 40 organizations and individuals, 25 were educational, meaning they deal

² The term “stakeholders” will refer to the 40 groups who submitted briefs to the Committee on Culture and Education about Bill 56 throughout this thesis, other than in discussions in Chapter 4 about a multi-stakeholder approach.

directly with the education of students and student life within the schools. The remaining 15 were non-educational institutions and groups in the greater community who are not part of the school, school boards, unions, or educational associations, but may at times have an outsourced role to play in schools.

Educational groups included school boards such as the Commission scolaire de Montréal (CSDM), school board associations such as the Quebec English School Boards Association (QESBA) and the Fédération des commissions scolaires du Québec (FCSQ), union organizations such as the Centrale des syndicats du Québec (CSQ), and private school organizations such as the Association of Jewish Day Schools (AJDS). Non-educational stakeholders included umbrella organizations in the community sector such as the Table des regroupements provinciaux d'organismes communautaires et bénévoles, community groups such as the Tolerance Foundation (now named ENSEMBLE for the respect of diversity), research or advocacy groups such as the Groupe de recherche sur l'éducation éthique et l'éthique en éducation de l' Université du Québec à Montréal (UQAM) (GRÉE) and the law enforcement such as the Service de police de la Ville de Québec (SPVQ), and parents' organizations such as the Fédération des comités de parents du Québec (FCPQ). Of those individuals was an adolescent, Émanuelle Deprés, and another was Claire Beaumont, the psychologist at Université de Laval who was working under the new \$1 million research chair on bullying (TVA Nouvelles, 2012). In the next section I elaborate on these submissions.

2.4 Deficiencies in the original Bill 56 highlighted by stakeholders

The submissions from various stakeholders mainly highlighted the deficiencies of the original Bill 56. Although most of the comments made by stakeholders refer to ‘bullying,’ it is safe to assume that cyberbullying is included in the commentary since it is integrated into the definition of bullying in the Bill. The original Bill 56 does not adequately address cyberbullying. There are five main deficiencies gleaned by stakeholders. The stakeholders underline problems they have with the original Bill 56 in addressing cyberbullying, including:

1. Evidence-based practice.
2. Definitional issues.
3. Clear boundaries and school roles.
4. The role of education.
5. Financial and human resources.

2.4.1 Evidence-based practice

Stakeholders outlined that the original Bill 56 is not grounded in evidence³ about the prevalence of cyberbullying in the province. The Quebec Provincial Association of Teachers (QPAT) (2012) and the AQPS highlighted the need for evidence-based practice and resources, in that research should inform both policy and practice. Stakeholders highlighted a need to document bullying and cyberbullying in Quebec (CSQ, 2012; QPAT; 2012). The FQDE (2012) found that there is a need for a deeper understanding of bullying and raised awareness about the issue.

There is, thus, a need for a better understanding of cyberbullying in Quebec. Stakeholders need evidence in order to tailor their interventions and responses to the needs of children and youth in Quebec. Evidence and substantive knowledge is also

³ Here evidence-based practice is used in the sense that the World Health Organization intends: “to evaluate research evidence” (Rodrigues, 2000, p. 1344) and apply it to school-based interventions and programs.

needed to help stakeholders grasp the meaning of cyberbullying and how to recognize such behaviours. In the next section I discuss some of the definitional issues that they found confusing in the Bill.

2.4.2 Definitional issues

The majority of groups submitting briefs suggested amendments to the definition of bullying in the original Bill 56. Out of groups submitting briefs, 12 thought that bullying should be defined as an intentional act. I discuss the possible repercussions associated with this in Chapter 3. Although some groups suggested a status quo definition of bullying (Olweus, 1994) including intention, power imbalance, and repetition, others disagreed. For instance, the Centrale des syndicats nationaux (CSN) (2012) suggested that the Bill require a “single serious incidence” (Commission des normes du travail, 2012) to conform to the definition of workplace harassment in Quebec. The Association Québécoise des Psychologues Scolaires (AQPS) (2012) suggested that in the case of cyberbullying, one severe act would suffice.

The Regroupement des organismes ESPACE du Québec (ROEQ) (2012) outlined that exact and representative definitions are needed in order that prevention and intervention methods be put in place in schools. The ROEQ (2012) found it confusing that both violence and bullying were dealt with in the legislation. They considered bullying as a form of violence. This may be due to language issues (Menesini et al., 2012).

Many stakeholders brought up the issue of differentiating bullying from conflict. They worried that broad definitions would cause school officials to penalize too many

children and youth for being involved in everyday conflicts. The ROEQ (2012) elucidated the need for including an element of power imbalance between the perpetrator and the victim to differentiate cases of bullying from cases of conflict.

A note should be made that although a uniform social scientific definition would go far in helping with interventions and prevention methods (Senate Standing Committee on Human Rights, 2012), a uniform legal definition of cyberbullying could potentially impede fundamental human rights (Barlow, 1996). Since cyberbullying lands in a legal grey area, defining schools' roles and jurisdictions is no easy task. I explore this in further detail about this in Chapter 3.

In short, stakeholders did not agree on one definition of bullying. They focused on various aspects such as an intention to harm, a power imbalance between the perpetrator and victim, repeated actions, and the harm inflicted on the victim. Some contended that one instance of a harmful behaviour is enough to constitute bullying. Most stakeholders, however, demanded a definition that differentiates bullying from a regular schoolyard quarrel. Definitional issues also affect the unclear boundaries of responsibility for schools in instances of cyberbullying, which I discuss in the next section.

2.4.3 Clear boundaries for cyberbullying

A key concern expressed in the briefs by educational stakeholders was a need for clarification as to their jurisdiction in intervening in cyberbullying. Schools were required by the original Bill 56 to come up with rules of conduct that specify “the behaviours and verbal or other exchanges that are prohibited at all times, including during school transportation, regardless of the means used, including social media” (National

Assembly, 2012, p. 5) as well as “the applicable disciplinary sanctions, according to the severity or repetitive nature of the prohibited act” (National Assembly, 2012, p. 5).

Since cyberbullying takes place over the Internet and mobile phones, educational stakeholders argued that this type of bullying is beyond the schoolyard, and thus beyond the control and jurisdiction of the school. However, the issue extends past the seemingly simple reasoning behind why it is necessary to differentiate the school’s role in traditional bullying versus cyberbullying. The differences between on campus and off campus speech are not as clear on digital media as they are in real life. Educational stakeholders argued that cases ‘taking place’ within the geographic and jurisdictional boundaries of the school are what they are responsible for. They contested that cyberbullying be included in the Bill. Both educational and non-educational stakeholders repeatedly pointed out that schools’ jurisdiction does not extend beyond the schoolyard, and, thus, cyberbullying would not be under their authority (AMDES, 2012; FCSQ, 2012; FQAFE, 2012); and several submissions took for granted that cyberbullying, by definition, occurs away from school (AAESQ, 2012; ADERS, 2012; ABEE, 2012; AJDS, 2012; FAE, 2012; FCPQ, 2012; LCEEQ, 2012; QPAT, 2012). Others presumed that children and youth spend most of their day outside of school with their parents, who must take responsibility for cyberbullying. Some stakeholders suggested that the Bill mandate parents’ supervision of their children’s social media use at home.

The CSQ (2012) mentioned that it is difficult to decipher the policymakers’ intentions when they came up with the stipulation that rules of conduct must specify all acts and exchanges on social media, because they do not see how it is possible that the rules of conduct would foresee all the online actions to be prohibited. They, thus, suggest

that the Bill limits the rules of conduct to specifying exchanges on social media that impact the school environment (CSQ, 2012).

The SPVQ (2012) discussed the existent grey areas in respective roles of school board and police in cyberbullying. They likewise outlined the need to establish uniform ways of intervening in cyberbullying incidents that take place off campus but are reported nonetheless (SPVQ, 2012). The SPVQ (2012) also recommended that an understanding be established between school boards and police as to their respective roles in incidents of all forms of bullying, including cyberbullying.

In sum, the stakeholders voiced concerns about on campus versus off campus bullying. Stakeholders are taken aback by the Ministry's requirement that they monitor and establish rules of conduct for bullying happening at all times. While schools need clear boundaries and roles for responding to incidents of cyberbullying, they see themselves as educational agents of change for bullying. I discuss their views in the next section.

2.4.4 The role of education

Out of 40 groups submitting briefs to the Committee, 30 (75%) made some reference to the role of education as a form of prevention for bullying and cyberbullying. Groups expressed concerns that the Bill was too punitive, and would have negative consequences for students. They also decried the lack of educational elements and digital citizenship. Furthermore, they mentioned the need for teacher education to support educational ways of preventing all forms of bullying.

Many groups were wary of the punitive nature of the Bill. For example, the AQPS (2012) said that in the Bill bullying is looked at as a ‘thing’ to be eradicated and find that quick-fix solutions are inadequate. They described bullying as something that is not separate from daily life (AQPS, 2012). To add to this, QPAT (2012) discussed extensive and unfair punishments distracting schools from dealing with underlying issues. The Commission de l’éducation en langue anglaise (CELA) (2012) agreed with these suggestions by arguing that punitive sanctions only work in the short and not long term.

The GRÉÉ (2012) worried that the requirements of the Bill would take on a form of behaviorism when schools put in place civics⁴ training. They drew attention to the fact that education does not imply ‘correcting’ children and that consciousness-raising education is based on promoting freedom and development in (what they refer to as) education agents of change: children and youth. The GRÉÉ (2012) also highlighted that the Bill risked using a uniquely behaviourist method by constraining students to adopting certain behaviours imposed on them in codes of conduct developed by outside authorities. They feared that this approach would not consider their differing ages and maturity levels, or the characteristics of their specific milieus. They argued that when the fear of punishment loses its force, this type of education fails (GRÉÉ, 2012).

Adding to these recommendations, QESBA (2012) mentioned that the Bill failed to “inspire the development of compassionate and innovative approaches to combating bullying and violence”. The Association of Directors General of English School Boards of Quebec (ADGESBQ) (2012) likewise underlined that instead of adjusting education

⁴ In this context, education about ‘civics’ entails “duties of citizenship” (MELS, 2007) in that schools are required to “[bring] students together, despite their differences, while instilling respect for differences” (MELS, 2007).

to address the adoption of healthy behaviours, the Bill tried to legislate human conduct by introducing coercive means.

The Association des directeurs généraux des commissions scolaires du Québec (ADIGECS) (2012) went further by expressing concern that Articles 14 and 18 of the Bill call for long periods of suspension that may cause dropout. The ADGCSQ (2012) suggested that students involved in bullying be rehabilitated because there is a risk they would drop out or become young offenders. The AQPS (2012) mentioned that this approach was contrary to what Quebec culture has always favored: a system of rehabilitation rather than punishment.

Stakeholders suggested several solutions to replace these ineffective punitive approaches. The Association of Administrators of English Schools of Quebec (AAESQ) (2012) recommended that the Bill encourage administrators to take an educational rather than punitive approach. For instance, it would be better to take a positive stance rather than a negative tone, and establish attitudes and conduct that are expected by, rather than prohibited by, the establishment (CSQ, 2012).

Other groups mentioned that the Bill misses the point of the educational system. The Association of Directors General of English School Boards of Quebec (ADGESBQ) (2012) pointed out that the only part of the original Bill 56 that conforms to the Education Act's mission to instruct, socialize, and qualify students is "in the broad areas of learning" (National Assembly, 2012, p. 8). They posited that education and prevention are the best ways to counter bullying (ADGESBQ, 2012). The CSQ (2012) likewise elaborated by adding that education is at the heart of dealing with bullying and violence, and little importance is given to it.

Some stakeholders mentioned the need for digital citizenship in the curriculum. The GRÉE (2012) believed it is necessary to change the Régime pédagogique et les services de l'enseignement, certain aspects of the Programme de formation des écoles québécoises (PFÉQ), and certain aspects of the Ethics and Religious Culture (ERC) programme to include cyber citizenship and accompanying staff training about teaching cyber ethics. The Commission scolaire de Montreal (CSDM) agreed that there is a need to include education about cyber ethics starting in the elementary school curriculum. The Centrale des syndicats du Québec (CSQ) (2012) argued that civics should be taught in all classes, rather than in school assemblies once per year. They also suggested that “civics and anti-bullying and anti-violence activities” (National Assembly, p. 3) include cyberbullying (CSQ, 2012).

The Groupe de recherche sur l'éducation éthique et l'éthique en éducation (GRÉE) (2012) recommended that teacher trainings be organized to prepare them for educating their students about civics and cyber citizenship. The Organismes ESPACE du Québec (2012) likewise pinpointed the need for prevention to include preschool kids, their parents, educators and bus drivers.

The Fédération autonome de l'enseignement (FAE) (2012) and the CSQ (2012) highlighted the need to specify teachers' roles in the Bill. They also ask for clarification about the activities or content that the Minister may prescribe in the “broad areas of learning” (National Assembly, 2012, p. 5) and how these would affect the regular curriculum. The CSQ (2012) suggested schools be provided with resources to help them evaluate each report or complaint of bullying so as not to make false allegations. The Regroupement des maisons pour femmes victimes de violence conjugale (2012)

suggested that principals and teachers need training and support to identify and intervene in real cases of violence and bullying. The FAE (2012) elaborated on this by inquiring about whether or not educational programs will be considered and evaluated, whether or not school personnel will have access to resources such as seminars, trainings, and tools, and whether or not supplementary specialists will be provided to them.

In brief, schools do not support the punitive measures of the original Bill 56. They prefer an educational approach, including digital citizenship, embedded in the curriculum, rather than included in civics sessions. They highlighted that their students need support when an incident of bullying takes place. In order that school personnel intervene, they need training in how to identify bullying behaviours. In order that educational and positive approaches are taken, stakeholders outlined the need for supplementary resources to accompany them. I outline their comments in the next section.

2.4.5 Financial and human resources to support implementation

Among 40 organizations submitting briefs to the Committee, 22 explicitly mention the need for funding and substantive resources to implement Bill 56 and to effectively prevent all forms of bullying. The FAE (2012) pinpointed the need for supplementary resources to be provided to schools so that they can do follow-ups of their anti-bullying and anti-violence plans. The Conseil des syndicats nationaux (CSN) (2012) outlined need for the need for the Ministry to pay for staff training in order to counter bullying. They argued that more than just a policy change is needed in order to change mentalities.

The AQPS (2012) and the FQDE (2012) argue that staff should be trained in order

to react to bullying, know what their responsibilities are, and contribute to creating a safe school environment. However, it is not clear whether there are resources that can provide such trainings to staff. If these resources do exist, it is not clear how schools could afford their services.

Another concern that many of the submissions pointed out was a lack of social services, health services, and law enforcement available to schools in both languages. Some of the English school associations also mentioned a lack of English-speaking police (AAESQ, 2012; QESBA, 2012) and health and social services (AAESQ, 2012; QESBA, 2012; QPAT, 2012) in their areas. This creates a problem when students and school staff need to consult English-speaking personnel in cases of bullying and cyberbullying.

Lack of necessary resources may prevent staff from being able to accomplish the tasks outlined in the original Bill. It requires too much work and paperwork for school personnel (FQDE, 2012; QESBA, 2012; Regroupement des maisons pour femmes victimes de violence conjugale, 2012), to take on. Consequently, this creates a need for more personnel to take on these new tasks, something that has not been budgeted for by the government.

There is a lack of funding to schools, community organizations and social services. Both educational and non-educational stakeholders mention the need for funds for to invest in bullying prevention programs and a deficiency of staff to accomplish the tasks outlined in the Bill. Budgeting would also be required for planning, research and evaluation of programs to prevent bullying. Without funding, schools are doomed to continue using the same programs and methods they have always used, to deal with a new and different form of bullying, while not having time to implement the new

legislation, despite being required to do so. Teachers, for instance, must ensure that all competencies are met, that students' work is corrected, and that their courses are planned according to the exigencies set forth by the Ministry of Education. Quebec elementary and high school teachers make the lowest salaries in Canada (British Colombia Teachers Federation, 2012). Adding bullying to their to-do list, may extend beyond school personnel's capacity.

While the Bill does not give teachers an explicit role, there is an implicit expectation that they will conform to the requirements it has for all school staff to be involved in enforcing anti-bullying policies and participating in anti-bullying measures. Although teachers' roles are helpful in preventing bullying (see Chapter 3), it is unjustified to expect them to take on more than they already do.

In brief, the government introduced a Bill, but failed to provide funding in order to help schools implement it. Funding is needed for schools, community organizations, and health and social services. All of these stakeholders decried a lack of funding to their respective fields.

In the next section I discuss what changes were made to the original Bill, and why, and examine whether or not main stakeholder concerns were taken into account.

2.5 Bill 56: An Act to prevent and stop bullying and violence in schools

Bill 56 was amended after considering the 40 submissions from different groups. A total of 35 amendments were made to the Bill (Define The Line, 2012). I discuss how and why these change were made in this section to elucidate where the gaps still lie in

schools' ability to address cyberbullying sustainably and effectively while implementing Bill 56.

In light of the recommendations, comments, and criticisms from groups and individuals who submitted briefs to the Commission de la culture et de l'éducation regarding Bill 56, it was amended to somewhat conform to the demands of different parties. I outline these amendments below and explain why such changes were made.

2.5.1 Title

The title of Bill 56, which was originally “An Act to prevent and deal with bullying and violence in schools”, was changed to “An act to prevent and stop bullying and violence in schools”. This was done so as to have relatively close translations. The original French Bill contained the word “lutter contre”, which is more representative of ‘eradicate’ than “prevent and deal with”; whereas, the finalized version of Bill 56 contains “visant à prévenir et à combattre” which is relatively close to “prevent and stop”. In this case ‘stop’ is used rather than ‘fight’, which would have been closer to the definition of “lutter contre”. In one sense, the term ‘stop’ may be more familiar to an English-speaking audience than “deal with,” since the United States’ government’s anti-bullying initiative is featured on a website entitled stopbullying.gov and is more popularized as a term to signify preventing bullying. These terms, of course, require interpretation on the part of both English and French speakers. For instance, “prevent and stop” may entail devising strategies to educationally pre-empt incidents and devise psychological and legal means to intervene as a response to incidents. Another point to consider is that the Bill, although originally claiming to “deal with” bullying and violence, only intended to “stop” these

through repressive means after events of that nature have already taken place. The question is: why is the word “prevent” used in the assented Bill 56, if the notion of prevention is not clearly laid out in its script? Another aspect of wording that was changed in the assented Bill 56 is the definition, which I explore in the next section.

