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Respectful and Responsible Relationships: There's No App for That (The Report of the Nova Scotia Task Force on Bullying and Cyberbullying)

A. Wayne MacKay
Dalhousie University - Schulich School of Law, wayne.mackay@dal.ca

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A. Wayne MacKay
C.M., Q.C., Chair

On behalf of the Nova ScotiaTask Force on Bullying and Cyberbullying

February 29, 2012

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*These Appendices are included in a companion volume 'Appendices to: Respectful and Responsible Relationships: There's No App for That. The Report of the Nova Scotia Task Force on Bullying and Cyberbullying'.

Preface

Chairing this Task Force and producing this report has been both the most engaging and exhausting project that I have ever undertaken. Since my appointment in late May 2011, I have lived and breathed in the world of bullying and cyberbullying. I am sure my fellow Task Force members and members of the Working Group did the same. Born in the wake of tragic teen suicides it was easy for the members of the Task Force to be motivated. Indeed, few ventures have stirred my passions as much as this exercise has.

Bullying is a major social issue throughout the world and is one of the symptoms of a deeper problem in our society: the deterioration of respectful and responsible human relations. The magnitude of the problem is daunting and there are no simple solutions on the horizon. There are, however, some effective strategies.

The advance of technology and the prevalence of social media are profoundly changing how we communicate, and in so doing, they are also changing who we are. While the mandate of the Task Force is to focus on youth, the underlying problems are not unique to them.

I was under no illusion that we would solve the problems of bullying and cyberbullying but I do think that our recommendations, if implemented, will make lives better for many young Nova Scotians. The pain caused by bullying is widespread and the consequences are drastic. In the age of the Internet, cyberbullying knows no boundaries and it permeates all aspects of the victims' lives. It is also corrosive for the bullies and the bystanders as well, and one role sometimes morphs into another.

It has been a privilege to lead this important task force and I trust we have made a difference by charting a course to a more humane, caring world: one in which technology is the enabler rather than the master, and where social media is used to celebrate our differences rather than to attack those who are different.

As adults we can provide better role models of respectful and responsible relationships and set high standards for the younger generation to follow. Bullying and cyberbullying are community problems and we all must play a part in finding the solutions. I hope this report will be a roadmap to guide us on this important journey.

A. Wayne MacKay C.M., Q.C.
Chair, Nova Scotia Task Force
on Bullying and Cyberbullying

Acknowledgements:

I would like to thank many people for assisting me in the work of this Task Force. My colleagues on the Task Force played important roles. Rola AbiHanna chaired the Working Group, prepared some of the appendices and wrote the summary of the meetings for Chapter 2. Wendy MacGregor and Rola helped in the process of refining and shaping the recommendations. Wendy also provided writing support in part of Chapter 1. Mat Whynott and Breanna Fitzgerald played important roles in the Youth Focus Group process. I was impressed with the insights that emerged from these sessions, and thank those who participated. All members of the Task Force fully engaged in the meetings and discussions that preceded this report and they were good colleagues.

The Members of the Working Group were actively engaged in the process of networking and dialogue and in concentrated sessions in November and December of 2011. These sessions produced some excellent suggested recommendations which provided the foundation for some of those in the final report. They also worked diligently to provide the deliverables that I requested to assist in preparing this report. Their enthusiasm and dedication in pursuing this important task is much appreciated.

Noreen Stadey of the Department of Justice and Moe Green of the Department of Health and Wellness were key players in designing and implementing the Youth Consultations. Noreen also prepared the excellent summary of the consultations in Appendix A. Sara Halliday of the Department of Education also did a masterful summary of the over 5000 responses to the Task Force's online survey. Professor Elizabeth Hughes of the Schulich School of Law assisted me with the legal research for the report and co-authored with me Appendix I on the legal dimensions of bullying and cyberbullying.

Janet Burt-Gerrans, former student of the Schulich School of Law and now Faculty Relations Officer at Mount Saint Vincent University, did excellent background research on the education-related aspects of this report and made many valuable suggestions. John MacMillan, second-year student at the Schulich School of Law, provided research assistance on the legal aspects of this report. Third year law student Ben Frenken provided research on interventions and restorative approaches as well as first-class proof-reading of the report. My colleague Professor Jennifer Llewellyn, and Emma Halpern of the Nova Scotia Barristers' Society, also generously shared their knowledge and insights into restorative approaches in schools which were helpful in guiding the direction of the report. Former law student Cindy Gorman also provided high quality proofreading as did my friend Noreen Stadey, and my wife JoAnn Martell-MacKay.

Laura Blackmore was an outstanding administrative assistant to the Task Force as well as a diligent and hard-working typist in the final days before the report was submitted. She was joined in this typing role by Schulich School of Law administrative support staff Molly Ross and Julie Harnish. All of these people pleasantly tolerated my rather ironic technological limitations in the context of this report on cyberbullying and the machinations of the high tech world. Everyone contributed to the quality and value of this report and I thank them for their work and dedication.

Thank you to 10 year-old Sara Casey of Halifax for her beautifully illustrated story about bullying and the need for people to stand up in support of the victims. And thanks to

Allison Taylor, Grade 11 student, for her touching song about bullying and suicide. Thank you to all who spoke with me in person, on the phone, and by email, to share your very personal stories and perspectives. I also want to thank the many presenters (see Appendix D) who devoted their time and expertise to assist and enrich the Task Force deliberations.

Finally, I would like to thank the Honourable Ramona Jennex, Minister of Education, Deputy Minister Rosalind Penfound and Director of Student Services Don Glover for their confidence and support in the execution of this important task. I am confident that they will lead the process of implementation that can turn the promise of this report into a reality for Nova Scotian youth.

Wayne MacKay

Respectful and Responsible Relationships: There's No App for That

Chapter 1: Introduction: The Scope and Consequences of Bullying and Cyberbullying

Schools are in many ways a microcosm of the larger society and this is also true in respect to the problems of bullying. The problems of bullying, and cyberbullying in particular, are a world-wide phenomenon and are growing in prominence. As the Task Force did its work there was barely a day that passed when there was not some mention of these issues. It is in the news, the basis of television crime dramas and it is affecting the lives of young people around the world. In a presentation to the Senate Human Rights Committee on Bullying and Cyberbullying, the President of Bullying.org indicated that there are 252,000 cases of bullying per month in Canadian high schools.[1]

A tragic series of youth suicides in Nova Scotia was the trigger that led to the creation of the Task Force, and courageous parent, Pam Murchison, mother of Jenna, whose talented young life ended in suicide, presented to the Task Force in both private and public meetings. These were important reminders of the need to reduce the problem of bullying and its sometimes tragic consequences on the lives of young people. Also the tearful news account of the father of another young Nova Scotian woman, who was tormented by bullies and whose life ended too early, added motivation and a sense of urgency to the work of this Task Force.

Suicides are complex issues of mental health and there is rarely a clear cause and effect. However, the negative consequences of bullying in all its forms are extensive: loss of self-esteem, anxiety, fear and school drop-outs are a few examples. As the title of this report suggests, there is no quick fix to this problem; or to put it in modern terms, there is no app for that. The problems of bullying and cyberbullying raise some of the largest and most complex issues in society. At the core of the bullying issue is the need for respectful and responsible relationships among young people and in society generally. While there is lots of blame to go around, bullying is not just about unacceptable individual conduct but rather a complex web of relationships and attitudes that permeate all aspects of modern society. It is about values, community (or the loss of it), a breakdown in respect for other people, and the need for citizens young and old to take responsibility for their actions and inactions. As an insightful Grade 4/5 student stated, "Other people's feelings should be more important than your own. If everybody thought that way, there wouldn't be any bullying."[2]

This Task Force was born in the context of the Stanley Cup riots in Vancouver and extensive riots in the United Kingdom. In both these cases the mob mentality prevailed and acts of violence and vandalism were captured on camera for the entire world to see.

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[1] Presentation by Bullying.org to the Senate Human Rights Committee on Cyberbullying as televised on CPAC 12 December 2011. An earlier Committee on this topic recommended a strategy in 2007.
[2] Appendix A

The lack of respect for other people and their property, a failure to take responsibility for individual and collective actions, the loss of a sense of community and core values were all too evident in these high profile displays of violence and irresponsibility. Problems of bullying and cyberbullying are not confined to youth and in many respects the mandate of this Task Force intersects with some of the largest and most troubling issues of our time.

Relationships Under Challenge

Schools are indeed a reflection of the larger society which views personal relationships as squarely in the private realm, to be worked out quietly by individuals. Formal interventions in personal relationships are avoided except where the behaviour within the relationship comes to the point of being intolerable to the public, by which point the damage has usually already been done. The factors and skills that contribute to high quality and positive relationships are left largely unaddressed in the official school curriculum. Furthermore, responses to incidents of bullying typically include officially expressed outrage for the behaviour and punishment for the bully if their identity or identities can be established. There has been little interest in taking a strategic and comprehensive approach and being proactive in building the capacity for high quality and positive human relationships. The systemic nature of relational problems like bullying has not been properly recognized.

Researchers have established that the teaching of social and emotional skills and competencies are very important factors in teaching children how to engage positively and constructively in human relationships.[3] In the current social climate, the evidence of bullying shows that many children may not be learning the skills and competencies necessary to engage positively or constructively in human relationships. Instead, many demonstrate regularly that they have learned how to engage very destructively, willing and capable of manipulating others for their own gain. Some children choose to engage destructively online, even if they would not behave that way in person, because they think they can get away with it, or for a number of other reasons related to the playing out of their powerful emotions.[4] In the process, harm is caused to individuals but also to the community as a whole, casting a shroud on the community which is pervasive and yet subtle enough to be ignored. That is, until the desperate actions of a few young people capture the spotlight. Unfortunately these extreme cases are but the tip of the iceberg.

Emotions, emotional awareness, self-control and inter-personal relationship skills, particularly with regard to navigating the tricky waters of social standing, social hierarchy and social power, are important factors at the heart of bullying. The need to belong and to have a sense of secure group membership may be an innate human desire rooted in biology.[5] Bill Pentney, in a paper prepared for the Canadian Association of Statutory Human Rights Agencies puts it plainly: "Belonging. Such an achingly simple word. It conjures up some of the deepest yearnings, and for some of us, perhaps our most painful

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[3] Celene E Dimitrovich, Rebecca C Cortes & Mark T Greenberg, "Improving Young Children's Social and Emotional Competence: A Randomized Trial of the Preschool 'PATHS' Curriculum" (2007) 28:2 The Journal of Primary Prevention at 3.

[4] Kids Help Phone, "Cyberbullying Research Update" (2011) at 5; Parry Aftab, "Parry's Cyberbullying 101 for Teachers" at 16-17. Both were presented to the Task Force.

[5] Carol A Kusché & Mark T Greenberg, The PATHS Curriculum: Promoting Emotional Literacy, Prosocial Behaviour and Caring Classrooms, (2011) at 5 [forthcoming].

memories."[6] Creating the space for everyone to have access to this deep sense of belonging and the accompanying sense of security seems almost antithetical to a society that wants to move at lightning speed and which does not place formal value on the quality of human relationships. All of these trends are accentuated in the fast-paced world of modern technology.

Another clear lesson from our immersion in the problems of bullying and cyberbullying is the gap that exists between the younger and older generations in respect to technology and the ways in which people communicate. The emergence of social media has profoundly changed how people interact and connect with the world. Adults often struggle with both the technology and the language of the new social media, and the gap between young and old, and parent and child is a large one. For many young people "virtual reality" is their reality and lives are lived online in venues such as Facebook, chat rooms, Twitter and the endless flow of texts and emails.

It is common to see young people sitting in a restaurant or walking down the street interacting online rather than with the other human beings in the real world. In order to combat the dangers of bullying and cyberbullying adults need to have a better understanding of the vital role of social media and the extent to which young people inhabit a world of "virtual reality" that can be more important to them than the natural world and real people that surround them. The transformative, even revolutionary, nature of social media and its impact particularly on young people is beyond the scope of this report, but it deserves further study.

Young people growing up in today's society experience the best and the worst of civilization's evolution and innovation. The opportunities and possibilities presented by today's (and tomorrow's) technology are exciting. In the hands of some misguided people, technology can also be a powerful weapon. The underbelly of the technology beast is dark. Exploring this underside can give us insight into the new incarnation of an old problem.

Bullying among youth has existed for a very long time. More recently it has been recognized as a problem requiring responses. Even more recently, the labeling of bullying behaviour among adults has also become more common. A recognition that adults can and do engage in bullying behaviour is helpful in encouraging the dialogue about solutions aimed at a more global/universal approach. It also helps to see the issues as broader than just the behaviour of youth. An effective approach needs to be based upon building solutions that will address the underlying factors that contribute to bullying at all levels of society. Bullying occurs in the context of a Canadian society that often celebrates the bullying styles of Don Cherry of *Hockey Night in Canada* and Kevin O'Leary of the *Dragon's Den* – both popular CBC television shows.

Causes of Bullying and Cyberbullying*

Based on the belief that understanding the root causes of crime puts us in a better position to prevent, punish or treat criminal behaviour, determining the root causes of crime and

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[6](October 1996) 25 CHRR No 6 C/6-C15.

violence has been a primary objective of crime scholars for over a hundred years. Whether the root causes of the most violent crimes involving youth also underlie bullying behaviour is unclear. However, according to a 2010 report produced by the Ontario Ministry of Children and Youth Services, "Children who engage in bullying…are at risk of developing long-term problems with aggression, anti-social behaviour and substance abuse."[7] Researchers have approached the study of bullying within the same theoretical frameworks that have been used to study youth violence. In both cases no one theory explains all cases and no single risk factor predicts with 100% specificity.

Any serious exploration of the causes of bullying and cyberbullying are beyond the scope of this report, but it is a matter that needs more study. Time permits the Task Force to take only a quick glance at the causal issues, which are linked to general issues about the roots of youth violence. As discussed earlier, bullying behaviour is just one manifestation of a society which, in rushing to embrace technology, has challenged human relationships and possibly diminished both respect and a sense of responsibility. There also appears to be a loss of community and less recognition of core social values and it is in this context that both young and old have problems adjusting to the rapid pace of change.

In the previously mentioned Senate Committee on Human Rights, Bill Belsey of Bullying.org[8] made some observations about the root causes of bullying and in particular, how technology has led to more serious forms of cyberbullying.[9] Among other observations, he referred to emerging research on brain development that suggests that young brains are being changed by interactions with technology. It is also apparent that interaction with technology is changing how people interact. We have all witnessed people in a room together each focused on their electronic devices and seemingly oblivious to the real people around them. This is also a phenomenon of modern meetings, where many people appear to be unable to escape the world of the BlackBerry or equivalent device. Mr. Belsey also observed that young people have fewer inhibitions online and exhibit different personalities online. This was captured by the following comments which emerged from the Youth Consultations presented in Appendix A.

> *People become brave on Facebook; they become keyboard warriors.* Grade 11 Student

> *Internet bullying is not face-to-face. Cyberbullies are cowards.* Grade 8 Student

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[7] Honourable Roy McMurtry and Dr. Alvin Curling, *Review of the Roots of Youth Violence (2008)*. See also the chapter, *Literature Review,* by Dr. Scot Wortley, Associate Professor, Centre for Criminology, University of Toronto. The full report can be found at:
<http://www.children.gov.on.ca/htdocs/English/topics/youthandthelaw/roots/crossroads.aspx>.
[8] <www.bullying.org>
[9] Bullying.org presentation to Senate Human Rights Committee on bullying and cyberbullying by President Bill Belsey as televised on CPAC 12 December 2011.

*The Task Force acknowledges the significant research and drafting assistance of Noreen Stadey from the Department of Justice in this segment of the report.

We also live in the age of multi-tasking which is not always good for focusing on serious learning. Most recent studies suggest that the real impact of multi-tasking is that we do a variety of things at once but none of them very well. Here again the gap between young and old becomes a factor as neither parents nor teachers in schools can hold the focus and attention of young people by using traditional methods of communication.[10] These gaps in styles of communication lead to a larger gap between the young and the old and add to a sense of youth isolation and alienation.

In many cases the targets of bullies are young people who are already isolated because they are different from the majority of students. This difference can be based upon gender, race, sexual orientation, Aboriginal origin, disability or any other characteristics which set them apart. Not 'fitting in' at school and not being part of the 'in crowd' is a large burden to bear and bullying exacerbates that feeling of exclusion. It is also a complex phenomenon as bullies, victims and bystanders are often interchangeable and today's victims may be tomorrow's bullies. As Parry Aftab of Wired Safety observed in her presentation, in a strange way, technology has leveled the playing field and the 'computer nerds' can get even with their bullies by harassing them online. As one Grade 11 student observed in the Youth Consultations, "Anyone can be a cyberbully; even someone small can pick on someone big." (see Appendix A)

There are many modern studies on adolescent brain development that suggest that children at that stage in their lives do not operate well at an emotional level and have difficulty feeling empathy for others. A possibly related factor is the failure of the adults in children's lives to properly instill core values and empathy for others beyond themselves. This is not to blame the parents and the teachers exclusively, as young people must also take responsibility for their actions. However, adult behaviour and adult role models play a significant role in bullying and cyberbullying among the young.

Too often the adults in the families, schools and broader communities within which our children grow and develop have failed to nurture in them the attitudes and skills essential to a civil society – that is, compassion and responsibility. As a result, children who bully lack the social skills, perceptions and responsibility that would allow them to be less aggressive and self-centered in their interactions with others. According to developmental psychologists such as Jean Piaget and Richard Tremblay, children are born aggressive. Aggression is a survival mechanism. As they grow, they learn alternative ways of getting their needs met. But that maturation process doesn't happen naturally; it must be nurtured. And that nurturing process is part of the role of parents -- to tame the natural impulses to harm others or to act selfishly. Children learn what the adults in their lives teach them. They need adults to help them understand bullying and promote development of essential skills, perceptions and responsibility.[11]

Scholars have identified a number of risk factors that are associated with a child's tendency to choose aggression over more pro-social strategies for getting their needs met.

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[10] Katherine Ashenberg, "Here's a 200th birthday gift for Dickens: Teach kids to read him*" The Globe and Mail* (7 February 2012) R-1. Ashenberg argues that children are losing the ability for slow and in-depth reading and Charles Dickens novels are not likely to be read in the future.

[11] Michael Ungar, *We Generation: Raising Socially Responsible Kids* (Toronto: McClelland and Stewart, 2009).

The suggestion is that aggression becomes a pattern that results from environments where it is difficult to learn to inhibit these more violent tendencies.[12] These are environments in which individualism is more evident than compassion. Without the experience of compassion and connection with others, the notion of self as a loving being is unclear. This environment is low on time, touch and talk. Children learn to take without giving back. According to Michael Ungar, we have created a world filled with barriers to making connections, such as monster homes, no-touch policies in schools, too much screen time and a drive-through culture. Without the experience of diversity, empathy is difficult to attain.[13] Bullying behaviour expresses a dislike for others considered worthless, inferior or undeserving of respect. From a sense of entitlement, intolerance toward difference and a sense of freedom to exclude and isolate those not worthy, bullies are able to harm others without empathy, compassion or shame.[14]

Environments where irresponsibility is excused also make it difficult to learn pro-social behaviours. Michael Ungar, in his book *We Generation: Raising Socially Responsible Kids* says, "Responsibility must be forged in the fires of natural consequences."[15] We show respect and love for our children by allowing them to make mistakes and learn how to recover from them. However, misconduct does need to have consequences. Young people themselves do need to take responsibility for their actions, but in order to do so, they need rules and guidance from the adults in their lives. However, adults often favour punishment over discipline. Both Barbara Coloroso and Michael Unger view punishment as a quick-fix way to meet adult needs for control and consequences, rather than children's needs for accountability and learning. Punishment teaches children to obey but then they cannot think for themselves. It teaches them to be selfish and self-centered; to put the responsibility for civil behaviour in the hands of adults. They are more interested in figuring out how to avoid punishment, and wonder how old they have to be before they can get their own way. Children learn to be accountable by being treated with respect and by being given opportunities to make decisions, and then learning from both their successes and their mistakes.[16]

Central to the notion of bullying is a power differential and a drive to balance the power in some way.[17] Strategies individuals, families, schools and communities use to reconcile the power struggles of human interaction are many and varied and operate within contexts that are dynamic and often unpredictable. The challenge is to create the conditions that inhibit the strategies that harm, and promote strategies that nurture the health and well-being of our children, families, schools and communities. Despite the challenges, the search to understand and respond to bullying continues. This is a cursory and limited

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[12] Debra Peplar & Wendy Craig, *Binoculars on bullying: a new solution to protect and connect children* (2007) PREVNet.org.

[13] Michael Ungar, *We Generation: Raising Socially Responsible Kids* (Toronto: McClelland and Stewart, 2009).

[14] Barbara Coloroso, *The Bully, The Bullied, and the Bystander,* Bullying.org

[15] Michael Unger, *We Generation: Raising Socially Responsible Kids* (Toronto: McClelland and Stewart, 2009) at 170.

[16] *"*Inner Discipline", see online: <www.metu.edu.tr> (description of Barbara Coloroso's model); Debra Pepler & Wendy Craig, *Binoculars on bullying: a new solution to protect and connect children* (2007) PREVNet.org; Michael Ungar*, We Generation: Raising Socially Responsible Kids,* 2009 (Toronto: McClelland and Stewart, 2009) at 176.

[17] Debra Peplar & Wendy Craig, *Binoculars on bullying: a new solution to protect and connect children* (2007) PREVNet.org.

glance at the roots and causes of bullying and cyberbullying and there needs to be much more study in this area. This is a challenge for local researchers to follow the lead of Professor Michael Unger of Dalhousie University in pursuing this vital area of research.

The Scope of the Problem

Bullying issues are not a new phenomenon; in fact, learning to deal with bullies is considered by many adults to be an inevitable part of growing up. According to Queen's University professor Dr. Wendy Craig, in her presentation to the Task Force, victims of bullying may experience headaches, trouble sleeping, anger, self-esteem issues, suicidal tendencies, peer conflict, substance abuse and academic struggles.[18] Given these serious consequences, the harmful behaviours we call bullying can no longer be dismissed as just "kids joking around." Bullying causes serious physical and emotional injury, with potential long-term costs for personal health, professional success and social and emotional stability.[19] And yet, parents, teachers, police, and legislation, often seem unable to provide effective support to victims of bullying and consequently, half of all victims may not bother to report bullying incidents at all.[20]

Some of those young victims choose suicide as their way out. The media reports, on an all too regular basis, that another child has ended their life and that bullying was a factor. Adolescent mental health expert, Dr. Stan Kutcher explained to the Task Force that bullying does not directly cause suicide, but youth suicide can be impulsive, and bullying may be a contributing factor when other circumstances already exist.[21] Suicide is the second leading cause of death for Canadian teenagers 15-19-years old.[22] One in five Canadian teenagers suffer from some kind of mental illness, and yet less than 10 % of teens who need mental health or drug and alcohol services in Canada will receive them.[23]

A 2010 Canadian Teachers' Federation survey reveals that 85% of Canadians feel bullying and violence are very serious problems.[24] Canadian teachers ranked cyberbullying as their issue of highest concern from the six listed options with 89% suggesting bullying and violence are serious problems in our public schools. In the Nova Scotia Cyberbullying Task Force Online Survey, 75% of respondents say they believe bullying is a problem in Nova Scotia, and 60% of Nova Scotia student respondents indicate that they have been bullied.[25] A 2010 research project on bullying which studied

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[18] Wendy Craig, Task Force Presentation (June 2011) <www.PREVNet.ca>.

[19] Faye Mishna, Debra Pepler, Charlene Cook & Wendy Craig, "The Ongoing Problem of Bullying in Canada: A Ten-Year Perspective" (2010) 12:2 Canadian Social Work 43.

[20] "Nova Scotia Cyberbullying Task Force Online Survey" Nova Scotia Department of Education (2011). (see Appendix B).

[21] Stan Kutcher, Task Force Presentation, (14 July 2011).

[22] Canadian Psychiatric Association (2012), online: <http://publications.cpa-apc.org/browse/documents/20>.

[23] "Mental Health Status and Prevalence of Mental Health Problems in Canadian Children and Adolescents" (2010), online:
<http://www.canadianschoolhealth.ca/page/The+Mental+Health+Status+%26+Prevalence+of+MH+Problems+in+Canadian+Children+%26+Adolescents>.

[24] N.S.T.U. Cyberbullying Statistics, "National Issues in Education Poll" Canadian Teachers' Federation (2010).

[25] Nova Scotia Cyberbullying Task Force Online Survey, Nova Scotia Department of Education (2011). (see Appendix B)

33 Toronto junior high and high schools reported that 49.5% of students surveyed had been bullied online.[26] In all three of these studies, a majority of participants report that they did not tell anyone about the bullying.

Statistics on bullying incidents are highly inconsistent and experts speculate that this may be attributed to many causes. Wide variation in perceptions and definitions of the term "bullying" is likely to be a key factor. (see Appendix H) Victims may experience feelings of denial and be unwilling to take the emotional step of admitting that they are being bullied. It is also reported that many young people are so attached to their electronic devices that they may remain silent about bullying because they wish to avoid parental controls, such as restricting computer or cell phone privileges. Perhaps most significantly, many students say that reporting bullying is futile because no adult can actually stop the bullying and any involvement of authority figures is likely to exacerbate the situation.[27]

It seems clear that bullying is a significant, if still largely unreported, problem that dramatically impacts the lives of many individuals and burdens society with its enormous consequences. Unfortunately, the problem also seems to be growing. The immediacy and broad reach of modern electronic technology has made bullying easier, faster, more prevalent, and crueler than ever before. Technology has introduced rapid advances to our methods of communication, learning and entertainment, all of which have been enthusiastically embraced by Canadian youth, but the benefits for research and information-sharing have come with an equally impressive potential for abuse and spreading harm.[28]

Technology has forever changed the nature and scope of bullying, making it more insidious than ever before and exposing everyone to potential vulnerability. As reported by one young victim, bullying may begin at school, but cyberbullying follows you home and into your bedroom; you can never feel safe, it is "non-stop bullying."[29] As Dr. Craig explained in her Task Force presentation, cyberbullying is particularly insidious because it invades the home where children normally feel safe, and it is constant and inescapable because victims can be reached at all times and in all places.[30] This point was also affirmed by a young woman who presented to the Task Force in the September 2011 public meeting.

The anonymity available to cyberbullies complicates the picture further as it removes the traditional requirement for a power imbalance between the bully and victim, and makes it difficult to prove the identity of the perpetrator. Anonymity allows people who might not otherwise engage in bullying behaviour the opportunity to do so with less chance of

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[26] Faye Mishna, Charlene Cook, Tahany Gadalla, Joanne Daciuk & Steven Solomon, "Cyber Bullying Behaviors Among Middle and High School Students" (2010) 80:3 American Journal of Orthopsychiatry 362.

[27] Nova Scotia Cyberbullying Task Force Online Survey, Nova Scotia Department of Education (2011). (see Appendix B).

[28] Faye Mishna, Charlene Cook, Tahany Gadalla, Joanne Daciuk & Steven Solomon, "Cyber Bullying Behaviors Among Middle and High School Students" (2010) 80:3 American Journal of Orthopsychiatry 362.

[29] Faye Mishna, Michael Saini & Steven Solomon, "Ongoing and Online: Children and Youth's Perceptions of Cyber Bullying" (2009) 31 Children and Youth Services Review 1222 at 1224.

[30] Wendy Craig, Task Force Presentation (June 2011) <www.PREVNet.ca>.

repercussion. Because senders of electronic taunts or hate mail can't see the reaction of the recipient, they can be oblivious to the hurt they have caused. Another result of online anonymity is that teachers have increasingly become targets; one in five teachers surveyed said they had knowledge of a teacher being cyberbullied.[31] Surprisingly, students report that although they feel that anonymity perpetuates cyberbullying, most students know the perpetrator of harm, or can easily find out who it is.[32]

Traditional bullying tends to take place in secluded places, like washrooms, hallways and school buses, where there is little adult supervision. The cyber-world provides bullies with a vast unsupervised public playground, which challenges our established methods of maintaining peace and order – it crosses jurisdictional boundaries, is open for use 24 hours a day, seven days a week, and does not require simultaneous interaction. Some young people fail to comprehend the public nature, extensive reach and long lasting implications associated with online communications, while others intentionally make use of this platform to share information with a potential audience of millions. The immediacy of online transactions encourages impulsive acts with no thought to consequences, a behaviour pattern that is already common in many youth, and peer pressure may further promote harmful deeds that unfortunately have instant and powerful impact with no effective retraction possible.

A study of kids online by the Kids Help Phone indicates that many kids are unaware that cyber-space is not personal, and that flow of information is difficult or impossible to control.[33] Todd Taylor and Jon Keddy, Truro Police Service, shared information with the Task Force from a 2011 Truro Police study that suggests most youth do not take precautions to protect themselves from potential cyber-harm.[34] In just over one month an Internet investigator made 241 contacts with youth 9-15-years of age, all of whom posted photos of themselves that were accessible to the general public. Many of the photographs were inappropriate and 60% of participants revealed personal information that could have had potentially harmful implications.

