



**SCoTENS**  
THE STANDING CONFERENCE ON  
TEACHER EDUCATION, NORTH AND SOUTH



# CYBERBULLYING AND THE LAW

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## DISCLAIMER

While the review of the current legislation in Northern Ireland and the Republic of Ireland is intended to provide a descriptive context, it should be noted that this is an academic research report and does not represent legal guidance. Should you require specific legal information in relation to a particular case, you should take legal advice from the appropriate authority.

## ABSTRACT

This study set out to explore the current legislation in Northern Ireland and the Republic of Ireland with regard to cyberbullying, and in particular to explore the legal responsibilities of schools, critically considering current government policy in both jurisdictions, before examining what schools are currently doing to counter this growing issue. A mixed methodological approach incorporating both quantitative and qualitative data collection and analysis was utilized. A staged process began with qualitative analysis of focus group discussions (hosted at Stranmillis University College, Belfast and Trinity College, Dublin) involving experienced primary and post-primary teachers and principals, followed by questionnaires sent to primary and post-primary school principals (n=143 completed: achieved rate = 28.6%) which provided a descriptive overview of knowledge and attitudes as well as the experiences of staff in a representative sample of schools in both jurisdictions. The study highlights a previously unreported level of frustration on the part of school leaders in both Northern Ireland and the Republic of Ireland in their struggle to deal with the growing and very complex problem of cyberbullying, especially in the absence of clear and up-to-date guidance from respective government departments. Confusion surrounding the legal responsibilities of schools was common in both jurisdictions. Rather than relying on evidence-based strategies and procedures proposed by government, school leaders are resorting to *ad hoc* solutions, at best consulting neighbouring schools, while trying to unravel intricate webs of interpersonal online aggressive acts, many of which have taken place outside of school and outside of school hours. The report makes a number of recommendations in relation to the development and dissemination of training and resources for schools in both jurisdictions, but concludes with an urgent call on government to provide the legal and policy framework which will guide school leaders out of the “cloud of uncertainty” and towards clarity of understanding and effective responses to cyberbullying in schools throughout Northern Ireland and the Republic of Ireland.

## KEYWORDS

Cyberbullying, schools, law, teachers, Northern Ireland, Republic of Ireland

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## INTRODUCTION

The right to an education free from harassment is enshrined in the United Nations Convention on the Rights of the Child (1989). One form of harassment that directly affects the educational, psychological, social, and emotional development of children and young people is involvement in bully/victim problems. Bullying is an international problem (see Smith et al., 1999). It is also a local problem, in both Northern Ireland and the Republic of Ireland (Mc Guckin, 2013; Mc Guckin & Corcoran, 2013; Mc Guckin, Cummins, & Lewis, 2013). Whilst much focus is rightly on traditional, or face-to-face (f2f) bullying (McGuckin, Cummins, & Lewis, 2010), attention has recently been directed to other, less researched areas (e.g., disablist bullying: Purdy & Mc Guckin, 2011), as well as emerging areas, such as alterophobia – prejudice directed towards members of “alternative” sub-cultures (Minton, 2012). While the prevalence and effects of f2f bully/victim problems are well known (Rigby & Smith, 2011) and intervention and prevention programmes are well advanced (Farrington & Ttofi, 2009), there is an emerging form of bullying that has required detailed investigation and understanding – cyberbullying.

In recent years the Internet and information and communication technologies (ICT) have had an increasingly important impact on our everyday lives (Cross et al., 2009). Use is now thoroughly embedded in children’s daily lives (Livingstone et al., 2011) and electronic communication is viewed by many children and adolescents as essential for their social interaction (Kowalski, Limber, & Agatston, 2008). Whilst we have an understanding of the very real and positive uses of the technologies (Costabile & Spears, 2012), there is a concerted effort to understand the obviously negative aspects of these new and emerging media for post-modern relationships.

Many cross-national policies (e.g., Välimäki et al., 2013) and recent research efforts (e.g., Völlink, Dehue, & Mc Guckin, 2014; Smith & Steffgen, 2013; Mora-Merchan & Jäger, 2010; COST Action IS0801 [<http://sites.google.com/site/costis0801>], CyberTraining [<http://cybertraining-project.org>], Cybertraining for Parents [<http://cybertraining4parents.org/aboutct4p>]) have added greatly to our understanding of this issue. Detailed knowledge regarding the issues that confront schools on a daily basis in respect of cyberbullying is also gradually emerging. Despite the obvious benefits of new technology (e.g., access to information, entertainment and leisure, creative outputs, social contact, development of ICT skills: Costabile and Spears, 2012), of particular concern to schools are the negative consequences of the technology and the characteristics of cyberbullying that distinguishes it from f2f bullying – for example, flame mail, pictures / video clips, SMS messages, and anonymity (Juvonen & Gross, 2008). Indeed, in contrast to f2f bullying, cyberbullying can take place 24/7, can take place outside schools, can be anonymous, and can have a (potentially) worldwide (Internet) audience (Dooley, Pyżalski, & Cross, 2009). Given these differences, the typical “whole school approach” (Rigby, Smith, & Pepler, 2004) for addressing traditional f2f bully/victim problems in educational contexts (Samara & Smith, 2008) is considered insufficient for dealing with this newest form of bully/victim problems (del Rey, Elipe, & Ortega, 2012).