2.5.2 Definition

Due to the many briefs that questioned the original definition of bullying in Bill 56, “any direct or indirect behaviour, comment, act or gesture, including through the use of social media, intended to injure, hurt, oppress, intimidate or ostracize, and includes cyberbullying” (National Assembly, 2012, p. 3), the definition was changed to include elements that were suggested by different groups.

Interestingly, the first amendment of the definition added the terms “repeated and deliberate,” includes “power imbalance” between the perpetrator and the target, and changes the wording from “intended to injure...” to “which causes distress and injures” (National Assembly, 2012, p. 3). The finalized amendment changes it to “whether deliberate or not” (National Assembly, 2012, p. 3) and discards the term ‘repeated’.

Many groups pushed for definitions of bullying similar to that of Olweus to differentiate it from a regular schoolyard quarrel. However, in Quebec, the workplace harassment definition is different from Olweus’ definition of bullying in that it defines harassment as an act that need only occur once, having already caused psychological distress, and also does not imply an intention to harm – but is, rather, emphasizing the harm caused by the act, rather than the intention behind it. Thus, as per the varying and

somewhat contradictory suggestions from different groups, the amendment intends to diplomatically please everyone through a compromise on the terms used in the definition.

The element of intentionality is, thus, removed from the legislation and the harm caused by acts of bullying is emphasized. Furthermore, discriminatory actions against certain groups are prohibited in the assented Bill 56, whereas they were not included in the original Bill 56.

Acts of racial and homophobic bullying are targeted by the assented Bill 56; whereas they were excluded from the original Bill 56. I discuss these in the next section.

2.5.3 Inclusion of discrimination against certain groups

In the assented Bill 56, school governing boards are required to approve an anti-bullying plan proposed by the principal, in which prevention measures are set forth to “put an end to all forms of bullying and violence, in particular those motivated by racism or homophobia or targeting sexual orientation, sexual identity, a handicap or a physical characteristic (National Assembly, 2012, p. 4).” The submissions brought forth by both Gai Écoute and the Conseil Québécoise des gais et lesbiennes (CQGL) made points regarding the inclusion of homophobia in the Bill; therefore, this is in response to their submissions.

Furthermore, by including these new terms, the assented Bill 56 prohibits the types of discrimination that are outlined in the Canadian Human Rights Act, including “race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability...” (Canadian Human Rights Act, 2012).

While the definition was the main area of change, slight amendments were made to shift responsibilities among different members of school personnel and parents. I discuss these in the next section.

2.5.4 The role of the principal and Governing Board

The principal's role changed from the original Bill 56 to the assented Bill 56 in that principals were originally required to see to the implementation of the anti-bullying and anti-violence plans, whereas in the revised version they are required to do so on the recommendation of the team established to deal with bullying and violence in the school as is recommended by the AAESQ (2012) in their brief. The changes further elaborate upon the exact procedure the principal must follow in each case of bullying or violence that is reported. The assented Bill 56 also states that the school board must support principals in their efforts to eradicate bullying and violence in their schools.

Finally, in the assented Bill 56 principals are responsible for proposing an anti-bullying and anti-violence plan that the Governing Board is responsible for approving. In the original Bill, the Governing Board was responsible for adopting the anti-bullying and anti-violence plan. Despite stakeholder pleas regarding the large workload enjoined upon principals (FQDE, 2012) in the original Bill 56, no amendments were made in response. Anti-bullying plans are proposed by principals, without any aid from the school boards, outside experts and consultants, and school Governing Boards. In sum, the majority of responsibilities rest on the shoulders of principals. School boards, school staff, and other stakeholders do not play major roles.

2.5.5 The role of parents

After requests from the Fédération Québécoise des Associations Foyers-Écoles Inc. (2012) and the Fédération des comités de parents du Québec (2012) to include parents as partners in bullying prevention, they are included as collaborators in the assented Bill 56.

The anti-bullying and anti-violence plan includes parents in the assented Bill 56 by requiring the plan to have “measures to encourage parents to collaborate in preventing and stopping bullying and violence and in creating a healthy and secure learning environment” (National Assembly, 2012, p. 4).

Originally, parents were simply acting as recipients of documents being transmitted to them on behalf of the school regarding anti-bullying and anti-violence plans. In the revised Bill it is also stated that parents have the “right to request assistance from the person specifically designated by the school board for that purpose” (National Assembly, 2012, p. 6), assuming that someone will be designated, despite both a lack of budget and training for someone who has taken on that role.

Commission scolaire de Montréal (CSDM) recommended that the same behaviours expected from students, in sections 18.1 and 18.2 of the Bill, also be expected of parents. These behaviours include civil and respectful conduct, contributing to a safe and healthy school environment, and taking care of property lent to them (National Assembly, 2012). However, the Bill has not changed to reflect this suggestion.

Some recent research has shown that cyberbullying may occur outside of school grounds and outside of school hours (Cross et al., 2009; Smith, Mahdavi et al., 2008). The assented Bill 56, therefore, builds on comments made by parent groups regarding

their exclusion from the original Bill 56. This is a positive change, but parents are not given a significant or explicit role to play in cyberbullying prevention as part of the assented Bill 56.

2.5.6 The role of the Student Ombudsman

The role of the Student Ombudsman changed significantly from the original Bill to the revised version. While in the original the Student Ombudsman was the designated person who could be called upon by parents of bullied children in need of assistance; in the revised version, it is the person designated by the school board for that purpose who is to be contacted. The FCSQ (2012), for example, had pointed out that the Student Ombudsman should not be assisting students and parents when a complaint is made, because she or he has to remain impartial throughout the process.

The Student Ombudsman is also no longer involved in the bureaucratic process of cases of bullying being reported and processed, or that of students getting suspended from school in the revised Bill. The Student Ombudsman is, however, contacted with a copy of the decision to expel a student who has bullied another, should it reach to that level. As per the request of school administrators in the briefs, the Student Ombudsman is kept out of bureaucratic processes that do not concern her or him, according to them.

It is not clear how bullying perpetrated over social media will be sanctioned, nor how what role the Student Ombudsman will play in cases of cyberbullying, which are outside of the regular time and space sphere of bullying, and may also involve individuals in other places.

The role of the Student Ombudsman, is, thus amended to reflect what her or his responsibility should entail as per the Education Act. Student Ombudsmen are not the right stakeholders to intervene in incidents of bullying since they have to remain impartial.

2.5.7 Financial penalty for schools

Due to the outcry from most of the groups who submitted briefs to the Comité regarding what they considered to be unjustified financial penalty imposed on schools that fail to follow the provisions of the original Bill 56, the penalty has been removed in the assented Bill 56. Despite any requirement to pay a penalty, schools must keep track of cases of cyberbullying and produce a report about such incidents at the end of the year.

By relieving schools of potential financial penalties, the assented Bill 56 is most likely a more acceptable legislation to schools. However, removing a penalty is not an alternative to providing funding, which they have not done. In the next section I discuss elements of the assented Bill 56 that remain problematic, despite these amendments.

2.5.8 How is it better?

The government's decision to remove the financial penalty from the Bill is positive for schools, since they are receiving no new funds to deal with bullying to begin with; and would have been paying out of their own pockets with the meager funds they have if unable to conform to the new law and all of its heavily burdening requirements.

In the next section I explain which gaps remain problematic.

2.5.9 What remains problematic?

Despite several amendments made to the original Bill 56, the revised version does not take into account major concerns of a large group of stakeholders in relation to cyberbullying. Stakeholder concerns were minimally addressed in amendments and this leads problems for schools when implementing the assented Bill 56. I compare these main points, amendments, and implications below in Table 1.

Table 1. Amendments to the original Bill 56 in light of stakeholder concerns and their implications for implementation of the assented Bill 56

Main points addressed by stakeholders about the original Bill 56	Amendments made to the original Bill 56 in light of suggestions	Barriers to implementing cyberbullying components of the assented Bill 56
A. Evidence-based practice. (1) Research to assess bullying and cyberbullying in Quebec. (2) Informed practices to prevent all forms of bullying. (3) Action plan against violence in schools goals that were not reached.	None.	This implies that schools currently have no frame of reference regarding the occurrence bullying or cyberbullying in Quebec and what kinds of programs and interventions have been evaluated are effective in addressing them. The Ministry has also failed to address the goals in the action plan that were not reached. The objective of the assented Bill 56 seems to be to 'fix' issues that were not addressed by the action plan.
B. Accurate definition. (1) Element of intention. (2) Element of harm. (3) Element of power imbalance. (4) Element of repetition. (5) Definition of cyberbullying.	The element of intention has been removed from the Act: "whether deliberate or not" (National Assembly, 2012, p. 3). The element of harm is adjusted to imply that actions do not necessarily have to have been deliberate in order to cause harm. The notion of power imbalance between perpetrator and victim is added.	The new definition neither fully conforms to the status quo definition of bullying, nor does it clarify the element of cyberbullying. For instance, clear threats, harassment, and impersonation may entail cyberbullying that is federally punishable by law, but these were not mentioned in the definition of violence (which does not allude to actions that also occur in cyberspace). Likewise, without such clarification, students may be suspended or expelled for non-deliberate actions online without intending to hurt anyone. This needs clarification.
C. Clear roles and boundaries for schools. (1) Clarification of "rules of conduct" for social media. (2) Clarification of responsibility for "off-campus" such as cyberbullying.	None.	How schools may implement a code of conduct for their students' social networking site interactions and what exactly their rights and responsibilities are in cyberbullying are not made apparent.
D. Role of education. (1) What educational content will be prescribed by Minister for schools? (2) How will staff be trained and educated	None.	Schools have not been provided with any means to teach their students socially responsible behaviours online or to educate their teachers about cyberbullying. The assented Bill 56, therefore, remains purely

about different forms of bullying? (3) Inclusion of cyber citizenship and cyber ethics to address cyberbullying.		punitive in nature.
E. Financial and human resources. (1) No extra pay provided to staff for extra work. (2) No extra staff provided to schools to help implement the legislation. (3) Too much work and too much paperwork for school staff. (4) Lack of health and social services in English. (5) Lack of police who speak English. (6) Lack of funding to pay for staff training.	Financial penalty to schools that do not adhere to Bill 56 has been removed.	No new financial resources are supplied to schools. This implies that they will not be able to justify extra work for already-preoccupied school staff, and still need supplementary staff to help them. English schools do not have access to English-speaking community resources such as health and social services or police. It is not clear how they will enter into agreements with these groups to help respond to cyberbullying in their schools.

In brief, issues that remain problematic for schools include:

- (1) A lack of assessment of Quebec's situation of bullying and cyberbullying and evaluations of programs to address them.
- (2) A lack of clarification as to what constitutes cyberbullying, which makes it a grey area for school personnel to deal with.
- (3) A lack of legal knowledge about roles, rights, and responsibilities of school in cyberbullying.
- (4) A lack of educational elements in the assented Bill 56, which makes it purely punitive and may lead to other problems.
- (5) A lack of financial and human resources overburdens schools with implementing a piece of legislation that is not clear to school staff. This is ground for faulty assumptions about student behaviour online, schools being held legally liable for not adequately intervening in cyberbullying, and a definition of a vast array of hurtful behaviours that is left to the independent interpretation of individual principals and Governing Boards.

In the next chapter, I outline these beneficial and problematic areas in addressing cyberbullying with respect to scholarly literature and empirical evidence. This will allow

a more comprehensive assessment of the needs of schools. Furthermore, it will help establish an appropriate solution that may be implemented for sustainably reducing cyberbullying and adhering to the assented Bill 56.

CHAPTER 3: BENEFITS AND CHALLENGES OF BILL 56

In order to establish a sustainable solution for cyberbullying to meet the needs of Bill 56, a more thorough analysis of this law and its benefits and challenges for schools is necessary. Stakeholder problems with the original Bill 56 continue to exist in the assented Bill 56. Bill 56 benefits schools by requiring administrations to address cyberbullying and avoid legal consequences. At the same time, by introducing Bill 56, the Ministry poses several challenges to schools by encouraging zero-tolerance policies, omitting the role of education, ignoring the role that teachers play in response to cyberbullying, failing to acknowledge the complexity of cyberbullying, refusing to consider the possibility of legal risks, and failing to provide schools with resources and funding to hire experts to guide them.

3.1 Benefits of Bill 56

Among the few positive aspects of Bill 56 is the fact that it addresses the human rights obligation for schools to provide an environment that does not materially or substantially disrupt learning (*Tinker v. Des Moines Independent Community District*). Nonetheless, in the rest of this chapter, I provide evidence confirming that Bill 56 could, in effect, result in creating the conditions that foster and sustain increased cyberbullying.

Bill 56 is a first step in addressing cyberbullying in Quebec schools. By introducing Bill 56, the government has required schools to start reflecting upon and taking actions toward mitigating and responding to cyberbullying. Bill 56 also helps schools avoid legal consequences by ensuring that bullying does not materially or substantially disrupt their school environments.

In an Angus Reid (2012) poll, 90% of Canadians surveyed supported provincial legislation against cyberbullying. In a CROP (2011) study of Quebec educators, 98% of respondents believed that educational institutions have a role to play in raising awareness among their students about cyberbullying and 97% thought that educational institutions should include elements of cyberbullying in their codes of conduct. By including cyberbullying in Bill 56, consciousness is being raised among schools about how to deal with this particular social problem. School administrators will be looking for assistance and advice from various sources since they are now required to come up with safe school plans to address cyberbullying.

It has been found that, including students' collaboration in coming up with school codes of conduct has made them more likely to be adhered to (Campbell, 2012; Roberge & Beaudoin, 2012; Thompson & Smith, 2010). The Commission scolaire de Montréal (CSDM) reports that in June 2011, the Association des élèves du secondaire de la Commission scolaire de Montréal (AESCSDM) conducted a survey about school perseverance among 1112 students in 15 schools and found that 74 % of students believed that a code of conduct respected by all would increase feeling of safety in the school (CSDM, 2012).

Bill 56 aims to keep school environments safe from materially and substantially disruptive bullying. Willard (2007) suggests the need to “address off-campus activities that are harming the school climate and well-being of students” (p. 159). According to Erb (2008), the 1969 *Tinker v. Des Moines Independent Community District* case has been the legal precedent most frequently applied to cases of school-aged student cyberbullying in the United States. The school banned black armbands students had worn

to protest against the Vietnam War, however, the Supreme Court ruled that their First Amendment rights protected this (Erb, 2008). The Court's decision was based on a premise that student speech should not be banned unless it led to "substantial disruption or material interference with school activities (*Tinker v. Des Moines Independent Community School Dist.*, 393 U.S. 503, 89 S. Ct. 733, 21 L. Ed. 2d 731, 1969). Another Supreme Court case in 1986, *Bethel School District No. 403 et al. vs. Fraser a minor, et al.*, relates to cyberbullying. The case involved a campaign speech by Matthew Fraser that contained obscenity. The Court decided to prohibit speech undermining their 'basic educational mission.'

By asking schools to come up with rules of conduct for social media, Bill 56 reiterates school administrators' responsibilities with regard to cyberbullying; and may prepare them for and protect them from potential charges of criminal negligence in such cases. Due to the principal of *in loco parentis* in Canada and the law of torts, schools can be held responsible for harm incurred by victims of cyberbullying who are students at the school (Shariff, 2008). Shariff (2008) points out that there is a "potential for schools to be held liable in an actionable claim for negligence if they do not act quickly to protect student victims of peer-to-peer cyber-bullying" (p. 205). Thus, if school personnel do not take the students best interest into account, as specified in Bill 56, they could be held accountable for failing to protect them from cyberbullying. Victims of cyberbullying may also argue that their rights in section 7 of the CCRF are infringed upon if the school has failed to protect them from such acts (Shariff, 2005).

To illustrate this in case law, in *School District No. 44 (North Vancouver) v. Jubran* (2005) and in *Davis v. Monroe County Bd. of Ed.* school boards were deemed

liable for failing to provide education and preventative measures for discriminatory bullying (Mackay, 2012). Schools are now required by Bill 56 to intervene in off campus cases of cyberbullying. When cyberbullying disrupts school life and learning, it is the duty of the school to intervene. In Bill 56, victims who are distressed, injured, hurt, oppressed, intimidated or ostracized by other students (National Assembly, 2012). The new legislation also gives schools the power to prevent student speech that may undermine the school's educational mission or threaten student safety, as in *Morse v. Frederick* (2007).

Moreover, in *Davis v. Monroe County Bd. of Ed.*, student-on-student sexual harassment was seen as an impediment to the student's access to education. Educators could be held liable for not intervening when they have knowledge about harassment in their school. The Davis standard has been applied to racial harassment as well (Kowalski, Limber, & Agatston, 2007). Shariff (2008) posits that some forms of cyberbullying involving sexual harassment "[infringe] [students'] constitutional rights in an educational context and [create] a hostile and negative school environment (physical and virtual)" (p. 219). Bill 56 helps schools to avoid legal liability in cases where harassment is pervasive and interferes with student learning.

By taking into account the "best interests of the students" (National Assembly, 2012, p. 6) directly involved in bullying, Bill 56 protects children from harm in the school environment. It supports protecting children's rights, according to the UN Convention on the Rights of the Child (UNCRC) (1989). It reinforces teachers' roles as *in loco parentis*. The UNCRC states that adults are responsible to protect children from physical and mental violence, injury or abuse. Beran et al. (in press) see fit that with the increase in

cyberbullying, that adults intervene and ensure that children and youth be protected from such potentially harmful conducts. The Regroupement des maisons pour femmes victimes de violence conjugale (2012) points out that sometimes children who are being bullied and have defended themselves have been punished just the same as violent children. By considering the best interests of students, principals are required to examine each incident as a unique case and protect all parties involved.