"Sexting" is another common practice that has grown with cyber use. This is the term coined for sending sexually suggestive messages or photos by cell phone or over the Internet. Sydney, Cape Breton made national news in December 2011, when local police revealed that more than 100 students, some as young as 13-years old, were involved in distributing sexually explicit images of themselves, friends, or acquaintances, and many individuals were surprised that legal consequences, such as criminal charges for distributing child pornography, could be associated with these incidents, although no such action was pursued.[35] A 2008 Canadian study by the National Campaign to Prevent Teen

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[31]N.S.T.U. Cyberbullying Statistics, "National Issues in Education Poll" Canadian Teachers' Federation (2010).

[32] Faye Mishna, Charlene Cook, Tahany Gadalla, Joanne Daciuk & Steven Solomon, "Cyber Bullying Behaviors Among Middle and High School Students" (2010) 80:3 American Journal of Orthopsychiatry at 362.

[33] Elizabeth Lines, "Cyberbullying: Our Kids' New Reality" Kids Help Phone Research Study of Kids Online (2007).

[34] Truro Police Service Study into Social Networking Practices and Risks, presented to the Task Force (2011).

[35] Saira Peesker, "Warnings of Widespread Teen Sexting in Cape Breton" (2 December 2011) CTVNews.ca, online: <http://www.ctv.ca/CTVNews/TopStories/20111202/sexting-probe-cape-breton-111202/>.

and Unplanned Pregnancy reports that 19% of all teen respondents aged 13-19, and 22% of teenage girl respondents, participate in sexting. A Pew Research Centre Internet survey further indicates that 15% of teen respondents aged 12–17-years old, who own cell phones, report receiving suggestive photos of someone they know.[36]

Other Internet hazards include sites like Formspring, which is described as a social media tool where users can anonymously ask and respond to questions, with all posts being displayed publicly. In practice Formspring has been linked to bullying and, in more than one instance, to suicide. Anonymity is the big attraction; you can say anything you want on Formspring. It is an open forum that allows hate mail and harassment. Even more X-rated, and morally intimidating, is 4Chan, also referred to as "the Internet hate machine," "the cesspool of humanity" and "the bottom of the Internet." With over seven million users, it suggests there is high demand for anonymous, uncontrolled web interaction. Websites like this make one wonder about the potential negative consequences for society, and whose responsibility it might be to monitor these dark depths and whether that is even possible.

This raises the issue of Internet interventions in general, and whether schools have a place in the cyber-lives of their students. Many experts, such as Eric Roher, who presented to the Task Force on Ontario's approach to bullying issues, feel that since schools have a responsibility to provide a safe learning environment, it is their duty to intervene when actions have an impact on the school climate.[37] Dr. Shaheen Shariff, of McGill University, suggests that the school environment can include the cyber-world, and that current case law supports such intervention where a nexus to the school can be established.[38]

Among school staff responding to the Nova Scotia Cyberbullying Task Force Online Survey, 75% agree that cyberbullying initiated away from school property impacts their ability to attach consequences to behaviour. Less than 50% of staff recognized a responsibility to deal with cyberbullying initiated outside of school, and only 12% of staff felt they had the resources to appropriately deal with cyberbullying, as compared to 38% for physical bullying.[39]

Social Interaction in the Digital Age

While every member of our society benefits from the efficiencies of modern technology, negative repercussions, such as deteriorating social skills, are also becoming evident. Technology promotes, and somehow makes acceptable, behaviours that previous generations would have dismissed as outrageously offensive and rude. Listening to music through headphones or reading and responding to personal messages on a smart phone during a conversation, meeting, movie, concert, or, as recently recounted to one Task Force member, a job interview, would have been completely inexcusable. Many terms and nicknames, not to mention the forms of language and spelling that are now considered

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[36] Eric Roher, "Sexting and Teenagers: OMG, What R U Thinking?" (2011) 15:1 Principal Connections 32.

[37] Eric Roher "The Safe Schools Landscape in Ontario" Task Force Presentation (12 September 2011).

[38] Shaheen Shariff, *Confronting Cyberbullying: What Schools Need to Know to Control Misconduct and Avoid Legal Consequences* (New York: Cambridge University Press, 2009).

[39] Nova Scotia Cyberbullying Task Force Online Survey, Nova Scotia Department of Education (2011).

entirely acceptable for electronic communication, further add to the confusion and concern.

Cyber-insults are so commonplace that most do not even register as remarkable, and when vicious comments do clearly cross the line, many teens downplay the incidents as "digital drama" rather than recognizing them as cyberbullying. The term "drama" also has a new meaning for this generation, indicating that someone, usually a female, is overreacting and making a big deal about something insignificant. Labelling hurtful words or actions as "drama" has become a convenient teen method of shielding oneself from intentional malice. This defence mechanism ignores the harm caused however, and allows the perpetrator to escape accountability. Sometimes the drama queen may even use her bad behaviour, relabelled as drama, to become the centre of attention and gossip, thus achieving greater status and popularity. Unfortunately this behaviour and its results are frequently modelled by modern celebrity culture.[40]

Sadly, today's youth have few credible adult role models for it seems that our richest, most famous and successful figures are often engaged in highly publicized bullying, aggression and mistreatment of others. We have politicians who gain favour by spreading stories about their opponent's personal missteps, movie and television stars who build careers on disreputable behaviour and revered professional athletes who cheat in their sports and their marriages. The entertainment industry markets aggression to youth; popular songs promote sex, greed, and hate, video games reward violence and torture, and reality TV entertains millions of viewers by publicly criticising and laughing at other people's clothes, bodies, weaknesses or lack of talent. Our world is so completely saturated with graphic violence, aggression and meanness disguised as humour, that these behaviours have become entirely acceptable and normal for many people.

A direct link between media violence and bullying incidents is very hard to prove, but when violent behaviour is considered normal this should be cause for concern. The current prevalence of ruthless bullying, and the frequent lack of either comprehension or remorse for the harm caused by these deeds, is an indication that something is seriously wrong. The Webster's dictionary definition of "society" describes it as "companionship with friends," and "people working together for common ends,"[41] therefore it seems safe to conclude that a "society" where individuals find entertainment in hurting one another is not one with a viable future.

History has taught us that no matter how well we educate children, whether it is about bullying and cyberbullying, or potential health hazards like smoking or not wearing seat belts, until society takes issues like these seriously and adults change their habits, children are unlikely to change theirs.[42] Dr. Shariff says that we have to get adults to treat each other with respect before we can expect children to do so.[43] Children react to what is

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[40] Alice Marwick & Danah Boyd, "The Drama! Teen Conflict, Gossip, Bullying and Bullying in Networked Publics" (2011) (Address at Oxford Internet Institute's "A Decade in Internet Time: Symposium on the Dynamics of the Internet and Society"), online: <http://ssrn.com/abstract=1926349>.

[41] *Merriam-Webster Online Dictionary*, online: <www.merriam-webster.com>.

[42] Faye Mishna, Debra Pepler, Charlene Cook & Wendy Craig, "The Ongoing Problem of Bullying in Canada: A Ten-Year Perspective" (2010) 12:2 Canadian Social Work 43.

[43] Shaheen Shariff, *Confronting Cyberbullying: What Schools Need to Know to Control Misconduct and Avoid Legal Consequences* (New York: Cambridge University Press, 2009).

happening around them, and unfortunately there has been a dramatic increase in violence and aggression in society. When violence is institutionalized, it becomes unavoidable. The attitudes of adults, our communities and our institutions, play a big part in determining what level of violence we will tolerate in our society.[44]

One recent example of the extent to which young people can become desensitised to violence, and make traditional forms of violence such as gang rape even worse, played out in British Columbia in 2010. Not only did people fail to intervene but they also encouraged the gang rape of a young girl. To make matters worse, photos of the event were posted on YouTube and the original cruelty and inhumanity was magnified. Furthermore, young people were not willing to come forward to give evidence, so there have been no criminal consequences to date. The essence of this tragedy and the magnitude of this deterioration in human relationships are captured in the following *Globe and Mail* editorial which we quote in its entirety.

> Where are the young people with moral courage in Pitt Meadows, B.C.?
> It is a disturbing spectacle when a teenage victim of a gang rape feels impelled to step forward at a news conference, with her father, to plead for someone to tell the truth about what happened to her. The RCMP say that up to 12 people witnessed the attacks at a rave on September 10, 2010, on a rural property east of Vancouver, but that a "code of silence" protects the attackers. Is the victim the only young person with courage in Pit Meadows?
>
> The young are not excused from the obligation to report crime and stand up for law and against brutality. They have a duty to protect their world, present and future, much the same way as adults do. The police don't act in a vacuum. They can't be everywhere. Law isn't some nebulous thing maintained in books or courtrooms. Where ordinary people turn a blind eye to violence, out of physical fear or worry about being ostracized, or simply because they are misguided, they clear the way for criminals and thugs to rule. At the extreme, that passivity and non-involvement lead to fascism. Democracy cannot function when people don't stand up for law.
>
> RCMP investigating officers have said publicly that they have seen cell phone photos taken of the attacks (some of the images were posted, with horrifying cruelty, online) and that there is no doubt the gang rape took place. Yet, 18 months later, the only sexual charge filed in the case was stayed last week because of a lack of evidence. The girl's family says she was bullied when she returned to school, and had to leave the school.
>
> Her father said, "At some point in your life, you will have to explain, perhaps to your own kids, to do what's right in life. And it's never too late to do that." What sort of world do the young people of Pitt Meadows expect to live in, raise their own children in? A world in which some may hurt others with impunity? And how do these young people propose to control the inevitable violence, to make sure it doesn't touch them or their children?

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[44]Faye Mishna, Debra Pepler, Charlene Cook & Wendy Craig, "The Ongoing Problem of Bullying in Canada: A Ten-Year Perspective" (2010) 12:2 Canadian Social Work 43.

A world in which the young lack courage is not a promising one.[45]

The dynamics of bullying are always the result of more than the relationship between two people. We must consider the peer group, the classroom and the community, recognizing that children operate within an "ecological framework." The adult–child relationship is the key to protecting children from bullying. Norms come from adult attitudes, and when there are insufficient protections and no clear rules in place, bullying may actually be encouraged through lack of intervention.

Bullying often results from, and reinforces, discrimination. Marginalized groups may be targeted for issues of racism, sexism, able-ism, xenophobia, and homophobia, among other identities, and are generally considered to be at a higher risk for bullying.[46] Research confirms that mental illnesses, poor emotional awareness and poor social skills can often be factors for children who engage in bullying.[47] Society as a whole is suffering and the quality of, and value we place on, human relationships is at a crisis point. Cyberbullying is a symptom of this.

Sadly, many young children today are not learning how to engage in positive relationships. Instead, they are learning to behave destructively and to willingly cause harm or manipulate others to cause harm. Developing the social skills that contribute to high quality relationships has not been part of official school curricula. Adding to the problem, attempts to integrate service delivery and make professional help available to young people in crisis have been limited in their success.

The Need for Systemic Change

Recognizing the desperate state of our social relationships, it becomes clear that we need to shift and rebuild the foundation of our society. The public education system is strategically positioned to spearhead this shift as most young people will pass through the doors of these institutions, providing access to youth for extended periods of time. No longer are reading, writing and arithmetic the most fundamental skills that need to be taught in school; we must now also teach children about rights, responsibilities and relationships.

In a World Health Organization study on health behaviour in school-aged children, out of 35 countries, Canada ranked 26th on bullying and 27th on victimization.[48] This suggests that Canada's bullying interventions have not been as successful as anti-bullying campaigns in other countries. Numerous interventions have been implemented but not in a

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[45] "Sexual Assault Pitt Meadows B.C.: The Young and the Spineless" *The Globe and Mail* (27 February 2012) A-10.

[46] Faye Mishna, Debra Pepler, Charlene Cook & Wendy Craig, "The Ongoing Problem of Bullying in Canada: A Ten-Year Perspective" (2010) 12:2 Canadian Social Work at 43.

[47] Faye Mishna, "An Overview of the Evidence on Bullying Prevention and Intervention Programs" (2009) 8:4 Brief Treatment and Crisis Intervention 327.

[48] Wendy Craig & Y Harel, "Bullying, physical fighting and victimization" in Currie C et al, eds, *Young People's Health in Context: International report from the HBSC 2001/02 survey*, WHO Policy Series: Health policy for children and adolescents, Issue 4 (Copenhagen: WHO Regional Office for Europe, 2004) at 133–44.

consistent and measureable fashion. We have been lacking national and provincial platforms from which to launch a coordinated, systemic approach using an evidence-based program. A cost-benefit analysis, showing the considerable long term fiscal savings associated with an effective bullying prevention program, would likely support the substantial funding required for such a program.

In order to bring about this major ideological shift, parents and communities must get involved in helping young people to experience the value of positive and supportive human relationships. Our youth will need to learn to uphold norms of acceptable behaviour, holding each other accountable in a safe and constructive manner, rather than depending on policing and penalties. Dr. Shariff contends that adults often panic and impose regulations because they are uncomfortable and don't understand the cyber-world, so their reaction is to try to contain and control it rather than teaching children how to responsibly manage their behaviour within cyber-space.[49] Dr. John LeBlanc of Dalhousie Medical School suggests, "The best approach is to build upon a child's assets, investing your energies in fostering healthy social relationships."[50]

Addressing bullying and our larger human relationship issues will require a new approach to education. We must change pervasive attitudes by modeling and teaching principles of empathy, respect, inclusiveness and diversity on the very first day of school. This will require a whole school approach, which means involving and educating all students, teachers, staff, administrators, parents and any other members of the school community, and adapting all school policies and programs to fit this model. Schools must promote more parental involvement, increase adult supervision, engage the school leadership and send a firm message to the community that bullying issues will be addressed appropriately in a timely fashion.

Social learning programs, such as the recently introduced PEBS (Positive Effective Behaviour Supports), could be a step in the right direction, and in any case, it is an indication that this paradigm shift is already beginning to take place. The Department of Education is responsible for building and integrating the infrastructure that will teach young people and their families the skills they need to develop positive relationships. It is the educator's role to model and teach positive behaviour and relationships in the classroom. While the leadership role for education is clear, it is also clear that they cannot accomplish these goals on their own. Interventions will be necessary for individuals in crisis in response to incidents, or following referral by staff. An infrastructure that promotes cooperation and the integration of government and non-government programs and services is critical.

Not only is the education system well positioned to be a leader in social education, but it is also required to provide a safe learning environment for students. In our society, social conflicts are generally considered to be private matters better left to individuals to work out. Consequently formal interventions by school administrators are most often avoided, except when behaviour becomes intolerable, at which time severe damage has usually

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[49] Shaheen Shariff, *Confronting Cyberbullying: What Schools Need to Know to Control Misconduct and Avoid Legal Consequences* (New York: Cambridge University Press, 2009).

[50] Paul W Bennett, "Cyberbullying and Schools: How Best to Safeguard our Kids?" (12 April 2011) *Schoolhouse Consulting*, online: <http://educhatter.wordpress.com/2011/04/12/cyberbullying-and-schools-how-best-to-safeguard-our-kids>.

been done. At this point, punitive measures such as suspension are common. Unfortunately, suspension doesn't address the issues, provides no remedy to the victim, and denies the perpetrator access to education. Strategies for protecting the victim, such as home schooling or allowing the victim to leave school early to avoid being a target, can also carry heavy personal costs. The further challenges posed by cyberbullying, such as identifying the perpetrator, clarifying jurisdiction and determining intent, impose even greater complications and make traditional interventions and responses largely ineffective.

Although behaviour problems should diminish with a whole school approach to social education, they will never completely disappear, so mechanisms for holding individuals accountable will continue to be important and the response must be early and effective. Rather than engaging a punitive and reactionary strategy however, each incident can be used to teach pro-social skills, build capacity for empathy and emotional awareness, and connect with other support services where necessary. Restorative justice is an example of a pro-social response to injustice - involving all affected parties, encouraging dialogue, understanding the implications of one's actions and making amends and how this can help to restore healthy relationships. Restorative justice programs have already been successfully implemented in several Nova Scotia schools and they appear to offer a promising method for addressing harms and achieving positive outcomes.

We also need to recognize that there are multiple victims when it comes to bullying and the aggressor is often one of them. The bullies themselves often suffer from psychosocial difficulties, including unproductive relationships with parents, delinquency and substance abuse.[51] They are likely to break rules, have problems with aggression, and to experience emotional, social and psychiatric problems even as adults.[52] In order to properly address these issues we must have experts available to schools so that children can get professional help at an early age.

Bullying and cyberbullying are issues that connect with people across the generations. Adults look back to their own experiences with bullying as a perpetrator, victim or bystander and can still vividly recall the memories even though it may have been decades ago. People in grocery stores, gyms and parking lots would speak passionately to me as Chair of the Task Force about their childhood experiences of bullying and the lasting effect that it had on their lives. Children and youth are concerned about bullying because they are experiencing it in their own lives on a daily basis. Parents and grandparents are concerned about the next generation of children and how they are potential victims of bullying in its many pervasive forms. We are concerned with bullying in the past, present and future and engaged in the scope, magnitude and consequences of bullying. The new dimensions of harm implicit in cyberbullying add greater urgency to the situation.[53] The task of the Task Force was to extend that community engagement to the search for some solutions to reduce the problem.

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[51] Faye Mishna, Charlene Cook, Michaek Saini, Meng-Jia Wu & Robert Mac Fadden, "Interventions to Prevent and Reduce Cyber Abuse of Youth" (2009) 1:10 Research on Social Work Practice.

[52] Faye Mishna, Charlene Cook, Tahany Gadalla, Joanne Daciuk & Steven Solomon "Cyber Bullying Behaviors Among Middle and High School Students" (2010) 80:3 American Journal of Orthopsychiatry 362.

[53] Wanda Cassidy, Margaret Jackson & Karen Brown, "Sticks and Stones Can Break My Bones, But How Can Pixels Hurt Me? Students Experiences with Cyberbullying" (2009) 30 School Psychology 383.

The young people in any society are frequently the group most responsible for pushing the envelope, experimenting, innovating – evolving. These young people must be engaged in the process of combating bullying in Nova Scotia. Although many in the older generations are unfamiliar with the tools or language of social communication used by young people today, the outcomes of those interactions are of grave importance to all of us. What the youth of today do with technological innovations is poised on the edge of the horizon. Nevertheless, the basic values of respect, responsibility, and the valuing of high quality, positive human relationships are for both parents and schools to inculcate, to teach, and to transmit. Our collective success depends on it.

Statistics and Data

One of the many challenges facing the Task Force was the lack of statistical data on both the incidence of bullying and cyberbullying and the effectiveness of the various interventions, programs and strategies employed to reduce bullying. The problems of collecting data in this area are in part based upon the failure to clearly define what we mean by bullying as well as the variety of audiences used to collect such information (see Appendix H). Nova Scotia is not unique in this statistical and data vacuum and the online survey and reports on the youth consultations are important steps in the right direction (see Appendices A and B).

If the desperation expressed by youth, parents, educators and others concerned about violence, bullying and cyberbullying today were not enough to convince us, the survey evidence confirms that a serious and significant bullying and cyberbullying problem exists.[54] Data on the actual occurrence rates and the seriousness of incidents is somewhat difficult to pin down because many young people don't disclose the bullying they experience, or else don't recognize what they are experiencing as bullying. It is believed that up to half of all bullying goes unreported.[55] Bullying behaviour experienced and/or perpetrated by young people far exceeds what survey participants suggest.[56] One of the problems is how bullying and cyberbullying are defined.

The definitions of bullying and cyberbullying are discussed later in Chapter 3 of this report. In general though, acts of bullying and cyberbullying are known to happen on a continuum from the less serious to seriously aggressive and disturbing, from the random and isolated to the continuous and targeted. Recent research paints a picture which is consistent and dramatic in its characterization of the extent of the problem, in terms of frequency, ubiquity and severity. Bullying is disturbingly commonplace and cyberbullying more so. The commonplace nature of the less serious forms of aggressive

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[54] (2010) Canadian Teachers' Federation National Issues in Education Poll; (2007) Ontario College of Teachers Survey: Cyberbullying at the Forefront of Teachers' Concerns, online: <http://www.ctf-fce.ca/Documents/Priorities/EN/cyberbullying/CyberOCTsurveyconcerns.pdf>; (2007) Kids Help Phone, *Cyberbullying: Our Kids' New Reality*; (2011) Kids Help Phone, *Cyberbullying: Reality Check*, (Research Update).

[55] Wendy Craig, Cyberbullying: 21st Century Media in Kids' Hands (2010) (PowerPoint Presentation), slide 23 at 4.

[56] Faye Mishna, "Cyberbullying Among Middle and High School Students" (2010) 80:3 American Journal of Orthopsychiatry 362. The difficulty in assessing the incidence of bullying and cyberbullying are further explored in Appendix H.

or insulting comments in the cyber-world has influenced youth culture to the point that behaviour that would seem insulting or derogatory to many, does not even register as bullying to some youth.[57]

Despite these challenges the Nova Scotia government through the Department of Education needs to take the lead in collecting reliable data about the scope of bullying and cyberbullying in Nova Scotia, the effectiveness of the strategies and programs currently employed (see Appendix F) and the evidence base for programs that are available in the general market. The inability of the Working Group to find much statistical data about existing programs and ones under consideration exemplifies the lack of a clear evidence base for responding to the problem. Decisions in response to the significant problems of bullying and cyberbullying must be grounded in solid statistical data and evidence based in order to be effective in reducing the problem. With this goal in mind the Task Force turns to its first set of recommendations aimed at producing a reliable basis for decision-making in this area.

Recommendations:

1. It is recommended that the Department of Education and collaborating universities, colleges and research organizations establish reliable measures for collecting initial baseline data to measure the scope and prevalence of bullying and cyberbullying in Nova Scotia, and further data for the purposes of assessing the effectiveness of programs and interventions aimed at bullying in Nova Scotia.
Timeline: Immediate and yearly evaluation thereafter.

2. It is recommended that the Department of Education, through Power School, use existing data, categories and create new categories, to collect information on bullying and cyberbullying. One of the uses of this data will be to make correlations between bullying and other factors such as race, gender, disabilities, sexual orientation and other characteristics that identify the primary target groups.

3. It is recommended that policing agencies (through their data collection system PRO), the Departments of Justice, Health and Wellness, and Community Services, and the Nova Scotia Teachers' Union and Kids Help Phone and other similar organizations use existing data and create new categories to collect information on bullying and cyberbullying. One of the uses of such data will be to make correlations between bullying and other factors such as race, gender, disabilities, sexual orientation and other characteristics that identify the primary target groups.

4. It is recommended that community organizations whose mandate includes working with children, use existing data to collect information on bullying and cyberbullying. One of the uses of this data will be to make correlations between bullying and other factors such as race, gender, disabilities, sexual orientation and other characteristics that identify the primary target groups.

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[57] Wendy Craig, "Cyberbullying: 21st Century Media in Kids' Hands" (2010) (PowerPoint Presentation) slide 19 at 4.

5. It is recommended that the Department of Education and school boards create a mechanism through Power School for youth to report on bullying, a process for evaluation of that data, and a student survey to be executed every 2-3 years, to gauge the effectiveness of these reporting and evaluating methods. Timeline: every two to three years.

6. It is recommended that the Department of Education undertake a scan of the relevant data that is available nationally and provincially on both incidents of bullying and cyberbullying and the effectiveness of responses to these problems. One of the purposes of this scan is to identify gaps in the information needed in Nova Scotia to properly measure and respond to the problem.

Chapter 2: Partnering, Networking and Continued Dialogue: Pursuing a Community Response

As is evident from the previous chapter the scope of bullying and cyberbullying among youth is large in Nova Scotia, as it is elsewhere in the world. Bullying and cyberbullying are really symptoms of deeper structural problems in society generally, and in schools. These problems are complex and multi-dimensional as they relate to how we interact as human beings. The Task Force mandate is limited to the youth context, but that is not to suggest that bullying in all its forms does not occur among adults as well. In fact it is often the bullying and disrespectful behaviour of adults that is modeled by our youth.

The Task Force mandate in this broader context appears deceptively focused and straight forward. As this report demonstrates, the task of reducing bullying and cyberbullying among young people is anything but simple and eliminating these problems altogether is a virtual impossibility. The mandate given to the Task Force by the Minister of Education, the Honourable Ramona Jennex, in late May of 2011 reads as follows:

> The mandate of the Minister's Task Force is to prepare and present to the Minister practical short-term and long-term recommendations to address bullying and cyberbullying of children and youth. These recommendations will address legislative, policy and procedural matters with pragmatic and practical strategies supported by the findings of a Task Force Working Group and eight focus groups with young people conducted around the province.

The Department of Education is to be complimented for taking the leadership in this matter and presenting the Task Force with this interesting and daunting challenge. Both time and resources were limited as is the case with most such enterprises. Furthermore, the scope of the mandate grew as the process unfolded. For example, what was originally planned as eight focus groups for young people grew to 35 such groups throughout the province. Nova Scotia is the first province to create a task force focused on cyberbullying, even though the issue has been explored in varying degrees across Canada and beyond our borders.

Our efforts are only really the beginning of the process and there needs to be on-going efforts to reduce the problems of bullying and provide the needed supports for the young people that are caught up in the process. The Task Force has attempted to provide a road map for change that will serve as a catalyst, by making a wide range of recommendations on many fronts. As Toronto lawyer Eric Roher told the Task Force in his September 2011 presentation, the challenge is a huge one and you have to do everything.

While the leadership role for education is clear, it is also clear that the education system cannot accomplish these goals on its own. Indeed, it would not be an effective and system-wide change if it were isolated within the education system. Sometimes interventions will be necessary for individuals in crisis, in response to incidents, or following referral by front-line staff. Much of the research to date confirms that mental health illnesses, poor emotional awareness and poor social skills tend to be factors in bullying and cyberbullying. Racism, sexism, able-ism, xenophobia and homophobia are also documented factors in bullying and cyberbullying. An infrastructure that promotes

cooperation and the integration of government and non-governmental actors and programs and services that address these contributing factors are critical. The training of educators and others responsible for service delivery to youth designed to build the skills and competencies necessary is also critical. Partnerships and the integration of services are more than just buzz words. The government's responsibility to deliver services in a different way is a shared one, reaching across departments and agencies, although with a special focus on education as the primary point of contact for young people.

The Task Force Process

The Minister of Education first announced the Task Force in April 2011 in response to the growing public concern about bullying and cyberbullying among Nova Scotia's children and youth and the tragic consequences that can flow from this misconduct. In particular, there were some high profile student suicides which appeared to be linked, at least in part, to bullying and cyberbullying. The courageous parents, who, in the face of their grief went public with their concerns, are to be applauded for their strength. In bringing these issues to public attention they hoped to spare other children and their parents the grief that they must endure.

The Task Force was chaired by Professor Wayne MacKay from the Schulich School of Law at Dalhousie University and the four members of the Task Force included: Rola Abi Hanna from the Department of Education (who also served as chair of the Working Group); Member of the Legislative Assembly, Mat Whynott; parent representative, Wendy MacGregor; and student representative, Breanna Fitzgerald. (see Appendix C). The Task Force was also supported by a 20 person Working Group composed of representatives of the following stakeholders:

- Department of Education (Chair, Rola AbiHanna)
- Nova Scotia School Boards Association
- Nova Scotia Federation of Home and School Associations
- Fédération des Parents Acadiens de la Nouvelle-Écosse
- Association of Nova Scotia School Administrators
- Nova Scotia Teachers Union
- Secondary School Students' Association
- Department of Health and Wellness
- Department of Community Services
- Department of Justice
- Council of Mi'kmaq Education
- Council of African-Canadian Education
- Canadian Mental Health Association
- Royal Canadian Mounted Police
- Truro Regional Police
- PREVNet/IWK
- Disabled Persons Commission
- Information Technology Industry Representative (Bell Aliant)
- Kids Help Phone
- Department of Education Corporate Policy

An invitation was sent from the Minister of Education, the Honourable Ramona Jennex, to the organizations mentioned above. They were asked to name a representative for the Working Group. The hard working members of the Working Group are indicated in the table below:

Aaron Stevens	NSSSA, The Youth Project and Leaders Of Today (LOT)
Jamie Stevens	NS School Boards Association
Anne MacRae	NS Disabled Persons Commission
Natalie Aucoin	FPANE La fédération des parents
Todd Taylor (Cst)	Truro Police Service
Meagan MacDonald	Canadian Mental Health Association (NS)
Judith McPhee	Department of Justice
Linda Atkinson	Department of Community Services
Dr. John LeBlanc	PREVNet/IWK/Dalhousie University
Rola AbiHanna (Chair)	Department of Education, Student Services
Dawn Boylan	Bell Aliant
Juanita Peters	CACE Council on African Canadian Education
Francine Vezina	Department of Health & Wellness
Greg Church (Cpl)	RCMP
Shelley Richardson	Kids Help Phone
Betty-Jean Aucoin	NS Teachers Union
Kyle Denny	Council on Mi'kmaq Education
Vanda Dow	NS Federation of Home And School Association
Herb Steeves	Association NS Education Administrators (ANSEA)
Sara Halliday	Department of Education, Corporate Policy

Very early in the process the Chair of the Task Force, Wayne MacKay, established the working relationship between the Task Force and the Working Group. He set out the deliverables for the Working Group and the major themes to be pursued as set out in Appendix C. Professor MacKay also made it clear from the outset that the Task Force was eager to utilize the expertise of the members of the Working Group and was open to considering their suggestions for recommendations, within the established themes and categories (also see Appendix C). There were also frequent meetings between the Task Force Chair and Rola AbiHanna as Chair of the Working Group to ensure that the two groups worked productively together.

