



LESSON PLAN

Level:	Grades 7-8
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Duration:	2 hours

Cyberbullying and the Law



This lesson is part of *USE, UNDERSTAND & CREATE: A Digital Literacy Framework for Canadian Schools*: <http://mediasmarts.ca/teacher-resources/digital-literacy-framework>.

Overview

In this lesson, students learn about and discuss the legal aspects of cyberbullying. They review a variety of hypothetical scenarios and a case study, and they consider the seriousness of the situations, who is legally responsible, what action (if any) should be taken and by whom. To determine this, students will seek answers to the following questions: How does cyberbullying differ from offline bullying? What aspects of a cyberbullying case make it a cause for legal action? What determines whether it is a civil or a criminal matter? How should rights to freedom of expression, guaranteed under the *Canadian Charter of Rights and Freedoms* and the *Convention on the Rights of the Child*, be balanced against rights to security of person? When and how are schools responsible for cyberbullying cases?

Learning Outcomes

Students will be able to:

- analyze scenarios and case studies, and make judgments on them
- consider and discuss factors that affect whether online actions are, in fact, cyberbullying
- demonstrate knowledge of legal terms and definitions related to cyberbullying
- demonstrate knowledge of responsible citizenship and ethical behaviour online
- become familiar with the *Canadian Charter of Rights and Freedoms* and the *Convention on the Rights of the Child*
- argue and support an opinion

Preparation and Materials

Read the following backgrounders for teachers:

- *Cyberbullying – Rights and Responsibilities*
- *Cyberbullying and the Law Fact Sheet*



Photocopy the following handouts:

- *Cyberbullying Scenarios*
- *Cyberbullying Case Study*
- *Selections from the Canadian Charter of Rights and Freedoms and the Convention on the Rights of the Child*

Procedure

Distribute the *Cyberbullying Scenarios* handout. Ask students to quickly read each hypothetical scenario and rank each one from 1 to 5, where:

- 1 = Totally acceptable and appropriate
- 2 = Possibly wrong, but no action needs to be taken
- 3 = Wrong, and school authorities or Internet service providers should take action
- 4 = Wrong, and civil action could be taken by the target or the target's parents
- 5 = Wrong, and criminal charges should be pressed

Class Discussion

Read through each of the scenarios with students and ask how they ranked each one. Some will likely have obvious and unanimous rankings (i.e. the negative review of the band is a 1), but most will involve some debate. Ask students to explain what makes some scenarios more or less acceptable than others, especially those that are closely related (2, 4, 5 and 13, for instance, or 8 and 10).

For several scenarios, the answer will probably be “it depends.” This is good: push the class to consider what the answer depends on, to bring out further aspects of the issue.

Major issues that should come out of this discussion are:

- Anonymity – does it make the perpetrator more or less responsible?
- Defamation – how can someone hurt another person's reputation? Is doing that the same thing as hurting them physically?
- Harassment – what does it involve?
- Is it wrong to say bad things about a person? If so, is it just morally wrong, or can it be legally wrong as well? In what situations might it be acceptable?
- Does it make a difference if bad things are said in private or in public? Why?
- What control should a person have over images of herself or himself? Is it different if the person in the image created it herself or himself, or not? Does someone lose control over an image after it has been uploaded?
- What control should a person have over emails or other messages he or she sends? What about material posted in a public forum, like Facebook?
- Is it worse to harass or defame a teacher or a peer? Why?



Distribute the handout *Selections from the Canadian Charter of Rights and Freedoms and the Convention on the Rights of the Child*. Review and discuss these selections with students. As you do so, move the discussion from the specific examples in the *Cyberbullying Case Study* handout to the broader question of the conflict between the right to freedom of expression (Section 2 of the *Charter*) and the right to security of the person (Section 7).