When discussing cyberbullying, the predominant issue that school principals refer to is the issue of the law, and to what extent the school has a duty of care in cases of cyberbullying, where, for example, the actual bullying behavior may be occurring outside of the school premises. Using responses to surveys and focus groups, this project explores the knowledge, attitudes, and perceptions of school principals and

teachers from Northern Ireland and the Republic of Ireland regarding cyberbullying and the legal issues that emanate from the problem. Prior to presenting the methodology and results of the research, we present an overview of the definition of cyberbullying, as reported by the academic and research community, as well as the definition provided by quasi legal documents and advice guidelines in both jurisdictions. Whilst the issue of bully/victim problems is not directly addressed by legislation, in so far as the key words do not appear, schools are entrusted to provide proper care for students in terms of their general welfare and not just their academic achievement. When dealing with bully/victim problems, schools should have adequate policies and procedures in place to deter such behaviour, and should act properly and promptly in addressing incidents when it does happen (Mc Guckin & Lewis, 2008). Furthermore, in addressing such issues, schools should act according to fair procedures. For the purposes of the work represented in this project, a detailed and exhaustive review of the legislative canon would not be useful. For a detailed review of the Irish legislation related to bully/victims and schools, Smith (2013) presents a more detailed review, including case examples. There is currently (to our knowledge) no such comprehensive published resource in Northern Ireland, with the exception of two brief guides offered by the Northern Ireland Anti-Bullying Forum (NIABF, 2011a,b). Similarly, an exhaustive review of the actions taken by the Departments of Education, the community and voluntary sectors, and academic research findings (e.g., nature, incidence, correlates, intervention, prevention) in both jurisdictions is beyond the scope of the current report. For salient and detailed reviews of such work, the reader is guided to Stevens and O'Moore (2013).

### **DEFINING CYBERBULLYING**

In an academic context, there is a strong consensus in the research community that bullying is a form of social aggression (Björkqvist, Ekman, & Lagerspetz, 1982), which is characterised by three major criteria: intent to cause harm; repetition of the behaviour over a period of time, and; an imbalance of power between the victims and the bullies (e.g., Olweus, 1993; O'Moore & Minton, 2004; Rigby, 2002). O'Moore and Minton (2004) extend this by arguing that just one particularly severe incident which contributes to an on-going sense of intimidation can constitute bullying.

Although there are similarities between traditional (f2f) bullying and cyberbullying (DeHue, Bolman, & Völlink, 2008; Langos, 2012), there is no consensus as yet regarding a definition for cyberbullying. This is due to the fact that bullying in a cyber context involves a number of different elements to bullying in a real world setting. Although Langos (2012) argues that the main elements of traditional bullying (i.e., repetition, power imbalance, intention, and aggression) also pertain to cyberbullying, it is clear that these elements can take on a different role in cyber space.

Vandebosch, Van Cleemput, Mortelmans, and Walrave (2006) argue that it is not essential that aggression be repeated on the part of the bully in order for it to constitute cyberbullying. For instance, content created or shared just once by the cyberbully can remain online over time, and therefore can be viewed or shared by those who witness the content. In such an instance, the repetition is characterised by the number of witnesses as opposed to the number of actions on the part of the cyberbully.

Additionally, the power imbalance in cyberspace is somewhat less clear than in the real world. Although in cases of traditional bullying, power can take the form of physical size, in the cyber world power may be constituted by the capacity to hide one's identity (Vandebosch et al., 2006). It is somewhat more difficult to remain anonymous in instances of traditional bullying. Moreover, unlike cases of traditional bullying where a victim could often seek refuge at home at the end of the school day and where the number of potential bystanders is limited, with regard to cyberbullying, a victim can be attacked in any location at any time of the day or night (O'Moore & Minton, 2009), and furthermore there is the potential for a very large audience to be exposed to the cyberbullying content (Kowalski et al., 2008). As a result of these distinguishing traits, it is necessary to create a separate definition for cyberbullying.

Perhaps the most comprehensive definition of cyberbullying to date is that provided by Tokunaga (2010). Analysing and building upon existing definitions (Belsey, 2006; Juvonen & Gross, 2008; Li, 2008; Patchin & Hinduja, 2006; Slonje & Smith, 2008; Smith, et al., 2008; Willard, 2007; Ybarra & Mitchell, 2004), Tokunaga (2010) defines cyberbullying as “. . . any behavior performed through electronic or digital media by individuals or groups that repeatedly communicates hostile or aggressive messages intended to inflict harm or discomfort on others” (p. 278). Therefore, it seems that in order for behaviour to meet the criteria for cyberbullying, it must be communicated using electronic media, it must be repeated, it must be aggressive in nature, and it must be carry intent to cause harm to the recipient.