Although stakeholders outlined the need for clearly established boundaries between on and off-campus bullying, the issue here is being able to comprehend that cyberbullying is beyond such delineation, since it transcends the real time and real space whether it takes place synchronously or asynchronously via digital media (Cowie & Jennifer, 2008). Thus, rather than having to understand roles and responsibilities, schools need to understand what exactly cyberbullying entails and how it can be dealt with. According to Campbell (2012), school cyberbullying policies should be clearly written, comprehensive, educationally, legally, and morally defensible, enforceable and enforced. Shariff (2008) posits that policy standards for cyberbullying must be educational and legally defensible, in that “if challenged in a court of law, school administrators or teachers could defend their actions by establishing that they were aware of, and understood, the extent or limits of their responsibilities to intervene” (p. 193) and to do so “within the parameters of the boundaries established by the courts” (p. 193).

Despite the amendments made to Bill 56 and its potential benefits, there are also challenges that Bill 56 presents to schools. I explore these in the next section.

3.2 Challenges of Bill 56

Although Bill 56 is a first step in dealing with cyberbullying in schools, there are several issues that remain problematic. For instance:

- (1) Zero-tolerance policies are ineffective against bullying.
- (2) The role of education to mitigate cyberbullying is omitted.
- (3) Bill 56 ignores the role of teachers.
- (4) There is a need to understand Digital Natives' online interactions.
- (5) There is a need to understand the complexities of cyberbullying.
- (6) Cyberbullying cannot be an add-on.
- (7) There are potential legal risks associated with the implementation of Bill 56.
- (8) There is a need for expert guidance to address cyberbullying.

3.2.1 Zero-tolerance policies

Bill 56 proposes a zero-tolerance stance toward all forms of bullying, which does not solve the problem. Despite claiming to “prevent and stop” (National Assembly, 2012) all forms of bullying, the Act only requires schools to come up with violence crisis intervention protocols to ensure that “no student” (National Assembly, 2012, p. 11) is the victim of bullying. Zero-tolerance policies have not been effective against bullying; may cause school dropout, result in unfair or racialized suspensions and expulsions, cause an increase in indirect bullying, and fail to address the root causes of cyberbullying.

Punitive sanctions, in this case meant to control cyberbullying, have not been found effective. There is consistent evidence that punishment is unpredictable in its results and unlikely to cause new behavior to be learned (Council for Exceptional

Children, 1991; Skinner, 1953). There is little evidence supporting the effectiveness of suspension or expulsion (which Bill 56 advocates) for improving student behavior (Skiba, 2000). Zero-tolerance policies originated in military discipline models (Skiba & Petersen and Giroux, as cited in Shariff, 2004).

Zero-tolerance approaches have also been associated with school dropout and are often used to punish marginalized groups. Teachers who focus on punitive interventions and frequent suspensions contribute to increasing students' dropout risk (Fortin, Royer, Potvin, Marcotte & Yergeau, 2004). In addition, since school administrators and teachers are not prepared to prevent or intervene in cyberbullying (National Cyber Security Alliance, 2010; CSQ, 2008; CROP, 2011) it is unlikely that they would develop and apply effective and consistent policies against cyberbullying. Unclear and inconsistently applied classroom rules also increase dropout risk (Fortin et al., 2004). In the 2009-2010 school year, Quebec had the highest dropout rate in all of Canada, with only 73.8 percent of students under 20 graduating (Moss, J., 2011, October 31). Quebec also has the highest suicide rate in Canada (CBC News, 2009, February 2).

Another issue with zero-tolerance policies is that they can encourage racial biases and punishments for minor misconduct. School principals are the decision-makers for each reported case of cyberbullying (National Assembly, 2012). They may, as is discussed by Martinez (2010), misuse or abuse the school anti-bullying policy for incidents that were not meant for zero-tolerance. Principals may, thus, "interpret and manipulate the law in whatever way they choose" (Martinez, 2010, p. 155). Students who have not previously misbehaved are being punished by zero-tolerance policies (Skiba & Peterson, 1999). Students in a study conducted by Lorenz, Kikkas, and Laanpere (2012)

claimed that sometimes teacher punish the wrong people involved in cyberbullying. Moreover, the application of zero-tolerance policies, such as office referrals, suspensions and expulsions, has been racially biased toward African-American males (Skiba, Michael, & Nardo, 2000). Epp (as cited in Jull, 2000) claims that disciplinary sanctions based on the principles of zero-tolerance often reinforce an Anglo-Eurocentric notion of right and wrong. Although exploring this in further detail is beyond the scope of my thesis, by asking schools to implement Bill 56, the Ministry has made mandatory a policy that may contribute to reinforcing existing biases, racism, and Eurocentric sensibilities in a culture as ethnically diverse as Quebec's. There is significant racial disparity in school discipline, unrelated to socioeconomic status (Skiba, Michael, Nardo, & Peterson, 2000). Bickmore (2007) notes that punitive, reactive responses to violence tend to "disproportionately harm the relationships of particular populations of racialized and economically marginalized students with their schools" (p. 33). Therefore, the environment created by harsh punishment is one in which different forms of can be exacerbated rather than mitigated. In Chapter 4, I discuss why social ties among students and school staff contribute to preventing cyberbullying.

Harsh punishment for unserious behaviour is inherently unjust and can cause students to view adults at school as hypocrites (Civil Rights Project, 2000). Students learn that "adults are not being sincere when they speak of the need for justice and fairness and then do not take those elements into consideration when the child's punishment is callously and subjectively meted out" (Civil Rights Project, 2000, p. vii). Such punishments from school authority figures "breed distrust in students toward adults, and nurture an adversarial, confrontational attitude" (Civil Rights Project, 2000, p. vi).

In some cases, imposing strict rules about bullying have caused a surge in indirect forms of bullying. Such policies, if strictly targeting direct bullying behaviours, may, for instance, actually be causing an increase in indirect forms of cyberbullying. Wolke and Woods (2003) found that there was no relationship between schools having anti-bullying policies and incidences of direct bullying. They also found that a higher incidence of indirect bullying was found to coincide with detailed anti-bullying policies in schools (Wolke & Woods, 2003). It has also been found that banning mobile phones from schools has no effect in rates of cyberbullying (Pfetsch, Steffgen, & Konig, 2009). Students engaging in cyberbullying can bypass technology (Parris, Varjas, Meyers, & Cutts, 2011).

Bill 56's zero-tolerance approach does not address the systemic roots of cyberbullying. Cyberbullying has become reified and attempts to prevent it have "[tinkered] with symptoms while leaving deeper underlying factors untouched, and, in many cases, unrecognized" (Lankshear & Knobel, 2010, p. xii). Bickmore (2007) argues that such punitive approaches to school violence institute "blame and exclusion (retribution), but too rarely [solve] problems or [prevent] further harm" (p. 34). She posits that Canada's current approach is one of resource-intensive "post-incident reaction and clean-up after the fact" (p. 37) and that we need to move toward "proactive peacebuilding for sustainably safe and peaceful school communities" (p. 37). Therefore, the solution is not to solely rely on suspension and expulsion to mitigate the issue of cyberbullying. The problem lies at the root of these behavioural manifestations and can only be addressed through proactive (Shariff, 2008) approaches.

Evidence indicates that simply introducing zero-tolerance policies does not serve to reduce incidences of bullying. Such practices originate in military-based approaches of punishment (Shariff & Churchill, 2011). Furthermore, punishing young perpetrators of bullying is a risk factor for chronic offending later in life (Farrington, 1994, as cited in Mishna et al., 2010; Olweus, 1991, as cited in Mishna et al., 2010). Thus, the costs (Welsh & Farrington, 2000) of instituting zero tolerance policies for bullying may outweigh the benefits. For instance, youth expulsion and suspension of Quebec students may increase the likelihood of future dropout, the rates of which have been an issue of concern to Ministry of Education. Dropouts have been found to precede later engagement in crime (Thornberry, Moore, & Christenson, 1985).

According to Christle, Nelson, and Jolivette (as cited in Martinez, 2010), suspensions and expulsions for bullying mean that students are excluded from the school, which is contradictory to the school's mission to educate. Zero-tolerance policies, such as those imposed by Bill 56, fail to provide guidance and instruction (Civil Rights Project, 2000). According to Martinez (2010), "outcomes that zero-tolerance policies have brought to schools have been only negative" (p. 156). Martinez (2010) goes on to argue that expelling and suspending students deprives students of education, and that the best way to discipline students is to teach them (Martinez, 2010). In the next section I discuss why education plays an important role in the implementation of Bill 56 so that cyberbullying may be curtailed.

3.2.2 The role of education

Bill 56 does not consider the role of education in sustainably mitigating cyberbullying. Education is necessary to include in Bill 56 in order to prevent cyberbullying from taking place, to avoid legal consequences for unintentional behaviours and to teach digital citizenship.

Education, in the sense of classroom instruction, will help to prevent cyberbullying before serious incidents take place. Although the stakeholder submissions stressed this point, the Ministry did not alter Bill 56 in light of their suggestions. Bickmore (2007) asserts that the only way to prevent school violence is to “regularly and consistently address conflict, educatively and restoratively, before it escalates” (p. 36). The same can be said of cyberbullying, since it is necessary to address online conflicts through education before they escalate. Unfortunately, educational elements were not elaborately included in Bill 56. The Act asserts that the Ministry may prescribe “activities or content [...] in the broader areas of learning” (National Assembly, 2012, p. 6). but does not go into detail about how this may be done and which activities or content will be used. Mishna, Pepler, Cook, Craig, and Wiener (2010) talk about the need to change attitudes in order to address bullying. Palfrey (2010, October 1) argues that laws will not prevent tragedies from happening and that it is “commitment to teaching and mentoring, to being supportive and to being tough where we have to be, that can help.” Furthermore, boyd (2007) suggests, “[as] a society, we need to figure out how to educate teens to navigate social structures that are quite unfamiliar to us because they will be faced with these publics as adults, even if we try to limit their access now” (p. 138).

Prevention should ideally commence in elementary school, prior to grade 8, when frequency of cyberbullying peaks (Juvonen & Gross, 2008). Twenty-seven percent of a sample of Turkish 8 to 11 year olds had been recipients of cyberbullying, while 18% had engaged in cyberbullying others (Arslan, Savaser, Hallet, & Balci, 2012). Likewise, Beatbullying, an anti-bullying non-profit organization in the United Kingdom found that 30% of 11 to 16 year olds reported having been the recipients of some form of cyberbullying (Cross, Richardson, Douglas, & Vonkaenel-Flatt, 2009). Corroborating with this research, out of 1,211 primary and secondary school students in the Netherlands, 22 % had recently been recipients of cyberbullying and 16 % had bullied someone online (Dehue, Bolman & Völlink, 2008).

Although certain stakeholders alluded to the inclusion of digital citizenship in Bill 56, these changes were not made to the original bill. Interventions and educational programs need to “focus on positive concepts like healthy relationships and digital citizenship rather than starting with the negative framing of bullying” (boyd, 2011, September 23). One example of an initiative to promote digital citizenship is the Adolescent Web Awareness Requires Education Act (AWARE Act) (Schultz, 2009, H.R. 3630). The Act intends to provide grants to various agencies to promote cyber crime prevention and awareness in schools through evidence-based programs. Rather than take a reactive and punitive approach, the AWARE Act is an example of a proactive measure intending to prevent cyberbullying through educational programs before it takes place.

Another factor to consider is that in Bill 56 principals are given the authority to expel and suspend students for engaging in acts of bullying and violence. Students engaging in cyberbullying are sometimes doing so without the intent to harm. As Levin

(2010) argues, intentionality in cyberbullying is difficult to prove because it takes place on digital media. Further, the Act considers any conduct, “whether deliberate or not” (National Assembly, 2012, p.3), as bullying as long as it is harmful to the victim. Youth engaging in cyberbullying sometimes do so because they do not fear consequences to their behaviours (Dempsey, Sulkowski, Nichols, & Storch, 2009). Moreover, young people engaging in cyberbullying are unaware that rules or laws exist that prohibits these behaviours. Laws have not yet adapted to an increasingly technology-driven society. Children and youth, nonetheless, are being expelled and suspended from school for having engaged in cyber behaviours deemed unacceptable by their school administrators.

Educational stakeholders, who submitted briefs to the Committee, highlighted their reticence to deal with cyberbullying because of a lack of clear boundaries. Shariff (2005) discusses the spill over of the school environment into the virtual environment and vice-versa. One of the challenges that legal authorities are faced with is “the difficulty of applying existing legislation to criminal technologies” (Kowalski, 2002, p. 7). The difficulty is rooted in a lack of education about cyberbullying in legal and educational circles. It is for this reason that Shariff (2008) argues for a need to include “critical legal literacy” (p. 241) in the school curriculum. Both staff and students would then have an idea of existent laws and how they could be applied to cases of cyberbullying in court. Such education would prevent students from being punished from behaviours that they do not realize are illegal. By instituting Bill 56, the Ministry of Education has failed to consider a few risks that come with legislating against cyberbullying. I discuss these in the next section.

3.2.3 The role of teachers

There is no significant role for teachers to play in Bill 56. Some stakeholders, as mentioned in Chapter 2, have also denounced the omission of roles for educators to play in the original Bill; however, this was not resolved in Bill 56. Teachers' roles in the Act need to be outlined since they are involved in cyberbullying and their attitudes about bullying affect student behaviour. Despite their important role as models of socially responsible behaviour, teachers are not prepared to deal cyberbullying in their curriculum.

Teachers are involved in bullying and cyberbullying both as instigators and recipients. Although Bill 56 does not address this, some cases of cyberbullying involve school administrators, teachers, and parents. It is likely that students engaging in peer and anti-authority cyberbullying are influenced by some negative examples set by the adults in their surroundings. The adults in the school and home environment have a duty to set a good example to children and youth in their dealings with others both on and offline. They must, likewise, be prepared to educate and respond to students about cyberbullying. While the Act only addresses student behaviour; teachers, school administrators and parents have been directly involved in cyberbullying. Teachers report having been targeted online by students, colleagues, and administrators. An Ontario Teachers College survey (2007), conducted among 1000 teachers, shows that 84% of teachers report having been the recipients of cyberbullying.

Janosz et al. (2009) reported that among Quebec school staff they interviewed, 39% had been insulted by a student, 23% had been threatened by a student, 17% had been insulted by a colleague, and 15% had been insulted by a parent. The Fédération

autonome de l'enseignement (FAE) (Léger Marketing, 2010) reports that 4 % of teachers had been targets of cyberbullying and cyber aggression in their work environment. The study counts cyberbullying among a spectrum of psychological aggression, 87% of which was perpetrated by students, 45% by parents, 27% by administration and 26% by work colleagues (Léger Marketing, 2010). A telephone-conducted study by CROP and the Centrale des syndicats du Québec (CSQ), a teachers' union, in 2011, among 1214 people disclosed findings about adult involvement in cyberbullying either as recipients or instigators. Among those interviewed were CSQ members who were elementary, high school, and adult education teachers, school board professionals and support staff, private institutions, special needs teachers, CÉGEP teachers, professionals, and support staff. Similar to the FAE's findings, 5% of respondents reported having been victims of cyberbullying since the start of their careers (CROP, 2011). Of the victims, 54 % had been insulted or threatened through email. Almost three quarters (73 %) knew their aggressors (CROP, 2011). In 2008, 45 % of those reporting having been cyberbullied were victimized by students (CSQ, 2008), and in 2011, 29 % were victimized by students (CROP, 2011). In 2008, 22% were targeted online by work colleagues, and in 2011, 12 % were cyberbullied by their work colleagues. Twelve percent of victims were cyberbullied by parents in both 2008 and 2011. This corroborates with the research conducted by Quebec English School Boards Association (QESBA) Task Force (2008) regarding parents engaging in cyberbullying teachers. Out of teachers who were surveyed in the QESBA Task Force study, 4 % reported having been a victim of an online incident instigated by students and 5 % reported having been a victim of an incident instigated by parents. As well, in the CSQ

(2008) study, members of school administration instigated 13 % of reported cases of cyberbullying. Prevalence rates are, thus, concerning and a few Canadian cases of cyberbullying have been serious enough to gain media attention or gone to court.

Educators' attitudes and beliefs affect student behaviour. Teachers are more likely to intervene in bullying if they identify with and are emotionally responsive to victims of bullying because they, themselves, had been victims of bullying as a child (Kallestad & Olweus, 2003; Craig, Bell, & Leschied, 2011). Teachers were also more likely to identify bullying, see it as serious, and intervene if they were more empathic toward others (Craig & Henderson, 2000). Corroborating with this, teachers who are empathic, perceive bullying seriously, and report greater self-efficacy are more likely to intervene in bullying (Yoon, 2004). Sourander et al. (2010) found that adolescents who had engaged in cyberbullying had higher levels of perceived difficulties, were feeling unsafe at school, not cared about by teachers, and reported a high level of headaches. Hence, teachers play an important role in preventing bullying, despite Bill 56 excluding them as important agents of change.

Teachers, the *in loco parentis* at the school, can potentially be charged with criminal negligence if not attentive to all forms of bullying. If teachers cannot see the bullying, they are not likely to respond to it (Craig & Henderson, 2000). For cyberbullying prevention to work, teachers must take bullying seriously. If they “do not perceive bullying as a problem, the school’s time and money are wasted when implementing bully prevention programs and associated staff training” (Stauffer, Heath, Coyne, & Ferrin, 2012, p. 355). Among teachers interviewed, 18% either agreed or were neutral to the idea that cyberbullying toughens kids up; a quarter did not see any long

term negative consequences for it; and a minority (42%) thought that a formal prevention program should be implemented to prevent it (Stauffer, Heath, Coyne, & Ferrin, 2012). Teachers were most in favor of parental involvement, increased consequences, and warning about consequences, to prevent cyberbullying (Stauffer, Heath, Coyne, & Ferrin, 2012). The National Cyber Security Alliance's survey (2011) shows that 79 % of teachers and 60 % of school administrators think that parents are responsible for teaching children how to use computers safely and securely. Students spend a third of their day at school (Association des directions d'établissement d'enseignement de la Rive-Sud, 2012); thus, teachers have a role to play. They need to take note of all forms of bullying in order to prevent and respond to them effectively.