Use the following questions to focus the discussion:

- Right to freedom of expression – What limits on this right can be “justified in a free and democratic society”? (Sections 1 and 2 of the *Charter*; Articles 12, 13 and 17 of the *Convention*.)
- Right to security of the person – Does this include protection from damage to a person’s reputation? Does it protect people from fear as well as from actual harm? (Section 7 of the *Charter*, Articles 17 and 19 of the *Convention*.)
- What duty do schools and teachers have to prevent and act on cyberbullying? How does this relate to Section 7 of the *Charter* and Article 19 of the *Convention*? How can schools, teachers and parents respect students’ right to privacy (Article 16 of the *Convention*) while also fulfilling this duty?

Case Study Exercise

Distribute the handout *Cyberbullying Case Study*, and review it with the class. Divide the class into six groups and assign each group to a role as follows:

- Perpetrator
- Target
- Parents of target
- Bystanders (people who know the target and saw the website)
- Teacher of perpetrator and target
- Police

Ask each group to analyze the case from their assigned point of view, considering the issues that came up in the class discussion and that were covered in the *Cyberbullying and the Law Fact Sheet*. Give each group an additional question to consider:

- **Scott:** How can you defend your actions?
- **Colin:** Was what you did cyberbullying as well? If so, how can you accuse Scott? If not, why not?
- **Colin’s parents:** What should school and civil authorities do about this case? Why?
- **Other members of Scott’s Facebook group:** What can you do, and should you have done, in this case? Why?
- **Teacher:** What can you do, and should you have done, in this case? Why?
- **Police:** Should criminal charges be laid in this case? If so, which ones and why? If not, prepare an explanation of why not for the target’s parents.

After each group has shared its analysis, ask the class to find a consensus on how the case should be handled.



Final Activity

Have each group develop a school policy against cyberbullying.

Instruct students to consider the following questions while they are developing the policy:

- How can students' right to freedom of expression be balanced with the school's duty to provide an environment that is free from bullying?
- What definition of cyberbullying should be provided to students through the school policy? Can the definition help to balance the students' rights?
- What issues are most important in a school environment?
- What forms of discipline are appropriate for cyberbullying cases?
- Which decisions should be left to the discretion of the teacher and principal, and which should be required in all cases (for instance, should teachers be required to report all cyberbullying incidents to the police)?



Cyberbullying – Rights and Responsibilities

Types of Cyberbullying

Peer Against Peer

According to MediaSmarts' 2014 report [Cyberbullying: Dealing With Online Meanness, Cruelty and Threats](#), thirty-seven percent of Canadian students in grades 4-11 report that someone has said or done something mean to them online. The same report found that there is a significant overlap (39%) between students who have said or done mean things and students who have had mean things said about them.

Perpetrators may be more inclined toward bullying online because they do not see or hear the consequences of their behaviour, which discourages the development of empathy.

Student(s) Against Authority

There have been a number of reports of students engaging in online bullying behaviour against teachers and administrators. Most often this has taken the form of web pages or social network groups created to criticize or mock teachers, photos of teachers manipulated to be embarrassing or offensive and uploading of embarrassing videos.

The Internet makes this kind of behaviour easier because young people feel that they are out of the school's reach on the Internet and because it permits a cloak of anonymity.

Legal Approaches

Criminal Law

Criminal harassment is an offence under the *Criminal Code*. It consists of communication that causes another person to fear for his or her life or the lives of others. It can also apply to "stalking" behaviour, where frequency (rather than content) causes the fear. **Even if the perpetrator did not intend to frighten someone, she or he can be charged with harassment if the target feels threatened.**

Defamatory libel is also an offence under the *Criminal Code*. It consists of communication that can severely harm the reputation of an individual. There have been few recent cases of defamatory libel, all of them against people in positions of authority such as police, judges and prison guards. (For details, go to www.answers.com/topic/defamation-1.)

Publishing intimate images without consent was added as an offence in 2015. This includes both intentionally spreading an image "in which the person is nude, is exposing his or her genital organs or anal region or her breasts or is engaged in explicit sexual activity" as well as "being reckless as to whether or not that person gave their consent to that conduct."

Civil law: defamation

Defamation in civil law means communicating a false statement (which does not have to be in words – it could be an image, a movie, etc.) that will do harm to the reputation of another person. It must have a clear and obvious target and be accessible to one or more people besides the person making the statement and the target.