The Northern Ireland Anti-Bullying Forum (NIABF) defines bullying as the “repeated use of power by one or more persons intentionally to harm, hurt or adversely affect the rights and needs of another or others”. It further defines cyberbullying as “bullying through the use of modern technology such as computers and mobile phones.” (NIABF, 2011a).

Similarly, in the Republic of Ireland, the Department of Education and Skills' recent “Action Plan on Bullying” (DES, 2013, p. 25) cites O'Moore's (2012) definition of cyberbullying as “an extension of traditional bullying with technology providing the perpetrator with another way to abuse their target.”

### ***BULLYING AND CYBERBULLYING IN NORTHERN IRELAND: RELEVANT LEGISLATION***

In terms of the management of bully/victim problems in schools, legislation was introduced in Northern Ireland in 2003 (The Education and Libraries [Northern Ireland] Order 2003) which requires all schools to have a specific standalone anti-bullying policy (specifically Articles 17, 18 and 19). The implementation of this new legislation and accompanying guidance from DENI should serve to copper-fasten Mc Guckin and Lewis' (2008) finding that, even in the absence of legislation, the vast majority of schools were proactive in the management of such problems.

Article 17 of the Order relates to the 'Welfare and Protection of Pupils' and places a statutory duty upon Boards of Governors to safeguard and promote the welfare of registered pupils at the school at all times when the pupils are on the premises of the school; or in the lawful control or charge of a member of the staff of the school. Accompanying guidance (DENI, 2003,§4) states that pupil welfare embraces all aspects of pastoral care, child protection, pupil behaviour, health and well-being, safety, and security. The guidance also reflects that this new duty makes explicit an implied duty of care which is already exercised

by school managers and provides Boards of Governors with the legal basis for taking an active interest in all aspects of a school's activities that promote pupil welfare (DENI, 2003,§3).

Article 18 of the Order relates to 'Child Protection Measures' and requires the Boards of Governors of all grant-aided schools to ensure that they have a written child protection policy. This policy must reflect any guidance issued by DENI, the Education and Library Board where the school is located and where appropriate, the Council for Catholic Maintained Schools (CCMS). The Board of Governors is required to determine the measures to be taken by all persons associated with the school to protect pupils from abuse and to review these measures from time to time. "Abuse", as defined in the legislation, includes sexual abuse and abuse causing physical or mental harm to a child. In 1999, DENI published a booklet entitled *Pastoral Care in Schools: Child Protection* - this remains the principle guidance issued by DENI in this area and contains advice and procedures for handling child protection issues in grant-aided schools in the province (DENI, 1999).

Article 19 of the 2003 Order amends Article 3 of the Education (Northern Ireland) Order 1998, which is the primary legislation dealing with school discipline / promoting positive behaviour. Article 19 places new duties upon the school, as follows: (i) the Board of Governors shall consult with registered pupils and their parents before making or revising the school's disciplinary policy, (ii) the Principal shall determine measures to be taken to prevent all forms of bullying among pupils, and (iii) the Principal shall consult with registered pupils and their parents before deciding upon measures to encourage good behaviour and to prevent bullying. Accompanying guidance (DENI, 2003,§14 and 15) recommends that all schools will need to be satisfied that their current discipline / promoting positive behaviour policy deals with the prevention of bullying in a sufficiently clear and robust way to satisfy this legal requirement. Any revision of existing school disciplinary / promoting positive behaviour policies must be preceded by a consultation exercise with registered pupils and their parents.

As well as the Articles within the 2003 Order, DENI (2007) issued a circular in relation to the acceptable use of the Internet and digital technologies in schools. This quasi-legal circular re-emphasised that Boards of Governors of grant-aided schools have a duty to safeguard and promote the welfare of pupils (Article 17) and to determine the measures to be taken at the school to protect pupils from abuse (Article 18), and that in the exercise of those duties, Boards of Governors must ensure that their schools have a policy on the safe, healthy, acceptable, and effective use of the Internet and other digital technology tools. The Boards of Governors are also guided to ensure the active promotion of safe and acceptable working practices for all staff and pupils – a measure that will serve to reassure parents and guardians. The circular contains a section on child protection, bullying, and harassment - with specific advice on dealing with cyberbullying incidents. The guidance also has sections relating to management responsibilities in school, best practice codes for safe Internet use, Internet safety education for people using school ICT resources and information on social software, including Internet chat rooms, instant messaging technology and social networks. As with the iterative development and implementation of any good policy, it is also pointed out that it is essential that school policy and practices be kept under frequent review as new challenges, threats, and legal requirements emerge regularly. This is made explicit in terms of the statutory duty under Article 18 and the need to revise child protection policies to ensure that they reflect recent DENI guidance on this issue.

