

# RESEARCH-BASED RECOMMENDATIONS FOR CYBERBULLYING POLICY DEVELOPMENT



To help school staff to review or renew their school policies related to the use and misuse of technology, Friendly Schools has assembled a list of research-based suggestions to model and guide policy development. Read on to find out what Australian researchers have to say about cyberbullying and school policies.

## Recommendation 1

According to Butler, Kift, Campbell, Slee and Spears (2011, p. 11), **there should be a specific anti-bullying policy which 'includes a definition of bullying that is either accompanied by a further definition of cyberbullying or at least makes express reference to cyberbullying'**. This is because 'a definition ensures objectivity and removes doubts that may result from different subjective views or opinions on a topic'. The researchers further note that 'any definition that includes examples of unacceptable behaviour should be in terms that are inclusive rather than definitive' since 'the definition should not be restricted to a named set of types of behaviour'; for example, schools should use the more inclusive term 'aggressive communicative behaviour' instead of the definitive term 'flaming'.

## Recommendation 2

Butler et al. (2011) state that **the policy should identify contact points in the school community to report cyberbullying and prescribe a step-by-step process for handling complaints**. When determining whether a school has discharged its duty of care, it will be important to determine how the school handled any complaint or notification of cyberbullying. It must be made clear to students how to report cyberbullying, and there needs to be a 'clear process for the handling of complaints set out in the policy' (p. 11). Parents, bystanders and teachers should be 'included in the policy since the process should not place the onus to initiate the process on the target, who may already feel covered as a result of the abuse' by the person bullying and who may feel reluctant to complain for fear of making matters worse (p. 13). The policy should also dictate that the person bullying must be 'afforded the right to natural justice, with no quick judgments made against him or her' (p. 13). Finally, the procedure needs to be clear: 'A policy that purports to stipulate different levels of bullying, with teachers and/or year coordinators entrusted with discretion concerning the correct classification of behaviour, and consequently how it is dealt with', is likely to 'produce a situation in which judgment and discretions are exercised to the point where an effective bullying policy is not in practical operation' (p. 13).

## Recommendation 3

**The policy should state that cyberbullying is regarded as unacceptable behaviour and prescribe specific consequences**, including advising students that the 'misuse of technology is potentially a crime that may lead to police involvement' (Butler et al. 2011, p. 19). It should convey a strong message to students who may potentially cyberbully others that this 'form of behaviour will not be tolerated and may warrant specific remedial action', which may be reinforced by including references to potential penalties for misuse of technology.

## Recommendation 4

**The policy should regulate the use of mobile phone and other personal devices on school grounds.**

Butler et al. (2011, p. 5) note that 'accepted practices in the teaching profession' are yet to settle on a uniform approach to the use of mobile phones or other personal devices, with some schools requiring such devices to be surrendered upon arrival at school and collected after school, some banning their use at certain times and some banning them from being brought to school altogether. However, it would be prudent to have some form of regulation of the use of mobile phones and other personal devices so there is certainty in the minds of students concerning their acceptable use.

## Recommendation 5

**There should be a specific policy governing the use of school technology by students** that includes 'explicit reference to the misuse of technology' and 'examples of the type of behaviour that will be regarded as inappropriate' (Butler et al. 2011, p. 15). This is an 'important measure designed to ensure that students realise that while they may regard the use of technology as having fun, they should not look upon the misuse of technology in the same light' and instead must recognise it as unacceptable behaviour that warrants sanction (p. 11). Butler et al. note that while 'requiring students to sign an Internet use agreement does not serve as a means of, for example, legally enforcing any promises in the agreement since children, as persons under 18 years of age, lack the capacity to make binding contracts', such an agreement is a 'sensible measure to bring to the forefront of students' minds the importance of only using technology for legitimate purposes' (p. 15).

## Recommendation 6

**There should be a specific policy governing the use of both school technology and social media by staff.** As in the case of the policy against cyberbullying by students, it is important to ensure that staff recognise that the misuse of school technology is unacceptable behaviour that warrants sanction. Any staff member who refuses to sign an agreement or fails to comply with the policy provisions may be disciplined for inappropriate use of facilities (Russo, Squelch & Varnham 2010). Further, 'requiring staff to sign an Internet use agreement is not only a means of bringing the importance of only using technology for legitimate purposes to the forefront of the minds of staff but also serves as a legally enforceable document' (Butler et al. 2011).