Generally speaking, spoken or transitory defamation is called **slander** and written or permanent defamation is called **libel**. Both can be the subject of lawsuits by the target.

“The reasonable person”: To be libellous, the material must seem defamatory to a person who is “reasonable,” not a person with delicate or fragile sensibilities. There is no absolute legal test for this and it must be defined case-by-case, though there are precedents.

Innocent reproduction: A person who knowingly reproduces or forwards defamatory material, or causes it to be distributed, can be held liable for her or his actions. The exception is where she or he had no reasonable way of knowing that the material was defamatory. For instance, a teacher would be liable if the defamation appeared on the school website (where he or she has final approval over its content) but probably not if it appeared in an email sent from the school’s computer lab, since the teacher could not reasonably supervise what every student was doing at every moment.

Human rights law: safe work environment

All employers are required to guarantee a safe work environment to their workers. This applies to teachers – school boards and administrators must act against any bullying behaviour toward their teachers – and it also applies to students. Therefore, school boards, administrators and teachers have a responsibility to guarantee a safe learning environment for their students. Even if bullying is taking place outside the school (such as on a website), the school has a responsibility to act if the situation is preventing any student from enjoying a safe learning environment.

Duty of care: Schools have an additional responsibility to act *in loco parentis*, or in the place of parents, because they have charge of children. Therefore, their duty to prevent and act on cyberbullying extends beyond that of employers.

Teachers and administrators must be aware of **tangible** and **foreseeable harm** that might come to students under their care. For teachers or administrators to be held liable, the harm done must be related to an **action** or **omission** on their part.

Several provinces and territories also specify teachers and administrators' responsibilities in cyberbullying cases. For more information, see [Cyberbullying and the Law](#).

Rights and Responsibilities under Civil Law

The following is a composite list of the rights and responsibilities of students and teachers in regard to cyberbullying under civil law. Individual schools, school boards, and provinces or territories may have their own formal codes of rights and responsibilities.

Summary of a student’s rights and responsibilities:

- a right to learn in a safe environment
- a right to be treated with respect by teachers, staff and other students



- a right to free expression where that right does not libel another person, cause another person to fear for her or his safety, or interfere with the operation of the class and school, and the creation of a safe learning environment for all students
- a responsibility to treat all teachers, staff and other students with respect
- a responsibility to use school space and equipment, including computers, in a responsible and appropriate way
- a responsibility to report to the teacher or administration anything that may interfere with maintaining a safe learning environment

Summary of a teacher's rights and responsibilities:

- a right to be treated with respect by students, colleagues and staff
- a right to take appropriate action, or recommend appropriate action to the administration, to maintain a safe learning environment
- a right to free expression where that right does not libel another person, cause another person to fear for his or her safety, or interfere with the operation of the class and school, and the creation of a safe learning environment for all students
- a responsibility to treat all students, colleagues and staff with respect
- a responsibility to take seriously and act on anything she or he feels may interfere with maintaining a safe learning environment
- a responsibility to ensure that school space and equipment, including computers, are used in an appropriate and respectful way
- a responsibility to take all necessary steps to maintain a safe learning environment

According to MediaSmarts' 2014 report *Cyberbullying: Dealing With Online Meanness, Cruelty and Threats*, thirty-seven percent of Canadian students in grades 4-11 report that someone has said or done something mean to them online. The same report found that there is a significant overlap (39%) between students who have said or done mean things and students who have had mean things said about them.¹

Cyberbullying can be much more severe in its effects than offline bullying because the targets feel they have no escape. Also, because of the wide scope of the Web, there can be many more witnesses to the bullying.

Personal conflicts can start more easily online, and become serious more quickly, because a lot of the cues we use to tell how someone is feeling -- such as tone of voice, facial expression, or body language -- are absent in most forms of digital communication. This can make it hard to tell the effects of something we've said or done to another person, and can also keep us from feeling empathy towards them.



Forms of Cyberbullying

Verbal or emotional abuse is the most prevalent form of bullying online. Social bullying, another pervasive form – particularly with girls – includes social exclusion and spreading gossip and rumours.