The Ministry of Education takes for granted that teachers can identify incidents of cyberbullying and raise awareness about it. For instance, the Ministry's IRightTheWrong.com website provides a few tips for preventing cyberbullying. One tip for teachers is: "be attentive to students in order to detect any type of cyberbullying" (I Right The Wrong, 2012). Another tip encourages teachers to "create awareness among students of how far-reaching online activities can be" (I Right The Wrong, 2012), assuming that teachers themselves are aware of how far-reaching online activities can be. Teachers need training and accompaniment to effectively prevent and respond to cyberbullying. Youth do not see school personnel as helpful resources to deal with cyberbullying (Agatston, Kowalski, & Limber, 2007). Most teachers report having responded to incidents of bullying, while only half of students involved in bullying report having spoken to a teacher about it (Pepler, Craig, Ziegler, & Charach, 1994). This discrepancy in teacher and student reports shows that teachers are not responding to all

cases of bullying. Teachers also do not give cyberbullying much importance. Under half of educators interviewed by Kariuki and Ryan (2010) viewed it as a topic not any more important than other topics covered in teacher preparation. Moreover, Li (2006) suggests that preservice teachers do not think cyberbullying is a problem in our schools. Teachers' indifference or lack of knowledge regarding cyberbullying may be a cause for inadequate prevention strategies in schools (Huang & Chou, 2010; Sakellariou, Carroll, & Houghton, 2012). Kariuki and Ryan (2010) found that most teachers were aware of cyberbullying, and would do something if cyberbullying occurred on campus. Despite their readiness to act, Kariuki and Ryan (2010) found that a minority was confident that they could identify or manage cyberbullying.

Most school administrators and teachers are not yet sufficiently knowledgeable or prepared to deal with cyberbullying (CSQ, 2008; Cyber Security Alliance, 2010; Eden, Heiman, & Olenik-Shemesh, 2012). Focus groups of the European Union-funded CyberTraining project reported that they needed more education about what cyberbullying is (Amado, Matos, and Pessoa, 2010). That 76 % of teachers have spent between 0 and 3 hours on Cyberethics, Cybersafety, and Cybersecurity training provided by their school or school district within the last 12 months, and that only 23 % of teachers and 40 % of school administrators are well prepared to talk about cyberbullying. This shows not only a large knowledge gap, but also a sense of irresponsibility on the part of teachers and school administrators in addressing, responding to and educating their students about cyberbullying. In the next section I discuss the particularities of adolescents online interactions and why they can be perplexing for teachers.

3.2.4 Digital Natives' interactions online

In order to adhere to the provisions of Bill 56 in coming up with “rules of conduct” (National Assembly, 2012) for social media and intervening in cyberbullying, schools must understand how cyberbullying takes place online. While teachers and school administrators have access to an abundance of sources of information on how to handle cyberbullying, they lack knowledge grounded in scholarly evidence about its complexities (LaRocque & Shariff, 2001). Educating students about cyberbullying requires school administrators and educators to understand Digital Natives' interactions online, the language they use to frame such exchanges and their perceptions of privacy in online space.

Firstly, school staff members need to understand the activities of their students online so that they can adequately prevent and respond to cyberbullying. Students currently attending elementary and high school are a population characterized by scholars as Digital Natives (Palfrey & Gasser, 2008; Prensky, 2008) or the Net Generation (Tapscott, 1998). Digital Natives are young people who were born after the advent of online social media, have access to such technologies, and who use them in sophisticated ways (Palfrey & Gasser, 2011). Teenaged Digital Natives use social media to hang out, “even in settings that are not officially sanctioned for hanging out, such as the classroom, where talking socially to peers is explicitly frowned upon” (Ito et al., 2008, p. 38). While teens are “maintaining a continuous presence, or co-presence, in multiple contexts” (Ito et al., 2008, p. 38) such as at school, home, and vehicles, they socialize with their peers. Just as confrontations and conflicts happen in real-life settings, they also occur online.

Due to certain affordances of social networking sites, such as persistence, searchability, replicability, invisible audiences (boyd, 2007), the experience of regular, day-to-day conflicts is altered. These affordances introduce a new social dynamic called ‘context collapse’ by “[flattening] multiple audiences into one” (Marwick & boyd, 2010, p.9). They also require teens to manage a “blurring between the public and private” (Baym & boyd, 2012, p. 326). Lenhart, Madden, Smith, Purcell, Zickuhr, and Rainie (2011) found that 22% of teens have had an experience on a social networking site that put an end to their friendship with someone. Half of the time, cyber incidents are characterized better as fighting than as bullying (Englander, 2010). Moreover, such conflicts are exacerbated in the presence of a large audience (Marwick & boyd, 2011) and traditional bully, victim, and bystander roles are blurred (Law, Shapka, Hymel, Olson, & Waterhouse, 2011). For instance, if “an individual posted something mean to or about another person on somebody’s Facebook [profile], and the initial ‘target’ responded aggressively in return” (p. 230), it would no longer be clear who the perpetrator and victim are. The bystanders’ role also gets confused because as the “retaliatory interactions continue, it [would be] likely to draw in friends and bystanders from both sides” (Law et al., 2011, p. 231) who would engage in the same actions.

Secondly, rather than talk about ‘bullying’, teens, especially girls, talk about online ‘drama’ (Marwick & boyd, 2011). This reflects a difference in adult versus adolescent discourse about the Internet and related behaviours (Jäger, 2010; Lorenz, Kikkas, and Laanpere; 2012). Drama may be used to “manipulate impressions about another person – often someone the instigator doesn’t like – and control the flow of information strategically” (Marwick & boyd, 2011, p. 16). Boys are more likely to

engage in “‘pranking’ or ‘punking’ where they used social media to play jokes on each other” (Marwick & boyd, 2011, p. 22). Phillips (as cited in Phillips, 2007) defines face-to-face punking as violence, humiliation and shaming performed in public by males against other males. While such interactions may seem, at first glance, to be mundane, they occur on the Internet, “a medium of virtually limitless international defamation” (Collins, 2001). Thus, invisible audiences change the severity of unserious conflicts, causing them to escalate. Stakeholders, as discussed in Chapter 2, demanded a more accurate definition of bullying in order to differentiate it from day-to-day conflict and to know when to punish serious enough acts. Although two individuals may have equal power, on the Internet, it is easier to ruin someone’s reputation. An example of a criminal Internet defamation case is an Ottawa courthouse sentencing in November 2012. Marisol Simoes, a 42-year-old owner of two restaurants in Ottawa, faced charges of defamation and received three months in jail as punishment (Gillis, M., 2012, November 8). Elayna Katz, a customer of Mambo, one of Simoes’ restaurants, posted a negative review of the restaurants online and was soon after targeted by defamatory statements on the Internet. Simoes was accused of posting humiliating and derogatory statements of a sexual nature, including use of Katz’ pictures, on the Internet.

Although drama and conflicts may not escalate to such a level, schools must be prepared to prevent and respond to them to meet the requirements of Bill 56.

Cyberbullying may be repetitive or a single incidence. A quarter of victims in the Beatbullying study reported that the cyberbullying was ongoing (Cross, Richardson, Douglas, & Vonkaenel-Flatt, 2009). In evaluating reports of cyberbullying, schools should consider the severity of a single incidence and its effect on the victim. The

seriousness of cyberbullying may be measured by the distress experienced by the victim (Lamb, Pepler, & Craig, 2009).

Finally, Digital Natives do not differentiate between digital space that is private or public, nor do they see differences between the online and offline world. Social networking sites distinguish between public and private in that users' profiles can be public, visible to everyone, or private, visible only to friends (boyd, 2007). This may be confusing because in *Leduc v. Roman* (2009) private Facebook profile information was deemed admissible in court. Adolescents who have, for instance, compromising photos or videos of others, defamatory statements, or threatening or hateful messages may be held legally liable for such postings.

In addition, Digital Natives' self-perception does not include an online versus offline or personal versus social identity, but rather "establish and communicate their identities simultaneously in the physical and digital worlds (Palfrey & Gasser, 2008, p. 20). Thus, suggesting that schools do not have jurisdiction over what stakeholders consider off-campus bullying holds no weight. The online and offline 'worlds' are not separate, according to students.

Regardless of school's challenges to understand cyberbullying and the roles that they are to play, it is an issue that pervades school life and affects students' emotional wellbeing. Schools, therefore, need to be ready to prevent and respond to it. Negative online interactions are likely to begin in person and continue in cyberspace (Beran et al., in press). When problems migrate to the Internet, power differentials that are typical of bullying may shift and turn into an equal-power conflict (Englander, 2010). In Beran et al.'s (in press) study, a quarter of bullying was said to begin online and extend into

school. Corroborating with this, Lenhart et al. (2009) found that 25% of teens using social media have had an experience on a social networking site that resulted in arguments or confrontations in person, while 8% have gotten into physical fights with others due to something that happened on a social networking site. Even in cases where cyberbullying begins in the virtual environment, learning is affected in the school environment (Shariff & Gouin, 2005).

Since Digital Natives' interactions are complex and not easy to identify in the school context, the role of cyberbullying in Bill 56 needs elaboration. If thought of as an add-on, its complexities are not taken into consideration. I explore this in further detail in the next section.

3.2.5 Cyberbullying as an add-on

The Ministry has included cyberbullying in the Act as an add-on and has not given due importance to this complex issue.

Stakeholders, as discussed in Chapter 2, outlined their need for accurate and clear definitions and roles to play. As briefly mentioned in Chapter 2, adopting a uniform definition in of cyberbullying in practice, rather than policy, would be beneficial in helping social scientists and educational stakeholders measure the phenomenon (Mishna, 2012, as cited in Senate Standing Committee on Human Rights, 2012). It would also help to “identify the individuals who are at greatest risk and target [...] interventions accordingly” (Senate Standing Committee on Human Rights, 2012, p. 10). However, a uniform definition used instrumentally to punish students would further confuse school administration and staff. Their role is to educate students about cyberbullying to prevent

it – not to simply punish them for engaging in such acts. To define cyberbullying within the law and attach to it the notion of criminal intent is problematic. Schools do not simply need a concise definition of cyberbullying, but a deeper understanding of the phenomenon and systemic factors related to it.

The school's role in cyberbullying is to prevent it through education whether or not their understanding of their jurisdiction is unclear. The current focus is on acting or intervening post-incident. Post-incident reactions are important, but do not entirely constitute what actions schools need to take. Therefore, despite legal boundaries “of supervision [being] murkier for schools [...] when students are engaged in bullying behavior from home or on their personal computers” (Shariff & Hoff, 2007, p. 98), these behaviours are affecting school life and it is the school's role to prevent them.

Stakeholders stressed the need for a definition of cyberbullying and some mentioned that the Bill should amend the definition to include the intent to harm (see Chapter 2). Doing so would make cyberbullying a criminal act. The implication of criminalizing cyberbullying in Bill 56 is that children and youth would be legally punished for cyberbullying without having been educated that it is wrong or punishable by law. According to Levin (2010), establishing *mens rea*, criminal intent, for cyberbullying is not a clear-cut task. She cites *R v. Sillipp* (1997) where judging a case as harassment beyond a reasonable doubt included five conditions:

- 1) It must be established that the accused has engaged in the conduct set out in s. 264(2)(a), (b), (c), or (d) of the *Criminal Code*.
- 2) It must be established that the complainant was harassed.
- 3) It must be established that the accused who engaged in such conduct knew that the complainant was harassed or was reckless or wilfully blind as to whether the complainant was harassed;
- 4) It must be established that the conduct caused the complainant to fear for her safety or the safety of anyone known to her; and

5) It must be established that the complainant's fear was, in all of the circumstances, reasonable. (*R. v. Sillipp*, 1997 CanLII 10865, AB CA)

Levin (2010) argues that although the first two conditions are easier to establish for cyberbullying, the third condition is difficult to prove because the complainant is behind a computer screen. This is an example of one of the many forms of cyberbullying and each case is different with its own nuances. Moreover, in some cases, even when a threat is uttered, it is difficult to prove criminal intent beyond a reasonable doubt (*R v. Sather*, 2008). Undetected sarcasm and misunderstandings (Parris, Varjas, Meyers, & Cutts, 2011) in jokes or entertainment (Shariff, 2011) can be taken the wrong way online. Adolescents have reportedly said or done things online that they would not have said or done in person (Aricak et al., 2008; Shariff, 2009) and pretended to be someone else on the Internet (Aricak et al., 2008).

As mentioned, the law is slow to integrate technology (Kowalski, 2002; Campbell, 2012). Prosecutors have to make cyberbullying fit with existent laws (Campbell, 2012). Collins (2010) argues that although the Internet is not a single entity with a “single locus of control and a single form of governance” (p. 194), Internet coordination continues to follow this collaborative way of doing things. He goes on to explain that the Internet is “permissive at the periphery with weak central control and developed through networked informal, cooperative, working arrangements” (p. 194). Thus, although efforts to govern the Internet have been collaborative, there is no central agency that governs it internationally. According to Lessig (2004), “[the] law is a mess of uncertainty” (p. 192) and there is “no good way to know how it should apply to new technologies” (p. 192).

Further, Nicholson (as cited in Campbell, 2012) argues that using laws that were not originally designed for bullying makes legal solutions for bullying unsatisfactory. Rather than define cyberbullying, educational stakeholders need to understand its complexities so that they can prevent it. The need to rigidly define cyberbullying stems from what Lankshear and Knobel (2007) describe as a physical-industrial mindset, “[assuming] that the contemporary world is essentially the way it has been throughout the modern-industrial period, only now [...] technologized in a new and very sophisticated way” (p. 10). With this mindset, it is not possible to gain a deep understanding of what youth are doing online. Cyberbullying “is not just a technological advance of bullying, but an advance that makes the attacks visible to adults while using a medium that confounds adults” (boyd, 2007). Technology and social media are in constant transition and so are methods and means of cyberbullying. Therefore, defining cyberbullying in order to prohibit it is like trying to hit a moving target. Schools must move away from scholars’ repeated attempts to define and redefine cyberbullying in order to justify studying or preventing it (Olweus, 2012; Tokunaga, 2010; Wolak, Mitchell, & Finkelhor, 2007). They must, instead, pay close attention to what digital discourses and behaviours are, in reality, taking place among their students. In so doing, they must attend to possible legal risks they take in banning certain controlling students’ social media and Internet use.

3.2.6 Legal risks

By requiring principals to come up with rules of student conduct for social media, Bill 56 takes a couple of legal risks. By aiming to control and regulate student speech and

behaviour on social media, the Act may risk impeding freedom of expression and privacy.

Bill 56 may impede students' rights to privacy if they are subject to searches of their social networking or if such activity is closely monitored, tracked, or supervised by the school. Privacy is a fundamental human right and is linked to the development of the United National Universal Declaration of Human Rights (UDHR) after the Second World War, as part of global responses against Nazism and fascism (Regan Shade, 2010). Article 1.2 of the UDHR states that "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence."

Likewise, the International Covenant on Civil and Political Rights "reiterates the guarantee of the right to privacy" (Regan Shade, 2010, p. 180). Canada has been signed and ratified Both the UDHR and the International Covenant on Civil and Political Rights (Regan Shade, 2010). Sections 7 and 8 of the Canadian Charter of Rights and Freedoms (CCRF) protect privacy in that section 7 states that "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 principals of fundamental justice" and section 8 specifies that "everyone has the right to be secure against unreasonable search or seizure." These sections of the CCRF have been "interpreted by the Supreme Court of Canada (in *R. v. Duarte*) to protect against 'unreasonable' invasions of privacy. (Regan Shade, 2010). According to Shariff (2005), in the context of cyberbullying, "both these sections are relevant" (p. 468) and "the boundaries with respect to the obligations on schools to override search and seizure rights to protect others must be balanced with the rights to life, liberty and security of the

person” (p. 468). The Quebec Civil code also protects the right to privacy and respect for one’s reputation in Articles 35 to 41 (Racicot, Hayes, Szibbo, & Trudel, 1997).

Bill 56 may infringe upon student rights to free speech if the school decides to limit students’ speech online, with the exception of speech that is violent and constitutes a threat to physically harm another, or constitutes defamatory libel. As stated in Article 19 of the UDHR, every individual has is “has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. Freedom of speech is likewise protected by Section 2b of the Charter of Canadian Charter of Rights and Freedoms (CCRF), where it is stated that everyone has the fundamental “freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication” (Canadian Charter of Rights and Freedoms, Schedule B, Constitution Act, 1982, Canada Act, c. 11 (UK)). According to section 3 of the Quebec Charter of Rights and Freedoms, “every person is the possessor of the fundamental freedoms, including freedom of conscience, freedom of religion, freedom of opinion, freedom of expression...” (Quebec Charter of Rights and Freedoms, 1975, c. 6, s. 3). According to Ouellet (1998), the CCRF includes the Internet in its stipulation of the right to freedom of expression. Freedom of speech protects the content of any message, without exception, as well as the medium used to transmit the message, unless it is violent (*Irwin Toy Ltd vs Québec (Attorney General)* {1989} 1 S.C.R. 927 as cited in Ouellet, 1998). Such speech, however, is limited by section 1 of the CCRF, which states that these rights are subject “only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” In Quebec, limits to the exercise

of free expression “may be fixed by law” (Quebec Charter of Rights and Freedoms, c. 61, s. 2) and must exercise while “maintain[ing] a proper regard for democratic values, public order and the general well-being of the citizens of Québec” (Quebec Charter of Rights and Freedoms, c. 61, s. 2, 1982). Shariff (2008) explains that “any school policy that infringes individual rights must therefore be justified by the policymaker as having a pressing and substantial objective to protect the greater good of society” (p. 215).

