

E.R.A.S.E BULLYING

What is “social media”?

“Social media” is anything that allows people to communicate or share information online or electronically, and includes social networks (like Facebook, Twitter, or Tumblr), messaging services (like email or texting), or other online communities (like YouTube).

What does the law say?

Cyberbullying

As the law currently stands, there is no specific or stand-alone crime of cyberbullying. However, when the bullying behaviour reaches the level of criminal conduct, the current Criminal Code of Canada contains several offences that capture this criminal behaviour. The following Criminal Code offences may apply to the behaviours associated with cyberbullying:

- Criminal Harassment (s.264)
- Uttering Threats (s.264.1)
- Child Pornography: Making of, Distribution, Production and Accessing (s.163.1)
- Luring a Child (s.172.1)
- Voyeurism (s.162)
- Intimidation (s.423(1))
- Mischief in Relation to Data (s.430 (1.1))
- Unauthorized Use of Computer (s.342.1)
- Identity Fraud (s.403)
- Extortion (s.346)
- False Messages, Indecent or Harassing Telephone Calls (s. 372(1))
- Counselling Suicide (s.241)
- Defamatory Libel (s.298-302)
- Incitement of Hatred (s.319)

<http://laws-lois.justice.gc.ca/eng/acts/C-46/>

Self/Peer Exploitation (commonly known as ‘Sexting’)

The federal government recently passed Bill C13: *Protecting Canadians from Online Crime*, which prohibits the non-consensual distribution of intimate images. Bill C13 also gives the courts and law enforcement more powers to respond to criminal online behaviour, such as ordering the removal of intimate images and accessing evidence from the Internet and other new technologies.

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The law defines an “intimate image” as one that shows a person exposing their breasts, genitals or anal region, or depicts them engaged in explicit sexual activity (meaning acts involving nudity or intimate sexual activity, but not including things like touching or kissing).

If you take or share a naked or “sexually explicit” image of yourself or someone else, you could be charged with a Criminal Code offence such as the non-consensual distribution of an intimate image or child pornography.

For information regarding the Age of Consent, please refer to the table in additional resources.

Sextortion

Sextortion involves individuals who coerce youth into sending sexual images or engaging in sexual acts via webcam and then blackmail them with the threat of distributing the sexual images/videos if they do not pay money or provide more sexual images/videos.

In many incidents, youth are participating in this activity believing they are engaging with another young person. Connections first start out within social networking sites (e.g. Facebook) and then progress to live video feeds (e.g. Skype) where youth engage in sexual behaviours that are secretly recorded by offenders over webcam. A network of people who devote their time to capturing images of young girls and boys are known as “cappers”.

This is extortion and a Criminal Code offence (s.346).

(Credit: Canadian Centre for Child Protection, cybertip!ca)

Guidelines for Behaviour and Conduct:

1. Parameters of Expectation

The guidelines below are in place, regardless of how the social media is accessed. Whether it is accessed through regular internet browsers, through Apps on mobile devices using any operating systems (Android and iOS), through an iPod/iPad mobile devices or through another’s device; these are all considered the same when looking at access.

Given that negative social media content is posted and seen outside of school hours, and emerges again in social circles within schools, this can have a severely harmful effect on a school’s culture and climate of safety. As such, given the presence and availability of associated technology, these guidelines are in effect inside and outside school hours, and both on and off school grounds.

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2. General Guidelines for Students

- 2.1 It is always suggested that students elect to speak to someone face-to-face if possible rather than through social media platforms as context is less likely to be lost in translation.
- 2.2 Unless the teacher instructs otherwise, social media, cellphones, and communication devices should not be used during instruction time; and should be kept out of sight.
- 2.3 Student behaviour online should reflect personal, classroom and school community values. This means that the expected behaviour of students is the same both in person and online.
- 2.4 Students are expected to use social media responsibly, and to demonstrate and show respect, not only for themselves and their future, but for their friends, peers, and other users they interact with online.
- 2.5 Any use of social media must abide by the terms of service/contract that is set out by the APP/social media platforms. This is especially critical when relating to minimum age of use and appropriate conduct.
- 2.6 Students must be aware of the potential consequences of what they post online. Anything shared by students will leave a digital footprint that is public, permanent, and searchable (even after it is deleted). Students should only post what they would want friends, peers, family members, teachers or future employers to see. Students are strongly encouraged to think critically about content shared and associated impacts before posting online.
- 2.7 Students must strive to utilize the Internet the safest way possible. Students should try not to exchange excessive personal information that may impose risk on the safety of a person, including: exact birth dates, phone numbers, addresses, pictures, social insurance number. Students should not share their passwords, even with close friends. Students should strive to have rotating passwords.
- 2.8 Students must not impersonate or use someone else's identity online (commonly known as catfishing). This includes creating fake profiles and deliberately compromising another person's social media accounts.