Making public content that was meant to be private – such as photos or videos – is another frequent bullying activity, and is particularly common in the context of relationships. Finally, bullying may take the form of impersonation or spoofing, in which the perpetrator actually represents him or herself as the target.

How the Law Addresses Cyberbullying

Federal Law

Cyberbullying can be addressed under **civil law** or **criminal law**, based on the situation.

Civil law: This is the branch of law that deals with property rights, personal dignity and freedom from injury. Under civil law, there are three approaches to cyberbullying:

1. A cyberbully may be engaged in **defamation**. This is when the bully causes harm to someone's reputation by spreading false information about that person. In general, defamation that appears temporarily (as unrecorded speech or in a live broadcast) is called **slander** and defamation that appears permanently (in a book or on a website) is called **libel**.

To be libellous a statement must: do harm to someone's reputation; have a clear and obvious target; and be seen by people other than the person making the statement and the target.

In libel cases, the target can lay a suit against the person making the statement. If the suit is successful, the person making the statement will have to pay **damages** (money) to the target.

A person accused of libel may defend himself or herself by saying that the statement was **true**, that it was a **fair comment** (a genuine criticism, not a personal attack), or that he or she **innocently reproduced** the statement without knowing what it was.

2. A perpetrator may be creating an **unsafe environment** by making the target feel that she or he cannot go to school without facing violence, teasing or exclusion. Schools and workplaces are required to provide a safe environment for their students or employees and must take any appropriate action to do so. A school, therefore, might punish a student for online behaviour that is making it hard for other students to learn in a safe environment. In Ontario, for instance, the *Safe Schools Act* has been changed to specifically include online behaviour: students can now be suspended or expelled for cyberbullying, even if it is done outside the school.

A school or workplace that does not do everything it can to provide a safe environment can be sued by the target(s). Even if a statement is not libellous, spreading it around might still create an unsafe environment.

1 Steeves, Valerie. (2014) *Young Canadians in a Wired World, Phase III: Cyberbullying: Dealing With Online Meanness, Cruelty and Threats*. Ottawa: MediaSmarts.



3. Finally, a person is responsible for any consequences that he or she might **reasonably have guessed would happen**. Therefore, a perpetrator who suggests that a depressed student should kill herself would be liable if the student actually did kill herself as long as the perpetrator had reason to believe it was a likely result.

Criminal law: This branch of law determines which actions are crimes against the state. In criminal law, there are three approaches to cyberbullying:

1. **Harassment** is a crime under the *Criminal Code*. Harassment is when something a person says or does makes someone fear for his or her safety, or for the safety of others. **Even if the perpetrator did not intend to frighten someone, she or he can be charged with harassment if the target feels threatened.** Criminal harassment is punishable by up to 10 years in prison.
2. **Defamatory libel** is a crime under the *Criminal Code*. It is most often treated as a crime if the libellous statement is directed against a person in authority and could seriously harm his or her reputation. Defamatory libel is punishable by up to five years in prison.
3. **Publishing intimate images without consent** was added as an offence in 2015. This includes both intentionally spreading an image "in which the person is nude, is exposing his or her genital organs or anal region or her breasts or is engaged in explicit sexual activity" as well as "being reckless as to whether or not that person gave their consent to that conduct."

Section 2 of the Canadian Charter of Rights and Freedoms guarantees freedom of expression. However, this right is guaranteed "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society" and, in the case of cyberbullying, must be weighed against Section 7. The latter section guarantees "the right to life, liberty and security of the person." In general, Section 2 of the *Charter* has not been accepted as a defence in civil or criminal bullying cases.

Provincial and Territorial Laws

Several provinces and territories have laws specifically dealing with online and offline bullying:

Ontario: The *Education Act* now includes a specific definition of "bullying":

"bullying" means aggressive and typically repeated behaviour by a pupil where,

- (a) the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of,
 - (i) causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property, or
 - (ii) creating a negative environment at a school for another individual, 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, gender identity, gender expression, race, disability or the receipt of special education.