In early June 2011 a website was designed, www.cyberbullying.novascotia.ca, to make available to youth, parents, educators and the community at large, information about the Task Force and Working Group, as well as provide resources for those wanting to learn more about the issue or needing support of some kind. Moreover, a public online survey was designed to gather information about the scope and prevalence of the problem and to obtain recommendations from people about how to best address the problem. The online survey was open to the public from mid-June until the end of September. Over 5,000 participants responded to the survey, 60% of whom were youth. The survey results can be found in Appendix B to this report.

It was decided that the Working Group along with the Task Force members would meet for two days each month, starting in June 2011. Each monthly meeting was organized by theme and included sessions with a variety of experts, resources and partners, related to bullying and cyberbullying and the impact such an experience may have on children and youth. The themes were as follows:

- June: Definition and Information about Bullying and Cyberbullying
- July: Scope and Prevalence and Impact of Bullying and Cyberbullying
- August: Resources and Technology related to Bullying and Cyberbullying
- September: Policy and Legal issues related to Bullying and Cyberbullying
- October: Interventions used to address Bullying and Cyberbullying
- November and December: Suggested Recommendations to address Bullying and Cyberbullying

The Task Force also met on a monthly basis by themselves and sometimes more often. Many of these meetings were held at the Department of Education or at the Dalhousie Graduate House, and several in the welcoming confines of Ma Belle's Restaurant on Ochterloney Street in Dartmouth, where we were fondly referred to as the "bullying club." Our early meetings included a teleconference with Parry Aftab of Wired Safety, who later spoke to the Working Group as well. She offered her expertise and valuable links to Facebook as well as her American resources on cyberbullying for purposes of modification to the Nova Scotian context. In addition to our regular business the Task Force also had meetings with Sara Halliday who was in charge of the online survey and Glenn Friel, Moe Green and Noreen Stadey in respect to the design and implementation of the Youth Focus Groups. The final formal meetings of the Task Force occurred on December 21, 2011 and again on January 27, 2012.

The Minister's Task Force on Bullying and Cyberbullying and the Working Group met for the first time on June 9 and 10, 2011. The meeting gave everyone the opportunity to meet one another and start to build the community relationships necessary to address this very important issue. Education Minister Ramona Jennex joined the group on the afternoon of June 9 and met all partners. Dr. Wendy Craig, a leading Canadian Researcher on bullying and cyberbullying from Queen's University joined us via videoconferencing to present on the topic and offer suggestions and recommendations on how we can address this issue. The group also reviewed the Terms of Reference for the Task Force and Working Group and identified the key Deliverables for the Working Group. (see Appendix C). We reviewed the important work that is being done by some of our community partners, such as the Kids Help Phone, the Council on Mi'kmaq Education and the Nova Scotia Teachers Union. We also reviewed the website, cyberbullying.novascotia.ca, and the online survey made available for public input.

We had the second meeting of the Task Force and Working Group on July 14 and 15, 2011. One of our most memorable speakers was Pam Murchison, who lost her daughter Jenna tragically this past year. Pam was so gracious and kind in sharing her story with us and we really appreciate her commitment to making people aware of this problem and her support of our work. We were all moved and touched by her story, honesty and strength. We also heard from other presenters such as Leighann Wichman, Sheena Jamieson and Kristen Sweeney from the Youth Project and Misty Morrison, the RCH Coordinator from

the South Shore Regional School Board, all of whom ran focus groups with some of our marginalized youth in the lesbian, gay, bisexual and transgender (LGBT) and African Nova Scotian communities. Dr. Stan Kutcher spoke to us about the impact bullying and cyberbullying may have on the mental health of children and youth, especially those that are already dealing with a mental health problem or illness. Pam Reardon, formerly of Nova Scotia Legal Aid, talked about the impact this issue has on youth, in particular those involved or at risk of being involved in the youth criminal justice system. Finally, we ended the day with Gerard Cormier, who presented on the issue of homophobia. Gerard talked to us about the importance of having language in policies that speaks specifically to homophobia and transphobia.

The August meeting was held on the 17th and 18th of the month. We heard from some of our community partners, Angela Day and Amanda Rogers from the YWCA, who conducted a focus group with some of our young women, and also Stephanie MacInnis-Langley and Jhoanna G. Miners from the Nova Scotia Advisory Council on the Status of Women, who talked about the hyper-sexualization of women in the media and on the Internet. We had one of our own youth committee members, Aaron Stevens, present on youth and technology. Christine Brennan from Youth Services Division, Office of the Ombudsman also discussed their potential role in dealing with this problem. Finally, we heard from Parry Aftab, a leader on cyberbullying issues in the United States and internationally, as well as founder of Wired Safety. Parry speaks in the media on the issue of cyberbullying regularly and is seen as the in-house expert for many popular television and news programs, such as Oprah and Dr. Phil.

September 12 and 13, 2011 were our first open meetings where the public had the opportunity for the first time to learn along with the Task Force and Working Group. The open meetings were held at Empire Theatres at Park Lane in Halifax. This first public session was chaired by Wayne MacKay, who also presented on the "Legal Dimensions of Bullying and Cyberbullying." Eric Roher, Toronto School Board lawyer and author of *An Educator's Guide to Violence in Schools*, kindly came to Halifax from Toronto to share his expertise on the policies and laws that have been put in place in Ontario to address this serious problem. Pam Murchison spoke to the group again to discuss the tragic loss of her daughter Jenna. We also heard from Barbara Kaiser, author of *Challenging Behaviour in Young Children* and Kevin Kindred from Bell Aliant, who presented on the legal boundaries of the Internet Service Provider.

Scott MacDonald, responsible for Community Relations Crime Prevention with the Halifax Regional Police, shared with the group the process for investigations and the role of School Liaison Officers. Dr. Robert Konopasky initiated an interesting debate on the liability of school boards with respect to bullying and cyberbullying incidents. Karen Fitzner and Lisa Teryl from the Nova Scotia Human Rights Commission discussed how they could work as a partner to address the issues of bullying and cyberbullying. Finally, Shaheen Shariff, professor and international expert on legal issues in relation to online social communications such as cyberbullying, presented to the group through Internet conferencing. She also familiarized us with her website http://www.definetheline.ca, which is linked to the Task Force website.

On October 20, we heard from Angela Davis from Communities Addressing Suicide Together (CAST) and Meagan MacDonald and Keith Anderson, who discussed

Promoting Alternative Thinking Strategies (PATHS). Dr. Janice Graham-Migel spoke about the Comprehensive Guidance and Counselling Program and we learned about Peaceful Schools International and The Canadian Red Cross's Respect Ed program from Joe Morrison and Stacy Coy. Dr. Lisa Bayrami spoke to the group about the Roots of Empathy program and shared some of the exciting new brain research in which they are currently engaged. We also discussed current school initiatives, such as the Achievement Gap Initiative with Tom Henderson and Positive Effective Behaviour Supports and the Student Information System with Rola AbiHanna and Lois Gibson.

On October 21, we held another public meeting at Citadel High School in Halifax. The students not only attended sessions throughout the day, but also participated in an afternoon youth focus group. We heard from Ann Divine and Linda Nicholl from the Human Rights Commission and the Truro Police, Constables Todd Taylor, Jon Keddy and Barry Mingo, who presented with Cyber Robot to a group of elementary students from Oxford School. We also learned more about restorative approaches from Richard Derible, Emma Halpern and Jennifer Llewellyn, as well as a youth panel from the Yarmouth area that included Case Worker Yvon McCauly and students Bianca Arey and Bria Miller with whom the Task Force was very impressed.

Our November meeting on the 8th and 9th was dedicated to the review of information from the previous meetings over the past six months and the development of suggested recommendations by the Working Group for the Task Force on the following seven theme areas: (also see Appendix C)

- Education
- Interventions and Responses
- Data and Statistics
- Policy/Law
- Accountability
- Partnering and Networking
- Youth Engagement

We quickly realized that we had a great deal of information to review and process and that in order to do it justice, we would require an additional and final meeting on December 5 and 6, 2011.

In addition to these meetings, the Task Force itself met monthly, adjacent to the Working Group meetings, to review the content from the Working Group meetings, deliverables from the Working Group, Task Force member responsibilities and the development and layout of the final report. Wayne MacKay as Chair attended many additional meetings, conferences and spoke at many public events to discuss the work of the Task Force and to learn about the problem of bullying, cyberbullying and its impact, as well as some possible interventions and approaches to deal with the problem. Professor MacKay also made presentations at mental health conferences, to the Nova Scotia Barristers' Society, the Schulich School of Law and various Rotary Clubs in Halifax. He also participated in many media interviews to discuss the process and progress of the Task Force and its Working Group (see Appendix D).

The interest of all forms of media in the work of the Task Force was much appreciated and served to educate the general public about the dimensions of the bullying problem and the need for more effective responses. It also sparked considerable public input to the Task Force Chair, in particular. We were struck by the high degree of public interest and the general goodwill to assist in improving the situation for Nova Scotia youth. Both the Task Force and the Working Group attempted to model the respectful dialogue and effective networking that are essential to an engaged community response to bullying and cyberbullying. The process of community engagement and public education was as interesting as it was time consuming.

During the months of September and October, 2011, over 35 youth focus groups were conducted across the province in all eight school boards, with approximately 1,000 children and youth. Grades 4-6, 7-9 and 10-12 were consulted. Ten youth focus groups were also held with marginalized youth through schools and community partners and the results were analyzed for the purpose of this report as well. They included youth focus groups with the LGBT community through the Youth Project, the African Nova Scotian and First Nations communities, young women with the YWCA, new immigrant youth with the YMCA, as well as youth at Heartwood, Independent Living Nova Scotia (ILNS) and Laing House (see Appendix E). All the Youth Focus Group sessions attempted to capture the scope and prevalence of bullying and cyberbullying and youth recommendations for reducing the number of incidents and reducing the magnitude of the problem. The results from the Youth Focus groups can be found in Appendix A to this report. This summary was prepared by Noreen Stadey from the Department of Justice.

Finally, it is worth noting that the structure of the Task Force and Working Group allowed representatives from government, the private sector, non-government agencies and community organizations to work together closely to examine the issue of bullying and cyberbullying and the impact this has on children, youth, families and schools. Moreover, it allowed people the opportunity to network, build relationships and establish possible opportunities for future collaboration to address this problem and support various communities of people. Bullying and cyberbullying are community problems which demand a community response in order to be effective. The Task Force process began a process of dialogue and networking which needs to continue as part of the process of implementing the recommendations of this report.

Identifying the Players / Partners in a Community Response

One of the early tasks pursued by the Working Group and Task Force was adopting clear definitions for bullying and cyberbullying (explored in the next chapter) and identifying the key players and potential partners in developing an effective community response to these issues. The major players / partners identified by the Working Group while by no means an exhaustive list are as follows:

1. **Children / Youth**
   Includes: Children and Youth

2. **Parents / Guardians / Families**
   Includes: Parents; grandparents; extended family (aunts, uncles, etc); guardians;

others

3. **Community Organizations and Non-government Agencies**
   Includes: LOVE, Phoenix House, Youth Project, Big Brothers & Big Sisters, Girl Guides, Scouts, Laing House, Connections Club House, Mi'kmaq Friendship Centre, Immigrant Settlement and Integration Services (ISIS), Black Educators Association, Abilities Foundation of Nova Scotia, Kids Help Phone, Canadian Mental Health Association, UNICEF, Red Cross, Sport Nova Scotia (and amateur sporting associations), YMCA / YWCA, United Way, Transition House Association, Avalon Sexual Assault Centre, Rotary, Kinsmen, Fédération acadienne de la Nouvelle – Écosse and its members, faith communities, 4-H, Heartwood, Boys & Girls Clubs, Rotary Clubs, others

4. **Educators and Partners**
   Includes: School Boards, Schools, Department of Education (DOE), Atlantic Provinces Special Education Authority (APSEA), Nova Scotia Teachers' Union (NSTU), Professional Associations (NSSBA, ANSEA), Private Schools, SchoolsPlus sites, Others
   4b): Universities and Colleges, Researchers, programmers, developers, evaluators, PREVNET, CPSC, Others

5. **Health Service Providers and Partners**
   Includes: Department of Health and Wellness; Public Health Providers (doctors, community nurses); professional organizations (e.g. for pediatricians); PREVNet (preventing violence and promoting healthy relationships network), Nova Scotia College of Family Physicians, Doctors Nova Scotia, Youth Health Centres, others

6. **Community Services and Social Service Providers**
   Includes: Department of Community Services; Mi'kmaq Family and Children Services; Child and Youth Strategy; Department of Community Services funded partners, others

7. **Justice and Policing Agencies**
   Includes: All municipal and provincial policing service providers; Department of Justice (inclusive of all departments within); Legal Aid / Public Prosecution; Probation / Corrections; Crime Prevention Services; Law Firms (all inclusive); Mi'kmaq Legal Services Network (MLSN), NS Barristers' Society, others

8. **Boards, Commissions and Agencies (Independent)**
   Includes: Nova Scotia Council on the Status of Women, Nova Scotia Office of the Ombudsman, Nova Scotia Human Rights Commission, Youth Advisory Council, others

9. **Internet Providers and the Business Community**
   Includes: Internet Service Providers (ISPs) (Bell Aliant, Rogers, Eastlink etc); international stakeholders (Facebook, Twitter, Formspring etc); all business groups (private/small and corporate/large); provincial government departments responsible for monitoring business groups, companies, corporations, others

10. **<u>Media</u>**
   Includes: Television, radio, online/ digital, print, others

One of the encouraging and impressive aspects of the high profile and consultative Task Force process was the number of individuals and groups who offered to help in the struggles against bullying and cyberbullying. This suggests that continuing the high profile dialogue on these issues and being creative about finding partners and networking with them is a vital aspect of success. There are so many examples of this that it is dangerous to use any examples. However, accepting this risk, a few examples include family physicians through Doctors Nova Scotia, the Nova Scotia Barristers' Society (particularly their equity officer, Emma Halpern), Dalhousie University, local Rotary Clubs and PREVNet (through the agency of Dr. John LeBlanc). There are many more that are too numerous to mention. Some of these are reflected in the membership of the Working Group and the list of presenters in our process included in Appendix D.

Leadership and Financial Support

There are two vital prerequisites to an effective networking and partnering process – leadership and resources. In this regard the Department of Education under the leadership of Minister Ramona Jennex and Deputy Minister Rosalind Penfound has assumed a leadership role and it should continue to do so. That is not to suggest that other government departments should take a back seat, but the leader must provide the focus. In that regard the Department of Education is to be congratulated for taking on this long term challenge for which there is no quick fix.[58]

One of the challenges of this leadership role will be to promote interdepartmental co-operation and to break down the silos that often exist between departments such as Education, Justice, Community Services and Health and Wellness. An important first step was including all of these departments on the Working Group. There is also an important role for the Department of Community Services as the lead agency in the province's Child and Youth Strategy (see Appendix F). The task of breaking down the silos and bureaucratic tendencies is a large one but vital to true partnerships. There is also a need to build upon the expertise and goodwill of the Nova Scotia Human Rights Commission, the Ombudsman, and the Nova Scotia Advisory Council on the Status of Women, the Nova Scotia Teachers Union, and to be creative in making new links.

The second major imperative after leadership is financing and resources. Effective networking requires some financial support and there needs to be an investment in it to make it effective. There needs to be multi-department financial support from government including at least Education, Justice, Community Services and Health and Wellness. It is also important that partners bring money and other resources to the table (where possible) in order to be effective partners. This was a point emphasized by Dr. Stan Kutcher when he presented to the Task Force on issues of mental health and the problems of underfunding.

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[58] Edwin Friedman, *A Failure of Nerve: Leadership in the Age of the Quick Fix* (New York: Seabury Books, 1999/2007). Thanks to Dalhousie Chaplin, Clement Mehlman, for this reference.

It was also a point raised by American cyberbullying expert, Parry Aftab, in respect to support from the private sector. She suggested forging links with social media giants such as Facebook, Twitter, and Google. The positive role played by Dawn Boylan as Bell Aliant representative on the Working Group, also suggests that Bell Aliant, Rogers, Telus, and any other Internet service providers could continue and extend their investments in combating cyberbullying. Corporate responsibility was identified by Bullying.org as one of the pillars needed in combating bullying.[59]

There are also community service agencies such as Rotary, which may well be interested in supporting the cause. These public, private and charitable links need to be made.

The Important Roles and Responsibilities of Parents

As discussed in the previous chapter adult role models are critical in respect to bullying behaviour by young people. While principals, teachers and other school authorities are important, the most important role models for children are their parents. When parents tear down and judge others as a way of building their own self-esteem, this can provide a pattern of bullying for children to follow. This kind of behaviour that exists in some homes is also reinforced in the media with role models like Don Cherry on *Hockey Night in Canada* or Kevin O'Leary of *Dragon's Den*, which are both popular CBC television programs. Parental engagement in the issues of bullying and cyberbullying was identified as the first pillar needed to combat the problem by Bullying.org in its December 2011 presentation to the Senate of Canada.[60] The kinds of relationships that young people have (especially with their parents) can greatly assist them in making better choices about their online conduct.

It is vital that parents pay attention to the online activities of their children. As Parry Aftab, an American expert on cyberbullying suggested in her presentation to the Task Force, we would not hand children the keys to the car, or a loaded gun, without first ensuring that the children had received the proper training in safe, responsible, and respectful use of these items. Why then would we give them access to computers and the big wild world of the Internet without ensuring the proper training and setting some basic ground rules? Children need to have digital training wheels before being given full access to computers. It is what Parry Aftab of Wired Safety and many other experts in this field refer to as providing proper "digital hygiene."

There is often a large gap between parents and their children on both matters of technology and the language of social media. Today's youth see both technology and its progeny, social media, as natural and it is second nature to them. Many parents need remedial work in this regard in the form of courses and programs in both online and hard copy format. The Task Force will return to these educational needs in Chapter 6 of this report with specific recommendations on the topic. The world has moved beyond banning

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[59] Bullying.org, in its 12 December 2011 presentation (as televised on CPAC), suggested that the four critical pillars for combating bullying and cyberbullying are: (a) Parent Engagement; (b) Teacher Education; (c) Corporate Responsibility; and (d) Government Involvement. The presentation was made to the Senate Committee on Human Rights dealing with bullying and cyberbullying.

[60] Senate Human Rights Committee on Bullying and Cyberbullying (12 December 2011) (Hearings broadcast on CPAC). This committee is to produce a report in 2012 and it should be considered by the Nova Scotia Government.

social media and the ever growing forms of technology. What is needed is better awareness of its dangers as well as benefits and in this regard parents need more education and their children more guidance and supervision.

Parents play a very important role in children's lives with respect to educating about values by both precept and example. Under international commitments, such as the United Nations Convention on the Rights of the Child, parents have important responsibilities in respect to the care and safety of their children.[61] Under section 25 of the Nova Scotia *Education Act* parents also have duties in respect to the schools and the education of their children. In the law and policy recommendations set out in Chapter 4 of this report we recommend added responsibilities in relation to supervision of their children's online activities and reporting problematic conduct to schools.[62] Of course, schools must also actively engage parents in the school process and keep them informed. The common law responsibilities of parents for the actions of their children are quite limited. The doctrine of *in loco parentis* does suggest some general duty of care for vulnerable children.

The parent or guardian's role is also a very complex one, significantly shaped by the particular situation of the individual parent. Stresses on the family from the pressures of modern work, lifestyles, family status, illiteracy and learning disabilities or other disabilities among parents should also be recognized in strategies for communication with parents. The establishment of a clear statement outlining all of the roles, responsibilities and expectations would be a step in the right direction.

Moreover, parents do have statutory duties including some under the Nova Scotia *Education Act* (section 25) and other statutes such as those dealing with family services and child protection. Parents also have an obligation to provide the "necessaries of life" for children under the Criminal Code.[63] It would be a considerable stretch to suggest that failure to properly educate their children about the dangers of the Internet and provide adequate supervision would engage either civil or criminal liability on parents. There is however both a moral and practical imperative that parents become more actively engaged in supervising their children in online activities. Parents can start by being good role models and also guiding their children's conduct with clear rules for proper digital citizenship.[64]

Community Roles and Responsibilities

The issues of bullying and cyberbullying cannot be laid exclusively at the doors of homes or schools. Both parents and teachers have vital roles to play and have contributed to the problem. However, it is a broader community problem and the many stakeholders identified earlier must be partners in finding an effective solution. The role of the media was discussed in earlier portions of this report and various government departments and private sector organizations have roles to play. Internet service providers provide the

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[61] UNGA, 20 November 1989, UNTS vol 1577 at 3.

[62] Recommendation # 34 in Chapter 4 of this Report.

[63] *Criminal Code*, RSC 1985, c C-46 s 215.

[64] Perhaps the general abdication of this supervisory role is part of parents being too concerned about being their children's "friend, rather than parents" in the more traditional form. That is a much larger topic for another day.

technology which can be put to good or bad uses and they need to expand and continue a responsible role in raising awareness and warning of the potential dangers of the cyber-world. Universities, researchers, community organizations and charities all have roles to play. A community problem needs a community response.

Violence, anti-social behavior and bullying take place in the media, in video games and in online games. Sites promoted to young people are a part of the social context that also needs to be addressed. Wendy Craig in her presentation to the Task Force referred to solitary play on video games and the anti-social tendencies that can come from such video games. Although a direct link between violence and bullying in the media and actual incidents of aggressive behavior are difficult to establish, it should be acknowledged as a factor at least to the point that it creates a context within which this behavior is portrayed as acceptable and normal.[65] Furthermore, the enablers of the cyber-world, that is the Internet service providers, although not responsible for the actions of individuals who use their services, must also be acknowledged for their enabling role. An effective response will also include provisions that encourage Internet service providers to have a proactive role in the response to bullying either through reporting structures or cooperation with investigators.

As a community we have been complicit in bullying and cyberbullying by ignoring the problem or underestimating the seriousness of it. This Task Force process has raised awareness of both the extent of the problem and its grave consequences. By working together in partnership, we must find a community solution.

The Imperative of Youth Engagement

The Task Force process made a sincere effort to involve young people in the process. Breanna Fitzgerald served as the youth representative on the Task Force and Aaron Stevens on the Working Group. These youth representatives were also involved in the design and implementation of the Youth Focus Groups and there were 35 of these consultations conducted throughout the province in the last months of 2011. Task Force member Mat Whynott, Glenn Friel of Communications Nova Scotia, Moe Green of the Department of Health and Wellness and last but not least, Noreen Stadey of the Department of Justice, designed and implemented the Focus Group / Consultations. The summary report on these (prepared by Noreen Stadey) appears in Appendix A.

The excellent summary of the youth consultations also prepared by Noreen Stadey and presented in Appendix A is critical reading for anyone who wants to gain insights into bullying and cyberbullying from the perspective of young people. To provide the flavor of this appendix and whet your appetite for reading the full document we will reproduce some of the insightful student quotes here:

> "People are still made fun of everyday. It happens off school property a lot."
> – Grade 8 student

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[65] *Brown v Entertainment Merchants Association*, 131 S Ct 2729 (2011). In this case the majority of the US Supreme Court found no causal link and struck down a law regulating violent video games. The dissenting judges disagreed.

"It makes you feel like a ghost and nobody can see you." – Grade 4/5 student

"As the bystander I was unsure what could happen to me if I did something about it." – Grade 6 student

"When bullying happens, it feels like the bully feels pretty bad." Grade 5 student

"On 'chat' nobody cares." – Grade 6 student

"Cyberbullying is when people post 'hater' comments on Facebook, Twitter or anywhere where comments are found." Grade 6 student

"Other people's feelings should be more important than your own. If everybody thought that way, there wouldn't be any bullying." – Grade 4/5 student

"It happens because the bully knows they're not going to get beat up because they can hide behind the screen." – Grade 9 student

"The victim could do bad things to deal with what is happening." – Grade 9 student

"Internet bullying is not face-to-face, cyberbullies are cowards." – Grade 8 student

"Talking to parents about this kind of stuff is awkward; there is no real point to it." – Grade 9 student

"Have a cyber-cop – someone who monitors the Internet for the online bullies." – Grade 7 student

"Have folders on lockers for kids to put notes that say something nice about their friends." – Grade 8 student

"People become brave on Facebook; they become keyboard warriors." – Grade 11 student

"It's getting harder to bully someone offline. Face-to-face bullying is tough and it's easier to be anonymous because it empowers you." – Grade 11 student

"Anyone can be a cyberbully; even someone small can pick on someone big." – Grade 11 student

"LBGT is more accepted now but people still use the word 'gay'. I don't think people mean to put others down when they do it. They just don't think its degrading." – Grade 12 student

"What makes a guidance counselor trustworthy? You should have meetings in a more comfortable setting than the office so that you can really talk about stuff. We should be able to have a more open discussion; they should be more approachable." – Grade 11 student

"It's hard to talk to your parents because you live with them; it's embarrassing." – Grade 12 student

"It really hurts when someone 'likes' a hurtful comment about someone else – so don't do it. Don't help the bad message spread." – Grade 11 student

As one final example of these wonderful youth insights a pair of grade 5 students developed the following exercise.

Draw a picture of a student with a whole lot of things wrong and pass the picture around the class. Ask everyone to say something funny about the student and tear a piece of the paper. The key message is that after you say hurtful things about a student, it's hard to put the pieces back together.

In developing the Task Force recommendations we tried to put some of the pieces back together, but it can only happen with the engagement and buy-in of Nova Scotia's youth.

It was clear through the Task Force process that young people can play an important role in educating adults about technology and the nature and extent of social media as the dominant form of communication. They also have excellent ideas about what can be done to reduce the problems of bullying and cyberbullying in Nova Scotia. This is only one illustration of the benefits of actively engaging young people and students in the decisions that affect them. There is also a clear need to involve students more generally in the rule-making and daily operations of the schools they inhabit. This youth engagement should occur at many levels, but in respect to decisions for combating bullying and cyberbullying the benefits are particularly clear. These views are reflected in our recommendations.

Olweus in his classic study on bullying suggested that when students have a role in rule-making incidents of bullying are reduced as much as 50%.[66] The successes of restorative approaches piloted in some Nova Scotia schools and presented by the peer leaders from the Yarmouth area at our October 2011 public sessions at Citadel High are more recent affirmations of this insight. We will return to the centrality of peer involvement in effective interventions as part of Chapter 5 of this report.

Youth involvement is really about creating a culture of youth engagement as a way of community living. The following recommendations simply support that culture. These recommendations include intentionally building both opportunities and environments that encourage young people to participate fully in the world around them. With regard to incidents of cyberbullying, where young people feel safe and welcome to be themselves and are supported in their choices, incidents of cyberbullying will be easier to deal with. Government should support youth engagement initiatives within its jurisdiction and use them to increase knowledge and skill when working with young people and to inform and thereby improve youth policies, programs and services. Existing programs include, but are not limited to, Leaders of Today, Youth Advisory Council, 4-H, Youth Corps, Youth Health Centres, Boys and Girls Clubs, Guides, Scouts, sports and recreation programs to name a few.

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[66] Dan Olweus, *Bullying at School: What We Know and What We Can Do* (Oxford: Blackwell, 1993).

It is important that the involvement of young people be on an inclusive basis and that attention is paid to the vulnerable position of certain groups of students such as those falling within the protected categories of the Nova Scotia Human Rights Act. As is indicated in Appendices A and B, these marginalized groups are frequently the victims of bullying and cyberbullying. In both the online survey and the Youth Focus Groups, LBGT students emerged as the major targets of bullying.[67] The second leading group were targeted based upon appearance and being different. This is broad enough to encompass race, Aboriginal origin, disability and more general categories such as obesity, "nerdiness" and other ways of falling outside the mainstream. It is thus important that an equity lens be applied to the process of youth engagement. The Task Force has also attempted to apply such an equity lens to all our recommendations including the ones that follow on the process of partnering, networking and continued dialogue.

Recommendations:

7. It is recommended that the Government of Nova Scotia or the Department of Education create an Anti-Bullying Coordinator position, reporting to the Better Health Care Committee of Deputy Ministers, to act as liaison between community and government on bullying issues, and to oversee the implementation of Task Force recommendations and other measures to address the problem. This Coordinator position should also be adequately staffed and resourced. Timeline: as soon as possible and no later than the end of 2011-2012 school year.

8. It is recommended that the Nova Scotia Youth Advisory Council (YAC), through the Office of Policy and Priorities, provide a mechanism for engaging youth in government decisions and policy development with respect to bullying and cyberbullying.

9. It is recommended that the Government of Nova Scotia, under the leadership of the Department of Education and Communications Nova Scotia, develop and maintain an anti-bullying website and social media platform, for the purpose of disseminating information, sharing resources and providing online learning tools for youth, parents and community members. The format and language should be inclusive, accessible, user-friendly and youth-friendly, building upon the website developed by the Department of Education for the Task Force.