In order for Bill 56 to effectively curtail cyberbullying, proactive and educational approaches are needed. These approaches must be cognizant of the legal implications and complexities of cyberbullying. Furthermore, Bill 56 must address educators’ roles in prevention. As a result, such interventions must be informed by expert guidance in order to be effective and sustainable, which I discuss in the next section.

3.2.7 Expert guidance

Schools must seek expert guidance if they wish to adequately meet the requirements of Bill 56. The Act requires schools to prevent and respond to cyberbullying when they are neither prepared nor have the resources to do so. Although in their briefs, stakeholders stressed that supplementary financial and human resources are needed in order to implement the Act, they do not mention that such resources cannot effectively curtail cyberbullying if untrained and uninformed by expert guidance. Anti-bullying measures are outdated and do not prevent cyberbullying and most current initiatives to curtail cyberbullying in Quebec, though well meaning, are not informed by evidence.

Anti-bullying interventions are not solving cyberbullying. Expert guidance is needed in order to determine which prevention and intervention methods would best suit

the problem of cyberbullying. Although numerous studies show that students who are cyberbullied are bullied in other ways (Beran et al., in press; Beran & Li, 2007; Cross et al., 2009; Hinduja & Patchin, 2008; Raskauskas & Stoltz, 2007; Smith et al., 2008, Vandebosch & Van Cleemput, 2009), this is no indication that “strategies to address noncyberbullying behaviours may have potential success in reducing cyberbullying behaviours” (Pearce, Cross, Monks, Waters, & Falconer, 2011, p. 12). Evidence has shown that participation in a school-based anti-bullying strategy did not effectuate a change in the incidents of cyberbullying experienced by students (Mishna, Cook, Saini, Wu, and MacFadden, 2011).

Moreover, existing bullying prevention programs have been deemed insufficient to address cyberbullying by both adults and youth. In an international Ipsos (2012) survey, it has been found that among Canadian adults surveyed, only 22 % believe that cyberbullying can be handled through existing anti-bullying measures; whereas 78 % believe that cyberbullying needs special attention. The adults’ perceptions are echoed by the youth interviewed in the Media Smarts ‘Young Canadians in a Wired World Phase III: Talking to Youth and Parents about Life Online’ (Media Smarts, 2012) who admitted that they were not confident that anti-bullying programs served to curtail cyberbullying. Students reported being “disdainful of school anti-bullying programs” (Media Smarts, 2012, p.22), that they felt school staff were oblivious of the types of problems they face and only make things worse when they intervene. Youth interviewed also expressed that anti-bullying programs were annoying and boring, and that schools’ approaches to the problem tended to escalate rather than mitigate online conflicts. The problem that youth pointed out is that teachers who claimed students could trust them with a problem would

go to the principal behind their back – and this makes them reluctant to confide in their teachers. As a result, online conflicts are exacerbated, become a public thing – and students who talk about them are labeled ‘snitches’ (Media Smarts, 2012).

Evidence has shown that participation in a school-based anti-bullying strategy did not effectuate a change in the incidents of cyberbullying experienced by students (Mishna et al., 2010). The reasons why anti-bullying strategies could be insufficient to address noncyberbullying behaviours is because they do not take into account behaviours that are exhibited implicitly online or via mobile phones in a way that is unobservable in the school context. As well, such programs are not informed by evidence of the nature, prevalence and types of bullying taking place in the digital context.

Then interventions and programs addressing traditional bullying cannot adequately address cyberbullying (Mishna et al., 2011) because the roles of bullies, victims, and bystanders have shifted. Interventions should, thus, cater to this new and specific form of bullying (Law et al., 2011). For instance, 15% of the Turkish students had been both perpetrators and targets of cyberbullying (Arslan, Savaser, Hallet, & Balci, 2012). This evidence is supported by studies done by other scholars worldwide (Hinduja & Patchin, 2009; Sourander et al., 2010; Mishna, Khoury-Kassabri, Gadalla, and Daciuk, 2012; Gradinger, Stroheimer, & Spiel, 2012). Furthermore, Del Rey, Elipe, and Ortega-Ruiz (2012) found that having been a victim of cyberbullying predicted future engagement in cyberbullying. Hinduja and Patchin (2012) found that the primary motivation for cyberbullying others was vengeance.

Initiatives to address cyberbullying in Quebec have largely ignored the specificities of the issue. The first example is the cyberbullying fact sheet provided on the

MELS website (MELS, 2012). First, the factsheet assumes that there are clear bully, victim, and bystander roles – which is not the case in cyberbullying. It has been shown that victimization and perpetration often overlap and that traditional bully and victim roles have shifted. The factsheet goes on to recommend that students protect their personal information (MELS, 2012). Other than for the purpose of preventing others from exploiting one's information in a defamatory way, it is not clear why such a recommendation would be made to prevent cyberbullying. It seems more likely that the factsheet is instead simply talking about methods to prevent traditional bullying (as they have copied all of the same points mentioned in the traditional bullying factsheet) with a few tips on how to avoid encounters with online pedophiles. The factsheet also advises students to block the aggressor. If someone who is engaging in cyberbullying were blocked from the recipient's online account, the person would just find another way to engage in bullying her or him online (Parris, Varjas, Meyers, & Cutts 2011). This so-called 'advice' does not help the victim, as they can be contacted via multiple channels, and will ultimately make it difficult for police to trace the source of the messages. Considering the factsheet and the I Right The Wrong website are the only cyberbullying resources provided by the Ministry, it is clear that there is a lack in substantive resources to deal with cyberbullying.

As mentioned in Chapter 2, many stakeholders were disappointed with the original Bill's lack of educational elements. Despite their disappointment, the amended version, Bill 56, does not reflect their comments. Some stakeholders had recommended that bullying prevention programmes such as the Olweus Bullying Prevention Programme (OBPP) and conflict resolution programs such as Quebec's Pacific Path program be used

to address cyberbullying. Firstly, although the Pacific Path programme has a component of online mediators, it is not a specialized resource in treating cyberbullying.

Furthermore, Olweus (2012) states that the Olweus Bullying Prevention Programme has yet to include any cyber component. Although the Pacific Path programme has a component of cyber mediation, it did not have this component in 2008 when École primaire Saint-Germaine-Cousin gained considerable media attention (The Montreal Gazette, 2008, April 11) for having used it to prevent cyberbullying. Although the programme may have benefits in improving student behaviours, the specific effectiveness of the interventions in dealing with cyberbullying have not yet been analyzed in a publicly available report. Slonje, Smith, and Frisé (2012) suggest that successful bullying prevention programs “can arguably be extended to include cyberbullying without major changes” (p. 5) and that cyberbullying should be “incorporated in components of these programs, such as whole-school-bullying policy, and awareness-raising and curriculum-based activities” (p.5).

In a few words, although Bill 56 benefits schools in a few important ways by helping them to avoid legal liability and being charged for criminal negligence under tort law (Shariff, 2008), it also presents several difficulties to schools. These concerns, if not adequately addressed, will lead to ineffective interventions to address cyberbullying, irresponsible school policies about cyberbullying, a lack of legal, technological, and social scientific education about cyberbullying to prepare school staff to deal with it, and misunderstandings and misjudgments regarding adolescents’ behaviours online and the intentions behind them. In the next chapter I discuss how the successful elements of

bullying prevention programs and points mentioned in best practices research about bullying that are relevant to cyberbullying may be used to address these issues.

3.3 Summary of findings

When viewed in light of effective measures, problems in dealing with cyberbullying may be summarized as under a 4R representation of the actual situation in our schools. The reality of challenges to deal with cyberbullying and their implications are reactive, rigid, risky and restrained (as shown in Figure 2).

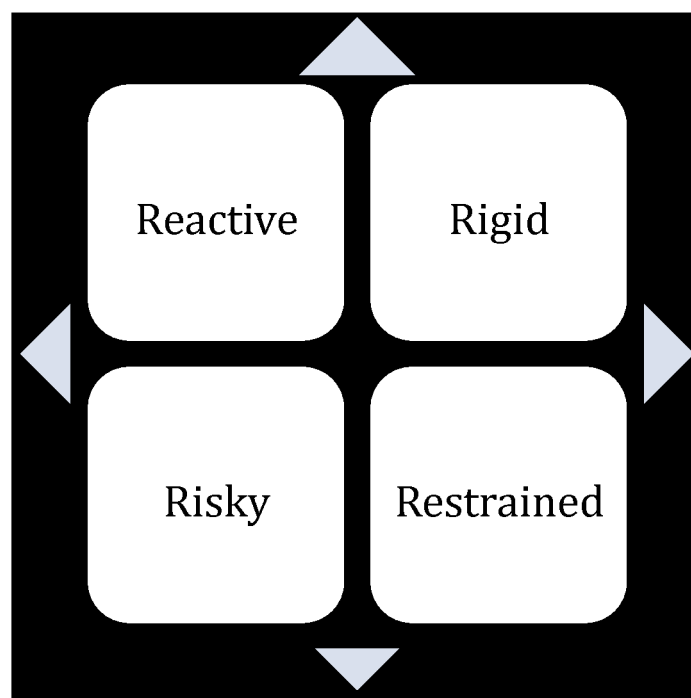


Figure 2. The 4 R representation of current school issues with cyberbullying.

The 4 R representation summarizes all of the schools' challenges in implementing Bill 56 to address cyberbullying. Firstly, Bill 56's current approach is *reactive* in that it proposes a zero-tolerance approach that may lead school administrators to punish the wrong students and the wrong behaviours in incidents of cyberbullying. Rather than

address systemic issues, this reactive approach serves merely as a temporary and ineffectual Band-Aid solution to a problem as broad and multi-faceted as cyberbullying. Furthermore, because Bill 56 entirely discounts the preventative role of education and educators in addressing cyberbullying, it fails to ‘nip the behaviours in the bud’ before they escalate into tragic events. According to scholars, this approach is ineffective and needs to be re-examined.

Secondly, the way that bullying is framed in Bill 56 is indicative of a *rigid* mindset and perspective about adolescent behaviours online. It does not take into account the myriad forms, unbeknownst to adults, in which these behaviours that may constitute cyberbullying are expressed in digital media. The perspective also does not pay heed to the unique nuances and lingos that are present among the current generation of Digital Natives, comprising a whole culture of norms, behaviours, and social interaction that older adults (Digital Immigrants) are unfamiliar with. These traditional mindsets bear no relationship to the reality of cyberspace and social media. Applying old solutions to a new and complex problem will ultimately miss the mark.

Thirdly, Bill 56 presents schools with *risky* elements. If schools are not attentive to cyberbullying, they may be legally liable for the harm inflicted upon their students. If schools punish elements of speech that do not impede on others’ rights, they may be liable for denying students of their fundamental human right to freedom of expression. Finally, if schools interpret Bill 56 as a tool giving them the right to search and seize students’ private digital devices and profiles, they may risk impeding students’ right to privacy.

Finally, since the Ministry has not provided any funding or expert guidance to schools in order to help them implement Bill 56, it makes scarce resources *restrained*. Bill 56 limits schools, whose hands are already tied with many responsibilities, by not providing them substantive resources, assistance, or funding to help with the tasks and responsibilities required of them.

In the next chapter, I propose possible sustainable solutions to cyberbullying in order to help schools implement Bill 56.

CHAPTER 4: DEVELOPING EFFECTIVE APPROACHES

Evidence of bullying prevention best practices, when adapted to include technological elements, may help to inform schools' cyberbullying prevention and intervention "measures" (National Assembly, 2012). Best practices include pre-service and in-service teacher education, proper planning, research, and evaluation, a positive school climate, and a whole-community approach to addressing cyberbullying.

4.1 Teacher education

Pre-service and in-service teacher education needs to address the topic of cyberbullying so that teachers are prepared to address it (Cross, Li, Smith, & Monks, 2012). Teacher education currently lacks substantive knowledge preparing teachers to address cyberbullying in the curriculum and respond to incidents at school (Kariuki & Ryan, 2010; Li, 2006). University courses and professional development would ideally address its severity, legal implications, and youth uses of social media to engage in it.

As I mentioned in Chapter 3, teachers are generally not confident in their ability to intervene in or prevent cyberbullying. University courses and professional development (Couvillon & Ilieva, 2011) addressing the short and long-term consequences of cyberbullying would contribute to increasing their self-efficacy (Yoon, 2004) and identification with victims (Kallestad & Olweus, 2003). These courses would prepare teachers to have open dialogues with their students and gain their trust in order to identify this type of bullying that is not 'visible'.

Substantive teacher training with regards to legal issues, including student and teacher rights and responsibilities (Family Online Safety Institute, 2011; Senate Standing

Committee on Human Rights, 2012) help them understand legal implications of cyberbullying, as suggested by Shariff's (2008) critical legal literacy model. As discussed in Chapter 3, teachers play an important role in keeping students safe at school and cyberbullying can, at times, substantially or materially disrupt the school environment. They, therefore, need education regarding their rights and responsibilities in light of the issue of cyberbullying and that of their students. Pertinent issues such as the potential for various forms of cyberbullying having legal consequences and students' rights to privacy and free speech should be included to equip teachers to address the issue in their courses. Finally, teacher education about cyberbullying should include knowledge about how adolescents use various technologies and social media, and how their interactions play out on such media. The discrepancies between what adults call cyberbullying and bullying, and the terms that youth use to describe the same behaviours may be eliminated soon. The current generation of teachers beginning university could be born as early as 1994, and are, themselves, teenaged Digital Natives. According to the National School Boards Association (2007) social networking environments should become educational in nature and that efforts to promote cyber safety should be based on the tech-savviness of the children and youth using them. As mentioned in Chapter 3, teachers have a role in teaching digital citizenship by staying up-to-date with new digital media (Couvillon & Ilieva, 2011).

Importantly, as mentioned in Chapter 3, such university courses, programs, and professional development must be informed by substantive knowledge regarding cyberbullying. Only experts in the field can provide such knowledge. As well, for prevention to be effective, the context and the content of the information presented to

students must remain simple and understandable (Goldman, 1994). In order to provide an effective and sustainable response to cyberbullying, single-level programs, such solely classroom curriculum, are not sufficient (Smith, Schneider, Smith & Ananiadou, 2004; Vreeman & Carroll, 2007). Therefore, it is also necessary to include other levels of intervention in school policy, procedures and practices that I discuss in the next section.

4.2 Planning, research, and evaluation

In order for cyberbullying prevention to be sustainable, it must be evidence-based. Evidence-based practice requires proper planning, research, and evaluation.

Countering cyberbullying requires clear, consistent plans and practices (Cross et al., 2004; Pearce et al., 2011). Schools need to “send a strong message to the whole-school community about the school’s beliefs and actions to provide a safe and supportive school environment” (Pearce et al., 2011, p. 7). Part of the plan must be a whole-school anti-bullying policy (Farrington & Ttofi, 2009). Bill 56 requires schools to develop anti-bullying policies; but in order to be sustainable, policies must take a whole-school approach. Whole-school approaches stem from research about health promotion in schools and emphasize a ‘hidden curriculum’ (one that is implicit rather than explicit) that reinforces desirable attitudes and contradicts undesirable ones (World Health Organization, 2006). Whole-school approaches require stakeholders, such as parents, students, staff and the community, to work together “to create a protective environment that promotes social and emotional health and wellbeing” (MindMatters, 2010, p. 8). This means that because there are conflicting values and opinions about policy content, it should be drafted within the school (Campbell, 2012). In Bill 56, the school principal

drafts policies without consulting the school community. Although the Governing Board approves the policies, other staff members have no say in what policies are crafted. In order for schools to demonstrate ownership of anti-bullying policies, they must develop it themselves, involving all staff members in the process (Glover, Cartwright, Gough, & Johnson, 1998). Such policies must be informed by knowledge about possible potential legal risks and implications as outlined in Chapter 3 to protect the “best interest of the students” (National Assembly, 2012, p. 11). Furthermore, schools must use “specific strategies to respond to cyber bullying [...] to address this pervasive form of bullying” (Cross, Campbell, Spears, & Slee, 2011).

Proper research means surveying the school community to “understand where students are spending their time online, and the types of positive and negative experiences they may be having, to increase the relevancy of the policies and practices implemented by the school” (Cross et al., 2011). Inadequate theory-base for applied research; focus on only one or a few theories; and failure to see the value of many theories that are available are reasons why interventions to counter bullying in schools fail (Cross, 2011). Interventions can also fail if schools are finding problems to fit the theories rather than finding theories to help solve the problems (Cross, 2011). Finally, schools must consider barriers to adopting prevention programs, such as a lack of funding, staff, and time; a lack of support for staff who are implementing programs; competing demands on teachers’ time and energy; and low credibility or viability of social and emotional outcomes of a given program (Cross, 2011). As discussed in Chapter 2, stakeholders had expressed concern that Bill 56 would put unreasonable

demands on their time and energy and outlined how the lack of funding is a barrier in their ability to implement it.

Lastly, systematic evaluation is necessary in order to establish whether or not an intervention is effective. Policies should be reviewed once a year using feedback from school staff, parents, students, and policymakers (Smith, 2000). In order that cyberbullying prevention best practices be developed, “a most important element is having evidence-based assessments of programs” (Senate Standing Committee on Human Rights, 2012, p. 80). Long-term intervention is necessary for positive changes in school climate to be sustained (Pepler, Smith, & Rigby, 2004).

4.3 School climate

Positive school climates promote a cyberbullying-free school and virtual environment. School climates are “the quality and character of school life” (Cohen, McCabe, Michelli, & Pickeral, 2009). In order to successfully counter cyberbullying, three key elements must be addressed in school climates: connectedness, attitudes, and discipline.