The following definition of cyberbullying is also given:

- (1.2) Without limiting the generality of the definition of “bullying” in subsection (1), bullying includes bullying, known as cyber-bullying, that is done through any form of electronic means using any technique, including,
- (a) creating a web page or a blog in which the creator assumes the identity of another person;
 - (b) impersonating another person as the author of posted content or messages; and
 - (c) communicating material to more than one person or posting material on an electronic medium that may be accessed by one or more persons.

The amended Act also requires schools to provide “instruction on bullying prevention during the school year for every pupil,” “remedial programs designed to assist victims of bullying” and “professional development programs that are designed to educate teachers in schools within its jurisdiction about bullying and strategies for dealing with bullying.” Each school board is also required to “establish a bullying prevention plan for bullying in schools within the board’s jurisdiction.”

Quebec: *An Act to prevent and stop bullying and violence in schools* modifies the *Education Act* and the *Act Respecting Private Education*. It defines bullying as “any behaviour, speech, actions or gestures, including cyberbullying, expressed directly or indirectly, in particular through social media, having the aim of injuring, hurting, oppressing or ostracising an individual” (tout comportement, parole, acte ou geste, y compris la cyberintimidation, exprimés directement ou indirectement, notamment par l’intermédiaire de médias sociaux, ayant pour but de léser, blesser, opprimer ou ostraciser). School boards are required to create anti-bullying plans and all school staff must take part in the plan.

Alberta: The *Education Act* was revised in 2012 to define bullying as “repeated and hostile or demeaning behaviour by an individual in the school community where the behaviour is intended to cause harm, fear or distress to one or more other individuals in the school community, including psychological harm or harm to an individual’s reputation.” The *Act* requires students to “refrain from, report and not tolerate bullying or bullying behaviour directed toward others in the school, whether or not it occurs within the school building, during the school day or by electronic means,” while school boards must “establish, implement and maintain a policy respecting the board’s obligation under subsection (1)(d) to provide a welcoming, caring, respectful and safe learning environment that includes the establishment of a code of conduct for students that addresses bullying behaviour.” Alberta’s law is notable because it requires students to report cyberbullying if they witness it, with penalties including suspension and expulsion possible for those who do not.

New Brunswick: Section 1 of the *Education Act* includes both online and offline bullying in its definition of “serious misconduct.” Students are also guaranteed a “positive learning and working environment” free from “bullying, cyberbullying, harassment and other forms of disruptive or non-tolerated behaviour or misconduct, including behaviour or misconduct that occurs outside school hours and off the school grounds to the extent the behaviour or misconduct affects the school environment.” Principals are required to develop a positive learning and working environment plan and to report any incident of serious misconduct to the superintendent of the school district. Each school also must have a Parent School Support Committee that advises the principal on how to promote respectful behavior and prevent misconduct, helps to develop policies on how to prevent disrespectful behaviour or misconduct and how to support both those students who have participated in disrespectful behaviour and those who have been affected by it.



Manitoba: In 2013 the province passed a bill that defines bullying in a way that specifically includes cyberbullying and makes parents responsible for their children’s cyberbullying if the parent is aware of it, could reasonably predict the effect of it and did nothing to stop it. It also gives judges or justices of the peace the power to issue protection orders that may keep a perpetrator from contacting the target or even using any digital communications. The law also defines a tort of cyberbullying in civil law and allows targets to sue perpetrators or, in certain cases, their parents.

Northwest Territories: The *Education Act* now includes a definition of “bullying” that includes acts, committed in school and out of school, intended or likely to cause fear or distress or to create a negative learning environment and where there is a real or perceived power difference between the perpetrator and the target. It also provides examples of cyberbullying including impersonating someone online or sharing harmful content online. The *Act* also requires school divisions to create Safe Schools Plans that address bullying and cyberbullying.