10. It is recommended that the Department of Education, through the offices of the Anti-Bullying Coordinator, organize an annual conference on bullying and cyberbullying and include issues such as homophobia, poverty, race, gender, disabilities and mental health. This conference should engage as wide a range of stakeholders as possible.

11. It is recommended that the Department of Education mandate (through policy or other means) and school boards respond affirmatively to all reasonable student

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[67] Daniel Monk, "Challenging Homophobic Bullying in Schools: The Politics of Progress" (2011) 7 Int'l Journal Law Context 181. See also Egale, Every Class in Every School (Final Report of Homophobia in Canadian Schools - Executive Summary (2011).

requests to establish groups that would support the safety and inclusion of marginalized students (Gay Straight Alliances, abilities groups, race specific groups etc.). Schools must identify a staff person who would act as advisor to these groups, and to whom requests to establish such groups can be made.

12. It is recommended that the Department of Education and school boards build on existing partnerships to collaborate with community police officers, the Human Rights Commission, the Ombudsman (Youth Services Division), Nova Scotia Advisory Council on the Status of Women, Kids Help Phone and the Youth Project, to promote anti-bullying education programs and activities.

13. It is recommended that school boards through their individual schools build on existing relationships with their school resource officers / community policing officers by involving them in anti-bullying programs and initiatives at the school levels.

14. It is recommended that the Department of Justice, in collaboration with the relevant policing authorities, explore and support educational initiatives in which schools and police co-operate in delivering effective and youth-centered programs. The Truro Police Cyber Robot program is one current example.

15. It is recommended that all sport, recreation and other organizations working with children and funded or otherwise supported by government:

>a) if operating on school premises, comply with that school or school board's policies regarding bullying and cyberbullying.

>b) adopt and publish formal policies and protocols addressing bullying and cyberbullying issues.

>c) establish their training and policy structure in relation to bullying and appropriate supports.

>d) provide education and training sessions on identification, intervention, policy and protocols with respect to bullying and cyberbullying, as part of training for all employees, volunteers, and officials working with children in the above organizations.

Timeline: (a), (b) and (d) by the start of the 2013-2014 school year, (c) by the following round of funding applications.

16. It is recommended that the departments of Health and Wellness, Community Services, Education, and the Anti-Bullying Coordinator, partner with other relevant organizations to produce policy guidelines for prevention, identification and intervention on bullying issues within sport, recreation and other youth organizations. This government assistance should include the provision of model policies and programs. It is further recommended that the existence of bullying policies and staff training as in the previous recommendation be added as one of the

criteria for government funding and support. Timeline: start of 2013-2014 school year.

17. It is recommended that the relevant government departments and agencies through the offices of the Anti-Bullying Coordinator expand existing partnerships and explore new ones with universities, medical societies, the Nova Scotia Barristers' Society, Rotary Clubs, other service organizations, Internet service providers, media organizations, charitable organizations, interested private sector partners, other provinces and national and international organizations actively examining these issues. The forging of such partnerships and networks are vital to an effective community response. Timeline: short term and ongoing.

18. It is recommended that the Department of Education and school boards continue and extend channels of communications with parents on all matters but in particular those related to bullying and cyberbullying, and operate in a transparent and open fashion in such communications and contacts with parents.

19. It is recommended that government departments (led by Communications Nova Scotia) establish and implement a communication protocol concerning the collection, evaluation and dissemination of information to the public about bullying and cyberbullying that will promote a productive and respectful dialogue on bullying.

20. It is recommended that the Government of Nova Scotia provide funding to an arm's length agency (e.g. the Nova Scotia Human Rights Commission; Ombudsman's Office; Nova Scotia Advisory Council on the Status of Women) to create or expand an existing division or program related to child and youth bullying, cyberbullying and digital citizenship. These agencies could educate, promote awareness and provide resources to the public.

Chapter 3: Definitions: What are Bullying and Cyberbullying?

As is obvious from the previous chapter bullying and cyberbullying can only really be understood in the context of much larger social changes. The advance of technology, the emergence of social media and the growing gap between the young and old are among these trends. However, to come to grips with the challenges that face this Task Force and the larger society, we must define the basic terms at the heart of our mandate. Bullying is a term familiar to most people, and it is used to characterize a broad range of behaviours. There is a variety of definitions for bullying and most tend to focus on three main aspects: aggressive or abusive behaviour, repetition of that particular behaviour, and a power imbalance, or a perceived one, between the parties involved.

Bullying can best be defined as typically repeated and harmful behaviour that is deliberate and harassing. It is intended to cause, or should be known to cause, fear, intimidation, humiliation, distress and/or harm to another person's body, feelings, self-esteem or reputation. Bullying occurs in a context where there is a real or perceived power imbalance between the people involved and can be significantly intensified by encouragement from a peer group or bystanders. In fact, the participation of others can be a key factor in increasing the negative impact on the victim. Bullying can take many forms, including physical, relational (verbal and social) and can be delivered personally or electronically. All bullying has a damaging psychological impact. Early in the Task Force's deliberations we concluded that cyberbullying is a form of bullying and not a separate concept, as some have argued. Even though the consequences of cyberbullying can be more devastating it is a variation on bullying and not a stand-alone problem.

Cyberbullying, which is also referred to as electronic bullying or online bullying, occurs through the use of technology and includes spreading rumours, making harmful comments and posting or circulating pictures or videos without permission. This can include sexting (sending nude or suggestive photos) and other less dramatic invasions of privacy. Cyberbullying can be done by means of a variety of forms of technology using social networks, text messaging, instant messaging, websites, email or other electronic media. Cyberbullying can be particularly destructive, because it can spread to many people very quickly and it can be done anonymously or through impersonation. As well, harmful comments and pictures can remain posted online and continue to be viewed and circulated for an indefinite period of time. The victimized person is faced daily with the hurtful material and often feels that many other people share the views of the perpetrator, often resulting in overwhelming psychological pressure. Such behaviour can have a negative effect on the school climate and relationships, even when it originates off school property.

Psychological (relational) bullying is a common and particularly insidious form of bullying. This kind of bullying can occur online or in more traditional ways. It includes insults, threats, name calling, gossiping, spreading rumours, social exclusion and derogatory comments about religion, culture, language, race, Aboriginal origin, disabilities, sex, sexual orientation, gender identity, mental or physical health and socio-economic status. Often the targets of bullying are members of the vulnerable groups protected by human rights codes but are by no means limited to those groups. Being obese, "nerdy" or in any way different may attract bullying. Personal appearance emerged

from both the online survey and the focus groups as a major factor in targeting the victims of bullying (see Appendices A and B). Physical bullying includes hitting, kicking, punching, pushing, threatening gestures, stealing and damaging or destroying property.

Determining how to respond to and prevent bullying and cyberbullying requires a careful consideration of how these terms and behaviours ought to be defined and what purposes such a definition should serve. Academic literature has often relied upon the definition set out by Norwegian psychology professor and leader in bullying research Dan Olweus, who defines bullying as an aggressive, intentional act or behaviour that is carried out repeatedly over time by a person or a group against a victim who cannot easily defend himself or herself.[68] Other definitions have added qualifiers like "using electronic forms of contact" in an attempt to be responsive to a broader range of activity and technological advances. The creation of the term "cyberbullying" itself is often attributed to Canadian educator and online bullying pioneer Bill Belsey, who defines it as "the use of information and communication technologies to support deliberate, repeated, and hostile behavior by an individual or group that is intended to harm others."[69]

Differing Views

The defining of bullying and cyberbullying sparked considerable debate and discussion among the members of the Working Group and the Task Force. The more detailed definition developed by the Working Group (see Appendix G) while very helpful and thoughtful is rather lengthy for purposes of a legal definition. The soon to be released international definition of these terms by the Atlanta Center for Disease Control may also be very useful but is likely to be lengthy and detailed. While there are many similarities there are also differences in how these terms are defined across provincial boundaries (see Appendix G).

From a legal point of view, if the legal definition includes too many elements (each of which must be proven) it can make establishing a violation very difficult. From the administrators and school official's perspective it was important to have enough detail to distinguish bullying from other forms of school violence such as a one-time assault – which except in rare cases would not be bullying. On the other hand, requiring repetition as an essential element may miss some extreme situations. Including elements such as perceived or actual power imbalance, while more consistent with the academic definition, could be difficult to prove. At the end of the day a fairly concise definition seemed to be a good compromise. All agreed the definitions should be clear and consistently applied throughout Nova Scotia.

There are some potential parallels between the definition of bullying and that of harassment in human rights codes. Like harassment, bullying includes real or perceived power imbalances, usually a degree of persistence or repetition, significant adverse impacts for the victim and systemic as well as individual dimensions. Like harassment, bullying can poison a particular environment in either a work or educational environment,

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[68] Dan Olweus, *Bullying at School: What We Know and What We Can Do* (Oxford: Blackwell, 1993).
[69] Bill Belsey (quotation), online: <http://www.cyberbullying.ca/>.

in a way that makes it difficult for the victim to thrive or even survive in that environment.[70]

Another critical question is whose perspective is adopted for purposes of the definition. If the bully or perpetrator's perspective is adopted there is a focus on the intent and motivation of the bully and what was in his or her mind at the time of the incident. There is a search for the "guilty" mind. The process is focused on assigning blame. This can lead to the defence that "I did not know it would be hurtful." However, if the perspective adopted is that of the victim, then it is what is in the victim's mind and how that person feels that is crucial. In order to avoid a definition that is as broad as the most sensitive victim, the compromise perspective adopted can be that of the reasonable victim in the circumstances and how he or she might feel. Similarly the reasonable perpetrator is judged by what he or she ought to have known about the impact of the bullying or harassing actions and not just what was actually known.[71]

Like harassment, the Task Force argues that the proper perspective for defining and interpreting bullying and cyberbullying is that of the reasonable victim. The focus should be on the victim and crafting a definition that facilitates responding to the problem and diminishing the negative and sometimes tragic impacts on the victims of bullying and cyberbullying. Both are also problems that have systemic as well as individual dimensions.

When considering the most effective definition from a practical and policy perspective, questions arise about whether *specific intent* to do harm to another person ought to be required as part of the definition. In some cases, a person may make hurtful and derogatory comments which cause harm without intending to cause harm. There is also debate about whether there must be an *actual* (as opposed to a perceived) power imbalance between the people involved in order for the behaviour to constitute bullying. It is what the perpetrator ought to have known about the likely harmful effects of his or her conduct and the impact on the victim that are crucial.

For the last few years Ontario has adopted a broad definition of bullying for the purposes of its education policies:

> Bullying is typically a form of repeated, persistent and
> aggressive behaviour directed at an individual or individuals
> that is intended to cause (or should be known to cause) fear
> and distress and/or harm to another person's body, feelings,
> self-esteem or reputation.[72]

Such a definition seems to contemplate that bullying behaviour need not always be persistent. The Ontario government has recently introduced Bill 13, the *Accepting Schools Act, 2011,* which proposes the following definition of bullying be incorporated in the

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[70] *Janzen v Platty Enterprises* [1989] 1 SCR 1252; *Human Rights Act*, RSNS 1989, c 214 as amended by SNS 1991, C-12.

[71] Coleen Sheppherd "Systemic Inequality and Workplace Culture: Challenging the Institutionalization of Sexual Harassment" (1995) 3 CLELJ 249.

[72] Ontario Ministry of Education, *Bullying Prevention and Intervention*, Policy/Program Memorandum No 144 (Toronto: Ministry of Education, 4 October 2007).

province's *Education Act.* This definition removes the word "typically" and would therefore seem to require the element of repetition. However, the element of a perceived or actual power imbalance is added to the definition. The proposed Ontario statutory definition states:

> "bullying" means repeated and aggressive behaviour by a pupil where,
>
> (a) the behaviour is intended by the pupil to cause, or the pupil ought to know that the behaviour would be likely to cause, harm, fear or distress to another individual, including psychological harm or harm to the individual's reputation, and
>
> (b) the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, race, disability or the receipt of special education[73]

Preferred Definition

In Nova Scotia, the term bullying is referred to in the *Provincial School Code of Conduct* and *School Code of Conduct Guidelines* as:

> Intentional, hurtful, behaviours (physical, verbal, psychological) repeatedly used by one or more individuals who exercise power to intimidate, threaten harm, and/or victimize another person/victim who is perceived as relatively weaker; bullying behaviours can be direct and open, or indirect and subtle; use of e-mail or Internet to harass and/or intimidate others

The Nova Scotia Task Force has reviewed these definitions and many others and has considered a range of possibilities and considerations in the process of crafting a relevant and useful definition. It recommends the following definition be adopted for the purposes of education legislation, regulations and policies in the province[74]:

> **Bullying is typically a repeated behaviour that is intended to cause, or should be known to cause, fear, intimidation, humiliation, distress or other forms of harm to another person's body, feelings, self-esteem, reputation or property.**

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[73] Bill 13, *An Act To Amend the Education Act With Respect To Bullying and Other Matters*, 1st Sess, 40th Leg, Ontario, 2011.

[74] It should be noted that bullying behaviour that crosses the line into the criminal sphere (discussed below) will be characterized differently for the purposes of the criminal law. Each criminal offence - for example, assault, or criminal harassment, or possession of child pornography - is drafted to define the specific elements that constitute that particular offence within the *Criminal Code*. The definition proposed by the Task Force does not apply in the criminal context.

Bullying can be direct or indirect, and can take place by written, verbal, physical or electronic means, or any other form of expression.

Cyberbullying (also referred to as electronic bullying) is a form of bullying, and occurs through the use of technology. This can include the use of a computer or other electronic devices, using social networks, text messaging, instant messaging, websites, e-mail or other electronic means.

A person participates in bullying if he or she directly carries out the behaviour or assists or encourages the behaviour in any way.

The proposed definition is conceived broadly enough to encompass situations where there is no intent to cause harm on the part of the perpetrator and where there is no actual power imbalance between the people involved (although often, of course, there may in fact be a power imbalance). This definition reflects the reality that, although most bullying situations will involve repeated and persistent behaviour, there may be cases that can and should be characterized as bullying even where the element of repetition is lacking.

The proposed definition also includes the role of bystanders and others who may encourage such behaviour; such encouragement by others in a group is often a key and extremely harmful component of bullying. One of the only ways to enforce social norms around respectful communication is for the audience to call it out. Much of the research on bullying points to the audience reaction as being a critical component in either supporting the bully or supporting the victim. It is even more critical when the situation is unfolding online. The inclusion of bystanders and attempting to change their attitudes of encouragement and support is vital to reducing incidents of bullying and cyberbullying. Encouraging bystanders is not included in the new Ontario legislation but the Task Force feels they should be included even if they face a lower sanction than the bullies themselves.

The importance of including the bystanders (especially those who encourage the bullying behaviour) is emphasized by the extensive research that identifies the vital role of the bystander. It is the reaction and/or silence of the bystander that clearly tips the power balance in favour of the bully; it is also this reaction that supports the position that bullying is acceptable and even "cool" behaviour.[75] Changing this attitude and value system is at the heart of reducing the problem. Furthermore, the lines between bullies, bystanders and victims can be easily blurred. In many cases the bullies have themselves been the victims of bullying in a different context, perhaps at home or in some other setting. That is not to say that bullies should escape individual responsibility for their actions but reducing the problem is not as simple as cracking down on the bullies alone[76]. There are of course individual elements to bullying and cyberbullying but since these concepts are about relations and the prevailing school climate, what is ultimately required

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[75] Erin Anderson, "Beating the bullies: a bystander's burden", *The Globe and Mail* (18 November 2011) A-1, A-7.

[76] Tanya Kuzmanovic, "I saw my childhood bully again" *The Globe and Mail* (24 January 2012) L-8. The high school victim of the bully discovers that her bully was herself a victim of bullying at home.

is systemic as well as individual change. Including the bystander in the definition is one step towards changing the school climate as well as sanctioning individual actions.

Pursuing the idea of a commentary elaborating on the statutory definitions, the Task Force sought some guidance from the Nova Scotia Department of Justice and with that guidance proposes the later recommended draft Commentary. This could certainly be expanded and is suggested as an example and a starting point rather than the final word. There are also policy choices as to whether the Commentary should be presented in policy form and whether it should be binding policy or treated as a guideline only. It should emanate from the Department of Education and be applicable to all school boards throughout the province. This province-wide application coupled with the statutory definition (that binds all relevant parties) should produce more consistent responses to bullying and cyberbullying. This consistency will be reflected not just in responses but also the measuring of the incidents of bullying and cyberbullying in the province. As Appendix H indicates, the definition of bullying has a major impact on measuring the magnitude of the problem.

As discussed earlier and as explored in more detail in Appendix I on the Legal Dimensions of Bullying, there is an overlap between the concepts of bullying and cyberbullying and the human rights concept of harassment. In Australia this has led the human rights commission there to take jurisdiction over school bullying issues through both its complaint and educational processes. The Nova Scotia Human Rights Commission was an active participant in the Task Force process and presented at two of our public meetings. The Commission also expressed a clear interest in partnering with the Department of Education and other agencies to combat bullying. As indicated above, many of the victims of bullying are also members of groups covered by protected grounds within the Nova Scotia Human Rights Act. To take advantage of its expressions of support and willingness to partner the Task Force recommends that a protocol be developed for referring cases to the Commission.

Having explored the broad scope and dimensions of bullying and cyberbullying and having defined the essential terms, the Task Force will next turn to the strategies for reducing the problem and making Nova Scotia schools safer and more positive learning environments for all Nova Scotia youth. It is a large problem which demands a multifaceted community response and one that is informed by the perspectives and insights of young people, as discussed in the previous chapter. The magnitude and complexity of the problem also demands responses on several different fronts. There is a clear need for preventive interventions and education to change the school climate and reduce the incidents of bullying and the tragic consequences that can ensue. There is also a pressing need for legislative and policy change to set the framework and context for change. We now turn to some of the required legal changes.

Recommendations:

21. **It is recommended that the Nova Scotia Legislature adopt the following definition as part of the Nova Scotia *Education Act*.**

     Bullying is typically a repeated behaviour that is intended to cause, or should be known to cause, fear, intimidation,

humiliation, distress or other forms of harm to another person's body, feelings, self-esteem, reputation or property. Bullying can be direct or indirect and can take place by written, verbal, physical or electronic means, or any other form of expression.

Cyberbullying (also referred to as electronic bullying) is a form of bullying and occurs through the use of technology. This can include the use of a computer or other electronic devices, using social networks, text messaging, instant messaging, websites, e-mail or other electronic means.

A person participates in bullying if he or she directly carries out the behaviour or assists or encourages the behaviour in any way.

22. It is recommended that the Department of Education adopt the Commentary on the bullying definitions expressed in binding policy applicable to all school boards and that this policy include the following language or some modified or elaborated version of this, as deemed appropriate by the Department of Education.

Commentary on Bullying and Cyberbullying Definitions

Typically Repeated

Because bullying is essentially a relational problem there is usually some on-going element to it. This typically involves repetition or at least the threat of repetition and many provincial definitions include this as a statutory element. However, there can be extreme cases where bullying and even more so cyberbullying, can be the result of a onetime act. In the world of the Internet where a posting is usually viewed by and forwarded to many others, the online act is implicitly repeated. This kind of cyberbullying is also particularly open to the implicit or express support of bystanders. Thus while both bullying and cyberbullying typically involve repetition, that is not always the case.

Power Imbalance

Bullying behaviour often and typically occurs where there is a real or perceived power imbalance. The behaviour itself may cause or increase that imbalance. The psychological consequences of that imbalance both facilitate the behaviour and may constitute the most significant aspects of the harm suffered. This power imbalance between the pupil and the bullying individual is typically based on such factors as size, strength, age, intelligence, peer group power, position of authority economic status, social status, religion, ethnic origin, Aboriginal origin, sexual orientation, family circumstances, gender, race, disability and other indicators of vulnerability and marginal status.

Forms of Bullying

Bullying can take many forms: actual physical assault, threats of assault and stalking are bullying behaviours that are criminal in nature. Other behaviours are relational bullying, such as the spreading of humiliating rumours (true or false), disclosure of private information or the use of a person's personal characteristics to demean him or her. There is a psychological element to most forms of bullying. These forms may not be criminal, but can have an impact that is as, or more significant. Depending on the circumstances, one act can constitute bullying.

Bystanders

Bullying thrives when the recipient of the behaviour knows or believes that the bullying behaviour has the support of others. This increases the psychological pressure, as the recipient will be less likely to believe there is a solution, and more likely to believe the behaviour will continue. In fact, the participation of bystanders and others can be the key factor, without which the recipient may be affected much less significantly. Thus those who participate by assisting or encouraging the bullying must be considered to be participants in the bullying.

Cyberbullying

Cyberbullying can be particularly destructive because it can spread to so many people so quickly, be done anonymously or through impersonation and remain "on the web" for extended periods. This behaviour combines the two strongest tools of bullying: constant activity and actual or perceived encouragement of many other people. For example, social network posts are seen by many people and can last indefinitely. The subject of the post is faced daily with the information and may believe that many others share the sentiments of the poster. The result can be overwhelming psychological pressure.

Exceptions

The definitions of bullying and cyberbullying must necessarily be broad. However, this broadness may result in it capturing otherwise innocent behaviour. There can be legitimate situations where what a person says could be known to cause psychological harm in the form of humiliation or hurt feelings, but nevertheless legitimately needs to be said. For example, it could be appropriate to warn someone of the known dangerous behaviours of someone else, as long as it is done for a legitimate purpose and not for the purpose of causing psychological pain. Thus warning a friend that a particular

person is known to be a thief or is physically abusive could be legitimate. However, constantly calling a person a thief or abuser and making unnecessary posts to an Internet site for no valid purpose may well constitute bullying.

23. It is recommended that the Nova Scotia Department of Education and the Nova Scotia Human Rights Commission work together to develop a protocol whereby issues of bullying and cyberbullying in schools can, where appropriate, be referred to the Human Rights Commission, to be handled as matters of human rights. Whether these issues should be handled through the complaint mechanism, mediation, restorative approaches or educational initiatives and what factors should determine the mode of disposition should form part of the jointly developed protocol.

Chapter 4: Law and Policy: Anchoring Change

There are clear legal dimensions to the problems of bullying and cyberbullying and the possible legal consequences of bullying behaviour are not well understood by students, parents or even school authorities. Bullying is a social problem that triggers a variety of legal concerns and intersects with a number of areas of law, such as, criminal law, civil law (private wrongs called torts), constitutional law, human rights law, administrative law and education law. There have been many articles and even books exploring the legal aspects of bullying and cyberbullying[77] and a full exploration of this topic is beyond the scope of this study. In the Legal Dimensions Appendix I to this report, Professor Elizabeth Hughes and I present an overview of the law in relation to bullying in all its forms. Our intent is to provide a glimpse of the legal framework in which bullying and cyberbullying occur as a broader context for the legal recommendations in this chapter.

Law as a Catalyst for Change

As the broad scope of this report indicates, law is certainly not the only tool for reform. The struggle against bullying must be waged on many different fronts. Partnering and networking among the many stakeholders, educating the various audiences and implementing preventative measures are all crucial aspects of reducing bullying among Nova Scotia youth. However, law is an important vehicle for reform and in many ways (as the title of this chapter suggests) provides the anchor for the many different recommended changes.[78] Our laws should reflect our core values and principles and indicate what we stand for as a society. In that context the proposed recommendations that follow make a clear statement that bullying and cyberbullying are not acceptable in Nova Scotia and the law provides the anchor for changing both the offending behaviours and the related attitudes and values.

One of the important roles of law in society is to change attitudes and values about what is inappropriate and blameworthy conduct. The role of the law in changing views about drunk driving, wearing seatbelts and smoking, and to a lesser extent domestic violence, is a case in point. Steven Pinker in his interesting book, *The Better Angels of our Nature: Why Violence has Declined*,[79] explores the history of violence in the world and concludes that the degree of violence has consistently diminished over time. In matters such as slavery, "witch" burning and religious persecution, laws have helped to redefine such conduct from acceptable to unacceptable and ultimately unthinkable. The Task Force hopes that the recommended changes to the legal framework can help change attitudes about bullying and cyberbullying. When bullying is widely regarded by students, school authorities and people in general as being unacceptable and ultimately unthinkable, the incidents of bullying and cyberbullying will greatly diminish. Laws can be one part of a

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[77] Some excellent examples include: Eric Roher, "Problems.com: The Internet and Schools" (2002) 12 Educ Law J 53; Shaheen Shariff & Leanne Johnny, "Cyber-Libel and Cyberbullying: Can Schools Protect Student Reputations and Free Expression in Virtual Environments" (2007) Educ Law J 307. Shaheen Shariff has also written a book on the topic, see her website: <http://www.definetheline.ca/en/Books_And_Publications_62>.

[78] The N.S.T.U. Cyberbullying Statistics from Canadian Teacher Organizations (2010), presented to the Task Force, found that 72% of Canadians and 68% of teachers surveyed believed that legislation would be an effective, even vital response to the problem.

[79] (New York: Viking, 2011).

campaign to expose bullying as a behaviour that, to use common parlance, is definitely not cool.[80]

Violence and Bullying in Legal Context

While cyberbullying is a more recent phenomenon bullying has been around for a long time and is really only one manifestation of violence in societies. As indicated earlier, bullying is not just an issue among young people but also adults as displayed in homes, workplaces and other settings. Bullying is also not the only form of violence in our schools which seems to be growing in severity. The tragic and high profile school shootings in Columbine in the American context, Taber, Alberta in Canada or the killing of student Jordan Manners in an Ontario school are but a few recent examples. The general problems of school violence have spawned many cases, articles and books.[81]

The advances of technology and the rise of cyberbullying has intensified the impact of school violence and extended its reach well beyond the school premises. One recent example of the way in which social media can magnify older problems of school violence is demonstrated by a recent Ontario school case, described as follows

> It was an attack that was described as cowardly, disgusting and revolting as reported in the National Post on June 3, 2011. Two female students viciously attacked a 16-year old girl at noon hour at Grey Highlands Secondary School in Flesherton, Ontario in May 2011. Another student filmed the attack and posted it on YouTube. The victim was kicked in the side of the face and the attackers delivered blows to her body. Other students could be heard on the film giggling and urging the attackers on. At one point, another girl came out of the crowd to stop the attack, but another bystander attacked that girl.
>
> Police charged six students, aged 15 to 17, under the Criminal Code, including the person who filmed the attack. The students also received discipline at school, but the principal, citing privacy reasons, did not disclose the discipline imposed.
>
> The victim recovered from her injuries and was returning to school. According to the Ontario Provincial Police, there have been similar attacks in the area that have been filmed and posted online.[82]

This was a clear case of an assault in violation of the *Criminal Code* as well as a violation of many school rules including ones on bullying. It would appear that neither the attackers nor the bystanders in the above situation were concerned about possible legal consequences for their actions. There is no dome of immunity over schools in respect to criminal activity such as assaults and the intersection between schools and criminal law is of growing importance[83]. As indicated in the Legal Dimensions Appendix I, while there is

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[80] This is at the heart of the successful pink shirt day started by Nova Scotian students which has gained world-wide attention and achieved significant impact.

[81] Eric Roher, *An Educator's Guide to Violence in Schools*, 2d ed, (Toronto: Thomson Reuters Canada Ltd, 2010) is an authoritative text on the topic.

[82] Donna Wickens, (September 2011) 23:1 Education Law Reporter Elementary and Secondary.

[83] W MacKay & L Sutherland, *Teachers and the Law*, 2d ed (Toronto: Emond Montgomery Publications Ltd, 2006) at chapter 3.

no explicit crime of bullying or cyberbullying there are many provisions of the *Criminal Code* which can apply to these situations. For those under 18-years of age as in the above Ontario situation, the sanctions for such criminal offences fall under the *Youth Criminal Justice Act* which offers a wider range of alternative measures than for adults. The Ontario education statutes also have sanctions for such clear breaches of school rules in the form of suspensions and expulsions, as do most provincial statutes.

It is noteworthy that the encouraging bystanders played an important and damaging role in the above assault and that is why the Task Force recommends that the encouraging bystander be considered a participant in bullying as well as the original perpetrators. The definition of bullying recommended for the Nova Scotia *Education Act* encompasses bystander participation and would put Nova Scotia on the forefront in this regard. It also accords with the literature that identifies the bystanders' reaction as one of the most crucial elements in the bullying situation.