School connectedness is important in reducing cyberbullying. Connectedness is an “adolescent’s experience of caring at school and sense of closeness to school personnel and environment” (Resnick et al., 1997, p. 823). Williams and Guerra (2007) reported that students who reported greater connectedness to school and a positive school climate had a reduced likelihood of engaging in bullying and cyberbullying. Social connectedness to peers is also helpful and encouraging to victims of bullying and cyberbullying (Davis & Nixon, 2012). Victims of bullying also had less emotional trauma in response when

they felt “valued and respected at school and [felt] as part of their school (p. 8) In a study of Greek schools, Konstantina and Pilios-Dimitris (2010) found that there are higher levels of bullying in negative school climates that lack care and support. Additionally, Shariff (2007) found that less cyberbullying was reported in happier schools. Not surprisingly, positive perceptions of schools are negatively correlated with violence at school (Janosz et al., 2009).

As mentioned in Chapter 3, teacher attitudes play an important role in how they will respond to bullying and cyberbullying. Teachers “need to act as role models and engage students to support those who are victimized and by extension build a school climate that does not tolerate cyberbullying” (Välimäki et al., 2012, p. 14). Pepler et al. (1994) suggest that to reduce bullying, increased understanding, attitudinal changes, and behavioural changes among school staff, students, and parents are needed. In order for schools to be sustainably peaceful, they must “create continual opportunities to learn problem solving through both individual learning (explicit lessons) and institutionalized patterns of activity (implicit lessons), in order to prevent the next tragedy long before it starts” (Bickmore, 2007, p. 34). The school community must model positive behaviours and have an ethos that discourages bullying (Cross, Epstein, & Clark, 2008).

This is not an easy task since, “the work involved in successfully transforming a school’s culture is a daunting task that requires a steadfast commitment from the principals, teachers, staff, parents and community” (The Civil Rights Project, 2000). Bickmore (2007) found that in some schools there is a culture of competition and aggression where “[s]teep status hierarchies divide in-groups from out-groups” (p. 35).

School staff reinforce these hierarchies of status by encouraging win/lose competitions, connecting with some students and blaming others (Bickmore, 2007).

Schools must establish rules, boundaries, codes of conduct, and consequences for cyberbullying. Insults, disrespect and disorder in schools are related to tense school climates that lack discipline (Paquin, Drolet, & Hassan, 2005). Ttofi and Farrington (2011) report that disciplinary sanctions, such as firm sanctions and serious talks with students engaging in bullying, are an effective means of preventing bullying in schools.

Students in primary schools in Australia reporting that their school has rules related to the use of the Internet and mobile phones were less likely to engage in cyberbullying (Cross, Shaw, Epstein, Monks, Dooley, & Hearn, 2012). However, school rules about technology in high schools did not have this effect (Cross et al., 2012). This indicates that digital citizenship should be addressed early on in order to prevent later involvement in cyberbullying. Rules, however, must be proactive rather than based on a zero-tolerance approach (Shariff, 2008). School rules to reduce cyberbullying are effective when young people understand and demonstrate ownership of them, and when such policies are closely supported and monitored (Cross et al., 2012). As mentioned before, curriculum needs to include cyberbullying because the existence of school policies alone is not sufficient to prevent it (Shariff & Churchill, 2011). Schools must also be wary of “[c]ontrol-based security and punishment approaches” (Bickmore, 2007, p. 35) that do not foster learning, address systemic issues, or build a healthy and inclusive school community.

4.4 Whole community approach

Bill 56 requires schools and school boards to establish agreements with police forces and health and social services to respond to bullying and violence (National Assembly, 2012). In order to establish agreements in light of best practices, a whole community approach is recommended (Senate Standing Committee on Human Rights, 2012). Cross (2011) and Cross, Epstein, and Clark (2008) suggest whole-school approaches (Ttofi, Farrington, & Baldry, 2008) to address cyberbullying; however, participation from multiple stakeholders is needed (Family Online Safety Institute, 2011; Shariff, 2008). Responses from school staff, parents, students, health and social services, and law enforcement would ideally discourage cyberbullying and encourage reporting incidents.

Bullying and cyberbullying prevention is effective when bystanders and school staff discourage these behaviours. The success of school-based interventions depends on “teachers and principals [...] creat[ing] a climate that discourages bullying and encourages peer processes that support and include vulnerable children” (Pepler, Smith, & Rigby, 2004, p. 311). The role that student bystanders play in instances of bullying can reduce the rewards that perpetrators gain and, in turn, their motivation to bully (Salmivalli, Kärnä, & Poskiparta, 2011). Students who are bystanders play a role in discouraging cyberbullying (Cross & Clark, 2008; Cross, Epstein, & Clark, 2008). Providing peer support for victims (Cross, Epstein, & Clark, 2008) through mentoring or mediation is an effective deterrent of bullying (Thompson & Smith, 2010). It is likewise recommended that students contribute to codes of conduct and their own discussions about digital interactions (Couvillon & Ilieva, 2011).

Cross, Epstein, and Clark (2008) advise schools to encourage students' reporting of bullying (Cross, Epstein, & Clark, 2008). Yilmaz (2011) found that only a minority of students who were recipients of cyberbullying reported it to teachers. Reasons for not reporting bullying or cyberbullying to adults include: teachers not doing anything about it (Huang & Chou, 2010; Shariff, 2006), losing privileges to use computers and cell phones (Shariff, 2007), shame (Campbell, Butler, & Kift, 2008), fear of the perpetrator's retaliation (Campbell et al., 2008; Huang & Chou, 2010). Campbell et al. (2008) suggest that anti-bullying policies are not likely to be effective "unless clear procedures exist to enable the reporting of cyberbullying and an explicit process for investigating complaints is articulated" (p.11) to staff, students, and parents.

Shariff (2004) warns about the "wall of defense victims encounter when they report a problem" (p. 225). Bill 56 requires schools to impose punitive sanctions on those who have engaged in cyberbullying and it is not clear how school staff will support victims. Shariff (2004) also suggests that written anti-bullying policies "[absolve] the school from doing more to protect the victims" (p. 225). Finally, when teachers try to put an end to real-life bullying, it may not help in stopping cyberbullying (Lorenz, Kikkas, & Laanpere, 2012). Through a collaborative whole school and whole-community process, children and adolescents would openly report cyberbullying (Sakellariou & Carroll, 2012). Thus, interventions should be tailored to technology.

When teens admit to being targets of cyberbullying, adults need to provide "them the support to leave their position victimization and enter one of empowerment" (boyd, 2011) She suggests that young adults serve as "digital street workers" (boyd, 2007) to

help teens who are targets of cyberbullying find sources of help. She further elaborates a need for digital counselors and social workers (boyd, 2007).

In the next section I discuss practical ways that the aforementioned effective measures may be applied to dealing with cyberbullying in Bill 56.

4.5 How to apply these effective measures to cyberbullying in Bill 56

In Table 2 I outline what problems schools have in dealing with cyberbullying under Bill 56, as mentioned in Chapter 3, recommendations to deal with them in light of scholars' advice and implications for best practices.

Table 2. Problems, recommendations, and implications of cyberbullying under Bill 56.

Problem with Bill 56.	Recommendation	Implications for prevention and response
Bill 56 proposes a <i>reactive</i> approach to dealing with cyberbullying.	To use a <i>proactive</i> approach of educating teachers about the severity and legal implications of cyberbullying, as well as youth uses of social media.	<p>Prevention Teacher education about bullying needs to consider that cyberspace has many new implications and these must be taught in pre-service and in-service teacher education.</p> <p>Response When teachers are educated, they learn to better respond to cyberbullying and identify such behaviours among their students.</p>
Bill 56 sees cyberbullying from a <i>rigid</i> perspective.	To use measures that are <i>out-of-the-box</i> when teaching digital citizenship and reflect youth discourses on these matters. This would imply trying new measures rather than using old ones.	<p>Response Positive school climates must also translate into positive digital climates. This implies that connectedness, negative attitudes toward bullying, and methods of online moderation may be incorporated into digital practices of adults and Digital Natives.</p> <p>This also implies that the whole community approach must be applied to the Internet. It may be considered a</p>

		<p>‘whole digital community approach.’ This means that school staff, parents, health professionals and social services all learn how to intervene in the digital context by being available online and learning to use social media effectively (as suggested by danah boyd).</p>
<p>Bill 56 may lead schools into legally <i>risky</i> situations.</p>	<p>Shariff’s (2008) critical legal literacy model should be used to help schools become more <i>responsible</i> in their treatment of and responses to cyberbullying.</p>	<p>Prevention Schools should plan proactive policies with the participation of all staff and students as well. These may include technology, but must be wary of using a punitive approach rather one that encourages positive and respectful online behaviours and postings.</p>
<p>Bill 56 has added to the problem of <i>restrained</i> resources to deal with cyberbullying by failing to provide funding for expert guidance, research, and evidence-based programs.</p>	<p>Funding should be provided to schools and school boards in order that they may be <i>resourceful</i> in dealing with cyberbullying. This means they need expert advice, pre-service and in-service teacher education, and a comprehensive curriculum about cyberbullying and digital citizenship to be mandated in educational goals.</p>	<p>Prevention The Ministry and corporate stakeholders in the tech industry should fund initiatives and research into documenting and addressing cyberbullying. These approaches must also be evaluated systematically so that ineffective elements may be discarded and effective elements may continue to persist in schools.</p>

CHAPTER 5: MODEL

The best practices of bullying applicable to addressing cyberbullying sustainably under Bill 56 were gleaned in the previous chapter and provide a basis upon which to develop a practical model of sustainable cyberbullying prevention. By grouping effective approaches together, it is possible to glean four different characteristics. Approaches to preventing and responding to cyberbullying would ideally be substantive, systematic, systemic and supportive. Below, I explain what these adjectives refer to and how they may be incorporated into actions to prevent cyberbullying under Bill 56.

5.1 Developing a sustainable cyberbullying prevention model

By reviewing and gleaning recurrent themes in stakeholder submissions about Bill 56, its progression to Bill 56, I developed a framework upon which to critically examine the Act and its benefits and challenges. Their concerns about the roles of evidence-based practice, uniform and clear definitions, clear boundaries and responsibilities for schools, education, and supplementary financial and human resources served as themes to examine through the lens of empirical evidence.

Bill 56 was amended and assented as Bill 56, but failed to address stakeholders' major concerns. Though the Act is beneficial to keeping schools safe from legal liability for incidents of cyberbullying, while conferring and reiterating the moral obligation to protect students from harm, it challenges schools in 7 different areas. The cyberbullying portion of the Act is problematic to schools in 7 different areas, though slightly differing from those outlined by stakeholders. Bill 56 proposes a zero-tolerance approach of

suspensions and expulsions, omits the school's educational mission to address cyberbullying, gives no role to teachers, sees cyberbullying as an add-on, refuses to acknowledge the digital nuances of children and adolescents' online behaviours and language, pays little attention to potential legal risks of the legislation, and does not consider the financial resources needed to hire expert advisors and fund research.

Bullying best practices have been used, by several well-known scholars in the field of cyberbullying, to inform cyberbullying prevention. Although pertaining to face-to-face bullying, these successful measures may partially serve to address schools' numerous and multi-faceted needs in addressing cyberbullying if adapted to include technology. The measures, summarized in Chapter 3, are outlined in the four-pronged 4-S model in Figure 2.

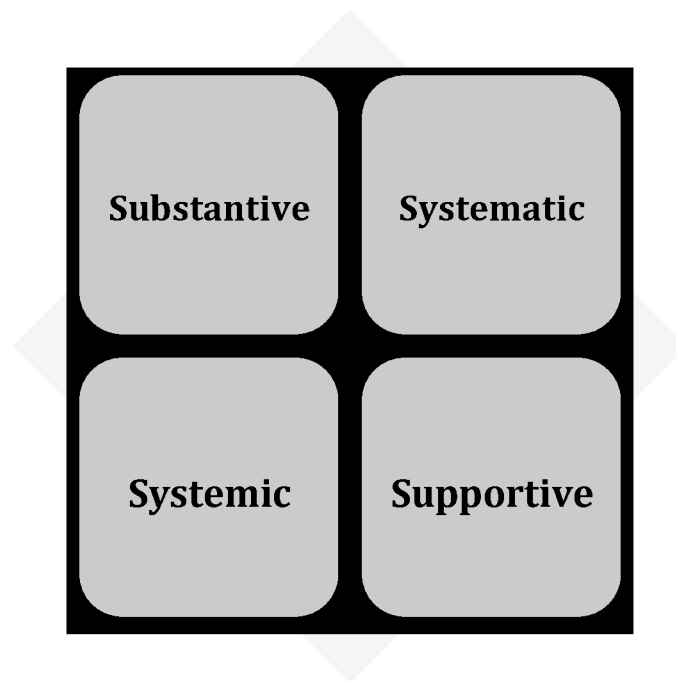


Figure 2. The 4 S Model of Sustainable Cyberbullying Prevention.

The 4 S model proposes that for school cyberbullying intervention and prevention measures to be sustainable, they must reflect four different characteristics gleaned from extensive studies of successful anti-bullying work, summarized in point form:

- **School responses must be systematic.** Proper planning, research, and evaluation is needed in order for cyberbullying interventions to be successful. This entails a need to ground educational programs, curricula, and interventions in research. A sound base of evidence is needed to continually assess current needs, as well as evaluate current measures in order to improve them.
- **Schools must address systemic issues.** A whole-community approach (Senate Standing Committee on Human Rights, 2012) that has as its goal to improve school climate is needed in order to successfully curb cyberbullying (Hinduja & Patchin, 2012). Positive staff relationships and negative teacher attitudes toward cyberbullying play a major role in encouraging positive online behaviours. Such relationships and attitudes play a role in establishing norms of socially responsible behaviour online. Warm parenting styles also play a role in preventing bullying.
- **Schools should use substantive resources.** School staff need preparation in university, and continuing professional development regarding new developments and laws about cyberbullying (Jäger, 2010) in order to effectively address it in curriculum and intervene. Scholarly websites catered to multiple audiences such as teachers, school administrators, parents, and students, such as McGill University's Define The Line website are useful resources for schools to draw upon. Another example is Media Smarts,

which offers an array of curricula to address cyberbullying both at the elementary and high school levels.

- **A supportive community is needed.** In order to effectively condemn cyberbullying, while supporting and protecting victims, a whole community approach is needed both online and offline. Peer support, warm parenting styles, well-educated community resources, and supportive school staff all play a role in successfully preventing cyberbullying.

In Appendix B, I have provided a list of actions for each school and community stakeholder to take in addressing cyberbullying using the 4S Model.

5.2 Limitations and future directions

The limitations of this research are that best practices specific to cyberbullying have yet to be developed. Although suggestions as to best practices have been made in this thesis, they must be tested and studied in schools in order to determine their effectiveness. The subject is still in its infancy and requires longitudinal studies to determine whether interventions are effective or not. Future studies should consider how to implement the 4S Model and evaluate its effectiveness. Further studies are also required to determine which specific interventions are successful in addressing bullying that takes place uniquely online, instigated by cyberbully-victims to compare targeted versus global interventions and programs.

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APPENDIX A

Names of groups and individuals who submitted briefs tabled under the order to the committee “Consultations particulières et auditions publiques sur le projet de loi n° 56, Loi visant à lutter contre l’intimidation et la violence à l’école”

Fédération des commissions scolaires du Québec

Centrale des syndicats du Québec

Gai Écoute

Fédération autonome de l’enseignement

Association des directeurs généraux des commissions scolaires du Québec

Comité d’orientation pédagogique du réseau scolaire anglophone du Québec

Commission scolaire des Patriotes

Commission de l’éducation en langue anglaise

Association québécoise des psychologues scolaires

Association des cadres scolaires du Québec

Fédération québécoise des directions d’établissement d’enseignement

Fédération des comités de parents du Québec

Groupe régional d'intervention sociale

Fondation Jasmin Roy

Association des directeurs généraux des commissions scolaires anglophones du Québec

Fédération des établissements d’enseignement privés

Association québécoise du personnel de direction des écoles et Association montréalaise des directions d’établissement scolaire

Regroupement des organismes ESPACE du Québec

Conseil québécois des gais et lesbiennes

Association des commissions scolaires anglophones du Québec

Commission scolaire Marie-Victorin

Commission scolaire de Montréal

Association du transport écolier du Québec Association du transport écolier du Québec