In terms of criminal law, there are three pieces of legislation which may provide protection from cyberbullying: (i) Protection from Harassment (Northern Ireland) Order 1997, (ii) Malicious Communications (Northern Ireland) Order 1988, and (iii) The Communications Act 2003.

While the Protection from Harassment (Northern Ireland) Order 1997 was passed following concern that stalking was not well dealt with under existing legislation, the Act goes beyond the issue of stalking and covers harassment in a wider sense. Section 3(1) of the Order states that it is unlawful to cause harassment, alarm or distress by a course of conduct and states that “A person shall not pursue a course of conduct - (a) which amounts to harassment of another; and (b) which he knows or ought to know amounts to harassment of the other.” In terms of dealing with perpetrators of harassment, Article 4 provides that a person guilty of an offence of harassment under Article 3 shall be liable, on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding £5000, or both. The legislation provides that a civil claim may also be brought by a victim in the High Court or County Court and that damages may be awarded for any anxiety caused by harassment and any financial loss resulting from harassment. The court may also grant a restraining order which shall prohibit the defendant from pursuing any further conduct which amounts to harassment or will cause a fear of violence. If without reasonable excuse the defendant does anything which breaches the court order this will amount to a criminal offence and the defendant shall be liable, on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding £5000, or both.

Under the Malicious Communications (Northern Ireland) Order 1988 it is an offence to send an indecent, offensive or threatening letter, electronic communication or other article to another person with intent to cause distress or anxiety. Under Section 43 of the Telecommunications Act 1984 it is a similar offence to send a telephone message which is indecent, offensive or threatening. Both offences are punishable with up to six months imprisonment and/or a fine not exceeding £5000.

The most recent piece of legislation relevant to the issue of cyberbullying, the Communications Act 2003, deals specifically with the improper use of a public electronic communications network. Section 127 of the Act provides as follows: 1. A person is guilty of an offence if he - (a) sends by means of a public electronic communications network a message or other matter that is grossly offensive or of an indecent, obscene or menacing character; (b) causes any such message or matter to be so sent. 2. A person is guilty of an offence if, for the purpose of causing annoyance, inconvenience or needless anxiety to another, he - (a) sends by means of a public electronic communications network, a message that he knows to be false; (b) causes such a message to be sent; or (c) persistently makes use of a public electronic communications network. A person guilty of an offence under this section shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £5000, or to both. Section 127 was invoked in the jailing of a man from Chorley, Lancashire, in relation to comments he made on Facebook regarding April Jones.

#### ***BULLYING AND CYBERBULLYING IN THE REPUBLIC OF IRELAND: RELEVANT LEGISLATION***

While there is no specific law dealing with school-related cyberbullying in the Republic of Ireland, there are a number of criminal law and education law provisions, and guidelines given to schools, which implicitly include these behaviours. A number of publications issued by the Office of Internet Safety

explicitly include the behaviours (e.g., OIS, 2008, 2012). As well as the information provided below, the interested reader should also consult Department of Education documents such as: *Guidelines on Countering Bullying Behaviour in Primary and Post-Primary Schools* (Department of Education, 1993), the *Action Plan on Bullying* (DES, 2013), and *Circular letter M18/99: Guidelines on Violence in Schools: Intended for Post-Primary Schools* (Department of Education and Science, 1999). Also of interest should be: The Disability Act (2005), The Defamation Act (2009), The Education for Persons with Special Educational Needs Act (2004), and the Equal Status Acts (Government of Ireland: 2000-2008).

Two articles in the Constitution of Ireland are also of relevance when discussing bully/victim problems. Article 42 deals with education and asserts that the family is “. . . the primary and natural educator of the child . . .” (Article 42.1-2.). Thus, regardless of where the child is educated, the State “. . . as guardian of the common good . . .” requires that the child receive “. . . a certain minimum education, moral, intellectual and social”. (Article 42.3). Article 40 is also relevant to a discussion of bully/victim problems in that it deals with the personal rights of the citizen, including the right to a good name.

Under Criminal Law, remedy may be pursued under the Criminal Damage Act 1991. Three particular parts of the Act are pertinent to any discussion regarding bully/victim problems. Whilst Section 2 relates to damaging property, Section 3 relates to the threat to damage property. However, in relation to cyberbullying, Section 5 is of interest - the unauthorized accessing of data. Section 5(1) states that a person who “. . . without lawful excuse . . .” operates a computer: (a) within the State with intent to access any data kept either within or outside the State, or (b) outside the State with intent to access any data kept within the State, shall, whether or not he accesses any data, be guilty of an offence. On summary conviction, that person can be fined, imprisoned for up to 3 months, or both. Whilst there are obvious interpretations here with regard to computer hacking, this legislation could relate to cyberbullying.