In addition to the potential for misuse of school technology, the exponential growth in the use of social networking by staff both inside and outside the working environment presents new legal, ethical and professional challenges (Russo, Squelch & Varnham 2010). Consequently, it would be prudent for the policy to provide rules for staff when engaging in online interactions with students and the school community. As Russo, Squelch & Varnham (2010) point out, teachers in Australia must be registered with a teaching registration authority and are subject to various professional codes of conduct and ethical standards. The policy should expressly state that a level of professionalism must be maintained by all levels of staff when they communicate online with other members of the school community and that inappropriate interactions could be

construed as a breach of professional standards. It should also clarify that ‘teachers in Australia who use social networking sites in such a way that can be construed as an act of misconduct, a breach of professional standards or a breach of discipline, could face deregistration from the profession, suspension or dismissal’ (Russo, Squelch & Varnham 2010, p. 9).

## Recommendation 7

**Schools that host blogs or other websites should include in their policies rules concerning the monitoring and editing of online content.** Butler et al. (2011, p. 29) emphasise that school authorities who exercise editorial control over blogs and other student-accessible websites must act promptly upon becoming aware of any deleterious postings on the site to ensure they are removed immediately. Further, according to Kift, Campbell and Butler (2010), ‘anyone who, whilst not the original statement maker, becomes aware of a defamatory or vilifying statement posted on his or her property (including computer sites) and fails to remove that material as soon as practical despite having the authority and capacity to so, may be regarded as being equally responsible for that statement’.

## Recommendation 8

Schools should be conscious when developing cyberbullying policies that **prescribing rules of behaviour for students outside of school hours may constitute a legal relationship between the school teacher and student for those times and thereby extend the duty of care owed by the school to include those times.** According to Butler et al. (2011, p. 16), schools that have such provisions in their policies must be prepared to treat cases of off-campus cyberbullying like other cases of cyberbullying occurring on school grounds or using school technology, since they may ‘not be able to merely claim that it was an incident occurring between individuals outside of the school’s area of concern’.

## Recommendation 9

Butler et. al (2011, p. 20) maintain that **policies should be both easily understood and ‘reinforced by constant reminders and consistent implementation when the need arises’.** For both staff and students, the ‘effectiveness of any policy depends upon the language used to express it, and whether it is accessible to those it concerns. It also depends upon how well it is drawn to the attention of those who are governed by it’. A school is unlikely to be regarded as having discharged its duty of care to prevent staff from ‘being exposed to the risk of cyberbullying if, for example, its expresses its policy in terms not easily understood or if all it does is post its policy on a noticeboard or website’. In addition, Butler, Kift and Campbell (2010, p. 26) state that ‘if remedial action is required then it must be taken and applied in a consistent fashion’ so that students with the potential to cyberbully ‘do not think that such a policy is zero tolerance in name only’.

## References

- Butler, DA, Kift, SM & Campbell, MA 2010, 'Cyber bullying in schools and the law: Is there an effective means of addressing the power imbalance?' *eLaw Journal*, vol. 16, no. 1, pp. 84–114, <https://elaw.murdoch.edu.au/index.php/elawmurdoch/article/view/24>.
- Butler DA, Kift, SM, Campbell, MA, Slee, P & Spears, B 2011, 'School policy responses to cyberbullying: An Australian legal perspective', *International Journal of Law and Education*, vol. 16, no. 2, pp. 7–28, <http://eprints.qut.edu.au/49320/2/49320.pdf>.
- Kift, SM, Campbell, MA & Butler, DA 2010, 'Cyberbullying in social networking sites and blogs: Legal issues for young people and schools', *Journal of Law, Information and Science*, vol. 20, no. 2, pp. 60–97, <http://eprints.qut.edu.au/39838/>.
- Russo, CJ, Squelch, J & Varnham, SEA 2010, 'Teachers and social networking sites: Think before you post', *Public Space: The Journal of Law and Social Justice*, vol. 5, pp. 1–15, <http://epress.lib.uts.edu.au/journals/index.php/publicspace/article/view/1493/2074>.