Association des administrateurs des écoles anglaises du Québec

Association des comités de parents anglophones

Groupe de recherche sur l'éducation éthique et l'éthique en éducation

Fédération Québécoise des Associations Foyers-Écoles

Confédération des syndicats nationaux

Option Justice Réparatrice

Association des écoles juives

Després, Émanuelle

Association provinciale des enseignantes et enseignants du Québec

Association des directions d'établissement d'enseignement de la Rive-Sud

La Fondation de la tolérance

Association des propriétaires d'autobus du Québec

Regroupement des maisons pour femmes victimes de violence conjugale

Service de police de la Ville de Québec

Table des regroupements provinciaux d'organismes communautaires et bénévoles

Réseau international humaniste

Beaumont, Claire

APPENDIX B

School stakeholder	Bill 56	Law 19	Recommendations for sustainable cyberbullying prevention.
Principal	<ul style="list-style-type: none"> - Must take action to deal with perpetrator and his or her parents and prevent any further act of bullying or violence. - Presents rules of conduct and safety measures to students during a civics session each year (in collaboration with school staff). - Receives a document reporting on the evaluation of school results of preventing and dealing with bullying and violence. - Supports any group of students wishing to conduct activities (that the principal considers) conducive to preventing and dealing with bullying and violence. - Sees the implementation of the anti-bullying and anti-violence plan and receives and promptly deals with all reports or complaints regarding bullying or violence. - Upon receiving a complaint about bullying or violence, promptly communicates with parents of the bullied student and the perpetrator to inform them about the anti-bullying and anti-violence measures and their right to request assistance from the Student Ombudsman. - Sends the director general of the school board and the Student Ombudsman a summary report of the incident and follow-up measures that were taken. - Coordinate the development, review, and updating of the anti-bullying and anti-violence plans. - Sets up an anti-bullying and anti-violence team and designates a school staff member to coordinate its work. - Assists the Governing Board in the exercise of 	<ul style="list-style-type: none"> - Proposes an anti-bullying and anti-violence plan to be approved by the Governing Board. - Presents rules of conduct and safety measures to students during a civics session each year (in collaboration with school staff). - Receives a document reporting on the evaluation of school results of preventing and dealing with bullying and violence. - Supports any group of students wishing to conduct activities conducive to preventing and stopping bullying and violence. - Sees the implementation of the anti-bullying and anti-violence plan and receives and promptly deals with all reports or complaints regarding bullying or violence, on the recommendation of the school anti-bullying and anti-violence team. - Upon receiving a complaint about bullying or violence, and after considering the best interest of the students directly involved, promptly communicates with parents of the bullied student and the perpetrator to inform them about the anti-bullying and anti-violence measures and their right to request assistance from the person specifically designated by the school board for that purpose. - Sends the director general of the school board and the Student Ombudsman a summary report of the incident and follow-up measures that were taken. - Coordinate the development, review, and updating of the anti-bullying and anti-violence plans. - Sets up an anti-bullying and anti-violence team and designates a school staff member to 	<ul style="list-style-type: none"> - Supports and approves of educational programs, as well as activities embedded in the curriculum to prevent cyberbullying. - Has a negative attitude toward cyberbullying. - Takes cyberbullying seriously and considers it a priority to prevent. - Undergoes pre-service and in-service education regarding cyberbullying and how to best address it. - Seeks expert guidance from substantive sources to understand cyberbullying, its forms and expressions, its consequences, and how to best respond to it and prevent it. - Uses only scholarly resources and evidence-based models and programs to deal specifically with cyberbullying. - Does a needs assessment at the school prior to introducing an educational program or intervention for cyberbullying, including a quantitative and qualitative research about youth's online behaviours and habits, in order to better understand the issue and how youth frame it. - Uses restorative practices when an incident of cyberbullying arises and meets with parents of involved students, as well as the students and professionals. - Ensures that information that the school has regarding cyberbullying is up to date and is informed about new developments in cyberbullying reported in the news. - Is well informed and knowledgeable about social networking and digital technologies, their use and their privacy settings. - Is aware of ISP's role in dealing with and responding to cyberbullying. - Is aware of and has access to external stakeholders that may be of assistance when there is an incident of cyberbullying. - Is educated about legal consequences of cyberbullying, legal

	<p>its functions and power by coordinating the development, review, and update of the anti-bullying and anti-violence plan.</p> <ul style="list-style-type: none"> - Sees to it that school staff are informed of the school's rules of conduct, safety measures, anti-bullying and anti-violence measures and of the procedure to be followed when an act of bullying or violence is observed. - May suspend a student if, in her or his opinion, such a sanction is required to end acts of bullying or violence or to compel the student to follow the school's rules of conduct. - Informs student's parents of the reasons for suspension and of the remedial and reintegration measures imposed on the student. - Informs the student's parent that, if bullying or violence continues, on her or his request or that of the council of commissioners, the student could be enrolled in another school or expelled from the schools of the school board. - Informs the director general of the school board and the Student Ombudsman of the decision to suspend the student. - Receives a copy of the agreement between the school board and the police regarding interventions for emergencies or reports of acts of bullying or violence. - Receives a copy of the agreement between the school board and health and social service institution, detailing the joint actions and services provided to students in reported instances of bullying or violence. 	<p>coordinate its work, as part of her or his regular duties.</p> <ul style="list-style-type: none"> - Assists the Governing Board in the exercise of its functions and power by coordinating the development, review, and update of the anti-bullying and anti-violence plan. - Sees to it that school staff are informed of the school's rules of conduct, safety measures, anti-bullying and anti-violence measures and of the procedure to be followed when an act of bullying or violence is observed. - May suspend a student if, in her or his opinion, such a sanction is required to end acts of bullying or violence or to compel the student to follow the school's rules of conduct. - When determining the duration of the suspension, the principal takes into account the student's best interest, the severity of incidents, and any previously taken measures. - Informs the student's parent that, if bullying or violence continues, on her or his request or that of the council of commissioners, the student could be enrolled in another school or expelled from the schools of the school board. - Informs the director general of the school board of the decision to suspend the student. - Receives a copy of the agreement between the school board and the police regarding interventions for emergencies or reports of acts of bullying or violence. - Receives a copy of the agreement between the school board and health and social service institution, detailing the joint actions and services provided to students in reported instances of bullying or violence. 	<p>liability of the school in cases of cyberbullying, and legal risks regarding students' rights to freedom of expression, protection, and privacy.</p> <ul style="list-style-type: none"> - Is able to critically evaluate reported cases of cyberbullying in order and how to treat varying levels of severity among different incidents. - Invites parents to participate in awareness-raising workshops regarding cyberbullying. - Ensures that teachers receive professional development and continuous education regarding cyberbullying, how to respond to cyberbullying, how to recognize cyberbullying and are informed as per Shariff's (2008) critical legal literacy model about the legal aspects of cyberbullying. - Incorporates digital technology into teaching at the school and ensures digital literacy. - With the help of the anti-bullying team, performs formative and summative evaluations of programs after they have been implemented, suggests changes and identifies needs that are unmet. - Meets with school board representative regularly and receives assistance from the school board to implement programs. - Has a positive relationship with school staff and parents. - Does not engage in bullying or cyberbullying others. - Expresses empathic concern toward students who are targets of bullying and cyberbullying. - Invites theatre groups performing skits about cyberbullying and how to resolve different scenarios to their school, such as TOPNet and Mise au jeu.
Vice principals	- Collaborate in implementing the anti-bullying	- Collaborate in implementing the anti-bullying	- Supports and approves of educational programs, as well as

	<p>and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence.</p> <ul style="list-style-type: none"> - Receive a document reporting on the evaluation of school results of preventing and dealing with bullying and violence. - Are informed of the school's rules of conduct, safety measures, anti-bullying and anti-violence measures and of the procedures to be followed when an act of bullying or violence is observed. 	<p>and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence.</p>	<p>activities embedded in the curriculum to prevent cyberbullying.</p> <ul style="list-style-type: none"> - Has a negative attitude toward cyberbullying. - Takes cyberbullying seriously and considers it a priority to prevent. - Undergoes pre-service and in-service education regarding cyberbullying and how to best address it. - Seeks expert guidance from substantive sources to understand cyberbullying, its forms and expressions, its consequences, and how to best respond to it and prevent it. - Uses only scholarly resources and evidence-based models and programs to deal specifically with cyberbullying. - Does a needs assessment at the school prior to introducing an educational program or intervention for cyberbullying, including a quantitative and qualitative research about youth's online behaviours and habits, in order to better understand the issue and how youth frame it. - Uses restorative practices when an incident of cyberbullying arises and meets with parents of involved students, as well as the students and professionals. - Is well informed and knowledgeable about social networking and digital technologies, their use and their privacy settings. - Is aware of ISP's role in dealing with and responding to cyberbullying. - Is aware of and has access to external stakeholders that may be of assistance when there is an incident of cyberbullying. - Is educated about legal consequences of cyberbullying, legal liability of the school in cases of cyberbullying, and legal risks regarding students' rights to freedom of expression, protection, and privacy. - Is able to critically evaluate reported cases of cyberbullying in order and how to treat varying levels of severity among different incidents.
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Teachers	<ul style="list-style-type: none"> - Collaborate in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence. - Collaborate with principal on presenting rules of conduct and safety measures to students during a civics session each year. - Receive a document reporting on the evaluation of school results of preventing and dealing with bullying and violence. - Are informed of the school's rules of conduct, safety measures, anti-bullying and anti-violence measures and of the procedures to be followed when an act of bullying or violence is observed. 	<ul style="list-style-type: none"> - Collaborate in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence. - Collaborate with principal on presenting rules of conduct and safety measures to students during a civics session each year. 	<ul style="list-style-type: none"> - Are enthusiastic about and fully supportive of the school's plan to prevent and respond to cyberbullying. - Believe that the school's chosen cyberbullying prevention program and educational programs are effective. - Have negative attitudes toward bullying and cyberbullying. - Are fully vested providing intra-curricular education to students, so as to prevent cyberbullying. Educational activities may include role-play, videos, interaction with informed websites about cyberbullying, knowledge of the legal consequences of cyberbullying, and so forth. - Are digitally literate and comfortable incorporating technology into teaching, and using social networking sites. - Condone and encourage bias-free attitudes and behaviours among their students, so as to condemn racism, sexism, ableism, homophobia and classism. - Receive pre-service university education regarding cyberbullying and how to deal with it. - Receive professional development and continuous education regarding cyberbullying, how to respond to cyberbullying, how to recognize cyberbullying and are informed as per Shariff's (2008) critical legal literacy model about the legal aspects of cyberbullying. - Are aware of and informed about anti-authority cyberbullying, its legal consequences, and how to react to such situations should they arise. - Are supportive of and demonstrate empathy toward students who have been targeted by bullying or cyberbullying. - Do not engage in cyberbullying or bullying. - Have positive and warm relationships with their colleagues. - Have positive and warm relationships with students and their parents. - Consult scholarly sources regarding how to deal with and
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			<p>how to teach about cyberbullying, such as substantive books and websites such as definetheline.ca and mediasmarts.ca</p> <p>- Organize movements and campaigns against cyberbullying by encouraging positive online postings among their students.</p> <p>- Invite informed experts and members of the police to speak to their students about cyberbullying.</p>
Governing Board	<p>- Adopts an anti-bullying and anti-violence plan.</p> <p>- Sees to it that the wording on the document explaining the anti-bullying and anti-violence plan distributed to parents is clear and accessible.</p> <p>- Evaluates the results achieved by the school with respect to preventing and dealing with bullying and violence, each year.</p> <p>- Approves the conditions and procedures proposed by the principal for integrating content and activities (prescribed by the Minister) in the broad areas of learning.</p>	<p>- Approves the anti-bullying and anti-violence plan, and any updated version of the plan, proposed by the principal.</p> <p>- Sees to it that the wording on the document explaining the anti-bullying and anti-violence plan distributed to parents is clear and accessible.</p> <p>- Evaluates the results achieved by the school with respect to preventing and dealing with bullying and violence, each year.</p> <p>- Approves the conditions and procedures proposed by the principal for integrating content and activities (prescribed by the Minister) in the broad areas of learning.</p>	<p>- Is fully supportive of and enthusiastic about school's cyberbullying prevention program and educational program.</p> <p>- Fosters a whole-school approach to preventing cyberbullying by keeping all school staff abreast of their plans to prevent cyberbullying.</p> <p>- Open to suggestions from all school staff, students, and the student committee regarding ways to prevent cyberbullying.</p> <p>- Is educated and trained about cyberbullying, its forms, its legal consequences, its psychological consequences, and how to prevent it based on substantive knowledge in the subject area.</p> <p>- Keeps parents informed about the school's plans and activities regarding preventing and responding to cyberbullying via newsletters and federally-provided family tool kits tailored to elementary and high school such as the Insafe's "Family e-safety kit."</p> <p>- Provides parents and Home and School with compendium of parental resources about preventing and responding to cyberbullying at home.</p> <p>- Is supportive of and aligned with the anti-violence and anti-bullying teams plans to prevent cyberbullying.</p>
Anti-bullying and anti-violence team	<p>- May recommend that the principal support groups of students wishing to conduct anti-bullying and anti-violence activities.</p>	<p>- May recommend that the principal support groups of students wishing to conduct anti-bullying and anti-violence activities.</p>	<p>- Spearheads trainings and professional development involved in educating teachers about school's cyberbullying prevention plan and informed cyberbullying prevention curricula.</p> <p>- Establishes rapport with cyberbullying prevention representative at the school board, and regularly meets with the representative and the principal.</p> <p>- Ensures that school staff has access to a compendium of</p>

			<p>scholarly resources regarding cyberbullying, such as research, books, best practices, websites, guides, curricula, audiovisual material, and activities from substantive sources.</p> <p>- Meets regularly to plan, develop, and evaluate the school's plans and activities to prevent and respond to cyberbullying along with the principal and designated school board representative.</p>
Coordinator of anti-bullying and anti-violence team	<p>- Coordinates work of anti-bullying and anti-violence team.</p>	<p>- Coordinates the work of the anti-bullying and anti-violence team as part of her or his regular duties.</p>	<p>- Undergoes extensive training regarding cyberbullying, its forms, legal and psychological consequences, how to prevent it and how to respond to it, given by experts and in university courses.</p> <p>- Keeps school board representative abreast of activities and plans to prevent and respond to cyberbullying in the school.</p> <p>- Is aware of newest information regarding cyberbullying by keeping in the know about new policies, legislation and incidents.</p> <p>- Provides school with a website or wiki of resources such as substantive websites, books, curricula, activities, audiovisual material, programs, tips and advice, guidelines, and tutorials regarding cyberbullying. The school board and the anti-bullying and anti-violence team may collaborate on this.</p>
Staff Council	<p>- Collaborate in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence.</p> <p>- Collaborate with principal on presenting rules of conduct and safety measures to students during a civics session each year.</p> <p>- Receive a document reporting on the evaluation of school results of preventing and dealing with bullying and violence.</p> <p>- Are informed of the school's rules of conduct, safety measures, anti-bullying and anti-violence measures and of the procedures to be followed when an act of bullying or violence is observed.</p>	<p>- Collaborate in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence.</p> <p>- Collaborate with principal on presenting rules of conduct and safety measures to students during a civics session each year.</p>	<p>- Is fully supportive of and enthusiastic about the school's plans to prevent and respond to cyberbullying.</p> <p>- Considers cyberbullying a priority item to be addressed by all school staff.</p> <p>- Encourages open student dialogue about cyberbullying and open discussion regarding the everyday reality of Digital Natives' interactions and online activities.</p> <p>- Is supportive of and aligned with the anti-violence and anti-bullying teams plans to prevent cyberbullying.</p> <p>- Regularly communicates with parents and cooperates with them.</p>

Student Committee	<ul style="list-style-type: none"> - Encourages the students to conduct themselves in a civil and respectful manner toward each other and school board personnel. 	<ul style="list-style-type: none"> - Encourages the students to conduct themselves in a civil and respectful manner toward each other and school board personnel. 	<ul style="list-style-type: none"> - Organizes student-led workshops for school staff regarding students' activities on digital technology. - Encourages students, through campaigns, to post positive and encouraging messages and comments on the Internet. - Makes videos and skits about cyberbullying and how to prevent it. - Organizes 'movements' and awareness activities about cyberbullying such as flashmobs and posters. - Encourages peer mentoring in incidents of cyberbullying, such as in Beatbullying's CyberMentors program, and a high-status peer model to prevent cyberbullying, such as the Massachusetts Aggression Reduction Centre's (MARC) technique.
Special education and resource teachers	<ul style="list-style-type: none"> - Collaborate in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence. - Collaborate with principal on presenting rules of conduct and safety measures to students during a civics session each year. - Receive a document reporting on the evaluation of school results of preventing and dealing with bullying and violence. - Are informed of the school's rules of conduct, safety measures, anti-bullying and anti-violence measures and of the procedures to be followed when an act of bullying or violence is observed. 	<ul style="list-style-type: none"> - Collaborate in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence. - Collaborate with principal on presenting rules of conduct and safety measures to students during a civics session each year. 	<ul style="list-style-type: none"> - Are educated specifically with regard to how to prevent and respond to cyberbullying targeted toward children and youth with learning disabilities and behavioural problems.
Librarian	N/A	N/A	<ul style="list-style-type: none"> - Are aware of, supervise, monitor, or moderate students' computer use in the library. - Are educated about cyberbullying and its prevention. - Give workshops to students about acceptable and respectful uses of digital media in the library. - Are notified and aware of laws regarding Internet use among children and adolescents (for instance resources on the American Library Association's website informing about different American Acts about predators and indecent

			content). - Act as resource people for teachers, students and other staff seeking information about cyberbullying and safe social networking.
Information technology specialist/Computer technician	N/A	N/A	- Are aware of, supervise, monitor, or moderate students' computer use in the computer lab. - Are educated about cyberbullying and its prevention. - Give workshops to students about acceptable and respectful uses of digital media in the computer lab. - Are notified and aware of laws regarding Internet use among children and adolescents. - Keep an updated list of useful, substantive, and well-informed resources from valid sources (i.e. websites, guides, articles, etc.). - Act as resource people for teachers, students and other staff seeking information about cyberbullying and safe social networking.
Spiritual animator	<ul style="list-style-type: none"> - Collaborates in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence. - Collaborates with principal on presenting rules of conduct and safety measures to students during a civics session each year. - Receives a document reporting on the evaluation of school results of preventing and dealing with bullying and violence. - Is informed of the school's rules of conduct, safety measures, anti-bullying and anti-violence measures and of the procedures to be followed when an act of bullying or violence is observed. 	<ul style="list-style-type: none"> - Collaborates in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence. - Collaborates with principal on presenting rules of conduct and safety measures to students during a civics session each year. 	<ul style="list-style-type: none"> - Plays a key role in preventing and addressing cyberbullying and its root causes by acting as coordinator of the anti-bullying and anti-violence team or as a member of the team. - Receives professional development regarding ethics in cyberspace (how ethics translate into digital technologies) and cyberbullying. - Discusses social issues as well as the underlying attitudes and behaviours often being expressed as cyberbullying with students. - Encourages and helps to facilitate student-led campaigns and initiatives to counter cyberbullying and encourage positive online postings. - Engages students in community service projects that involve creative means of countering cyberbullying and encouraging responsible and respectful uses of digital media.
Integration aides and special education technicians	<ul style="list-style-type: none"> - Collaborate in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence. - Collaborate with principal on presenting rules 	<ul style="list-style-type: none"> - Collaborate in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence. - Collaborate with principal on presenting rules 	<ul style="list-style-type: none"> - Are educated specifically with regard to how to prevent and respond to cyberbullying targeted toward children and youth with learning disabilities, mental illnesses, or mental disabilities.