In addition, the Non-Fatal Offences Against the Person Act 1997 details offences that are related to bully/victim problems: (a) assault: Sections 2(1), 2(2), and 2(3), (b) assault causing harm: Sections 3(1) and 3(2), (c) causing serious harm: Sections 4(1) and 4(2), (d) threats to kill or cause serious harm: Sections 5(1) and 5(2), (e) coercion: Sections 9(1), 9(2), and 9(3), and (f) harassment: Sections 10(1), 10(2), and 10(3). For this discussion, the latter of these offences is of particular importance. Section 10(1) states that “Any person who, without lawful authority or reasonable excuse, by any means including by use of the telephone, harasses another by persistently following, watching, pestering, besetting or communicating with him or her, shall be guilty of an offence.” Section 10(2) states that a person harasses another when: (a) he or she, by his or her acts intentionally or recklessly, seriously interferes with the other’s peace and privacy or causes alarm, distress or harm to the other, and (b) his or her acts are such that a reasonable person would realise that the acts would seriously interfere with the other's peace and privacy or cause alarm, distress or harm to the other. The punitive outcome under Sections 10(1) and 10(2) may be imprisonment, a fine, or both. Section 10(3) makes provision for a court to also, or as an alternative, decide “. . . that the person shall not, for such period as the court may specify, communicate by any means with the other person or that the person shall not approach within such distance as the court shall specify of the place of residence or employment of the other person.”

Dealing specifically with telephones, Section 13(1) of the Post Office (Amendment) Act 1951 has been amended a number of times, including by the Communications Regulation (Amendment) Act 2007, Part 2.

A person commits an offence if they send (by telephone) any message that is knowingly false, grossly offensive, indecent, obscene or menacing, for the purpose of causing annoyance, inconvenience, or needless anxiety to another person, persistently without reasonable cause. Also included is the persistent making of telephone calls to another person without reasonable cause.

Under educational law, the Education Act 1998, as amended by the Education (Miscellaneous Provisions) Act 2007, deals with the regulation of the primary, post-primary, adult, and vocational education system in general. Section 9 of the Act outlines the general functions of a school, in that the school shall “. . .use its available resources “. . . to, among other things, ensure that the educational needs of all students are identified and provided for, and that the school promote the moral, spiritual, social and personal development of students, having regard to the characteristic spirit of the school. The Board of Management of the school has an important role to play in the overall governance of the school and adherence to legal issues (e.g., Sections 15 and 21). While there are no explicit provisions in the Act dealing specifically with bully/victim problems, Sections 28 (appeals / grievances) and 29 (suspension / exclusion) are important in considering issues that may arise from incidents of bullying.

As well as relating to the welfare of students, the Education (Welfare) Act 2000 also relates to attendance and non-attendance in schools, with such activities being coordinated by the National Educational Welfare Board. Section 23 provides for the need for a “code of behaviour” regarding the pupils registered at the school, in accordance with any guidelines issued by the National Educational Welfare Board (e.g., National Educational Welfare Board, 2008).

Most recently the Education (Welfare) (Amendment) (No. 2) Bill 2012 in the Republic of Ireland makes it the responsibility of the Board of Management of a school to record incidents of bullying, to implement anti-bullying procedures and to respond in writing to parents/guardians within five working days, outlining the response taken by the school. In this amendment, bullying behaviour is defined as “repeated, intentional aggression, verbal, psychological or physical, including by electronic forms of contact, conducted by an individual or group against others, against someone who is not able to defend himself or herself in that situation.” (§2.1)

#### CASE STUDY – CYBERSAFETY

“And I spoke to a wee boy last week, just because I heard this second-hand, and he was playing a game online with another wee boy in P7, and he had used some inappropriate language. But it was only when I spoke to that wee boy that he sat back and actually thought that “Well, actually, I’m not sure who’s at the other end when I’m speaking out loud and my voice can be heard. I actually don’t know if it’s just my mate or my mate and his parents, or is it somebody else?” (Primary Principal)

## METHODOLOGY

The research study set out to answer the following central research questions:

1. What is the current legislation in Northern Ireland and the Republic of Ireland with regard to cyberbullying?
2. What legal responsibility do schools in Northern Ireland and the Republic of Ireland have in dealing with incidents of cyberbullying?
3. What is the current government policy regarding dealing with cyberbullying in schools in Northern Ireland and the Republic of Ireland?
4. What are schools in Northern Ireland and the Republic of Ireland currently doing to address the issue of cyberbullying?

A mixed methodological approach incorporating both quantitative and qualitative data collection and analyses was utilized. A staged process began with qualitative analysis of focus group discussions, followed by questionnaires providing a descriptive overview of knowledge and attitudes, which served to supplement the qualitative data.

Two centres for education, one in each jurisdiction, were selected for recruitment of participants. Stranmillis University College provided the sample of educators from Northern Ireland. The School of Education at Trinity College, Dublin, provided the sample for the Republic of Ireland.