Nova Scotia: In 2013, the province legally defined bullying as “behaviour, typically repeated, that is intended to cause or should be known to cause fear, intimidation, humiliation, distress or other harm to another person’s body, feelings, self-esteem, reputation or property, and can be direct or indirect, and includes assisting or encouraging the behaviour in any way” and cyberbullying as “bullying by electronic means that occurs through the use of technology, including computers or other electronic devices, social networks, text messaging, instant messaging, websites or e-mail.” The *Cyber-Safety Act* lets targets of cyberbullying apply for “protection orders” that may put limits on perpetrators’ actions or make them identify themselves, and makes parents of perpetrators responsible for their child’s actions if the perpetrator is under 18. In 2015 a Nova Scotia judge ruled that the law violated the Charter of Rights and Freedoms and ordered it immediately struck down. At the time of writing (December 2015) no law has been drafted to replace it.

International Law

Canada is a signatory to the *Convention on the Rights of the Child*, which guarantees children certain rights that may be relevant in cases of cyberbullying. The *Convention* has no direct legal power but all federal laws should comply with it.

Articles 12 and 13 of the *Convention* state that children have the right to their opinions and to express themselves. These rights should only be limited out of respect for others’ rights or to protect public health or public safety.

Article 16 of the *Convention* states that children have the right to privacy.

Article 17 of the *Convention* states that children have the right to access information through books, TV, the Internet and other media.

Article 19 of the *Convention* states that children have the right to be protected from being hurt, either physically or emotionally.



Cyberbullying Scenarios

Remember that **civil** deals with property rights, personal dignity and freedom from personal injury. Civil penalties consist of fines and limitations on behaviour. **Criminal** law makes certain behaviours illegal and punishable by fines and/or imprisonment. (For example, if you don't get your faulty brakes fixed and you hit another car, that will likely fall under civil law. If you ram another car on purpose, that will fall under criminal law.)

Now read each of the scenarios below, and rate the seriousness of each one from 1 to 5, where:

- 1 = Totally acceptable and appropriate
- 2 = Possibly wrong, but no action needs to be taken
- 3 = Wrong, and school authorities or Internet service providers should take action
- 4 = Wrong, and civil action could be taken by the target or the target's parents
- 5 = Wrong, and criminal charges should be pressed



For any scenario you rate as a 3, 4 or 5, think about who is responsible, who should take action and what action should be taken.

1. A student posts a negative review of a concert given by another student's band. The review focuses on the band members' skill as musicians and the quality of their music.
1 2 3 4 5
2. A student tweets that one of the teachers at his school is unqualified to teach. The teacher's name is not used, but he is clearly recognizable to anyone who knows him.
1 2 3 4 5
3. A teacher discovers a website that is intended to mock a student in her class and will likely lead to the student being harassed at school. The site was not created at school and is not hosted on school computers (though it can be accessed from them).
1 2 3 4 5
4. A student uploads to YouTube a video of his band performing a song that makes fun of teachers. No specific teacher is named or is identifiable from the song.
1 2 3 4 5
5. A student writes a letter to the school administration stating that a teacher has used improper discipline in class.
1 2 3 4 5
6. A student creates a fake Facebook profile in the name of another student in the class. The other student is Middle Eastern and the profile contains photos of him doctored to look like Osama Bin Laden and statements, supposedly made by him, supporting terrorism.
1 2 3 4 5
7. A student finds that photos of her, which were taken by her (now ex-) boyfriend have been shared publicly on Instagram. Then they were copied and reproduced in many more places, including photo-sharing sites. Her ex-boyfriend says that he is not responsible for what was done with the photos after he uploaded them.
1 2 3 4 5
8. A student writes a private email to his girlfriend accusing her of cheating on him.
1 2 3 4 5
9. A teacher asks students in her class to help write holiday greetings in a variety of languages for the school's website. Without the teacher's knowledge, one of the students' contributions is a false and insulting statement against another teacher.
1 2 3 4 5