Impersonation online is fraud, which is a criminal offence.

- 2.9 Students are strongly advised to-consider reporting any content or behaviour, to a trusted adult, that is inappropriate, compromising, illegal, or not suitable for a school environment. A good tool to report something anonymously is the ERASE reporting tool (see resource list).
- 2.10 Students are to refrain from posting/sending/communicating/messaging anything that is hateful, hurtful, or disrespectful to another individual. Students are prohibited from engaging in any *cyberbullying* related behaviour.
- 2.11 Students are encouraged to only "friend" or accept invitations from people they know to best control access and share information with people they know. Students should

- utilize the privacy settings available to control access to their network and personal information.
- 2.12 Students are to respect the privacy of others. They are not permitted to use a mobile device to capture or post an image or a voice recording of another individual without that individual's permission. This may also include online posting or electronic distribution of inappropriate pictures, intimate images or videos (real or altered), without the consent of the person reflected in the images.
- 2.13 Social media is a good medium to use when engaging in school related discussions and can help further facilitate group discussions within the context of course curriculum.

3. General Guidelines for Teachers and School Staff

- 3.1 Social media, when utilized appropriately, can provide a means to enrich school curriculum and provide an alternative teaching platform.
- 3.2 It is suggested, that at the start of each school year/term, all teachers should outline their specific rules regarding students' use of social media/devices within their classroom, taking into account the specific needs of each student. Teachers should use this opportunity to distribute and encourage students to sign and return the school's media consent forms. Teachers should also outline their plan for using social media as a teaching tool for the duration of their teaching period. It is recommended that this information be shared with parents so both students and parents are aware of what the teacher expects.
- 3.3 Teachers are encouraged not to interact with students in a personal manner on social media; unless it is for educational purposes, such as creating class groups or group activities. Teachers are encouraged to have a school-based account for this purpose and use it exclusively for educational and extracurricular activities. School staff should not be Facebook friends with students on their personal accounts. The exception would be with former students who have graduated, have moved away and/or had previous familial connections with.
- 3.4 Teachers, school staff/administrators should serve as role models for students in their use of social media. All responsibilities that apply to students' appropriate use of social media should also apply to teaching staff. This includes the use of personal social media, cell phones, and communication devices during class time. It is recommended that staff lead by example, and use these devices at appropriate times.
- 3.5 School staff (just like students), are encouraged to utilize appropriate privacy settings to control access to their personal social media sites. These privacy settings often change, so it is the staff's responsibility to keep their security settings current.

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- 3.6 Teachers and school staff are reminded that (just like students) their online presence is an extension of themselves. They must represent themselves, always, as employees of the school district. This includes not sharing any confidential information regarding other staff or students, as well as any information or photos from their personal lives.

4. General Guidelines for Parents

- 4.1 Parents are encouraged to have frequent proactive discussions with their children around their use of the internet and social media applications. This should be done in a non-judgmental and supportive manner and not intended to punish behaviour. Research shows that teens who discuss social networking websites with their parents behave safer online. You want your child to be able to actively come to you with any trouble they are having online.
- 4.2 Set up agreements and guidelines for how you expect your child to use the device or computer that you gave to them. If it helps, have both the parents and the child sign and date this agreement. An example of a best practice is having the child write down his or her social media passwords on a piece of paper and then have the child sign it along with their parents. This paper is then put in a sealed envelope and put on the fridge or a secure place. If the parent feels the need to open the envelope, they must be prepared to have a discussion with their child around their concerns.
- 4.3 Encourage your child to report behaviour that they feel is inappropriate or crosses boundaries.
- 4.4 Stay informed – the applications and trends are changing every day and youth like to stay current on emerging social media platforms.