The posting of the above schoolyard assault on YouTube highlights the increased harm to the victim that is implicit in cyberbullying. Not only is the audience for the humiliation and harassment expanded indefinitely but it also continues in perpetuity. Shaheen Shariff discusses these distinctive features of the Internet in relation to possible defamation actions (see Appendix I) and states as follows:

> Finally, as Hanna points out, information on the Internet travels through several computer systems between the author and recipients: there are a variety of intermediaries such as bulletin board messages, blogs, web pages and e-mails, all of which can be stored on various servers. The information can be easily and repeatedly recalled. This, he notes, gives rise to many Internet intermediary liability issues. He quotes L.B. Lidsky, who describes the difference between defamation in a physical setting and Internet defamation in the virtual realm:
>
>> Although Internet communications may have the ephemeral qualities of gossip with regard to accuracy, they are communicated through a medium more pervasive than print, and for this reason they have tremendous power to harm reputation. Once a message enters cyberspace, millions of people worldwide can gain access to it. Even if the message is posted in a discussion forum frequented by only a handful of people, any one of them can republish the message by printing it or, as is more likely by forwarding it instantly to a different discussion forum. And if the message is sufficiently provocative, it may be republished again and again. The extraordinary capacity of the Internet to replicate almost endlessly any defamatory message lends credence to the notion that 'the truth rarely catches up with a lie.' The problem for libel law, then, is how to protect reputation without squelching the potential of the Internet as a medium of public discourse.[84]

Assaults are clearly not a legitimate form of public discourse and not protected by guarantees of freedom of speech in the *Charter of Rights*. However other forms of

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[84] Shaheen Shariff & Leanne Johnny, "Cyber-Libel and Cyberbullying: Can Schools Protect Student Reputations and Free Expression in Virtual Environments" (2007) 16:3 Educ Law J 307.

cyberbullying may well be defended as free speech and fair comment. There are thus some clear legal and constitutional limits on the regulation of online activities in the schools and beyond. There are also important issues of privacy and how far school authorities can go in invading the lives of students off school premises and in cyber-space. These issues are explored in more detail in the Legal Dimensions Appendix I. The broad and evolving nature of the Internet and the untamed nature of cyber-space also raise complex jurisdictional issues. As explored in the Legal Dimensions Appendix I, the authority to regulate the Internet is divided between federal and provincial governments, however, because of the *Charter of Rights*, some aspects of online activity may be beyond any regulation.

Where Does School Jurisdiction End?

Quite apart from the question of constitutional jurisdiction, another very important jurisdictional issue relates to a school's authority to deal with bullying outside of school hours and away from school property. This question is particularly pertinent with respect to cyberbullying because electronic bullying often occurs away from school property, for example, by means of the use of a home computer or a cell phone. In the past it was generally accepted that a school's authority did not extend beyond the school grounds, but legislation and court decisions in the United States and Ontario have moved in the direction of giving schools authority over bullying activities that occur away from the school ground in situations where there is a significant connection between the off-school behaviour and the school's atmosphere. If the activity negatively affects the school climate, then the school may have authority to deal with the behaviour, even though it technically takes place away from the school.

It is the Task Force's view that the jurisdiction of schools to deal with matters of student misconduct already extends beyond school premises. This jurisdiction would also embrace matters of bullying and cyberbullying so long as the result of such conduct would be detrimental to the school climate, broadly defined. In the discussions and deliberations of the Task Force and its Working Group it emerged that school authorities tend to be cautious in extending their jurisdiction beyond the school premises and in particular to student computer activities at home. The Task Force recommends an amendment to the Nova Scotia *Education Act* that clearly articulates this expanded jurisdiction, so school authorities can be more confident in exercising this broader jurisdiction and thereby more effectively address issues of bullying and cyberbullying.

The principles that underlie this more expansive approach to school authority have their basis in the United States Supreme Court landmark case of *Tinker v Des Moines*.[85] This case upheld the right of students to wear black armbands to class as a way of protesting the United States involvement in the Viet Nam war. It does acknowledge that there can be limits on student free speech, if the school authorities can demonstrate that the speech or conduct would "substantially disrupt" the work, discipline or order of the school. While this "substantial disruption" test has not yet been adopted by Canadian courts it is quite consistent with the approach of the Supreme Court of Canada in *R v M (MR)*.[86] In

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[85] 393 US 503 (1969).
[86] [1998] 3 SCR 393. This Nova Scotia case involved the search of a student in the Vice Principal's office with a police officer present. The search was for drugs which were found.

balancing student rights against the disruption or order in schools, it is important to note that school authorities have the burden of showing that there is likely to be a detrimental impact on the school climate in some form and that students do have rights to free speech and privacy. These latter rights are particularly relevant to online activities and do impose some limits on responding to cyberbullying as explored more fully in the Legal Dimensions Appendix I.

In 2007, Ontario amended its *Education Act* to give schools authority to discipline students for behaviour that occurs off school property if such actions have an effect on the school climate.[87] "School climate" has been defined by the Ontario Ministry of Education as the sum total of all personal relationships within the school; "a positive school climate exists when all members of the school community feel safe, comfortable, and accepted." At least one student has been expelled from an Ontario school for cyberbullying based on the authority of a school to discipline based on the effects of off-site activity on the "school climate."[88] This is an approach which is likely to gain momentum, as bullying and particularly cyberbullying become more understood as a significant social problem. However, it should be noted that this extension of a school's authority "beyond the schoolhouse gate" has not yet been thoroughly considered by the Canadian courts.[89]

This more expansive interpretation of school jurisdiction is vital if schools are to effectively respond to the growing problems of bullying and cyberbullying. Part of what makes cyberbullying so pervasive and damaging is its lack of boundaries. Both bullying and cyberbullying frequently occur off school premises and after school hours and schools are vital players in protecting students from being victimized by this conduct. By clearly articulating this jurisdiction, the Task Force is urging school authorities at all levels to vigorously exercise their jurisdiction within their statutory and constitutional limits.

Maintaining a Positive and Safe Learning Climate

There is a clear link between a safe, positive and non-discriminatory school climate and the academic and social progress of students. This has been briefly explored in Chapter 1. In a sweeping 1996 decision the Supreme Court of Canada imposed a positive obligation on school boards to maintain a positive and non-discriminatory school environment in which students can flourish. *Ross v New Brunswick School District 15* states as follows:

> A school is a communication center for a whole range of values and aspirations of a society. In large part, it defines the values that transcend society through the educational medium. The school is an arena for the exchange of ideas and must therefore be premised upon principles of tolerance and impartiality so that all persons within the school environment feel equally free to participate. As the Board of Inquiry stated, a school board has a duty to maintain a positive school environment for all persons served by it.[90]

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[87] *Education Act*, RSO 1990, c E2, ss 300.4, 306, 310.

[88] *R.T. v Durham Catholic District School Board*, 2008 CFSRB 94 (CanLII).

[89] Eric Roher, *"Dealing with Off-School Conduct: Cyberbullying, Drug Dealing and Other Activities Outside of School Premises"* (2012) 21:2 Educ Law J (forthcoming). This article presents a clear analysis of the state of the law on this issue.

[90] [1996] 1 SCR 825 at para 42.

The above Malcolm Ross case resulted in the sanctioning of a teacher for his out of class anti-Semitic comments. His arguments for protected free speech did not prevail at the end of the day. There are many notable features about this case. It sanctions putting limits on free speech and privacy even outside the classroom, in order to maintain a positive and non-discriminatory school environment. This could also be applied to students engaged in off premises cyberbullying or bullying. It also imposes a positive duty on school authorities to intervene. This reinforces the need to be proactive and vigilant in maintaining a positive school climate. In the bullying context this would support and even mandate that schools intervene on behalf of victimized students to correct the power imbalance implicit in bullying.

The Ross case also emphasizes the fiduciary / trust relationship between a teacher and a student and the fact that the teacher is a role model for students, both in and outside the classroom. This relationship of trust is one of the reasons that teachers and school administrators are such central players in responding to problems of bullying and cyberbullying. Mr. Justice La Forest who wrote for the Supreme Court in the *Ross* case has also elaborated on his views about teachers as role models and trustees for their students in an interesting law journal article.[91] The focus on the fiduciary duties of teachers to act as trustees of vulnerable students accords with the need to be proactive with respect to maintaining safety, a positive environment and protection from bullying and cyberbullying.

Matters of discipline and student misconduct fall primarily to principals and vice principals but they too are teachers with the same fiduciary obligations in respect to their students. These administrators also have the overall obligation to maintain order in the schools and must balance the rights of individual students against the collective interest of the whole school. The principals' duties are set out in section 38 of the Nova Scotia *Education Act* and can be read broadly enough to require cooperation with students, parents, staff and the broader community. This kind of cooperation is statutorily mandated in section 69(2) of the Northwest Territories *Education Act*[92] in the following terms:

> 69(2) In addition to the duties of a teacher, a principal shall:
>> (a) Promote the cooperative development of school goals, plans and policies by students, parents, school staff, community elders and other members of the community in order to facilitate partnership and excellence in education.

The sentiment expressed in the above provision is in harmony with the imperatives of partnering and networking, a community response and the need to engage youth. These prerequisites to an effective response to the problem of bullying have been explored in Chapter 2 of this report. The Task Force also makes a recommendation for clear communication with all the stakeholders, as principals and teachers lead the initiatives against bullying. In most cases this is already the practice, so the Task Force does not propose an amendment in respect to cooperation with the various stakeholders but rather suggest that it is implicit within the existing statutory duties of teachers and principals.

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[91] GV La Forest, "Off-Duty conduct and the Fiduciary Obligation of Teachers" (1997) 8 Educ Law J 119.
[92] SNWT 1995, c 28.

It is important for principals and teachers to exercise their authority within the school in a way that is respectful of the rights of students, staff and parents but also in a way that is effective in promoting a positive school climate. In this regard, the Task Force makes specific recommendations about promptly investigating the recommended mandatory reports of bullying and cyberbullying. It also advocates and in some cases mandates clear and effective policies on bullying and cyberbullying and the proper and consistent implementation of these policies. School authorities owe it to their students to maintain proper control of their schools so as to reduce the problems of bullying and other forms of misconduct. Fair leadership can also be strong leadership, as I am sure teachers and principals already know.

Liability in the Bullying Context

School boards and in more limited ways Education departments do owe duties of care to the students under their care and supervision. The most relevant area of law is the law of negligence which in simple terms requires individuals and agencies, such as school boards and departments of Education, to take reasonable steps to counter foreseeable risks of injury to those to whom a duty of care is owed. Under the Nova Scotia *Education Act* as with all such statutes in the country there is a statutory duty to attend to the care and safety of the students within their control. These statutory duties are also supplemented by common law duties of reasonable care in accordance with the standard of the "reasonable and prudent parent." This standard is an echo of earlier days when the basis of school jurisdiction was *in loco parentis*. While this older approach has largely been replaced by a model that treats teachers and other school board staff as state agents rather than temporary parents, the "careful (or reasonable) and prudent parent" remains the standard for purposes of civil negligence suits (see Appendix I for more details) [93]. Even though the individual acts of negligence may be those of school board or department employees, in most cases the employer has indirect or vicarious liability for their employees' action or omissions within the course of their employment.

Whether schools boards or the Department of Education can be sued for failing to protect students from bullying is a matter of civil law and the extent of the duty owed to students to be educated in a safe and non-discriminatory environment. These matters fall within provincial jurisdiction as a matter of property and civil rights in the province. Schools also fall clearly within provincial jurisdiction. If the bullying conduct crosses the line into criminal intimidation or harassment, it becomes a matter for the federal government under the *Criminal Code* (as discussed earlier). Cyberbullying which can cross many boundaries and implicates various forms of telecommunications has both federal and provincial dimensions. The most effective responses occur when the various levels of authority work together to make our schools safer places.

When things go wrong and school authorities do not take the reasonable steps needed to protect students from foreseeable risks such as bullying and cyberbullying, parents are increasingly considering negligence lawsuits. It is important to note that school boards cannot and are not legally required to guarantee the safety of their students but they do

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[93] W MacKay & L Sutherland, *Teachers and the Law*, 2d ed (Toronto: Emond Montgomery Publications Ltd, 2006) at chapters 1, 2.

have a duty to take reasonable steps to ensure a safe school environment. It should also be emphasized that lawsuits are an expensive and blunt instrument for getting action on bullying and that there are many actors besides school boards and departments of Education that have duties to keep children safe, including parents. Nonetheless, there is a growing trend to pursue lawsuits as one course of action[94].

During the September 2011 public hearings of the Task Force Dr. Robert Konopasky made a presentation advocating negligence lawsuits based on failure to respond properly to the foreseeable risks of bullying and cyberbullying in Canadian schools. He, on behalf of himself and his co-authors, argued that such lawsuits would be a catalyst for better measures to prevent or at least reduce bullying in schools, because of the large compensation awards that might be awarded against school boards[95]. Dr. Konopasky and his co-authors also suggest that the language of "bullying" as opposed to language such as "assaults or harassment" is too soft and that the discourse of childhood and morality should be replaced by the tough language of law.

Whether or not one agrees with this assessment, lawsuits are a possibility and even a reality that underscore the need for school authorities to take the problems of bullying and cyberbullying even more seriously than they have to date. In *North Vancouver School District v Jubran* the relevant school board was found liable under the human rights code for failing to take proper preventive measures and engage in school wide education in respect to discriminatory bullying on the basis of sexual orientation.[96] This case was pursued as a human rights complaint rather than a negligence claim, but by either route when the claimant wins the school board or other relevant educational authority must pay in both time and money.

Of course most school boards and the Nova Scotia Department of Education are pursuing avenues for reducing bullying and cyberbullying and the next chapters of this Task Force Report will focus on the importance of preventative programs and education as preferable to post facto sanctions. Before turning to what can be done under the Nova Scotia legal framework for education and how it can be improved, we will take a brief glance at some comparative jurisdictions. Because of the limits of time and space, the Task Force will deal with only three jurisdictions, although the bullying problem is a worldwide phenomenon.

Other Jurisdictions at a Glance

Several places, notably Ontario, the United States and Australia have undertaken significant measures on bullying. What follows is a very brief summary of some of their

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[94] S Findlay, "Bullying Victims are Taking Schools to Court" *MacLean's Magazine* (14 September 2011).

[95] John McKinlay, Robert J Konopasky, Abigail Konopasky, A Wayne MacKay & Tessa Barret, "Education's Perfect Storm: Outmoded or no bullying policies, grievous harm to victims, and justifiable civil litigation" (Paper delivered at the Canadian Association for the Practical Study of Law in Education Conference, St John's, 2 May 2011) to be published in the next book of proceedings on the 2011 Canadian Association of Practical Studies of Law and Education (CAPSLE).

[96] 2005 BCCA 201. See also M.A Jette, "Sticks and Stones: Jubran v Board of Trustees and the Relationship Between Homophobic Harassment and Sex Discrimination" (2003) 2 Journal of Law and Equality 286.

approaches as a quick, comparative glance. If time permitted, many other places could be explored but these will provide a brief comparative taste.

Ontario, Canada

The Ontario model is very helpful for review and comparison. Ontario has made several important changes to its education laws and policies over the last decade. It has moved from a "zero-tolerance" and mandatory punishment approach under the controversial *Safe Schools Act* passed in 2000, to a progressive discipline model. The Ontario government amended its *Education Act* in 2007 to include three changes particularly pertinent to bullying: the addition of "bullying" to the list of infractions for which suspension may be considered; the institution of a mandatory procedure for reporting of infractions to principals and parents; and, significantly, as discussed above, the extension of the right to discipline students for actions that occur off school property, as long as they have an effect on the school climate.[97] In 2009 the Ontario government passed another piece of legislation which requires school staff to report serious student incidents and incidents which might have a negative effect on the school climate to the principal. This legislation also requires the principal to inform the parents of the victimized student.[98]

Most recently in November of 2011, the Ontario government introduced Bill 13, the *Accepting Schools Act,*[99] a piece of proposed legislation that requires school boards to take a proactive approach to combat bullying and endorses a "whole school" approach to the issue. This bill sets out a definition of bullying in the *Education Act* and mandates school boards to promote equity and inclusive education policy. It requires all school boards to develop guidelines relating to bullying and school discipline. Incidents of repeated or severe bullying would be grounds for expulsion of a student. The bill proposes that a Bullying Awareness week be created, and requires school boards to support students in activities and organizations that promote gender equality, anti-racism, awareness and understanding of people with disabilities and LGBT/gay-straight alliance organizations. This last provision is controversial and has generated recent debate.

A bill has also been proposed by the opposition, referred to as Bill 14, *Anti-Bullying Act, 201.*[100] The government bill and the opposition bill differ in several aspects, but essentially they both deal with defining bullying, preventing it, creating awareness, creating policies and guidelines, and dealing with discipline. Whatever the final form of the new legislation, the result will be that school boards in Ontario will bear increased responsibility to ensure the safety and inclusion of all students. (see Appendix J for details.)

The effect of the foregoing Ontario legislation since 2007 has been to move away from the zero tolerance approach adopted by the Harris Government in 2000.[101] It has been replaced by more discretion to respond to individual cases of discipline and a move

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[97] Bill 212, *Education Amendment Act* (Progressive Discipline and School Safety), SO 2007, C 14.

[98] Bill 157, *Education Amendment Act* (Keeping our Kids Safe at School), 2009 SO 2009, C 17.

[99] Bill 13, *Accepting Schools Act*, *2011*, 1ˢᵗ Sess, 40ᵗʰ Leg, Ontario, 2011.

[100] Bill 14, *Anti Bullying Act, 2011*, 1ˢᵗ Sess 40ᵗʰ Parl, Ontario, 2011.

[101] One of the reasons for this move away from the zero tolerance approach was the adverse effect such an approach had on visible minorities in schools. Indeed the changes were part of a human rights settlement on this issue

towards progressive discipline. Although the legislature set out in the Ontario Laws Appendix J make little reference to the concept of progressive discipline, it is clearly set out in Policy Memorandum #145 which is reproduced in Appendix K.

When lawyer and education law expert Eric Roher presented to the Task Force in September 2011 he made a comprehensive presentation on the evolution of Ontario law in respect to discipline generally and bullying in particular. The video and PowerPoint versions of this presentation are on the Task Force website and are also available from the Nova Scotia Department of Education. The Task Force suggests that Mr. Roher's presentation be made available to relevant staff at the department, school boards, and administrators' associations. Drawing upon his experiences as counsel for a number of Toronto school boards, Mr. Roher provides useful insights on why Ontario is a useful model to consider.[102]

United States

In the United States, legislation addressing bullying in a school context is common and many states have some form of legislation requiring school districts to implement bullying prevention policies. Individual states are passing stricter bullying and cyberbullying laws and some changes to criminal laws have also been made, for example, specifying that offences relating to harassment and stalking include electronic means. In constitutional law terms, the United States constitutional provisions dealing with free speech, privacy, due process rights, as well as search and seizure come into play when developing and implementing this type of legislation, at least with respect to public schools.

Although freedom of speech is a fiercely protected value in the United States, the law gives schools leeway to regulate certain types of speech in order to protect the children in their care.[103] Schools are seen as acting in the place of a parent in connection with school activities. As well, teachers and principals have fairly broad search and seizure rights in the context of public schools, as long as they have a reasonable suspicion that a search (of a cell phone, for example) will provide evidence of a criminal offence or breach of a school rule.[104] However, there are still many grey areas about how far a school can go in dealing with student speech, student searches, and off-site cyberbullying. In many areas, as in Canada, these complex issues have not been fully explored by the higher courts.

Some school districts have explicitly adopted legislation dealing with off-site bullying. Massachusetts has enacted a strict law responding to cyberbullying using the *Tinker* "substantial disruption" standard (discussed above).[105] The legislation applies to

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[102] Of course, Ontario is not the only model and any models must be adapted to Nova Scotia. Quebec has also recently proposed anti-bullying legislation. Rhéal Seguin, "In Quebec, anti-bullying bill provokes a political fight" *The Globe and Mail,* (15 February 2012). See Bill 56: online, <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-56-39-2.html>, see section 21 regarding fines for schools that fail to comply with anti-bullying legislation as an example of where Nova Scotia should be careful in adopting other provincial models. This punitive approach is not consistent with a more restorative and cooperative model as recommended for Nova Scotia.

[103] See *Brown v Entertainment Merchants Association* 131 S Ct 2729 (2011) allowing violent video games as elaborated in Legal Dimensions Appendix I.

[104] *New Jersey v TLO*, 469 US 325 (1985), 105 S Ct 733.

[105] Mass Gen Laws Ann Ch 71 S 370.

behaviour on and off the school premises that "creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school." Schools are required to have anti-bullying plans, including addressing cyberbullying. In these plans, there must be clear reporting procedures for students, staff, and parents, and anonymous reporting procedures. There must be a range of disciplinary methods available, balancing the needs for accountability and teaching appropriate behaviour, as well as strategies for protecting a victim from retaliation and restoring the victim's sense of safety.

Concerns about freedom of religious speech are also often raised in the American context. A very recent example occurred in Michigan, with debate over the Senate's passage of Bill SB-0137, known as "Matt's Safe School Law."[106] The bill requires all school boards to enact anti-bullying policies. It is named in memory of Matt Epling, a youth who died by suicide in 2002 after being bullied. The state Senate amended the bill, inserting a subsection protecting any "statement of a sincerely held religious belief or moral conviction." After protest from lawmakers and others, some of whom called the bill "a license to bully," the Senate passed the House's version of "Matt's Safe School Law," which omitted any explicit protection of religious speech.[107]

With respect to the issue of the liability of a school board for failing to provide a safe environment, the Anoka-Hennepin School District in Minnesota made headlines after nine students who were openly gay or perceived as gay died by suicide in two years. The school district had a policy in place forbidding instruction relating to homosexuality and required teachers to remain "neutral" on the topic. After a complaint, the government began an investigation into civil rights violations within the school board. At the same time, a lawsuit was filed on behalf of a group of students in the district, alleging that the "neutrality" policy deprived LGBT students of any affirmation of their identity and has exposed them to violence and harassment from their peers. If this is proven in court, the school district may be liable for the harm suffered by these students. This has some parallels to the *Jubran* case in Canada discussed earlier.[108]

A different approach to this issue has been taken by a neighbouring school board in Minneapolis, Minnesota. The Minneapolis Public School District requires all staff to be trained on LGBT issues and has added LGBT topics to the curriculum of various courses. The school district has created a support program for LGBT students and has implemented an anti-bullying program. These steps may reduce bullying, and these programs will be strong evidence that the school board has met the duty of care required of it in law. Other American states are far less progressive on these issues but there are some positive models to consider.

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[106] US, SB 0137, *A bill to amend 1976 PA 451, entitled "The revised school code",* 96th Legis, Reg Sess, Mich, 2011. Bill text available online: <http:// legislature.mi.gov/documents/2011-2012/billengrossed/Senate/pdf/2011-SEBS-0137.pdf>.

[107] *Ibid*. see *Matt's Safe School Law*, MCL § 380.1310b (2011), online: <http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0241.pdf>. This bill was signed into law 6 December 2011.

[108] *North Vancouver School District v Jubran*, (2005) BCCA 201.

Australia

Australia has taken steps on a number of fronts to address cyberbullying and bullying. In June 2011, the Joint Select Committee on Cyber-Safety tabled its report on the Inquiry into Cyber-Safety entitled *High-Wire Act: Cyber-Safety and the Young*.[109] The mandate of the Committee was to review broadly the online environment for Australian children. The Committee made a number of recommendations in relation to cyberbullying and safety in schools, including the following:

- That the Minister of Education, the Working Group and the Youth Advisory Group develop an agreed definition of cyberbullying to be used by all Australian government departments and agencies, and encourage its use nationally.

- That the government and its partners investigate the feasibility of developing and introducing a cyber-safety student mentoring program in Australian schools.

- That a legislative approach be developed to enable schools to deal with bullying incidents out of school hours.

- That options be explored to have youth teach each other and parents/adults about cyberbullying and cyber-safety.

With respect to a human rights approach, the Australian Human Rights Commission announced in June 2011 that it would begin addressing cyberbullying as a human rights issue and the Australian Human Rights Commission has taken an educational approach to combating cyberbullying. The Commission has been 'tackling violence, harassment and bullying' as one of its priority themes and is taking steps to identify and address policy issues and solutions. In 2010 the Commission hosted a roundtable with non-government organizations, the government and bullying experts to explore the development of effective strategies to tackle cyberbullying. In 2011 the Commission hosted a conference with youth representatives, covering topics such as bullying and self-esteem. The Commission is developing new initiatives to empower young people to stand up to bullying and has emphasized the role of the bystander in bullying and cyberbullying.

In terms of civil liability for schools, there have been several cases in Australia of schools being held liable for bullying or harassment suffered by their employees or students.[110] Australia has been very proactive on bullying and offers some good ideas.

The *Education Act*, Regulations, and School Board Policies in Nova Scotia

While it is apparent that criminal law, civil law and human rights law all have some involvement in this area, the problem of bullying and cyberbullying may ultimately be addressed most effectively within the school system through administrative policies flowing from the Nova Scotia *Education Act*. This would involve education, awareness

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[109] See online: < http://www.egov.vic.gov.au/focus-on-countries/australia/trends-and-issues-australia/information-and-communications-technology-australia/cyber-security-australia/high-wire-act-cyber-safety-and-the-young-interim-report.html>.

[110] See for example *Cox v NSW*, [2007] NSWSC 471; *Geyer v Downs* [1977] HCA 64.

and prevention campaigns, progressive discipline strategies, restorative approaches and empowering youth themselves to be part of the process.

In Nova Scotia, the *Education Act* provides a solid foundation for establishing an effective framework in relation to bullying and cyberbullying. The present scheme provides the basis for a cohesive and consistent response to bullying in the province, and there already exists useful provincial, regional and school-specific policies on student conduct and student discipline which flow directly from the *Education Act* and regulations. Nova Scotia's legislative and regulatory infrastructure is well placed, with a few specific enhancements, to respond to bullying. There are some positive steps that should be taken to strengthen the existing framework, which will be presented below, in the form of the Task Force's recommendations.

The *Education Act* gives the Minister the power to make regulations establishing a provincial policy respecting the discipline of students,[111] and it requires all school boards to establish a regional student discipline policy that is consistent with any provincial policy.[112] Pursuant to this authority, section 47 of the *Ministerial Education Act Regulations* sets out the *Provincial School Code of Conduct*, which stipulates the standards to which regional policies must conform. This regulation defines the principles on which regional policies are to be based and the procedure by which such policies are to be created and reviewed. It sets out categories of misconduct and describes the substance to be contained in regional policies. Finally, it provides that regional policies must require principals to enact individual school Codes of Conduct that are consistent with both the provincial and regional policies.[113]

The Nova Scotia *Provincial School Code of Conduct* and *School Code of Conduct Guidelines,* which flow from the Act and regulations, set out in greater detail the provincial policy. The emphasis throughout is on supporting the development and implementation of comprehensive, school-wide positive behavioural interventions and supports, and on recognizing and rewarding positive behaviour, and proactively intervening to prevent disruptive behaviour from occurring (thereby minimizing the need for disciplinary responses). This approach is referred to as PEBS.

While not specifically using the language of a "whole school approach" as is used in some other jurisdictions, the *Provincial School Code of Conduct* and *School Code of Conduct Guidelines* strongly emphasize whole school principles; namely, creating a safe, inclusive and productive environment for all members of the school community, taking into account all aspects of school life; emphasizing the role and responsibility of students, parents, school staff, government and community in achieving this goal; and focusing on a variety of strategies to support a comprehensive, proactive and preventive approach as opposed to a negative and reactive approach focused primarily on punishment. The scheme is well-conceived and forward-looking, based on solid education theory and research. It also fits well with the restorative approaches that this Task Force recommends.

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[111] *Education Act*, SNS 1995-96, c 1, s 145(1)(h).

[112] *Education Act*, s 64(2)(r)

[113] NS Reg 80/97 (amended up to NS Reg 267/2011).

The *Education Act* makes no reference to the term "bullying" but the Regulations list it in section 47(2) under the definition of "severely disruptive behaviour" which is defined generally as "student behaviour that significantly disrupts the learning climate of the school, endangers the well-being of others or damages school property." In addition to bullying, severely disruptive behaviour also includes such behaviours as vandalism, racism, physical violence, sexual abuse and possession of weapons.

In the *Provincial School Code of Conduct* and *School Code of Conduct Guidelines* a series of tables are provided at the end which give helpful and specific examples of disruptive and severely disruptive behaviours and a range of possible actions and consequences. As noted above, bullying is defined in these tables in a way which encompasses cyberbullying.

The mention of racism as one of the severely disruptive behaviours under section 47 of the Regulations on this topic emphasizes the need to recognize the links between race, bullying and school safety for African Nova Scotians. These links were clearly recognized in one of the Targeted Focus Groups summarized in Appendix E. These connections deserve more study than the time restrictions of this Task Force process allowed. Effective statutory provisions, regulations and policies dealing with issues of racism are also an important part of properly and effectively responding to bullying and cyberbullying. The Task Force thus recommends that these issues be further examined by the Department of Education.

My law school colleague, Professor Michelle Williams-Lorde, made the following submission to the Task Force about the importance of considering race and its links to bullying.

> Racism is a form of bullying. State-sanctioned racialized bullying has been practiced throughout Canadian history through laws that permitted enslavement, segregation, internment and other forms of racial discrimination. Severe racialized bullying and violence continues in the form of hate crimes. Indeed Statistics Canada has reported that "over half of all police-reported hate crimes were motivated by race or ethnicity and that Blacks continue to be the most commonly targeted racial group."[114]

In applying either restorative approaches or progressive discipline, special care also must be taken in dealing with those with learning disabilities and other disabilities. If the offending behaviour is a manifestation of the disability, some modifications to the process may be needed, while still ensuring safety for all the students. There is a recommendation on this point.[115]

The Province of Nova Scotia should develop a cohesive, province-wide bullying prevention policy based on a whole school philosophy and an inclusive education approach. The approach should build on the existing platform of education legislation and

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[114] Statistics Canada, "Police-reported hate crimes" (7 June 2011), online: <http://www.statcan.gc.ca/daily-quotidien/110607/dq110607a-eng.htm>.
[115] Eric Roher & Anthony Brown, "Special Education and Student Discipline" (2004) 14 Educ Law J 51; Faye Mishna, "Learning Disabilities and Bullying: Double Jeopardy" (2003) 36 Journal of Learning Disabilities.

polices to include a broad spectrum of strategies aimed at: bullying prevention, awareness-building, student involvement and leadership, restorative practices, peer mediation and resolution and clear guidelines for students, parents and school officials around the acceptable use of technology.