Two focus group interviews were conducted in Northern Ireland, the first comprising primary school principals and senior staff (n=4), the second comprising post-primary senior pastoral staff from both selective and non-selective schools (n=5). A senior barrister (Queen’s Counsel) was also present at both Northern Irish focus groups. In the Republic of Ireland one focus group was conducted with a mix of primary and post-primary teachers (n=5). In addition paper questionnaires were sent to 125 primary and 125 post-primary schools in Northern Ireland and 125 primary and 125 post-primary schools in the Republic of Ireland. The sample was stratified according to geographical location, school management type and school size. In total there were 143 questionnaires returned, representing a response rate of 28.6%. Further detail of the sample is provided in Table 1 (below).

Table 1: Survey responses by phase and jurisdiction

			Primary	Post-Primary	
Location	Northern Ireland	Count	34	45	79
		% within Location	43.0%	57.0%	100.0%
	Republic of Ireland	Count	33	31	64
		% within Location	51.6%	48.4%	100.0%
Total		Count	67	76	143
		% within Location	46.9%	53.1%	100.0%

In the absence of an appropriate research instrument, an “audit style” questionnaire (based on Mc Guckin & Lewis, 2008) was developed for the study. The content of the instrument was derived from a review of the literature and incorporated the views of educational experts and practitioners. To explore issues relating to validity (e.g., face, content, construct), two pilot studies were conducted. No significant alterations to the questionnaire were required. Information collected during the pilot survey was not included in the final data set of the study, nor were the volunteer schools included in the participant group.

The questionnaire (see Appendix 1) consisted of a range of question types, including questions based on Likert rating scales, multiple choice questions, and open ended questions. In both the focus groups and the questionnaires, questions focused on teachers’ experiences of dealing with cyberbullying in schools, the extent of the training and guidance they had received, and the measures they would recommend to help schools tackle cyberbullying more effectively.

Ethical approval for the research was granted by the Ethics Committees of Stranmillis University College, Belfast and the School of Education at Trinity College, Dublin. All schools and individuals invited to take part in the research were informed that they would not be identified individually, and that all data collected would be aggregated for the purpose of analysis and reporting. Focus group participants were asked to sign a consent form prior to the interview (see Appendix 2), by which they accepted that they had been fully informed of the purpose of the study and their role in it; that the interviews would be recorded and notes taken; that the data would be stored securely and confidentially; that anonymity would be guaranteed; that the findings would be used solely for the purposes of the research project; that their participation in the project was voluntary; and that they could withdraw at any stage from the project without adverse consequences.

#### **CASE STUDY – TEACHER NAIVETY**

“As a Head of Year, I was definitely badly burnt in my first year, regarding an incident with the parents. Another school contacted us to say that two P7s had gone their separate ways, but this P7, who was first year now at another school, was emotionally traumatized by what this young girl in our school had been writing. And because I wasn’t in the job long enough, I didn’t know. I went in there with two feet – four feet! – and I spoke with the pupil in our school, and her parents were not one bit happy that I got involved, and told me that it wasn’t her – somebody had got her password, you know, this problem. She had told somebody else her password, and it wasn’t her on the account writing these things. It just turned into a huge, huge mess, which our principal had to take over, and get involved with.”  
(Post-Primary Teacher)

## RESULTS

The results from the questionnaires and focus group interviews highlighted a number of main issues in relation to the reported incidence and nature of cyberbullying in schools; the relationship between home and school; school responses; the guidance available to schools, especially in relation to the issue of cyberbullying and the law; and recommendations to improve practice in the future.

### *(I) INCIDENCE AND NATURE OF CYBERBULLYING IN SCHOOLS:*

When asked in the questionnaire how many incidents of bullying had come to their attention in the past couple of months, 15.8% (n=22) of school leaders reported more than 5 incidents of *traditional* bullying while 8.7% (n=12) reported more than 5 incidents of *cyberbullying*, showing that traditional forms of bullying are still more commonly reported in schools in both Northern Ireland and the Republic of Ireland. However, three quarters (74.3%, n=104) of school leaders were aware of at least one incident of cyberbullying in their school to date, and, alarmingly, more than half of the respondents (55%, n=77) to the questionnaire *agreed* or *strongly agreed* that cyberbullying was a growing problem in their school (61.6%, n=48 in NI, compared to 46.8%, n=29 in ROI). When analysed further, there is a highly statistically significant difference between primary and post-primary responses: 73.6% (n=56) of post-primary school leaders *agreed* or *strongly agreed* that cyberbullying was a growing problem in their school, compared to just 32.8% (n=21) of primary school leaders ( $p=0.000$ ,  $\chi^2=24.996$ ,  $df=4$ ). It was also interesting to note that those schools whose anti-bullying policies specifically mentioned cyberbullying were much more likely to *agree* or *strongly agree* (63.8%, n=67) that cyberbullying was a growing problem in their school than those schools whose anti-bullying policies made no mention of cyberbullying (23.1%, n=6). This result was also statistically significant ( $p=0.002$ ,  $\chi^2=17.013$ ,  $df=4$ ).