10. A student posts a picture of her boyfriend on her Instagram account with the hashtag #cheatingslime.
1 2 3 4 5
11. A student discovers that other students in his class have created an online poll in which students are invited to vote on which students in the class should be beaten up.
1 2 3 4 5
12. A student creates a website in which she criticizes school policies and suggests that several teachers, whom she names, are overly strict in their discipline.
1 2 3 4 5
13. A student creates a Facebook group in which he states that one of his teachers is a space alien who is scheming to abduct students and take them to her home planet.
1 2 3 4 5
14. A student sends frequent emails to his ex-girlfriend. When she asks him to stop, he sends more emails, many of which contain abusive language.
1 2 3 4 5
15. A teacher discovers that students are being pressured by a popular student to remove an unpopular student from their Facebook “friends” lists.
1 2 3 4 5

Selections from the *Canadian Charter of Rights and Freedoms* and the *Convention on the Rights of the Child*

The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it, subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

This means that everyone has the rights listed in the Charter. In some cases those rights may be limited if they interfere with other people’s rights.

Section 2 of the *Charter* states that everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly; and
- (d) freedom of association.

This means that everyone is free to think and believe what they want. Everyone is free to express themselves and to gather peacefully with anyone they want.



Section 7 of the *Charter* states that everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

This means that nobody can have their safety threatened or their freedom limited. The exception is that you can be put in jail if you have committed a crime. This includes a right to be protected against attacks on your reputation.

The *Convention on the Rights of the Child* guarantees the rights set out in it to all children in countries that have are signatories to it, including Canada.

Articles 12 and 13 of the *Convention* state that children have the right to their opinions, and to express themselves. These rights should only be limited out of respect for others' rights or to protect public health or public safety.

That means that you can believe what you want, and say (draw, film, etc.) what you want, but you should respect other people's rights when you do. You also can't say things that would directly hurt other people, for instance by making them panic.

Article 16 of the *Convention* states that children have the right to privacy.

Article 17 of the *Convention* states that children have the right to access information through books, TV, the Internet and other media.

Article 19 of the *Convention* states that children have the right to be protected from being hurt, either physically or emotionally.

Cyberbullying Case Study

(What follows is a work of fiction. Any resemblance to real people, places or situations is purely coincidental.)

Scott, a Grade 9 student, transferred to a new school halfway through the semester. He quickly connected with the other students who are on Facebook and made friends with some of them at school as well.

After a while, though, Scott noticed that his friends list was shrinking as people removed him from their friends lists. He was puzzled by this at first until one of his offline friends told him that Colin, a Grade 11 student, had gotten angry at Scott because he had seen Scott talking to Linda, Colin's ex-girlfriend. Colin had begun to pressure everyone he knew to remove Scott and Linda from their friends lists on Facebook and to ignore them at school as well.

One afternoon in the computer lab, Scott got angrier and angrier at Colin and his friends. Since he had finished his work for the period, he decided to start a Facebook group called "Why I Hate Colin" and he invited everyone still on his friends list to join it. It turned out that there were quite a few people at the school who did not like Colin and his friends, and Scott's group grew quickly. Whenever the message traffic on the group slowed, Scott would try to boost it by posting some shocking accusation about Colin, such as suggesting that he had cheated on Linda or that he had hit her when they were dating (Linda was not involved in the group and had never said any such thing).

Soon other members of the group started to make their own accusations and suggestions about Colin, some even saying that Colin should have water balloons thrown at him when he went up the main stairway. Scott responded to that suggestion saying rocks should be thrown instead.



After a few weeks, one of Colin's friends discovered the group and reported it to him. Colin told his parents and they decided to report it to the principal and keep him out of school until things had been worked out, as well as to report what Scott had done to the police.

General Questions

- Who is the perpetrator in this case? Who is the target?
- What acts of cyberbullying have happened in this case? How serious would you rank each one as being?

Group Questions

- **Scott:** How can you defend your actions?
- **Colin:** Was what you did cyberbullying as well? If so, how can you accuse Scott? If not, why not?
- **Colin's parents:** What should school and civil authorities do about this case? Why?
- **Other members of Scott's Facebook group:** What can you do, and should you have done, in this case? Why?
- **Teacher:** What can you do, and should you have done, in this case? Why?
- **Police:** Should criminal charges be laid in this case? If so, which ones and why? If not, prepare an explanation for the target's parents as to why not..