The approach should encourage partnerships with the Nova Scotia Human Rights Commission, community agencies, other agencies, the police, youth groups, student leaders and volunteers, parents and families and school board staff. Youth and students must be empowered to command a significant role in crafting solutions. Their engagement in the process is vital.

The primary focus should be on education, awareness and prevention. A secondary focus should be on responding to incidents using a progressive discipline policy based closely on the model used in Ontario, which takes into account the circumstances of the perpetrator and the victimized student and pursuing a response that that is aimed at teaching and supporting both parties, using restorative practices where appropriate. The strategy should include an implementation plan, processes for monitoring, review and data collection and a targeted communications plan. These matters will also be explored in future chapters of this report.

As indicated in some of the following recommendations there needs to be additions to the preamble of the Nova Scotia *Education Act* to establish guiding principles about the need for a whole school approach, inclusion, the promotion of a safe school environment and the need to confront and reduce bullying in all its forms. Consideration should also be given to redrafting the preamble to the *Education Act* in a form that is more accessible to the general public and more inspiring in its tone.[116]

Encouraging Appropriate Behaviour, Responding to Inappropriate Behaviour, Progressive Discipline and Restorative Approaches

Progressive discipline is a whole school approach that builds on partnerships with all members of a school community to encourage positive behaviour and respond appropriately to inappropriate behaviour by students. This approach is used in several jurisdictions, including Ontario, where all school boards are required to implement policies on progressive discipline. Given the existing platform of education legislation, regulations and policies which already form the basis for Nova Scotia's modern approach to safe and inclusive schools and to discipline, including a growing restorative approaches movement would appear to be more an incremental step than a significant shift in philosophy to embrace a progressive discipline model.

A progressive discipline approach makes use of diverse strategies to promote positive behaviour and prevent inappropriate behaviour through a wide range of interventions, supports, and consequences. The goal is to fashion a response that is not so much punitive as supportive and corrective.[117] Examples of an intervention might fall anywhere along a continuum; for example, a meeting with parents; an apology; a meeting with a guidance

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[116] The Preamble to the Northwest Territories *Education Act* provides a good example which could be modified to fit the Nova Scotia context: see *Education Act*, SNWT 1995, c 28.

[117] Ontario Policy/Program Memorandum No. 145, (19 October 2009) see Appendix K.

counsellor, school psychologist or resource teacher; detention; peer mediation, using restorative practices to repair relationships; referral to a community program; suspension or even expulsion. It is important that corrective steps take into account a student's circumstances, developmental stage and any mitigating factors, and that disciplinary actions are, where possible, of a nature that the student can learn from them. As noted, this strategy dovetails well with Nova Scotia's existing approach as set out in the *Provincial School Code of Conduct* and *School Code of Conduct Guidelines*.

An important component of a progressive discipline model is the use of restorative approaches, which seek to strengthen and support social relationships through community participation, respectful dialogue and processes that build and strengthen relationships. A restorative approach addresses conflict and discipline within the school by holding individuals accountable for their actions while also promoting and building positive relationships and school attachment by encouraging the individual's involvement and voice within the school community. Restorative approaches can encompass every stage of a progressive discipline approach short of suspension and expulsion. Within a progressive discipline legislative framework, restorative approaches provide schools and school boards with the ability to respond appropriately and effectively to incidents of bullying and cyberbullying (see Appendix M).[118]

Nova Scotia has been a leader in restorative justice and restorative approaches in the youth criminal justice field. Recently, Nova Scotia has also seen the development of community experience, resources and programming in restorative approaches in the school context. It is important to continue this momentum and formally integrate restorative approaches into schools across Nova Scotia. This province is well-poised to become a leader in restorative approaches in the education context. This will be explored more fully in Chapter 5 of this report. We shall now turn to the recommendations.

Recommendations:

Legislation and Regulations

24. **It is recommended that the Nova Scotia government introduce a** *Bullying Awareness and Prevention Act* **preferably in the spring of 2012 and no later than the fall of 2012 to amend the** *Education Act.*

25. It is recommended that the preamble to the *Education Act* **be amended by the Nova Scotia Legislature to include a provision stating that Nova Scotia employs a whole school approach to building and maintaining a positive and inclusive school environment, and promoting school safety and bullying awareness and prevention.**

26. It is recommended that the Nova Scotia Legislature adopt the definitions of bullying and cyberbullying as set out in Chapter 3 of this report and incorporate

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[118] The Task Force would like to acknowledge the helpful assistance of law school Professor Jennifer Lewellyn, Director of the Nova Scotia Restorative Justice Community University Research Alliance; Richard Derible, Safe Schools Consultant to the Halifax Regional School Board and in particular; Emma Halpern, Equity Officer at the Nova Scotia Barristers' Society for presenting in the October public meetings of the Task Force and preparing the useful Appendix on Restorative Approaches.

them into section 3 of the *Education Act* and section 47(2) of the *Ministerial Education Act Regulations*:

> Bullying is typically a repeated behaviour that is intended
> to cause, or should be known to cause, fear, intimidation,
> humiliation, distress or other forms of harm to another
> person's body, feelings, self-esteem, reputation or property.
> Bullying can be direct or indirect, and can take place by written,
> verbal, physical or electronic means or any other form of expression.
>
> Cyberbullying (also referred to as electronic bullying) is a
> form of bullying, and occurs through the use of technology.
> This can include the use of a computer or other electronic
> devices, using social networks, text messaging, instant messaging,
> websites, e-mail or other electronic means.
>
> A person participates in bullying if he or she directly carries out
> the behaviour or assists or encourages the behaviour in any way.

27. It is recommended that the Department of Education ensure that students who participate in bullying in any form be found to have committed student misconduct, and that as a consequence of this behaviour be provided the opportunity to participate in a restorative approaches program and/or face progressive discipline in the form of suspensions, alternate suspensions (such as the YMCA program) expulsions, or other consequences. The precise nature and details of these consequences should be elaborated in the relevant regulations and or policies of the Department of Education.

28. It is recommended that section 145(1) of the *Education Act* and/or section 47 of the *Ministerial Education Act Regulations* be amended by the Nova Scotia Legislature to add a requirement that the provincial and regional policies respecting the discipline of students take account of the principles of progressive discipline and restorative approaches. (Refer for guidance to Ontario Bill 13, section 7 (3) amending section 301(6) of the Ontario *Education Act.*)

29. It is recommended that section 47(7) of the *Ministerial Education Act Regulations* be amended by the Nova Scotia Legislature to ensure that misconduct, including bullying or cyberbullying that is a manifestation of a disability and beyond the control or understanding of the student, be handled in a way that takes into account the disability and protects the safety of all students. (Refer for guidance to Ontario Expulsion of a Pupil Regulations O. Reg. 37/01 and suspension and expulsion O. Reg. 472/07.)

30. It is recommended that the Department of Education ensure that the definitions of bullying and cyberbullying be used consistently in the *Education Act;* in any relevant regulations pursuant to the *Education Act;* in the provincial policy as set out in the *Provincial School Code of Conduct and School Code of Conduct Guidelines;* in regional policies and school policies; and in Department of Education materials and online resources dealing with student conduct and bullying.

31. It is recommended that section 122 of the *Education Act* and section 47 of the *Ministerial Education Act Regulations* be amended by the Nova Scotia Legislature to define clearly the jurisdiction of school authorities to deal with instances of misconduct including bullying and cyberbullying that take place off school grounds and that have a detrimental effect on the school climate.

Language along the following lines is suggested: A principal shall have jurisdiction to discipline a student if he or she believes that the student has engaged in student misconduct including bullying or cyberbullying activities, while at school, at a school-related activity or in other circumstances away from the school where engaging in the activity will have a detrimental impact on the school climate. (Refer for guidance to sections 306 (1) and 310 (1) of Ontario's *Education Act.*)

32. It is recommended that sections 24, 26, 38, 40 of the *Education Act* be amended by the Nova Scotia Legislature to include provisions requiring an employee of a school board to report to the principal, as soon as reasonably possible, serious student misconduct (including bullying and cyberbullying) that may have a detrimental effect on the school climate. (Refer for guidance to Ontario's *Education Act*, section 300.2.)

33. It is recommended that section 38 of the *Education Act* be amended by the Nova Scotia Legislature to include a provision requiring that the principal investigate promptly reports of such behaviours and take appropriate action as deemed necessary. It is further recommended that the parents / guardians be informed of the misconduct and the investigation.

34. It is recommended that section 25 of the *Education Act* be amended by the Nova Scotia Legislature to include a provision requiring parents to take reasonable steps to be aware of their children's online activities, at least to the extent that such activities may detrimentally affect the school climate, and to report relevant information to the school principal or other relevant staff.

35. It is recommended that section 64(2) of the *Education Act* be amended by the Nova Scotia Legislature to require school boards to develop and implement regional policies, responses and programs to address bullying and cyberbullying behaviours, consistent with the provincial definitions and policies in respect to bullying and cyberbullying.

Policies and Guidelines

36. It is recommended that the Department of Education ensure that clear guidelines be added to the *Provincial School Code of Conduct and School Code of Conduct Guidelines* to give guidance to school officials about what constitutes bullying and cyberbullying, the types of off-site behaviour that will be captured by these provisions, and to assist in determining appropriate actions to take in each circumstance. *(*Refer for guidance to Ontario *Education Act*, section 306 (1) (2).)

37. It is recommended that the Government of Nova Scotia, through relevant departments dealing with youth and/or the Better Health Care Committee of Deputy Ministers, review existing policies to ensure there are no barriers to dealing with bullying and cyberbullying.

38. It is recommended that the Department of Education develop or enhance a progressive discipline policy that includes the use of restorative approaches. (Refer for guidance to Ontario Policy/Practice Memorandum No. 145 October 19, 2009.)

39. It is recommended that the Department of Education and school boards review, clarify or develop clear policies on cyberbullying and the use of the internet and cell-phone/digital devices. These policies should set out expectations and consequences for infractions, including off-site infractions, and should be signed by parents and students at the beginning of each school year. These policies should form part of the *Provincial School Code of Conduct and School Code of Conduct Guidelines.*

40. It is recommended that as part of the above review, the Department of Education and school boards ensure that a cell phone/digital device classroom ban be piloted across the province as part of the above cell phone and digital devices policy. (Emergency health situations or other relevant circumstances would be excepted.)

41. It is recommended that the Government of Nova Scotia review, clarify or develop policies and procedures to allow and encourage students and parents to report bullying incidents. Consideration should be given to safe and anonymous reporting websites such as <stopabully.ca/schools/school-status-report> and on the School Bullying Hotline model (modeled on police hotlines) used in Australia.

Other Law and Policy Recommendations

42. It is recommended that the Nova Scotia Department of Justice, the Nova Scotia Chiefs of Police Association and Internet service providers work together to develop a protocol to facilitate police access to information during the investigation of bullying and cyberbullying cases.

43. It is recommended that the above group recommend changes be made to regulations governing Internet service providers, and that representations be made in this regard to the federal Ministry responsible for the Canadian Radio and Television Commission.

44. It is recommended that the provincial Minister of Justice make representations to the federal Minister of Justice about evaluating the effectiveness of current *Criminal Code* provisions in responding to bullying and cyberbullying and exploring the pros and cons of a distinct crime of bullying and cyberbullying.

45. It is recommended that the Department of Justice further explore the links between bullying and marginalized groups such as those protected under the Nova Scotia *Human Rights Act*, to determine whether changes need to be made to the Nova Scotia *Education Act*, regulations or policies to better protect these groups from bullying and cyberbullying.

Chapter 5: Interventions, Preventive and Proactive Measures: The Need for Focus and Coordination

The legal sanctions discussed in the previous chapter are after the fact while the interventions discussed in this chapter are preventive in nature. It is always more desirable to prevent a problem than to deal with the negative consequences after the misconduct has occurred. To the extent that the legal recommendations also embrace restorative approaches there is an element of deterrence and prevention in these responses as well. However, investing human and financial resources in reducing bullying and cyberbullying by devising and implementing good and effective interventions is a very important part of this report. Selecting and implementing the most effective intervention strategies and programs is the challenge.

As hopefully is clear from the preceding chapters of this report, bullying and cyberbullying are at their cores relational problems. There are of course individuals involved, but it is the negative interactions and relations between individuals that constitute bullying. Many scholars and commentators have emphasized the complex web of relations that are involved in bullying behaviour and the difficult challenge of untangling that web.[119] It is also clear that bullying and cyberbullying are forms of relational aggression that most frequently victimize the vulnerable and attack their self-esteem and sense of self-worth.[120] This bullying behaviour is the antithesis of compassion and empathy and thus the role of effective interventions is to attempt to replace these negative relationships with more humane ones based on empathy and compassion for others.

The Need for Focus and Coordination

In many respects school authorities have too much knowledge about the plethora of programs available that claim to combat bullying and cyberbullying effectively. School boards and the teachers on the front lines of education are inundated with programs that need to be evaluated and implemented. These are in addition to the teaching of the core curriculum and the other duties facing teachers and school administrators. In the Task Force's view what is needed is not more programs for the sake of programs but an approach to the problem which is focused and coordinated; hence the title of this chapter "The Need for Focus and Coordination." It is also deliberate that the core recommendation in this and other chapters is the creation of an Anti-Bullying Coordinator and appropriate financing and supports for this office.

What is needed is a better understanding of the complexity of bullying behaviour and of the relational and systemic nature of the problem. As explored briefly in Chapter 1, a better understanding of the root causes of bullying and cyberbullying are essential for selecting and implementing the most effective responses. There is no quick fix or convenient app for solving or even reducing the bullying problem. Simplistic solutions based exclusively on individual blame or the removals of technology are not realistic or

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[119] Shaheen Shariff, *Confronting Cyberbullying: What Schools Need to Know to Control Misconduct and Avoid Legal Consequences* (New York: Cambridge Univ. Press, 2009).

[120] Margaret Jackson, Wanda Cassidy & Karen Brown, "You Were Born Ugly and You Die Ugly Too: Cyberbullying as a Relational Aggression*", In Education*, online: <http://www.ineducation.ca>.

likely to be effective. This does not mean that individual accountability and responsibility are not important as systems and relations are composed of individuals.

The mechanism for holding people accountable for their behaviour, no matter who is the aggressor and who is the recipient (student to student, student to teacher, parent to teacher, teacher to student, administrator to teacher, etc.) is also a critical component of an effective response. As much as we can hope for better outcomes by putting other proactive measures in place, the reality is that there will likely always be a need to respond to incidents of poor behaviour. Devising and implementing a system of mechanisms which holds people accountable for their behaviour but also takes each incident as an opportunity to teach pro-social skills, build capacity for empathy and emotional awareness and connect with other support services where necessary, is an area where the research and the practice seem still to be in their infancy. The principles and practices of restorative approaches are beginning to be implemented in some educational settings and offer some promising insights where the perpetrator and the victim are known. The sensitive nature of bullying and the fear felt by victims and some bystanders suggests that other complementary interventions are necessary as well.

This delicate balance lies between holding individuals accountable for their bad behaviours in a process of progressive discipline (the current Ontario model) and incorporating more positive efforts to restore relationships by programs under the umbrella of restorative approaches. One of the challenges in striking this balance is to move away from a governance structure based upon the vertical model of command and control towards one of horizontal governance where many segments of the community are involved in decision making including the young people who are the objects of the rules and programs.

One should also not underestimate simple actions such as principals and teachers making human contact with students by checking in with them at the beginning and end of the day. The value of one-on-one contact is high in the age of technology and lives led in virtual reality. It is also vital that students at risk have access to the supports that they need such as counselors, mental health professionals and other needed one-on-one attention. One of the critical recommendations in this regard is the move to having more trained guidance counselors to improve the counselor to student ratio to 1:500, but also ensuring that all schools have some access to professional help when needed through the school feeder system.

The Umbrella Structure for Interventions

There are some basic pillars that should support the necessary interventions to respond to bullying and cyberbullying. The Task Force identifies these pillars as follows:

- Whole School Approach
- Inclusive Education
- Progressive Discipline
- Restorative approaches

The first three of these pillars are already in place in Nova Scotia and the fourth one, restorative approaches, is being extended from other departments such as Justice. While there has been considerable success with Restorative Justice, there have been many successful pilots of restorative approaches in our schools and Nova Scotia is a leader in Canada in this general area. We will return to the exciting promise of restorative approaches as the umbrella concept for bullying interventions in Nova Scotia later in this chapter. It is important to note that it is a broad umbrella which can embrace PEBS and other existing Nova Scotia strategies and programs as discussed in Appendix F on Strategies.

In respect to the other three pillars, Nova Scotia already practices a whole school approach which can be defined as follows:

> A whole school approach embeds bullying prevention within the curriculum and wider school activities and environments. This would include school policies and practices, co-curricular and extra-curricular activities, and partnerships within the broader community. In a whole school approach all school staff share accountability and responsibility for supporting students in a safe environment.[121]

Of course the implementation of this concept could be improved, but there is a solid foundation upon which to build. SchoolsPlus as discussed in Appendix F on Strategies is also an important ally to a whole school approach and providing adequate supports.

The same could be said in respect to inclusive education and the accommodation of students with special needs arising from disabilities or other characteristics that require special attention. Both the Task Force and the Working Group were alert to the need to examine all recommendations through the equity lens and ensure that intervention responses would take positive account of this difference. The appropriateness of limiting services to the most vulnerable students is a questionable course of action and one that we hope the Nova Scotia government will not pursue.

Finally, progressive discipline as discussed in Chapter 3 is already practiced to some degree in Nova Scotia and the suggested recommendations to move Nova Scotia closer to the Ontario model should be an easy transition to make. As also discussed in the previous chapter, the blending of progressive discipline with the principles of restorative approaches will provide a unique opportunity for Nova Scotia to develop a home grown response that could put the province on the cutting edge of the fight against bulling and cyberbullying. Thus Nova Scotia can deal with the problem at both a system wide and relational level as well as respond to individual acts of bullying where needed. The centrality of relations between at risk youth and their schools was recognized by the ground breaking Nunn Commission cited with approval by Emma Halpern in her April 2011 report to the Department of Education.[122]

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[121] As provided by Don Glover, Director, Student Services, Nova Scotia Department of Education.
[122] Emma Halpern, *Building School Communities of Attachment and Relationship: A Restorative Approach to Schools in Nova Scotia* (April 28, 2011), referring at page 7 to the Honourable Merlin Nunn, *Report of the Nunn Commission of Inquiry*, at 64.

The selection of effective programs within the umbrella structure has been more problematic. School authorities are exposed to a wide array of programs with little guidance as to which ones to select. During the Task Force process we were educated about a wide range of intriguing programs as indicated in Appendix D. Among these programs was PEBS, an existing Nova Scotia program mentioned in Appendix F on Strategies, explained to the Task Force by member Rola AbiHanna. It is a variation of the American program PBIS (Positive Behaviour Interventions) that was presented to us by American bullying expert, Shelley MacKay-Freeman, in an off-site presentation at the Schulich School of Law. It has many positive attributes but may be more effective at elementary school levels than at junior and senior high school levels. This positive re-enforcement approach is consistent with a restorative approaches umbrella.

Other programs and approaches presented to the Task Force and Working Group were restorative approaches, Promoting Alternative Thinking Strategies (PATHS), Social and Emotional Learning (SEL), Roots of Empathy and Communities Addressing Suicide Together (CAST). A list of these and other intervention programs and strategies are presented in Appendix L. The presentations on these initiatives are also listed in Appendix D.[123] The difficulty of assessing programs, strategies and interventions in relation to bullying and cyberbullying has been much researched.[124] Suicide prevention programs and strategies are equally difficult to evaluate as indicated by Dr. Stan Kutcher in his presentation to the Task Force. In light of all this uncertainty, the Task Force does not produce a list of programs or strategies; rather we leave it to the Anti-Bullying Coordinator to make the selections by applying the criteria in the next section. We do suggest that restorative approaches offer a promising umbrella structure and that the programs and strategies adopted should be consistent with this relational approach.

Criteria for Interventions

Another key recommendation in this section is the adoption of eight criteria for the selection of programs and strategies to combat bullying and cyberbullying. The Task Force also recommends that the Anti-Bullying Coordinator be the person charged with selecting programs and strategies based on these criteria and giving the selected programs the departmental seal of approval. In keeping with the theme of focus and coordination we also recommend that there be an umbrella strategy with a basket of related programs under this umbrella.

In simple terms the criteria elaborated in recommendation [5(3)] are that the interventions:

- Be evidence based
- Engage the whole community
- Provide and allow for more individual supports
- Promote social and emotional learning

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[123] Fourth R, Second Step and Lion's Quest were three other interventions identified by John LeBlanc and Tanya Bilsbury as interventions that have some evidence base and are worth considering.

[124] Faye Mishna, "An Overview on Bullying Prevention and Intervention Programs" (2008) 8 Brief Treatment and Crisis Intervention 14; Faye Mishna et al "Interventions to Prevent and Reduce Cyber Abuse of Youth" (2009) 21 Research in Social Work Practice 5.

- Be age and circumstances appropriate (inclusive)
- Have a means of formal evaluation
- Be cost effective and sustainable
- Be sensitive to and adapted to the Nova Scotia context

Most of these criteria are based on the Intervention Principles of the Promoting Relationships and Eliminating Violence Network (www.PREVNet.ca). Based on Working Group and Task Force input, we have emphasized the need for interventions to be sensitive to special needs groups, e.g. race or ethnicity, sexual orientation, and persons with disabilities.

Ideally, programs should be evidence-based, meaning that there is research to support the developer's claims that the program works. After a program is implemented, it should be regularly evaluated in the school with some type of assessment at least once per year. This is particularly important if the program that is being used is not evidence-based, since its continued use should depend, in part, on concurrent evaluation of its effectiveness. Some form of ongoing evaluation is also necessary for evidence-based programs since the current setting may differ from the original setting in which it was studied, and the program may not have been implemented in quite the same way. Evaluation is critically important given that programs can cause harm; at the very least, ineffective programs waste time and resources.

Cyberbullying commonly happens in the context of existing direct or indirect bullying such as face-to-face encounters or through social isolation or backbiting. This implies a need for a comprehensive approach rather than programs with an exclusive focus on cyberbullying. Also, interventions should not be strictly focused on either the bully or the victim; they should also recognize the social dynamics of the entire peer group.

Bullying is fundamentally a problem of negative relationships where aggression is used to dominate a victim. Interventions should teach children and youth how to protect themselves against negative bullying interactions and also how to come to the aid of others who are being bullied. This can be addressed by interventions that support 'social and emotional learning' (e.g. empathy, social skills, conflict resolution, behavioural / emotional regulation, and moral understanding). Such interventions should start early, providing a foundation for relationships throughout childhood and beyond.

Interventions should be tailored to age, because the nature of relationships changes as children develop. Interventions designed for one age group will not likely be effective for another. For example, bullying may take on sexual tones after puberty (e.g. sexting) and it often becomes more subtle and complex as children mature. In addition to age, interventions should be sensitive to diversity issues such as gender, race, disability, and sexual orientation.

While most children will be involved with bullying/victimization at some time, there are a small number of children who engage in chronic, serious, and pervasive bullying or who are chronically and intensely victimized. These students will often require individual attention that may fall outside the scope of a program that targets the entire setting (e.g. general programs to enhance school climate or improve social and emotional learning).

Referral to community, child or family services would likely be necessary. It is vital that victims, and sometimes bullies as well, have an adequate support network which is often lacking in schools.

As much as possible anti-bullying interventions should be present and consistent across the environment where children play, study, work, and live: in the classroom; on the playground; in organized sports; in after school activities such as scouts and guides; and at home. Schools specifically should implement programs involving the whole school, i.e. every staff, volunteer and student. Ideally, children should be exposed to consistent messages about and responses to bullying across all contexts.

Most organizations that work with youth have limited resources for implementing and evaluating new programs. They could partner with researchers and their graduate students in university departments of education, psychology, sociology and epidemiology. This can benefit both partners. Schools have the advantage of a system-wide student information system as well as periodic surveys required for accreditation. Schools should use routinely-collected data and accreditation survey questions that address bullying and school climate as measures for program evaluations. Specialized measures that focus specifically on outcomes of interest (e.g. healthy relationships, bullying and victimization) should be included to provide more information than is usually available from routinely-collected data.

Finally, we live in a province and world of limited resources, so intervention programs must be cost-effective and adapted to Nova Scotia. Of course any evaluation of cost effectiveness must take account of the high financial, societal and human costs of not properly responding to bullying.

It is also important that the programs selected be coordinated and have a clear focus. This along with the integration and repetition of the interventions will likely increase the impact.[125] The existence of the Child and Youth Strategy (see Appendix F) under the direction of the Department of Community Services provides a vehicle for making links between government departments and sharing useful programs. This interdepartmental linking and sharing of programs is part of many of the recommendations at the end of this chapter. However, the relevant programs must first be selected as discussed above.

Suicide Prevention and Mental Health

In light of the tragic suicides that set the stage for this Task Force it is somewhat surprising to note that youth suicides outside the Aboriginal and First Nations communities are 5 / 100,000 in Nova Scotia. There is no epidemic of youth suicide in Nova Scotia or Canada except in respect to Aboriginal communities. Youth suicides have dropped by 25-30% between the 1990's and 2004 and the rates of suicide among the young are about half that of those in the 40-55-year age bracket.[126] That is not to say that one suicide is not tragic and to be prevented, but it does put the issue in context.

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[125] Irene Wilkinson, "We need programs as well as policies" (Submission and presentation to October 2011 public meetings of the Task Force).
[126] These statistics were provided by Dr. Stan Kutcher as part of his presentation and submissions to the Task Force during 2011 and 2012.

The issues of bullying and cyberbullying and youth suicides were frequently linked in media coverage before and during the Task Force process. It is dangerous to suggest that there is a direct causal link as most youths who are bullied do not take this drastic and tragic step. It does appear that bullying can be one factor for a young person who may already be suffering from other mental health issues. Suicide like bullying itself is a complex issue and cannot be reduced to simple cause and effect relationship. As Dr. Stan Kutcher indicates in a January 2012 submission to the Task Force the research on youth suicide does not provide much guidance on prevention. He states:

> There is a lot of research on youth suicide prevention but most of it does not tell us very much about preventing suicide.

> Baseline rates of suicide ideation in the youth population range between 20-50% or more depending on how the question is asked. The relationship between suicide ideation and completed suicide is very weak at the population level but can be strong at the clinical level (depending on other factors – see risk factors below).

> Youth suicides are known to be more influenced by media reports than are adult suicides – especially sensational media reports. One of the concerns more and more of us that are interested in the issue are having is the concern that sensational media reports about bullying and suicide may be contributing to the observed increase between bullying and suicide.

> The best evidence for prevention of suicide is for: enhancing capability in primary care (including in the ER room) of identification, assessment and treatment of mental disorders; enhancing capability in primary care (including in the ER room) of identification, assessment and management of youth at high risk for suicide; development and deployment of "gatekeeper" training programs (such as the program that we are doing in some high schools in NS); restriction of lethal means (such as gun control, bridge barriers, etc); intervening with friends of a youth who has recently died by suicide.

> There is no substantive evidence that the very popular community based programs or school based suicide prevention programs such as: Yellow Ribbon; SOS; Communities Against Suicide Together; ASSIST; etc. prevent suicide.

> There is concern that suicide debriefing programs carried out using critical incident stress debriefing approaches may exacerbate rather than diminish psychological distress.

> There is mixed evidence on the effectiveness of suicide postvention programs in helping family survivors over the period of grief and no evidence that suicide postvention programs prevent suicide.

> Strongest risk factors are:

- Previous suicide attempt
- Presence of a mental disorder (usually depression)
- Family history of suicide
- Family history of mental disorder
- Juvenile justice involvement [127]

Concerns about how suicides are covered in the media and even official reports were voiced by Angela Davis from the Mental Health Association in her presentations to the Task Force (see Appendix D) in the fall of 2011. The recommendations on mental health include the development of protocols for both the collection of data and media coverage of youth suicides, to in part address the concerns about copycat suicides among young people. There are also recommendations for expanding the availability of mental health services and improving skills for identifying young people at risk in the wide range of people who deal with youth. While the high profile process of the Task Force has brought issues of suicide to the forefront and sparked a good dialogue, we want to ensure that the effect is suicide prevention. It is not a topic to be hidden; it must be discussed in a constructive way.