	<p>of conduct and safety measures to students during a civics session each year.</p> <ul style="list-style-type: none"> - Receive a document reporting on the evaluation of school results of preventing and dealing with bullying and violence. - Are informed of the school's rules of conduct, safety measures, anti-bullying and anti-violence measures and of the procedures to be followed when an act of bullying or violence is observed. 	<p>of conduct and safety measures to students during a civics session each year.</p>	
Speech therapist	<ul style="list-style-type: none"> - Collaborates in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and sees to it that no student in the school is a victim of bullying or violence. - Collaborate with principal on presenting rules of conduct and safety measures to students during a civics session each year. - Receives a document reporting on the evaluation of school results of preventing and dealing with bullying and violence. - Is informed of the school's rules of conduct, safety measures, anti-bullying and anti-violence measures and of the procedures to be followed when an act of bullying or violence is observed. 	<ul style="list-style-type: none"> - Collaborates in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence. - Collaborate with principal on presenting rules of conduct and safety measures to students during a civics session each year. 	<ul style="list-style-type: none"> - Are educated specifically with regard to how to prevent and respond to cyberbullying targeted toward children and youth with speech and language impediments and difficulties.
School psychologist	<ul style="list-style-type: none"> - Collaborates in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and sees to it that no student in the school is a victim of bullying or violence. - Receives a document reporting on the evaluation of school results of preventing and dealing with bullying and violence. - Is informed of the school's rules of conduct, safety measures, anti-bullying and anti-violence measures and of the procedures to be followed when an act of bullying or violence is observed. 	<ul style="list-style-type: none"> - Collaborates in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence. - Collaborate with principal on presenting rules of conduct and safety measures to students during a civics session each year. 	<ul style="list-style-type: none"> - Is educated regarding how to respond to cyberbullying, what psychological consequences are, what psychological reasons perpetrators engage in cyberbullying, and how such behaviours play out in digital settings. - Is well versed in therapeutic practices to treat targets of cyberbullying. - Can differentiate between different interventions meant for different forms of cyberbullying and can discern the severity of different cases of cyberbullying.

FSSTT (Family and School Support and Treatment Team)	N/A	N/A	<ul style="list-style-type: none"> - Are educated regarding how to respond to cyberbullying, what psychological consequences are, what psychological reasons perpetrators engage in cyberbullying, and how such behaviours play out in digital settings. - Have a protocol of response to cyberbullying that includes restorative practice, therapy and coaching. - Have a team that is available on the Internet to help students who are being cyberbullied.
Nurse	<ul style="list-style-type: none"> - Collaborates in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and sees to it that no student in the school is a victim of bullying or violence. - Collaborates with principal on presenting rules of conduct and safety measures to students during a civics session each year. - Receives a document reporting on the evaluation of school results of preventing and dealing with bullying and violence. - Is informed of the school's rules of conduct, safety measures, anti-bullying and anti-violence measures and of the procedures to be followed when an act of bullying or violence is observed. 	<ul style="list-style-type: none"> - Collaborates in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence. - Collaborates with principal on presenting rules of conduct and safety measures to students during a civics session each year. 	<ul style="list-style-type: none"> - Is educated regarding how to respond to cyberbullying, what psychological consequences are, what psychological reasons perpetrators engage in cyberbullying, and how such behaviours play out in digital settings.
Social worker	<ul style="list-style-type: none"> - Collaborates in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and sees to it that no student in the school is a victim of bullying or violence. - Receives a document reporting on the evaluation of school results of preventing and dealing with bullying and violence. - Is informed of the school's rules of conduct, safety measures, anti-bullying and anti-violence measures and of the procedures to be followed when an act of bullying or violence is observed. 	<ul style="list-style-type: none"> - Collaborates in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence. 	<ul style="list-style-type: none"> - Are educated regarding how to respond to cyberbullying, what psychological consequences are, what psychological reasons perpetrators engage in cyberbullying, and how such behaviours play out in digital settings. - Respond to incidences of cyberbullying alongside the FSSTT, school psychologist, and school nurse in a coherent, restorative manner using best practices guidelines regarding cyberbullying.

Psychoéducatrice /teur	<ul style="list-style-type: none"> - Collaborates in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence. - Receives a document reporting on the evaluation of school results of preventing and dealing with bullying and violence. - Is informed of the school's rules of conduct, safety measures, anti-bullying and anti-violence measures and of the procedures to be followed when an act of bullying or violence is observed. 	<ul style="list-style-type: none"> - Collaborates in implementing the anti-bullying and anti-violence plan, and developing rules of conduct and safety measures and see to it that no student in the school is a victim of bullying or violence. 	<ul style="list-style-type: none"> - Receives pre-service and in-service education about cyberbullying and its sustainable prevention. - Works alongside the anti-bullying and anti-violence team in preparing cyberbullying prevention activities.
Students	<ul style="list-style-type: none"> - Conduct themselves in a civil and respectful manner toward their peers and school board personnel. - Contribute to creating a healthy and safe learning environment. - Take part in civics and anti-bullying and anti-violence activities held by their school. - Take good care of property placed at their disposal and return it when school activities have ended. - May have to pay for the value of the property if not returned or taken care of. 	<ul style="list-style-type: none"> - Conduct themselves in a civil and respectful manner toward their peers and school board personnel. - Contribute to creating a healthy and safe learning environment. - Take part in civics and anti-bullying and anti-violence activities held by their school. - Take good care of property placed at their disposal and return it when school activities have ended. - May have to pay for the value of the property if not returned or taken care of. 	<ul style="list-style-type: none"> - Participate in plans set forth by the anti-bullying and anti-violence committee. - Enthusiastically participate in student committees' activities and campaigns to prevent cyberbullying.
External stakeholder	Bill 56	Law 19	Recommendations for sustainable cyberbullying prevention.
Parents	<ul style="list-style-type: none"> - May have to pay for property their student has damaged or not given back to the school. - Receive a document explaining the anti-bullying and anti-violence plan. - Receive rules of conduct and safety measures each year. - Receive a document reporting on the evaluation of school results of preventing and dealing with bullying and violence. 	<ul style="list-style-type: none"> - May have to pay for property their student has damaged or not given back to the school. - Encouraged to collaborate in preventing and stopping bullying and violence and creating a healthy, secure learning environment. - Receive a document explaining the anti-bullying and anti-violence plan. - Receive rules of conduct and safety measures each year. 	<ul style="list-style-type: none"> - Cooperate with school on preventing cyberbullying. - Have a warm and supportive parenting style. - Discuss cyberbullying with their children and encourage open dialogue about their online activities. - Supervise their children's social media and Internet use. - Receive regular updates and communication from the school regarding cyberbullying prevention.

	<ul style="list-style-type: none"> - Are told (if their child has participated in bullying or violence, or is a victim of bullying or violence) about the measures in the anti-bullying and anti-violence plan. - Are told they have the right to contact the Student Ombudsman if they need assistance when their child has been directly involved in bullying/violence. - Is informed of the school's rules of conduct, safety measures, anti-bullying and anti-violence measures and of the procedures to be followed when an act of bullying or violence is observed. - Are informed of the reasons for their child's suspension and of the remedial and reintegration measures imposed on her or him (if they have engaged in violence or bullying, and this sanction is necessary in the principal's opinion). - Are informed that if their child continues to engage in bullying violence, on the principal's request or that of the council of commissioners, the student could be enrolled in another school or expelled from the schools of the school board. 	<ul style="list-style-type: none"> - Receive a document reporting on the evaluation of school results of preventing and dealing with bullying and violence. - Are told (if their child has participated in bullying or violence, or is a victim of bullying or violence) about the measures in the anti-bullying and anti-violence plan. - Are told they have the right a designated person at the school board if they need assistance when their child has been directly involved in bullying/violence. 	<ul style="list-style-type: none"> - Receive informed booklets and guides to use at home in preventing cyberbullying in their family. - Consult substantive resources such as books and websites such as definetheline.ca. - Receive workshops on how to prevent and respond to cyberbullying at home.
School board	<ul style="list-style-type: none"> - May claim the value of damaged or missing school-owned property from a student (if of full age) or her or his parents. - Director general receives summary report on the nature of complaints received and follow-up measures that were taken. - Council of Commissioners may be contacted by the principal requesting that student who has engaged in bullying or violence be enrolled in another school or be expelled from the schools of the school board. - Director general is informed of the decision to suspend the student (whenever a student is 	<ul style="list-style-type: none"> - May claim the value of damaged or missing school-owned property from a student (if of full age) or her or his parents. - Has appointed a person to deal respond to parents' requests for assistance when their child has been directly involved in bullying or violence (that has been reported or complained about). - Director general receives summary report on the nature of complaints received and follow-up measures that were taken. - Council of Commissioners may be contacted by the principal requesting that student who has 	<ul style="list-style-type: none"> - Organizes board-wide educational seminars about cyberbullying prevention and response to all school board personnel suited to their respective role in dealing with cyberbullying (i.e. school psychologists would attend educational seminars to learn how to treat and provide therapy to targets and perpetrators of cyberbullying). - Appoints representative to liaise with school anti-bullying and anti-violence teams to support and encourage plans to put in place curricula and model programs to sustainably prevent cyberbullying. - Prioritizes cyberbullying as an area needing to be addressed by all levels of the school board. - Seeks advice from experts and scholarly websites such as

	<p>suspended).</p> <ul style="list-style-type: none"> - Sees to it that each of its schools provides a healthy and secure learning environment, allowing all students to develop her or his full potential, free from bullying and violence. - Prepares an annual report which states, for each school, the number of acts of bullying of violence reported to the director general of the school board by the principal (as well as the nature of such acts). - Describe the measures taken to improve the school's results regarding preventing and dealing with bullying and violence and enhancing the quality of the learning environment. - Send report to the Minister and Student Ombudsman by September 30 each year. - Enter into agreement with each competent authority in respect of a police force in its territory to determine how the officers of that police force will intervene in an emergency or when an act of bullying or violence is reported to them. - Establish a type of collaboration in order for prevention and investigation. <p>(This agreement must comply with essential elements and special stipulations the Government determines through regulation. These stipulations replace the agreement in its absence until it is established.)</p> <ul style="list-style-type: none"> - The director general sends a copy of the police agreement to school principals and the Student Ombudsman. - Enter into an agreement with an institution or entity in the health and social service network to provide services in instances of reported 	<p>engaged in bullying or violence be enrolled in another school or be expelled from the schools of the school board.</p> <ul style="list-style-type: none"> - Director general is informed of the decision to suspend the student (whenever a student is suspended). - Sees to it that each of its schools provides a healthy and secure learning environment, allowing all students to develop her or his full potential, free from bullying and violence. - Support the principals of its schools in their efforts to prevent and stop bullying and violence. - Enter into agreement with each competent authority in respect of a police force in its territory to determine how the officers of that police force will intervene in an emergency or when an act of bullying or violence is reported to them. - Establish a type of collaboration in order for prevention and investigation. <p>(The Government may, by regulation, determine the essential elements and the special stipulations that the agreement must include.)</p> <ul style="list-style-type: none"> - The director general sends a copy of the police agreement to school principals and the Student Ombudsman. - Enter into an agreement with an institution or entity in the health and social service network to provide services in instances of reported bullying or violence; stating actions which must be jointly taken in such cases. - May also enter into an agreement with a community organization operating in its territory. 	<p>definetheline.ca</p> <ul style="list-style-type: none"> - Provides schools with substantive resources such as books, curricula, activities, websites, guides, and audiovisual material regarding cyberbullying. - Is supportive of schools' plans to counter cyberbullying. - Conducts research regularly to assess cyberbullying in schools. - Conducts quantitative, qualitative, and longitudinal to evaluate programs in place to prevent cyberbullying and their effectiveness in the short and long term. - Assess whether school policies, plans, and programs have an impact on school
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	<p>bullying or violence; stating actions which must be jointly taken in such cases.</p> <ul style="list-style-type: none"> - The director general sends a copy of the health and social services agreement to school principals and the Student Ombudsman. - After consulting with parents' committee, establishes a complaint examination procedure that contains specific provisions and follow-up measures for dealing with reports and complaints of acts of bullying and violence. Provisions must include assistance and support measures for the student and her or his parents, and other people. (The report must contain section concerning effectiveness of anti-bullying and anti-violence plans implemented in the schools.) - Decide on the principal's request to expel a student within 5 days. - Can be charged with monetary penalty by the Minister if it does not comply with the Act. 	<ul style="list-style-type: none"> - The director general sends a copy of the health and social services agreement to school principals and the Student Ombudsman. - Prepare an annual report, that states, separately for each school, the nature of the complaints reported to the director general of the school board by the principal, the measures taken and the proportion of those measures dedicated to dealing with complaints filed with the Student Ombudsman. - Send a copy of the annual report to the Minister no later than December 31st each year. -The report must separately list complaint referrals for acts of bullying or violence. It may include recommendations from Student Ombudsman for measures to prevent and stop bullying and violence. - Must collaborate with bus carriers to ensure that bus drivers complete proper anti-bullying and anti-violence training as soon as possible. - Promptly decide on the principal's request (to have a student enroll in another school or expel a student from their schools), within 10 days. - Send a copy of the decision to the Student Ombudsman if necessary to expel the student in order to put an end to acts of bullying or violence. 	
Experts	N/A	N/A	<ul style="list-style-type: none"> - Are invited and paid to give seminars and trainings to school and school board personnel suited to each stakeholder's needs. - Advise schools and school boards of best practices of cyberbullying prevention and response. - Advise curriculum development to prevent cyberbullying. - Advise on key evaluation criteria for incidences of cyberbullying. - Teach lawyers and police about cyberbullying and its

			nuances.
Police	<ul style="list-style-type: none"> - Enter into agreement the school board to determine how the officers of that police force will intervene in an emergency or when an act of bullying or violence is reported to them. - Establish a type of collaboration with the school board in order for prevention and investigation. 	<ul style="list-style-type: none"> - Enter into agreement the school board to determine how the officers of that police force will intervene in an emergency or when an act of bullying or violence is reported to them. - Establish a type of collaboration with the school board in order for prevention and investigation. - In the absence of an agreement, the Ministry and the Minister of Public Security shall jointly determine how the members of the police force will intervene in an emergency and when an act of bullying or violence is reported, and establish a mode of collaboration for prevention and investigation purposes, to stand in lieu of such an agreement. 	<ul style="list-style-type: none"> - Participate in schools' proactive prevention measures for cyberbullying as consultants and speakers. - Provide criteria for schools as to what constitutes serious cases and emergencies versus less serious cases of cyberbullying. - Engage in restorative practices with the school when a serious incident of cyberbullying has been reported. - Are educated and trained in the legal aspects of cyberbullying. - Are trained on how to trace an act of cyberbullying back to its author; to investigate cases of cyberbullying; and to track origins of anonymous messages and postings. - Are trained to deal with cybercrime with the most advanced tools and resources developed for this purpose internationally.
Home and School	N/A	N/A	- Is educated about cyberbullying via workshops provided by the school.
Daycare workers	N/A	N/A	- Are educated about cyberbullying via workshops provided by the school and know how to intervene and respond to incidents of cyberbullying.
Health and social services (i.e. CSSS)	- Enter into an agreement with the school board to provide services in instances of reported bullying or violence; stating actions which must be jointly taken in such cases.	- Enter into an agreement with the school board to provide services in instances of reported bullying or violence; stating actions which must be jointly taken in such cases.	<ul style="list-style-type: none"> - Are educated regarding how to respond to cyberbullying, what psychological consequences are, what psychological reasons perpetrators engage in cyberbullying, and how such behaviours play out in digital settings through pre-service and in-service education. - Respond to incidences of cyberbullying using a best practices model of intervention. - Provide resources and advice to schools regarding intervention methods for cyberbullying.
Bus drivers	<ul style="list-style-type: none"> - Their carrier must adopt measures to prevent and deal with any form of bullying or violence during the transportation of students. - Inform the principal of any act of bullying or violence that occurs during transportation. - Must receive anti-bullying and anti-violence 	<ul style="list-style-type: none"> - Their carrier must adopt measures to prevent and deal with any form of bullying or violence during the transportation of students. - Inform the principal of any act of bullying or violence that occurs during transportation. - Carrier must make sure, in collaboration with 	- Are educated about cyberbullying via workshops provided by the school board and know how to intervene and respond to incidents of cyberbullying, and report such incidents to the school principal.

	training from their carrier.	the school board, that the driver completes proper anti-bullying and anti-violence training as soon as possible.	
Community organizations	N/A	- May, if requested by the school board, enter into an agreement for the provision of services to students following a reported incident of bullying or violence.	<ul style="list-style-type: none"> - Draw upon scholarly research on cyberbullying to enrich their prevention and intervention work. - Provide services to schools such as substantive workshops, interventions, seminars, curricula, programs, and trainings on how to implement them. - <u>Seek expert advice and training regarding cyberbullying.</u>
Student Ombudsman	<ul style="list-style-type: none"> - Receives a document reporting on the evaluation of school results of preventing and dealing with bullying and violence. - Assists, upon request, bullied children or perpetrators of bullying and their parents. - Receives summary report on the nature of complaints received and follow-up measures that were taken. - Is informed of the school's rules of conduct, safety measures, anti-bullying and anti-violence measures and of the procedures to be followed when an act of bullying or violence is observed. - Is informed of the decision to suspend the student. - Receives a copy of the agreement between the school board and health and social service institution, detailing the joint actions and services provided to students in reported instances of bullying or violence. 	<ul style="list-style-type: none"> - Receives a document reporting on the evaluation of school results of preventing and dealing with bullying and violence. - Receives a copy of the agreement between the school board and health and social service institution, detailing the joint actions and services provided to students in reported instances of bullying or violence. - May recommend measures that she or he considers appropriate for preventing and stopping bullying and violence. - Receives a copy of the decision to expel a student in order to put an end to acts of bullying or violence. 	<ul style="list-style-type: none"> - Must be informed and educated about cyberbullying by means of Shariff's (2008) critical legal literacy model. - Knows legal consequences of serious acts of cyberbullying. - Is able to differentiate between less serious and more serious forms of cyber misconduct. - Is well versed in children and youth rights in real and cyberspace. - Is knowledgeable about teachers' rights and potential harms of anti-authority cyberbullying to their wellbeing, career, and reputation.