The participants in the focus groups suggested that the nature of incidents of cyberbullying appears to vary by age and gender. Post-primary teachers reported that while some younger post-primary pupils still used text/instant messages to cyberbully (e.g., Blackberry Messenger – BBM), there was a worrying rise in incidents among older pupils using social media sites (e.g., Facebook, Ask.FM) where perpetrators were more sophisticated in their use of technology and better able to disguise their identity, as one post-primary teacher explained:

“As they get older, then, they know how not to get caught. They know how not to have their name on it, whereas when they’re year 8, they do [get caught]” (NI – post-primary teacher)

Participants cited cases among older pupils which included a Facebook hate campaign, sexting (sharing of explicit image), bullying on social networking sites, chat room abuse, and playing online games with adult strangers from around the world.

Although this study confirms that the problem of cyberbullying is greatest in post-primary schools, the growing incidence of cyberbullying caused by the rapid expansion of technologies into even the lower

classes in primary schools was also highlighted through focus group interviews in both Northern Ireland and the Republic of Ireland, as the following examples illustrate:

“Certainly the tablet technology – which is rapidly and exponentially accelerated – has created a broadening problem of cyberbullying. There’s no doubt about that. It was rare for children to have a mobile phone coming into school, but that increased quite quickly – see, every time you had a birthday or Christmas, another swathe of children have a tablet . . . Smartphones, iPads, iPad Minis, Samsung tablets as well... That’s the stuff children are getting for presents....I was talking to a P1 last Wednesday and she got an iPad Mini for her birthday, at 4 and half, 5 years of age...it’s beyond belief, and therefore social networking stuff, the text and instant messaging, is rapidly increasing as a problem.” (NI – primary principal)

“ . . . devices have become more prevalent, I mean, and, as I said earlier, we took in 120 children and just found out what they got from Santa Claus and there was about – I think in the upper classes there were about 50 tablets. We had to go to the next two classes and the younger ones, the 9 and 10 year olds or even the 8 and 9 year olds to find out that they got the bulk of the mobile phones this time whereas two years ago, the older ones would have been the ones getting the mobile phones for Christmas. In fact there were probably only 2 or 3 mobile phones for Christmas in the senior primary school classes.” (RoI – primary teacher)

Questionnaire respondents were also asked whether they felt that cyberbullying was more common among girls than boys in their school. Almost half of respondents (49.6%, n=61) were unsure, although one third (33.4%, n=41) did agree with the statement. There was no difference between Northern Ireland and the Republic of Ireland, but statistically significant findings emerged when the results were analysed by school phase: just over half of *post-primary* respondents *agreed or strongly agreed* (50.7%, n=33) that cyberbullying was more common among girls, compared to just 15% (n=9) of *primary* respondents ( $p=0.001$ ,  $\chi^2=18.504$ ,  $df=4$ ). These findings were illustrated in the focus groups interviews where primary teachers did not speak of any gender differences. By contrast several post-primary teachers were vocal in their claims that cyberbullying cases in their school more often involved girls:

“We find the girls are three times worse. I can’t recall having an issue with a boy. At the minute, in our place, a boy will still bump each other – job done. But the girls will carry it on and on, and remember wee things, you know – what they wore at a formal, what their opinion was on a past boyfriend, and whatever it has to be.” (NI – post-primary teacher)

“ . . . the wee crafty ones are the ones that are posting it. You know, the bad boys don’t post anything – they’ll tell them to their face. They’ll say it. But it’s the wee crafty ones that are sitting in the group behind them, the wee ones that keep posting stuff, niggly wee things – girls, especially, in our place – that gets into their head. Whereas someone who says, ‘I don’t like you’ – you move on with that.” (NI – post-primary teacher)

Finally, school leaders were asked in the questionnaire about the cyberbullying of teachers. Almost one in six claimed that teachers in their school had been victims of cyberbullying from pupils (15%, n=21), while a further 7.2% (n=10) responded that teachers in their school had been victims of cyberbullying from parents.

## **(II) HOME AND SCHOOL:**

A second theme to emerge from the research was the relationship between home and school, and the role of parents in particular. The survey confirmed that while 55% (n=76) of schools had provided training for parents to help prevent or deal with traditional (i.e. non-cyber) forms of bullying, and 58.5% (n=79) of schools provided training for parents on cyber safety, fewer schools (49.6%, n=68) had provided training in relation to cyberbullying. Such training for parents is more likely to be offered by post-primary schools (55.4%, n=41) than by primary schools (42.9%, n=27), and more likely to be offered in the Republic of Ireland (54.8%, n=34) than in Northern Ireland (45.3%, n=34).