Restorative Approaches

Nova Scotia has a head start over other provinces in respect to restorative approaches in schools as it is a variation on Restorative Justice, an area in which our province has been a pioneer. Professor Jennifer Llewelyn of the Schulich School of Law and Director of Nova Scotia Restorative Justice - Community University Research Alliance (NSRJ-CURA) is one of Canada's leading experts in the theories that underlay restorative approaches. Furthermore, Emma Halpern, Nova Scotia Barristers' Society's Equity Officer and from Tri-County Restorative Justice (Halifax) and Richard Derible, School Safety Officer for the Halifax Regional School Board are knowledgeable front-line practitioners of these approaches. The Task Force was fortunate to have all three of these people present to our October 2011 public meeting (see Appendix D) as well as teachers and students from the Tri-County Restorative Justice program who also made excellent presentations to these meetings. As chair of the Task Force, Wayne MacKay, attended the international conference on Restorative Justice held in Halifax in June 2011 and spent a day at St. Catherine's Elementary School to observe the principles in practice. The proactive nature of this strategy and its focus on relationship and the centrality of peer engagement make restorative approaches an attractive umbrella for giving focus to the array of anti-bullying programs available.

Emma Halpern and Jacqueline Ruck have provided an excellent and concise explanation of restorative approaches in Appendix M.

Restorative Justice (and its school cousin, restorative approaches) are part of a growing movement to examine social issues in terms of relationships between individuals and to move away from a more individual centered view of the world.[128]

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[127] Written submission to the Task Force delivered by Dr. Stan Kutcher in January 2012.

[128] Jennifer Nedelsky, *Law's relations: a relational theory of self, autonomy, and law* (New York: Oxford University Press, 2011).

Rather than attempting to paraphrase the core principles of restorative approaches we will quote from the Appendix M on restorative approaches, prepared by Jacqueline Ruck and Emma Halpern. They state as follows:

> A restorative approach can also be taken to handle conflict and discipline within the school while promoting and building positive relationships and school attachment. This approach holds individuals accountable for their actions while encouraging their involvement and voice within the school community. Among the processes that have been developed for this purpose are conferencing models that bring together all those involved, or who have been affected, and those that might offer support to address harm and plan for change in the future.
>
> The following are some guiding principles that assist in understanding a restorative approach:
>
> - Students learn best when they have positive relationships within the school community.
> - Positive (restored) relationships require equal respect, dignity and concern.
> - In order for students to understand and learn how to relate as human beings they need to take responsibility for their actions.
> - Responsibility and accountability can best be fostered through an understanding of the impact of our actions on our relationships with others; it is rarely meaningful when it is inflicted or forced through punishment.
> - Developing healthy relationships requires student engagement, leadership and a holistic, community based approach.
> - Conflict provides an opportunity to restore and to build positive relationships.
> - All practices and processes, not simply discipline processes, within the school, should be centered on a relational, restorative approach.
>
> Through ongoing use of the restorative processes, every interaction with students becomes an opportunity to build and enhance the attachments that exist between students and school staff, thereby creating a stronger school community and an enhanced learning environment.

Among the intriguing aspects of this restorative approach as elaborated in Appendix M is the documented impact on school climate, student success and discipline referrals. In all cases the number of discipline referrals, suspensions and expulsions greatly diminished. Ms. Ruck and Ms. Halpern also discuss the positive staff experiences and the remarkable buy-in from administrators and teachers in the schools where restorative approaches have been piloted. In April of 2011 Emma Halpern submitted a report to the Department of Education that also addressed the value and promise of restorative approaches as part of a successful whole school approach.[129] One aspect of this latter report is the creation of a

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[129] Emma Halpern, *Building School Communities of Attachment and Relationship – A Restorative Approach to Schools in Nova Scotia*, (28 April 2011). This report builds on some of the insights of the Nunn Commission of Inquiry, *Spiraling out of Control: Lessons Learned from a Boy in Trouble: Report of the Nunn Commission of Inquiry* (Halifax: Queen's Printer, 2006).

Restorative Approaches Resource Hub which we recommend should be developed and coordinated with the anti-bullying website and platform recommended earlier in our report.

One of the criticisms of a restorative approach is that it is soft on the perpetrators of misconduct and in this context – the bully. It is true that blame is not central to this approach and the focus is rather on addressing and repairing the dysfunctional relationships that lead to bullying and cyberbullying. This does not mean that students are not being held accountable for their behaviours, but rather being made aware of the effects of their actions on others instills a new and richer sense of responsibility than would likely result from a suspension or some other more punitive forms of discipline. As discussed in Chapter 4, restorative approaches should be the early stage of a progressive discipline policy, which still leaves room to respond to individuals who do not respond well to restorative strategies. There is still individual responsibility for all members of the school community.

While our recommendations address the Department of Education as taking the lead in this area, there is also a recognition that individual school boards and even schools may need to adapt any intervention strategy to local conditions. The Anti-Bullying Coordinator can play an important role in any process of local adaptation. Although there will be some basic requirements, we advocate a reasonable degree of discretion at the school board and school levels. There needs to be a balance between a degree of consistency imposed by the Department of Education and enough discretion left to school boards to adapt strategies and programs to local conditions and to engage in experimentation.

One area where there may need to be adaptations and modifications to restorative approaches to be effective is in respect to the African Nova Scotian community. This same need for modification may also apply to other marginalized communities such as the Aboriginal and disabled to name a couple of examples.

Professor Michelle Williams-Lorde of the Schulich School of Law made the following observation in a submission to the Chair of the Task Force, Wayne MacKay.

> In order for restorative justice to be fully effective and equitably practiced, a race-conscious approach to restorative justice must be implemented. Restorative justice holds the promise of transforming social relationships such that they become more equal and mutually respectful of inherent dignity than before the particular 'wrongdoing' occurred. This transformation can only happen, however, when the racialized dimensions of the subject relationship are explored through a contextual restorative approach that includes examining the racial and other power dynamics inherent in the relationships. The practice of restorative justice in Nova Scotia, while well advanced, has not fully met the needs of African Nova Scotians in that regard as indicated by research undertaken by the Nova Scotia Restorative Justice – Community Research Alliance (NSRJ-CURA). A race-conscious and culturally-specific approach to restorative justice is necessary in order to ensure that pre-existing patterns of systemic, institutional and individual racism are not reinforced

or perpetuated through a restorative approach, and that African Nova Scotian culture is respected.[130]

It is in this broad context discussed above that we now turn to the recommendations in this area with the hope of charting a course that will be more focused and coordinated than in the past.

Recommendations:

Office of the Anti-Bullying Coordinator

46. It is recommended that the Government of Nova Scotia or the Department of Education immediately institute an Office of the Anti-Bullying Coordinator "ABC" (Recommendation 7). The Office of the ABC should generally be responsible for overseeing the implementation of Task Force recommendations and acting as a province-wide information and resource hub. The ABC should be responsible to the Better Health Care Committee of Deputy Ministers. In conjunction with and in order to assist the ABC there should be appointed an independent advisory committee composed of representatives of various stakeholders. The ABC's key activities should include:

- **Overseeing the implementation of Task Force recommendations and acting as liaison between community and government on bullying issues.**
- **Approving a list of intervention programs for use across Nova Scotia ideally by September 30, 2012 and no later than December 30, 2012 for distribution to schools as soon as possible in the 2012-13 school year. This list is to be monitored and revised on an ongoing basis.**
- **Establishing an intervention program model for all schools to consult in implementing their own intervention programs for the 2012-13 school year and to make resources available where possible to allow for immediate implementation. This will be supported by an online resources database on the re-launched Anti-Bullying website. (Recommendation 9)**
- **Overseeing implementation of interim age-appropriate digital citizenship and on-line safety programs for the 2012-13 school year, as well as overseeing the development of long term digital citizenship and online safety programs to be introduced for the 2013-14 school year. (Recommendation 66)**
- **Overseeing plans for every school and school board to develop digital literacy programs aimed at parents and community members as recommended later in (Recommendation 66).**
- **Updating the provincial *School Code of Conduct* to reflect approved intervention programs.**
- **Overseeing the anti-bullying website, as recommended earlier in (Recommendation 9).**

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[130] Michelle Williams-Lorde, *A critical Race Approach to Restorative Justice: the African Nova Scotian Context*, research project undertaken through the Nova Scotia Restorative Justice – Community Research Alliance (NSRJ-CURA) [in progress].

- **Supplementing workshop and classroom training by making available to educators across the province, training resources, tools and modules, as well as notices of workshops, conferences and other training.**
- **Consulting with various bullying intervention organizations in Nova Scotia, particularly PREVNet and the proposed restorative approaches initiative, regarding resources, supports and intervention programs.**
- **Overseeing the establishment of youth health centres in high schools and junior high schools across Nova Scotia in conjunction with the Department of Community Services (Children and Youth Strategy and Mental Health Strategy) and the Department of Education and the Department of Health and Wellness.**
- **Producing annual reports on the progress and success of the implementation of Task Force Recommendations, and on any available statistics and data collected through Statistics and Data Recommendations (Chapter 1). These reports should be submitted to the Better Health Care Committee of Deputy Ministers and the Tracking and Monitoring Committee and disseminated broadly (Recommendation 80).**

Selecting and Implementing Intervention Programs

47. It is recommended that the ABC (once the position is created and filled) use the following criteria in assessing intervention programs as appropriate for implementation:

- **Evidence-based, or, if in the early stages of development, be promising.**
- **Engage the whole community.**
- **Put supports in place for those needing more individual attention.**
- **Promote social and emotional learning and complement a whole school and inclusive approach to bullying prevention.**
- **Be appropriate for developmental age and be sensitive to diversity and inclusivity.**
- **Have a means of formal evaluation.**
- **Be cost effective for long-term implementation and sustainability in Nova Scotia.**
- **Be sensitive to the Nova Scotian context – locally developed or adaptable to Nova Scotia.**

48. It is recommended that the Department of Education require every school board in Nova Scotia to adopt ABC-approved intervention programs for the 2012-2013 school year where possible and at the very latest the start of the 2013-2014 school year.

49. It is recommended that schools and organizations use a defined set of simple measurement tools so that the outcomes of implemented intervention programs can be tracked over time by all institutions in a uniform manner. These tools can be supplemented with more specific tools that may be needed for a particular program or to measure outcomes not covered by the basic tools.

50. It is recommended that school boards and other organizations implementing intervention programs be required to submit to the ABC, at least annual reports concerning information collected under the previous recommendation.

General Interventions

51. It is recommended that Nova Scotia school boards ensure that all schools establish a Safe and Healthy School Committee, which will include at least one representative from the following groups: students, teachers, parents and community members.

52. It is recommended that the Better Health Care Committee of Deputy Ministers ensure that there be an integrated system of care that all schools can access to assist with students who require one-on-one interventions. The Schools Plus program is an excellent foundation for such a system and should be available to all schools throughout Nova Scotia.

53. It is recommended that the Nova Scotia government provide designated targeted funding over the next five years to reach a guidance counsellor ratio of 1 guidance counsellor for every 500 students from P-12. It is further recommended that through a comprehensive approach, guidance counsellor services will be provided to every school using a family/feeder school model.

54. Where school guidance counsellors already hold positions in junior high and high schools, it is recommended that the Department of Education and school boards ensure that a qualified counsellor implement the comprehensive guidance counselling program. Specific time should be allotted, by at least one counsellor, on a daily basis, to providing students with personal counselling services.

55. It is recommended that the Department of Education build upon the successes of restorative approaches being applied in selective schools in Nova Scotia, and ultimately expand this approach to schools across the province, over a five year period of time. (Refer to Emma Halpern, *Building School Communities of Attachment and Relationship: A Restorative Approach to Schools in Nova Scotia* (28 April 2011).

56. It is recommended that the Government of Nova Scotia or the Department of Education examine establishing the ABC (Recommendation 7) and the anti-bullying website (Recommendation 9) in conjunction with the recently proposed Restorative Approaches Hub as a means of consolidating resources and expertise. [Regarding the RA Hub, see Emma Halpern, *Building School Communities of Attachment and Relationship: A Restorative Approach to Schools in Nova Scotia,* (28 April 2011)]

Mental Health Interventions

57. It is recommended that the Department of Education and school boards ensure that all schools have access, through appropriate referrals, to external professionals (psychologists, psychiatrists, social workers or others as appropriate) to assist with students who require one-on-one interventions.

58. It is recommended that the Department of Education and school boards ensure that existing programs and resources such as Kids Help Phone and Communities Addressing Suicide Together (CAST) are publicized and promoted to teachers, students, parents and the community.

59. It is recommended that the Department of Health and Wellness ensure that all junior high and high schools be provided with the IWK/Dalhousie University Mental Health – Identification/Navigation (MH/IN) Training Program, and that links to support mental health are established between schools and the health care system using the Pathways to Care model developed by the IWK Health Center.

60. It is recommended that the Department of Health and Wellness ensure that mental health literacy be provided in all school districts through the grade nine healthy-living course using the mental health curriculum and the application model currently being applied by the Halifax Regional School Board.

61. It is recommended that the IWK Health Center provide training in suicide risk identification and management to secondary and tertiary mental health, justice and community service providers who work with youth.

62. It is recommended that the Canadian Mental Health Association, Nova Scotia Division make available training for practicing journalists in all forms of media who regularly cover issues related to mental health and suicide. It is further recommended that media outlets provide opportunities for their reporters and editors to receive training on best practices related to reporting on suicide. The training should follow the guidelines of the Canadian Psychiatric Association.

63. It is recommended that the Department of Health and Wellness create or adopt an evidence-based, age-appropriate program(s) including curriculum programs, for delivery in schools. These programs should support the goals of improved mental health, improved mental health competencies, and the better servicing of youth mental health needs.

Chapter 6: Educating Diverse Audiences about the Scope and Consequences of Bullying and Cyberbullying

Having explored legal sanctions and proactive interventions, the Task Force now turns to the last but not the least of the trinity of responses to bullying and cyberbullying – education. There are many diverse audiences to be educated in respect to the complex interconnections between technology, social media, and its dark underbelly – cyberbullying. The audiences in need of further education and understanding include students, parents, teachers, administrators, the media, Internet service providers and the general community. To be effective in responding to this diversity of educational needs there must be a variety of styles and approaches, including ones that make creative uses of both traditional modes and modern technology.

The Blessing and the Curse of Modern Technology:

It is important to recognize and celebrate the many positive aspects of technology and social media and the fact that both are here to stay. The significant roles of modern technology and social media in connecting people throughout the world and shrinking the "global village" cannot be denied. The world is as close as our computers in whatever form these computers may take – laptops, cell phones, BlackBerrys, iPads or countless other devices. Skype and its progeny allow us to connect visually as well as by voice all over the globe. There has never been more access to information and most of us Google (a newly created verb) on a constant basis. Wikipedia has replaced Webster's as the go-to source for definitions, and online books threaten the traditional book publishing industry. Likewise newspapers in hard copy form are an endangered species. The advances in technology have also produced huge gains in health delivery and improved access of people with disabilities to the basic benefits and services of life.

It has also helped level the political playing field by allowing broader access to information and enabling "revolutions" like the "Arab spring" uprisings of the last year. However, there is a distinct double edged quality to both technology and the social media. The same technology that helped enable the Arab spring can be used by the threatened regime as a source of surveillance and ultimately persecution. This is part of the tragic consequences playing out in Syria as protesters are brutally repressed by the governing regime as this report is being written. In the 2011 Vancouver Stanley Cup riots, the cameras and social media that facilitated the mob rioting also caught the irresponsible and criminal actions on camera, facilitating the prosecution of the offenders. This same double edged quality of technology plays out in the field of education.

In the "wired world" there are great opportunities for creative education and effective communication between older and younger generations. This is more of a struggle for many adults who have not grown up in the computer age and who are sometimes referred to as "digital immigrants" – presumably because they have come to live in a foreign land or a new digital world. Young people who have lived with computers and technology all their lives are referred to as "digital natives" and they are very much at home in the digital

world.[131] Many educators have embraced the exciting potential of technology as an educational tool. One recent example of this embracing of technology is illustrated in the following February 15, 2012 email from the Director, Corporate Affairs, Media Awareness Network Lynn Huxtable.

> Today MNet released the findings of a new study: *Young Canadians in a Wired World* - Phase *III*, *Teacher's Perspectives* examines how digital technologies are being integrated into Canadian classrooms, how they enhance learning, and how they impact on the teacher-student relationship. (The news release is below.)
>
> *Teacher's Perspectives* marks the launch of Phase III of MNet's *Young Canadians in a Wired World* (YCWW) research study: the most comprehensive and wide-ranging study of its kind in Canada. *YCWW* looks at how Canadian youth use the Internet and continues to be relied on, and widely cited by researchers and government agencies.
>
> To launch Phase III, MNet began with focus groups with teachers who were identified as having been successful in creating excellent learning environments in their classrooms. These teachers were asked about the role played by digital technology in their lives and their professional practice. You can read the full report *Teacher's Perspectives* on MNet's website at <http://media-awareness.ca/english/corporate/media_kit/upload/YCWW-III-Teachers-Perspectives_EN.pdf>.
>
> The next step in *YCWW Phase III* will be the quantitative survey of over 5,000 students across the country. We will be approaching the districts and schools that participated in Phase I and II to request their participation in Phase III, which we are planning for January 2013.

The press release mentioned above states in its first paragraph:

> While Canadian educators believe that digital technologies can enrich students' learning, there are still significant challenges to overcome in making this happen – with one of the main barriers being students' lack of digital literacy skills. And school filters and policies that ban or restrict networked devices in the classroom take away the very opportunities young people need to develop digital literacy skills such as good judgment and responsible use.[132]

The members of the Task Force fully agree that banning technology and trying to turn back the clock is not an effective or realistic response to the dangers of cyberbullying[133]. Members also agree that enhancing digital literacy and producing responsible cyber-citizens in schools is a far more realistic and productive course of action. Technology is

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[131] These terms are used by many commentators on technology and social media and were used by Shaheen Shariff when she presented to the Task Force in October 2011.

[132] Email from Lynn Huxtable to Wayne MacKay, Chair of Task Force (15 February 2012).

[133] One of the recommendations in Chapter 4 does suggest a partial cell phone ban from classes but not if it is for legitimate educational purposes.

neither good nor bad in itself; it is how people use it.[134] Thus the recommended course on digital literacy and citizenship is intended to promote more responsible and respectful use of the Internet by students.

An important aspect of digital literacy and citizenship is recognition of the online risks to which young people may be exposed. The potential for invasions of privacy are immense and one vivid example of this is the widespread practice of sexting, whereby nude or semi-nude pictures are sent by text or email or posted on Facebook. What many teens fail to realize is that those pictures are permanent, can be sent around the world, may involve criminal misconduct and are likely to come back to haunt them later in life.[135] Some people suggest that young people are less concerned than adults about loss of privacy but we suspect that it is a matter of not properly assessing the risks. These should be the kind of issues raised in a digital literacy and citizenship course. Bill Belsey, President of Bullying.org strongly advocates courses on digital literacy and citizenship for students as a way of reducing the risks of cyberbullying for young people.[136] Another response to these online risks is what American cyberbullying expert Parry Aftab refers to as "digital hygiene" in the form of teaching children about safe Internet use starting in elementary school.[137]

Digital safety, properly handled, is analogous to road safety or teaching children to be wary of strangers. But no digital tool kit can make the changes in attitudes and values that go to the root of the problem. That is not to diminish the importance of "wired safety" but to indicate that it is only a partial response. More deep rooted and problematic are the values and attitudes reflected by online citizens and a set of community values that are disturbing to those who have a more traditional sense of community.

The Threat to Community and Positive Human Relations

It is remarkable to what extent the virtual community has replaced the community of real people in the neighbourhood. This is true for adults as well as young people but it is more pronounced among the young. Many members of the younger generation have more frequent and positive relations with their computers and other electronic devices than they have with either their peers or adults. This is likely to have a negative effect on young people's abilities to engage in human interactions in the real world.

Bullying and cyberbullying are symptoms of larger problems in our schools. At the root of these problems is the deterioration of respectful and responsible relations with other people. These problems may start online but they are also evident in face-to-face contact as well. Many who are online bullies are also bullies in the more traditional off-line ways

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[134] Tamsyn Burgmann, "Study: People who text may not tell it quite like it is – anonymity, distance may promote 'less moral' behavior" *Halifax Chronicle Herald* (23 December 2011) E-6.

[135] This is a surprisingly common practice for young teens; some studies suggesting that one in five young women engage in sexting during the years between 10 and 13. This was a problem in Sydney, Nova Scotia in December 2011 and the police were called to the schools concerned. Herald Opinions, "Sexting isn't harmless fun" *Halifax Chronicle Herald* (11 December 2011) (Editorial).

[136] Presentation to the Senate Committee on Human Rights dealing with cyberbullying as televised on CPAC (12 December 2011).

[137] Parry Aftab, CEO of the charity Wired Safety, presented to the Task Force in August 2011. She also offered to share with Nova Scotia the resources in her "Digital Safety Toolkit".

as well. Counteracting these anti-social and disrespectful attitudes and practices is the number one non-academic problem facing schools and is also a major problem for society at large. To add to the magnitude of the problems themselves, there are also significant problems in how both schools and society responds.

Cyberbullying poses a particular challenge to the community because it happens in a sort of "no man's land". The cyber-world is a public space which challenges our traditional methods of maintaining peace and order in public spaces. It is too vast to use traditional methods of supervision. It easily crosses jurisdictional boundaries. It takes place 24 hours a day, seven days a week, and does not require simultaneous interaction for communication to take place. If we continue to rely on traditional methods of responding to bullying, these challenges will be too daunting. To turn the problem on its head, cyberbullying could serve as a trigger for a new approach to teaching, building, and supporting positive human relationships. By letting policy be guided by the growing evidence of effective, proactive, educational models and complimentary interventions, a new approach can emerge – one that universally engages the building of competencies that promote and protect positive human relationships among all of the key players.

The ultimate goal is the engagement of young people in upholding the norms of acceptable behaviour among themselves, rather than an elaborate policing system which imposes consequences. Young people must be inspired to seek out, create and perpetuate positive and productive relationships among themselves and others.[138] They need to be equipped with the skills and tools to engage in holding each other accountable in a safe and constructive manner. A paradigm shift such as this can be consciously precipitated by putting into place the mechanisms and resources to help build community at every opportunity and to help young people experience firsthand the value of positive and supportive human relationships. This is one of the reasons that peer involvement in responding to bullying and cyberbullying is vital.

The public education system is a mobilization of societal resources for the purpose of educating society's young. In this complex and highly technological world we need to recognize that the traditional reading, writing, and arithmetic are not the only basic competencies that need to be actively taught and practiced in school. The traditional three R's must be supplemented by the more modern four R's: rights, responsibilities, respect and relationships.[139]

The development of a social/personal development curriculum, behaviour management programs such as PEBS, the work of the RCMP as explained in their submission to the

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[138] One interesting example of creative education as a way of unleashing the human potential in all people is the work of Sir Ken Robinson, see online: <http://sirkenrobinson.com/skr/>. This world class educator celebrates what people can do when they are "in their element". I thank my friend Derek Sarty for referring me to this person and his website over a breakfast coffee, and for following up our face-to-face contact with an electronic one.

[139] W MacKay, "The Lighthouse of Equality: a Guide to Inclusive Schooling" in M Manley-Casimir, ed, *The Courts, the Charter and the Schools* (Toronto: University of Toronto Press, 2009). The original concept of the new 3 R's in education was expressed in a yet unpublished manuscript by Wayne MacKay (with the assistance of Janet Burt-Gerrans, Kim Lewis and Sean MacDonald) *Rights, Responsibilities and Relationships: Balancing Order with Student Rights* (2000). The fourth R of respect is a more recent addition, but it could be recast as 3 R's by referring to "respectful relationships" - a critical factor in reducing bullying and cyberbullying.

Task Force, and community health information, all indicate that a paradigm shift is beginning to take place. It does not appear to be happening fast enough or comprehensively enough to keep up with the destructive forces at play. The key hallmarks of this strategic paradigm shift include an acknowledgement that it is the educator's role to model positive relationships, and it is the education system's role to build and integrate the infrastructure to teach young people and their families, skills in developing and supporting positive relationships and provide the entry point for responding to bullying and cyberbullying as it happens.

The Scope of the Cyberbullying Problem

Parry Aftab in her PowerPoint presentation to the Task Force in August 2011 talked about her online course called Cyberbullying 101 for Teachers. In this she asserts that in her student surveys of American students, 85% or more indicate that they have been targets of bullies within the last month. She does concede that much depends upon how you define "cyberbullying" and most youth have different interpretations of what it means (see Appendix H). She said that only five percent told their parents of the bullying, fearing lack of understanding, loss of computer privileges and making things worse. In her October 2011 PowerPoint presentation, Dr. Wendy Craig lists fear of being disconnected from their digital world as the number one reason for not telling parents. Fear that the bullying would become worse was a distant second reason.

Wendy Craig also suggests that parents and teachers are frequently out of the loop in relation to bullying and cyberbullying in particular. Females are more likely to tell their parents than males and both groups are more likely to report bullying to their parents than to teachers. She also addresses why students engage in cyberbullying and highlights the following factors:

- anonymity
- beyond supervision and detection
- world-wide audience
- sense of power
- easy access to technology
- can be done any time including at home at night
- physical distance from the victim (don't see them cry)
- victim is always accessible online
- easy to engage others in the bullying process
- cyberbullying is a powerful supplement to face-to-face bullying

Wendy Craig in her PowerPoint presentation to the Task Force also identified the following behaviours that increased the risk of cyberbullying:

- family conflict
- depression
- other mental health issues
- membership in chat rooms
- LGBT membership

Not surprisingly, young women are particularly susceptible to cyberbullying that is sexually focused and aimed at exploiting their sexuality. This was a point that was also emphasized by the presentation to the Task Force by the Nova Scotia Advisory Council on the Status of Women. Cyberbullying is a large and pervasive problem with high human costs.

In a 2001 updated survey on cyberbullying, Kids Help Phone[140] discovered that more girls are involved as both perpetrators and victims of cyberbullying, while more boys were involved in traditional bullying. Young women seem better suited to the subtlety of online bullying, while young men are still more physical in their approach. This survey notes that social networking sites like Facebook or Formspring are where cyberbullying is most rampant, and texts have replaced emails as the major means of cyberbullying. Respondents to this survey also expressed the view that reporting incidents of cyberbullying did not produce any solutions.

In the statistics provided to the Task Force by the Nova Scotia Teachers Union, the following interesting information emerged.[141] Ninety percent of those surveyed rated parental education and supervision of their children as the most effective response to cyberbullying. Eighty-six percent of Canadian respondents to the survey ranked better and more comprehensive education of teachers on cyberbullying issues as the second most effective response. It is interesting that the children were less optimistic about the usefulness of either parents or teachers in responding to bullying, but that may make the point that all parties need more education. The Task Force agrees that both parents and teachers play a vital role and in the following recommendations address the education of both these groups. Also, in Chapter 4, we recommended a duty on parents to supervise their children's online activities.

One interesting statistic from this Kids Help Phone survey was that 85% of children and teens who were victimized online were also victims face-to-face at school. One of the most startling conclusions of this survey was that bullying and cyberbullying victims were almost twice as likely to report that they attempted suicide compared to young people who had not been bullied. Meaghan MacDonald from the Canadian Mental Health Association, Nova Scotia Division, made an impressive presentation to the Task Force, as well as being an active member of the Working Group. She emphasized the need to be proactive in tracking mental health issues, and extolled the virtues of Promoting Alternative Thinking Strategies (PATHS) as a way of improving emotional learning and empathy.

Mental health literacy is important for students, parents and all school staff. There is a group of recommendations aimed at improving knowledge and competencies about mental health. It is very important to be able to identify these problems at an early stage and to have the insights and skills to respond appropriately. Since people with mental health problems are often the victims of bullying and cyberbullying and since the impact of such targeting is great, we owe it to our young people to do a better job of meeting

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[140] Kids Help Phone, Cyberbullying Reality Check (Research Update 2011). This updated a 2007 survey.
[141] N.S.T.U. Cyberbullying Statistics, "National Issues in Education Poll", Canadian Teachers' Federation, (2010), presented to the Task Force.

their mental health needs. Surely even the prevention of a single suicide would be worth the investment.[142]

The School's Educational Role

Educating a diverse audience is not an easy task, but teachers are tasked with it nonetheless. The Supreme Court of Canada places heavy emphasis on the teacher's role in inculcating democratic values, while balancing these individual rights against the collective rights to an ordered learning environment.[143] The fiduciary relationship teachers have with students is also relevant to forming the educational community's view of how they relate to students and the kind of relationships that are fostered. The Absenteeism Report seems to indicate that poor relationships in schools are at least partly related to absenteeism and the lack of student engagement.[144] Poor relationship skills and the lack of motivation to engage in positive relationships with peers also play out during bullying. Fostering relationship skills is part of social emotional learning courses but is slightly broader because it has the potential to address power dynamics at play between students and teachers, as well as student to student, and the context within which the relationships take place.

In order to effectively address bullying issues in Nova Scotia, we must engage entire communities, work to change longstanding attitudes, and begin to teach principles of empathy, respect, inclusiveness, and diversity from the very first day of school. Accordingly, the recommendations in this chapter, and those preceding it, will recommend a "whole school approach" to bullying prevention. This approach embraces the whole school community, which means involving all students, all teachers, staff, administrators, parents, neighbours and any other members of the school community, and it will impact the daily functioning of the school, including all school curricula, policies and programs. A successfully implemented whole school approach will profoundly affect the atmosphere of a school, or the "school climate," providing a sense of safety, dignity, belonging and wellbeing to all members of the school community. This is the current mission of Nova Scotia schools but one that should be more clearly and authoritatively articulated, as part of the preamble to the *Education Act*, as recommended in Chapter 4 of this report. It is also the response that allows the education system to play its most useful role in a broad based community response to the problems of bullying and cyberbullying.