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Resources for Further Information

ERASE Bullying BC Website - <http://www.erasebullying.ca/>

Student Online Reporting Tool - <https://reportbullyingbc.edudata.ca/apps/bullying/>

Media Smarts (parents resource) - <http://mediasmarts.ca/>

Cybertip.ca (preventing the sexual online exploitation of children) -
<https://www.cybertip.ca/app/en/>

The door that's not locked (parent resource) - <http://www.thedoorthatsnotlocked.ca/>

TELUS wise footprint (keeping your digital footprint clean) - <https://wisefootprint.telus.com/en/>

Get Cyber Safe (Government of Canada resource on topics ranging from cyberbullying, identity theft, current online scams) - <http://www.getcybersafe.gc.ca/index-eng.aspx>

Net Smartz (age appropriate resources to teach children to be safe on and offline) -
www.netsmartz.org

Words Wound (cyberbullying specific prevention for youth) - www.wordswound.org

Need Help Now (removal of posts and images online) - www.needhelpnow.ca

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Additional Information on Age of Consent

Age of Consent in Canada: Sexual activity is only legal when both parties consent. Consent is defined within the Criminal Code of Canada in s. 273.1(1), as the voluntary agreement to engage in the sexual activity in question. Generally, the age of consent for sexual activity is 16 years.

AGE OF CONSENT

UNDER 12

It is **not lawful** to have sexual activity with anyone, even if you consent to it.

AGE 12

<11 12 13 14+ 15+

If you are 12, you can consent to sexual activity with someone who is less than two years older than you.

AGE 13

<11 12 13 14 15 16+

If you are 13, you can consent to sexual activity with someone who is less than two years older than you.

AGE 14

<11 12 13 14 15
16 17 18 19 20+

If you are 14, you can consent to sexual activity with someone who is less than five years older than you.

AGE 15

<12 13 14 15 16
17 18 19 20 21+

If you are 15, you can consent to sexual activity with someone who is less than five years older than you.

AGE 16

<12 13 14 15 16+

You have reached the age of consent, except...

UNDER 18

It is **not lawful** for someone over 18 to engage in sexual activity with someone under 18 where there is a relationship of authority, trust, or dependency (like a coach, teacher, or family member), even if the younger person consents.

(Credit: Women's Legal Education and Action Fund)

Expect respect,
and a safe education.

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Glossary of Terms

Appropriate Use: Generally suitable or proper within the differing circumstances reflecting general and global values while maintaining respect in accordance to the laws, status and expectations of community members.

“Communication Devices” or (“Devices”) include any electronic and mobile device that exchanges data or connects wirelessly to the internet (i.e. Wi-Fi, cellular data plans). This includes mobile cell phones, smart phones, and mobile communication devices (i.e. tablets). Communicating with another person/persons electronically, includes both conventional SMS mobile (texting) messaging and Internet based communication applications. This electronic communication includes various social media private messaging (e.g. Twitter direct message)

“Cyberbullying behaviour” involves first time and/or repeated use of electronic information and communication technologies, to engage in conduct or behaviour, that is intended to, or can reasonably be expected to, cause: fear, intimidation, humiliation, distress or other damage or harm, to another’s health, emotional well-being, or reputation. This may also include online posting or electronic distribution of embarrassing pictures, intimate images or videos (real or altered). Cyberbullying is overt or covert bullying behaviour using digital technologies. Other examples include: harassment via digital devices, setting up defamatory personal websites or deliberately excluding someone from social networking spaces and groups. Cyberbullying can happen at any time. It can be in public or in private and sometimes is only known by the target and by the person perpetuating the bullying behaviour.

Global Values: equality, acceptance, freedom and individual responsibilities

Internet: The Internet is a vast global network that connects people with smaller networks. It is the primary platform for social media and can be accessed using communication devices.

Internet Browser: Software used to access information on the networks that the internet provides.

“Social Media” includes, but is not limited to, the following: social networks, emailing, blogging, tweeting, podcasts, videos, texting, online gaming communities and other at base platforms

Social Media is essentially any platform that allows people to communicate online or electronically to share and exchange information including video, audio and/or pictures with one another across the internet. Keep in mind, social media platforms change on a regular basis.

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Trusted Adult: A trusted adult is someone who protects you, someone who cares about your ideas, opinions, and feelings, and someone who can help you. This trusted adult is someone other than your parents. This could be a coach, a teacher, or a close family friend for example.