The Task Force urges that the Department of Education and school boards clarify and extend the whole school approach, such that the interventions in the preceding chapter are embedded within a comprehensive educational context oriented toward bullying prevention, a healthy and engaging school climate, as well as the practice of social and emotional competencies that promote healthy relationships. In order to achieve the whole

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[142] When parent Pam Murchison played the YouTube version of her deceased daughter Jenna singing "Let it Be" by the Beatles, the real message was "let it not be" – no more suicides.

[143] *Ross v. New Brunswick School District No. 15* [1996] 1 SCR 826 and R v. MCMR [1998] 3 SCR 393. See also Wayne MacKay and Janet Burt-Gerrans, "Student Freedom of Expression: Violent Content and the Safe School Balance" (2005) 40 McGill Journal of Education 423; and, "Towards a Safe and Effective Learning Environment: the Delicate Balance of Rights ad Order in Schools" in R. C. Flynn, ed, *In Support of Lifelong Learning* (Toronto: Informco Inc, 2004).

[144] This Report can be found in the Department of Education's website: <http://ednet.ns.ca/pdfdocs/reports/Promoting Student Engagement_En.pdf>.

school approach the following "principles of practice" are suggested as guides for all schools in Nova Scotia.

- Partnerships and Shared Responsibility
- Holistic Integrated Approaches
- Equity and Excellence
- Inclusive Educational Approaches
- Lifelong Learning

Both in its process and in this report the Task Force has been mindful of the need to be inclusive and to examine the problems of bullying and cyberbullying through an equity lens. Indeed, there are many links between the principles of inclusive education and effective strategies for responding to bullying in schools. As indicated earlier, the victims of both bullying and cyberbullying are frequently, while not exclusively, members of vulnerable groups such as those protected by the *Nova Scotia Human Rights Act*.[145] In both the summary of youth consultations and the online survey (Appendices A and B) being a member of the LGBT community was identified as the most likely factor in attracting bullying. The number two factor was physical appearance, which is broad enough to encompass race, Aboriginal origin, disability, nationality or ethnic origin. Thus there are clear human rights dimensions to the bullying problem and accommodating diversity and practicing true inclusion are effective antidotes to the problems of bullying and cyberbullying. Fully inclusive schools are also safer schools and ones where the incidents of bullying are reduced.[146]

The sense of belonging and being part of the school community has been identified as an important component of feeling and being safe in schools. This point is well articulated by the following paragraphs from *Connecting Care and Challenge: Tapping our Human Potential*.[147]

> The responsibility to keep children safe while at school is onerous indeed when educators are faced with all the challenges presented by violence in addition to meeting the educational needs of students. It is perhaps not intuitive to conceive of issues of violence as being related to educational equality in a way that is very similar to accommodating students with disabilities. The similarity becomes evident though, when we view the issues in respect to safe schools as being related to human dignity, inclusion and belonging. The goals of safe schools are very similar to the goals of inclusive schools. Safe schools are schools where social belonging for all students is encouraged, where every student is provided with a

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[145] In many cases the bullies as well as the victims, come from marginalized groups.

[146] W MacKay, "Safe and Inclusive Schools – Expensive. Quality Education – Priceless. For Everything Else There's Lawyers" (2008) 18 Educ Law J 21; and W MacKay, "Connecting Care and Challenge: Tapping Our Human Potential" (2005) available on the New Brunswick Department of Education web page. This is the final report of the province-wide review of Inclusion and Programming and Services in New Brunswick conducted on 2004 – 2005. It is also summarized and analyzed in W MacKay "Author's Summary of Connecting Care and Challenge: Tapping our Human Potential – Inclusive Education: A Review of Programming and Services in New Brunswick" (2007) 17 Educ Law J 37.

[147] W MacKay "Author's Summary of Connecting Care and Challenge: Tapping our Human Potential – Inclusive Education: A Review of Programming and Services in New Brunswick" (2007) 17 Educ Law J 37 at 38.

learning environment that is inclusive of them, where tolerance and respect are fostered, and where there are effective mechanisms in place to deal with problems as they arise. The challenges are great but the rewards of safe and inclusive schools will be even greater.

Schools, however safe and inclusive they may be, cannot single-handedly curb violence in our society. This also applies to expressions of violence in forms of bullying and cyberbullying. There are many forces at play, including the media as a reflection of popular culture. Schools do have an important role to play. To be truly effective in educating the citizens of tomorrow, schools must be part of the broader culture of learning in which education is valued, literacy is supported, all community members are respected, people take responsibility for their actions, and teaching is regarded as an important and noble calling. A culture of learning may start in the schools, but it must be supported by libraries, museums and cultural centers. In an October 2005 conference in Helsinki, Finland, the above aspects of the Finnish culture of learning were identified as important ingredients in their top international scores on literacy and numeracy. The school is at the center but it needs supporting satellites reinforcing the value of lifelong learning.

The signing the United Nations Convention on the Rights of the Child, and its ratification by all law making authorities in Canada, signals that Canada and Canadians have signed on to a broad set of values regarding children and the kind of environment they need in order to fully develop to the best of their potential. This is also a signal from Canadian law makers and governments of their commitment to safeguard "the best interests of the child"[148] and to assure that "the child who is capable of forming his or her own views has the right to express those views freely in all matters affecting the child."[149] Furthermore, the commitments with regard to education in particular include a commitment to providing education that is directed to: "the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality…"[150] Implicit in this should be preparing the child to be a safe and responsible citizen of the digital world.

The critical role for the education system in conveying Canadian society's values of peace, tolerance, and equality to children is echoed by the Supreme Court of Canada's decision which interpreted the application of the New Brunswick *Human Rights Act* in the school context.[151] The Supreme Court of Canada accepted that schools are meant to develop civic virtue and responsible democratic citizenship, and to educate in an environment free of bias, prejudice and intolerance. The stating of these values and education's role in transmitting them is not enough. There are competencies and skills embedded in these values, required in order to give them life.

Together they are what enable people to successfully engage in public life and contribute positively to society. Children and young people need to practice these skills just as much as they need to practice multiplication and reading. Furthermore, they need to see these values being practiced in order to really learn them, and to believe in them.

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[148] UNTS 1577/3; Ratified by Canada 1992, Can TS 1992 No 3 at Article 3.
[149] UNTS 1577/3; Ratified by Canada 1992, Can TS 1992 No 3 at Article 12.
[150] UNTS 1577/3; Ratified by Canada 1992, Can TS 1992 No 3 at Article 29.
[151] *Ross v New Brunswick School District No. 15*, [1996] 1 SCR 826.

Inconsistencies between the stated values and goals on one hand, and the day to day practices on the other, diminish the credibility and meaningfulness of the stated values. Values and emotions are a lived experience. They are meaningless if they remain only words on a page.

Indicators of poor relationships at school paint a picture in which the stated values are not fully implemented and lived within the school context. The Nova Scotia Department of Education's Absenteeism Report speaks to a correlation between poor relationships at school, the lack of student engagement, and student absenteeism.[152] The TriPod Surveys suggest that student perceptions and perspectives on the quality of relationships at school can be influenced by students' diversity.[153] Values, perceptions and emotions raise issues for the public education system to deal with. Students are influenced by many factors, not all of which can be controlled by the school. Setting the stage for reducing bullying means at the same time setting the stage for bringing our shared democratic values alive; it requires students to be empowered with the skills, knowledge and values to engage in creating their own positive outcomes. The whole school approach is a systemic one which aims to orient all aspects of school operations and the learning environment toward a common goal which is unlocking of the human potential in each child. As the Nova Scotia Department of Education puts it, this mission requires putting kids and learning first.[154] As the foregoing commentary suggests, the challenge is in delivering this promise in times of limited resources.

The stated mandate of the Department of Education (Corporate) is "to provide excellence in Education for personal fulfillment and to enable students to contribute to a productive society and a prosperous and sustainable economy." Traditionally this type of mandate was interpreted to mean skills and demonstrated outcomes in terms of established curriculum, reading, writing and math. More recently, schools and public education are seen as a portal to government services, an entry point for young people into a system that attempts to work together toward broader goals (Schools Plus is one example). Some may view this as an expansion of the role of the public school; others see it as a re-interpretation of what is necessary to achieve the originally stated goal. Schools occupy a unique space in the public landscape.

Students are required to attend school by virtue of the Nova Scotia *Education Act*. Public schools are populated by the wide ranging diversity of students who each arrive at school with cultural and social norms and assumptions. School staff don't just usher students through curriculum and tests: they unwittingly become the purveyors of societal values and how to engage in the public space. Schools are the traditional public space for young people to practice what it means to be an actor in the public realm. The cyber-world gives young people another space to practice being a citizen in the public realm. This cyber-world experience necessarily follows students into school and will impact on the learning environment to the extent that they bring it with them.

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[152] This Report can be found in the Department of Education's website:
<http://ednet.ns.ca/pdfdocs/reports/Promoting Student Engagement_En.pdf>.
[153] Department of Education Corporate submission to the Task Force
[154] Nova Scotia Department of Education, *Kids and Learning First: A Plan to help every student succeed* (Halifax: Department of Education, 2102).

Society has an interest in ensuring the traditional reading, writing and arithmetic skills as well as established curriculum goals are taught. It is becoming more common to acknowledge that society also has an interest in promoting other skills and literacies that will help students "contribute to a productive society." These other skills and literacies in the realm of relationships and social / emotional literacy pose some challenges for public education in its current form. Formal curriculum and programs aimed at promoting these new skills and literacies are being piloted with some positive results. The Task Force recommends that there be further incorporation of social and emotional learning into the current curriculum. But the very nature of these skills and literacies defy the traditional approaches to teaching. Relationship skills and social / emotional literacy operate in a different realm. The new world of technology and social media with both its strengths and weaknesses demand new and creative ways for teaching students.

Dr. Wendy Craig in her presentation to the Task Force in October 2011 summarized what schools can do to help prevent or at least reduce cyberbullying:

- Promote ethical behavior online
- Encourage empathy and common sense
- Promote "netiquette" and cyber-kindness
- Open dialogue on Internet use
- Inform about legal aspects of cyberbullying
- Empower youth to be good cyber-citizens
- Educate about online safety and privacy protection[155]

Kids Help Phone advocates a simple strategy of 1) Stop 2) Save 3) Block and 4) Tell when a young person receives an electronic bullying message: stop reading the offensive message; save the message so that might be used as evidence if you choose to contact the police about it; block the sender of the message from sending you more messages; and tell a trusted adult like a parent or older sibling about the message.

Educating Parents, Staff and the Community

Bill Belsey of Bullying.org identified parent engagement and teacher education as two of the critical pillars in a strategy to reduce bullying and cyberbullying[156]. In the recommendations on improving the digital literacy of parents we emphasize training on both technology and the language of social media. In order for parents to properly guide and supervise their children's online activities parents must be literate about the devices that children use. They also need to recognize that the technology is here to stay and that bans on technology rarely work. What is needed is grounding in the principles of online safety and good digital citizenship or what some call "netiquette." Teaching children how to use these new devices is as important as teaching them to ride a bike or drive a car. Learning more about social media will also open up lines of communication between parents and their children.

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[155] Kids Help Phone presentation to the Task Force in the summer of 2011.
[156] Presentation to the Senate Committee on Human Rights dealing with cyberbullying as televised on CPAC on 12 December 2011.

Teachers, administrators and other school staff must also improve their literacy in respect to new forms of technology and the safe use of social media. Many teachers are up to speed in this area as are many administrators, but this is not true of all staff. The importance of closely observing the online behaviour of students is now accentuated by the legal duty to report recommended in Chapter 4 of this report. Teachers, like students, must recognize both the educational opportunities presented by technology as well as its risks.

School personnel also must develop enhanced competencies in mental health literacy, suicide prevention and forms of learning that promote empathy and positive relationships. Programs under the umbrella of Social and Emotional Learning (SEL) and specific programs like Roots of Empathy would be two examples. Awareness of the principles of a restorative approach is also a new area for skill development.

Teachers, administrators and guidance counselors must be exposed to these new skills and competencies as part of their university education and universities have a responsibility to offer these skills as part of their mandatory program. The Department of Education and school boards also have a responsibility to provide in-service training in these vital areas. As much as possible such educational opportunities should also be made available to other staff employed in schools.

Finally, we recommend a broad-based multi-media campaign to educate the general public about the scope and consequences of bullying and cyberbullying, and what has to be done to reduce the problems. To be effective such campaigns must do more than provide information: they must also appeal to people's emotions in a way that can change attitudes and values. It is this kind of media blitz that changed both attitudes and behaviours in respect to issues like drunk driving, use of seatbelts, smoking and recycling. To be effective this media campaign must be well financed, creative and presented in a way that can reach diverse audiences. The impact of this media campaign should be to convince all concerned that bullying and cyberbullying are not acceptable and definitely not "cool." There must be buy-in from all segments of society for real change to occur. In the Task Force's view, it is an investment that will pay high dividends.

Recommendations:

Digital Literacy and Citizenship Courses

64. It is recommended that the Department of Education create or adopt evidence-based age-appropriate, digital citizenship and online safety programs for elementary and junior high school students. These programs should be aimed at changing attitudes and values and not just providing information. Such programs should be prerequisites for continued access to school computers. Timeline: prior to 2012-2013 school year with evaluation and revision prior to 2013-2014 school year.

65. It is recommended that the Department of Education and school boards ensure that student computer usage agreements should be standardized and should include clearly defined consequences for misuse. Agreements should be signed by students, their parents and teachers. Timeline: prior to 2012-2013 school year.

66. It is recommended that the Department of Education create or adopt evidence-based programs to improve technological and digital literacy for parents and community members to assist in closing the gap between adults and young people with respect to the forms and language of social media and virtual reality. This program would be available online, possibly through the anti-bullying website (Recommendation 9) on an ongoing basis, and would also be offered at schools either in conjunction with parent-teacher meetings or at some other time.

67. It is recommended that the Department of Education create a digital and printed parents' guide to combating bullying and cyberbullying that will be made available to parents upon school registration and annually in September. Home and School associations should partner with the Department of Education in distributing this parents' guide.

68. It is recommended that the Department of Education examine current curriculum offerings to identify opportunities to incorporate Social and Emotional Learning (SEL) as soon as it is feasible to do so.

Educating School Staff:

69. It is recommended that Faculties of Education at Nova Scotia universities teach Social-Emotional Learning programs, Mental Health Literacy programs, Inclusive Education, introductions to Restorative Approaches and Anti-Bullying strategies, as part of mandatory teacher education.

70. It is recommended that the Department of Education and relevant educational institutions ensure that Social-Emotional Learning programs, Mental Health Literacy programs, Inclusive Education and anti-bullying strategies be required as part of mandatory guidance counsellor education and professional development.

71. It is recommended that the Department of Education and school boards organize at least one professional development day annually, which will be dedicated to issues pertaining to bullying, mental health, restorative approaches and marginalized populations. Attendance should include as many school employees as possible.

72. It is recommended that the relevant educational and training institutions ensure that early childhood personnel be taught about Social and Emotional Learning (SEL), Inclusive Education and strategies for coping with bullying behavior.

73. It is recommended that the Department of Education and school boards work with partners, university researchers, Faculties of Education, administrators, other government agencies and private agencies to identify and analyze factors, approaches, initiatives and competencies that promote and foster positive and respectful relationships between students and teachers, among students, between students and school administrators or other school personnel. This analysis should integrate the findings of the Achievement Gap Initiative, TriPod Surveys and the BLAC Report.

Mental Health Literacy:

74. It is recommended that the IWK Health Centre provide training in mental health literacy, which is contextualized to meet the needs of the end user, to those who work with youth in Health and Wellness, Justice, Education, and Community Services. Such training should be part of compulsory up-grading for the relevant staff in these departments.

75. It is recommended that Dalhousie University, in its post-graduate medical training programs in family medicine, include sufficient training in child and youth mental health to ensure that graduates have the needed competencies to identify, diagnose, treat and manage the most common mental disorders of children and youth. The Faculty of Medicine at Dalhousie University should review and consider adopting the child and youth mental health training program currently being field-tested as curriculum by the British Columbia Medical Association.

76. It is recommended that the Department of Health and Wellness, together with the Faculty of Medicine at Dalhousie University and Doctors Nova Scotia, immediately identify, support and deliver appropriate continuing education programs for primary care physicians in the identification, diagnosis, treatment and management of the most common mental disorders in children and youth using the child and youth mental health care training program currently being field-tested by the British Columbia Medical Association.

Providing Public Information:

77. It is recommended that telecommunications companies provide, at the point of purchase, materials warning about the possible dangers of improper Internet use and educational materials about cyber-hazards and digital citizenship.

78. It is recommended that the Government of Nova Scotia adopt a uniform anti-bullying and anti-cyberbullying day or week. In this regard, it can build on the Department of Education model.

79. It is recommended that the Department of Education in conjunction with Communications Nova Scotia and other relevant partners, design and implement a broad-based public awareness campaign about the problems of bullying and cyberbullying that is offered on a multi-media basis and in forms accessible to the general public. This campaign should be designed and implemented in a way that goes beyond provision of information, and changes attitudes and values about the dimensions of the bullying problem and the pressing need for effective responses.

Chapter 7: Accountability and Responsibility Structures: Concluding Thoughts on Implementation

A report is only as good as its implementation. The Government of Nova Scotia in all its forms, and other bodies identified in these recommendations, must act on any measures they see fit to adopt. It is the hope of the Task Force that these recommendations will be adopted and implemented so that this report does not gather dust on a shelf. To use the old cliché – actions speak louder than words.

To facilitate the process of accountability, each of the recommendations designates a particular actor who is charged with implementation either directly or indirectly. Furthermore, some recommendations have a timeline embedded in the recommendation itself and there is a general timeline for implementation of all of the recommendations and that indicates short term and long term priorities. The timeline chart is presented in Appendix N.

Leadership in the implementation process is critical and in that regard, it is the Department of Education with the assistance of its many partners that must continue to take the lead on this important matter. The central recommendation on the creation of the office of the Anti-Bullying Coordinator and the filling of that office should be given high priority as it is this person who will coordinate the process of implementation and provide front line focus and leadership. A speedy passage of the proposed *Bullying Awareness and Prevention Act* (see recommendations in Chapter 4) is also a high priority matter as this legislation will anchor the other more detailed changes and send an important signal that the Nova Scotia Legislature takes this matter very seriously.

Many Levels of Accountability

Of course, all the challenges of modern society, including those posed by bullying and cyberbullying, cannot be resolved within the school system alone – even a well-designed and adequately resourced one. Other government departments and agencies, the private sector and other partners identified in Chapter 2 of this report, including parents, all have important roles to play and are responsible for contributing to the community response. In this rights-conscious society, it is important that teachers, parents and students, as well as others, consider their responsibilities and duties in respect to the bullying problem and their roles as contributing members of the larger community. On the flip side of these responsibilities are the rights and needs of the various partners to be educated and informed about both the scope of the bullying and cyberbullying problems and the possible responses as well as their roles in them.

In addition to identifying parents and teachers as the top front-line responders, statistics provided to the Task Force by the Nova Scotia Teachers Union also identified Internet service providers as important players (and potential partners) in responding to issues of cyberbullying.[157] Fifty six percent of respondents to the poll indicated that "the law should make Internet service providers and wireless telephone providers accountable if

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[157] N.S.T.U. Cyberbullying Statistics, "National Issues in Education Poll", Canadian Teachers' Federation, (2010), presented to the Task Force.

their services are used for cyberbullying." Because these providers fall largely within federal and only partially within provincial jurisdiction, we recommend in Chapter 4 that discussions be held with the relevant federal authorities to explore such accountability as well as other matters.

Parental responsibility and accountability is also addressed earlier in Chapter 2 of this report and in Chapter 4 there is a recommendation to add parental duties under the Nova Scotia *Education Act*: the responsibility to supervise and report on the online activities of their children when off school premises. This is one form of accountability for parents in the context of a legal framework where the obligations on parents are somewhat limited.

There are clear reporting and implementation responsibilities on various government departments, school boards, school administrators and others within the school system, that are articulated both earlier in this report and in the following recommendations in this chapter. We recognize that school authorities have many reporting and accounting duties that can consume considerable time and take time away from their core duties. It is urged by the Task Force that the proposed accounting and reporting be kept relatively simple in form and that adequate resources be provided to assist in this process. We are also aware that some of the following recommendations may raise matters of collective bargaining between school staff and their employers. Professor Janet Stein sounds an alarm in respect to overzealous accountability.

> What precisely do we mean by accountability? It is an elusive concept. Someone who works for a large public agency recently said to me: "I know exactly what it means. When I do something well nothing happens. When I screw up all hell breaks loose!" Those who hold others accountable, he continued, "don't have to do anything particularly right. They just have to catch other people doing things that are wrong."[158]

She then continues in this critical mode to complain about the tangle of red tape that is often associated with accountability.

> Even then, as the burden of rules continues, leaders in every sector of society will become even less willing to take risks, to innovate, to create and to experiment. They will become timid; rule bound, and reactive, afraid to challenge and to dissent. The auditor, the accountant, the comptroller and the regulator loom ever larger in the lives of those who seek to provide for the public good. Indeed, education threatens to become the accounts that they render. We live within the tyranny of rules. One committed teacher, strangling in the paperwork she now has to do, recently told me that she feels like Gulliver, tied by the thousands of Lilliputian reports, unable to move, unable to think, unable to try something new. If we allow procedural accountability to grow unchecked, we will truly have the educational system that we deserve.[159]

The kind of accountability advocated by the Task Force should not stifle creativity but rather encourage it at all levels. Furthermore the accountability should be positive in tone

[158] J Stein, "Law and Education: The Practice of Accountability" (2004) 14 Educ Law J 2.
[159] J Stein, "Law and Education: The Practice of Accountability" (2004) 14 Educ Law J 2 at 6.

rather than punitive and negative in nature. In this regard we do not support the approach that is reportedly being applied on the bullying issue in Quebec.[160] Accountability is necessary but it should occur in a positive spirit of cooperation and partnering as explored in more detail in Chapter 2 of this report.

No Quick Fix

The issues raised in this report are complex and multi-faceted. There are no simple fixes, or, as the title of this report suggests, "there's no app for that." It is part of a much larger issue about deterioration in the quality of human relations in society as we adapt to a fast paced and high tech world. There is, in our view, a decline in respectful and responsible relationships that must be reversed in order to get at the roots of bullying and cyberbullying. There are also many complex questions about the role of children in our modern world which intersect with the issues before this Task Force.[161] Bullying and cyberbullying seem to be major social issues all over the world as problems in themselves but also as symptoms of deeper problems such as the deterioration of community, respect and healthy personal relationships. In the recent Governor General's Literary Award winning novel *The Sisters Brothers* by Patrick DeWitt a leading character states: "I cannot understand the motivation of a bully, is what it is; this is the one thing that makes me unreasonable."[162]

This Task Force began in the context of a series of tragic suicides in Nova Scotia that had at least some links to issues of bullying and cyberbullying. The Task Force hopes that this report will be interpreted as an urgent call for action and change. We also hope that it will send to the victims of bullies, the bystanders and the bullies themselves a message of hope that things will get better.[163] It is our hope that the recommendations in this report will be adopted and implemented and that as a result, the lives of children and young people in Nova Scotia will be improved. By creating safer spaces for our youth to live and learn we will all be richer for the restoration of positive human relations in which people can grow and thrive. In this context, being accountable for making this change should feel less burdensome.

Recommendations:

80. It is recommended that the Department of Education establish a Tracking and Monitoring Committee to be chaired by the Anti-Bullying Coordinator, in order to establish indicators of success and monitor implementation of Task Force

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[160] Quebec has also recently proposed anti-bullying legislation. Rhéal Seguin. "In Quebec, anti-bullying bill provokes a political fight" *The Globe and Mail* (15 February 2012). See Bill 56: online, <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-56-39-2.html>, see section 21 regarding fines for schools that fail to comply with anti-bullying legislation as an example of where Nova Scotia should be careful in adopting other provincial models. This punitive approach is not consistent with a more restorative and cooperative model as recommended for Nova Scotia.

[161] Joel Bakan, *Childhood Under Siege* (Allen Lane Canada: Penguin Books, 2011).

[162] (New York: Ecco Harper Collins, 2011) at 106.

[163] The popular media slogan "It gets better" is not an answer to intolerable situations in the present. One hopeful book is Ann Scott's *The Boy Who Was Bullied: John Peters Humphrey* (Halifax: Glen Margaret Publishing, 2011). This is an inspiring story of how Canadian human rights hero and international figure John Humphrey, from Hampton, New Brunswick, overcame disabilities and bullying to become a major player on the world stage.

recommendations. **Yearly reports should be produced and disseminated widely including to the Better Health Care Committee of Deputy Ministers, the Nova Scotia Cabinet and the Legislature of Nova Scotia.**

81. It is recommended that all school boards in Nova Scotia report to the Department of Education annually on the incidents of bullying and cyberbullying in their schools and on the initiatives and responses engaged to address the problem and to provide the necessary supports and resources. This annual support should also indicate the ways in which the school boards are executing departmental policies as well as their own, on bullying and cyberbullying.

82. It is recommended that the Department of Education, school boards, and Nova Scotia Teachers' Union revise teacher performance appraisals to include performance categories with respect to maintaining school discipline (including bullying issues) and promoting a healthy school climate (including issues of marginalization). Reference may need to be made to the Teachers' Professional Agreement (TPA), Articles 11 and 45.

83. It is recommended that all relevant government departments (including but not restricted to Education, Health and Wellness, Community Services and Justice) include in their annual business plans and reports both targets and strategies to achieve them, in respect to bullying and cyberbullying.

84. It is recommended that the Better Health Care Committee of Deputy Ministers report to the Nova Scotia Cabinet on the cooperation between the departments represented on this committee, in delivering services to young people and responding to problems that young people face – including bullying and cyberbullying. This should be an annual report and should contain indicators of progress in breaking down traditional departmental silos, and in the delivery of services to youth in a more holistic and seamless way.

85. It is recommended that the Department of Health and Wellness, together with its partners in SchoolsPlus, regularly evaluate the goals, benchmarks, and successes in achieving better servicing of youth mental health needs. This department should also provide an annual report on progress in this youth service delivery, to both the Better Health Care Committee of Deputy Ministers and the Anti-Bullying Coordinator.

Appendices to:

Respectful and Responsible Relationships:
There's No App for That

The Report of the Nova Scotia Task Force on Bullying and Cyberbullying

The following Appendices are included in a companion volume 'Appendices to: Respectful and Responsible Relationships: There's No App for That. The Report of the Nova Scotia Task Force on Bullying and Cyberbullying'.

- **Appendix A** – Summary of the Youth Consultations / Focus Groups prepared by Noreen Stadey, Department of Justice

- **Appendix B** – Cyberbullying Task Force Online Survey 2011, Summary of Results prepared by Sara Halliday, Department of Education - Corporate Policy

- **Appendix C** – Task Force Mandate and Structure

  1. Minister's Task Force on Bullying and Cyberbullying Terms of Reference

  2. Brief Biographies of Task Force Members

  3. Working Group Deliverables by Chair Wayne MacKay

  4. Major Themes Based upon Deliverables and Mandate by Chair Wayne MacKay

  5. Deliverables Categories for Selected Resources and Supports by Chair Wayne MacKay

  6. Suggested Recommendations Categories for the Working Group by Chair Wayne MacKay

- **Appendix D** – Task Force and Working Group

  1. Agendas for all Task Force and Working Group Meetings

  2. List of all Presentations and Presenters to the Working Group and Task Force

3. Brief Biographies of Presenters

4. Selected List of Task Force Media Interviews with Wayne MacKay

- **Appendix E** – Target Populations Youth Focus Groups (Prepared by Rola AbiHanna, Department of Education, Student Services)

- **Appendix F** – Strategies and Programs (Prepared by Rola AbiHanna, Department of Education, Student Services)

- **Appendix G** – Definitions

1. Working Group Definition

2. Department of Justice (N.S.) (MacDonald) Definition

3. Across Canada Provincial Survey

- **Appendix H** – Incidence of Bullying and Definition (Prepared by Dr. John Le Blanc and Tanya Bilsbury)

- **Appendix I** – The Legal Dimensions of Bullying and Cyberbullying (Prepared by Professors Wayne MacKay and Elizabeth Hughes, Schulich School of Law)

- **Appendix J** – Ontario Laws on Bullying and Discipline

1. Bill 157 (Keeping our Kids Safe at Schools Act) 2009 (Chapter 17)

2. Bill 13 (Accepting Schools Act) 2011

3. Bill 14 (Anti-Bullying Act) 2011

- **Appendix K** – Ontario Progressive Discipline Memorandum (Policy #145)

- **Appendix L** – Selected Resources and Supports (Prepared by Rola AbiHanna, Department of Education, Student Services; Ben Frenken, 2012 graduate of Schulich School of Law)

- **Appendix M** – A Restorative Approach to Schools (Prepared by Jacqueline Ruck and Emma Halpern)

- **Appendix N** – Timeline for Implementing the Recommendations