In the focus groups teachers remarked on the variation or “different standards” (RoI, teacher) of different parents, many of whom “don’t seem to have enough of an understanding” (RoI, teacher) of the dangers associated with buying their children mobile phones and tablets with Internet access. One primary principal even suggested that parents who are under pressure see tablets as a convenient form of entertainment and a means to “keep kids out of parents’ hair” (NI, primary principal). Several teachers also remarked on how some parents are increasingly getting involved in online incidents, at times exacerbating a situation through comments which they post on a social networking site (“They’re throwing in their tuppence worth about what they think” – NI post-primary teacher).

However, there seems to be less interest shown by parents in attending training sessions offered by the school, and some teachers felt that parents unfairly see it as the school’s responsibility to deal with any cyberbullying incidents which might occur, no matter how complex and time-consuming. One teacher referred to this as a parental “abdication of responsibility” (NI – post-primary teacher), while another concluded that “there’s a big education programme that’s required for parents” (NI – primary principal). Even when a special parents evening was organized by one school with a guest speaker to address the issue of cyberbullying, one post-primary vice-principal reported her dismay at how few parents attended.

A final key issue to emerge was a lack of clarity in relation to the boundaries between school and home, boundaries which are blurred by cases of cyberbullying which may be initiated out of school, but which involve school pupils, and which often spill over into the school the following day, putting the school in the unenviable position of trying to unravel often complex bullying incidents. One post-primary teacher noted that “9 times out of 10, it’s an issue that’s happened somewhere else, and because we’re the only link that everybody has, it’s the school that the parents of the victim come to to sort it out”. Some schools adopt a firm line in refusing to deal with such incidents which originate out of school hours, but through all the focus groups there was a lack of certainty as to whether the school response adopted was the correct one. The following comments illustrate the frustration and uncertainty among teachers:

“I’m in the system almost 30 years, I’m not sure what the legal cut off point in terms of time is, to the school day. Is it 3 o’clock when the children leave the premises? Is it at the end of your directed time, which on a Monday is 4 o’clock, and on a Friday is maybe 10 past 3? Or is there some sort of assumed 9 to 5 as the average working day, where as a Principal your job finishes at 5 o’clock. And if a child texts somebody at 5.05pm, it’s not my job. I actually have no idea.” (NI – primary principal)

“ . . . it’s where our responsibility lies, especially if it’s a home case. But if it’s a number of children in our school, and it’s where we come in, and where the parents come in. If it’s happened at home and it’s trailing right the way through school, it comes out in the playground – that then

manifests itself into the physical or it could be in the verbal that it manifests itself; it blurs the line between home and school. It's very merged at the moment." (NI – primary teacher)

#### CASE STUDY – SEXTING

"We had a very serious incident last year, where a girl in Year 10 fancied a fella in Year 12. She sent him photographs of her naked. The parent came in and said that this boy was grooming her. Now it became a child protection thing immediately. The parent saying "My daughter doesn't really understand", saying "Yes, I understand what she's done, but this boy was grooming her". Now, this boy was older, he was two years older, and it became a really big, big incident. And do you see at the end of it – We went through the police, and we got support from the police. The child protection and the cyberbullying guy who would do support work with us, and she went through a couple of, you know, tutorial sessions with them. But at the end of it, I wasn't convinced that she understood the seriousness of what she had done . . . Yes, he [the boy] distributed them [the images]. So he got the images and he distributed them . . . He was 16 . . . What we do now is we get the police involved to do some support work with us, whenever anything like this happens. And I'll tell you, I could say that 50% of that is successful. Only 50%. Because I think the younger children don't understand the seriousness of what they're doing. And I think that's a big thing" (Post-Primary Teacher)

#### *(III) SCHOOL RESPONSES TO CYBERBULLYING:*

The third area of the research study concerned school responses to cyberbullying. The survey revealed that all respondent schools had an anti-bullying policy, the vast majority of which (79.6%, n=109) were stand-alone policies. However, schools in Northern Ireland were much more likely to have anti-bullying policies which referred to cyber-bullying than schools in the Republic of Ireland (NI: 89%, n=65; RoI: 67.2%, n=41;  $p=0.002$ ,  $\chi^2=9.579$ ,  $df=1$ ).

There were also important differences between the two jurisdictions in terms of the training received by teachers in schools: in Northern Ireland the majority of respondents noted that teaching staff in their schools had received training on cyber safety (73%, n=56) and procedures for dealing with cyberbullying incidents (52.6%, n=40), while in the Republic of Ireland these figures were much lower (cyber safety: 39%, n=25; cyberbullying incidents: 31.7%, n=20). In both cases these results were statistically significant (cybersafety:  $p=0.000$ ,  $\chi^2=16.203$ ,  $df=1$ ; cyberbullying incidents:  $p=0.013$ ,  $\chi^2=6.125$ ,  $df=1$ ).

There was also a significant difference in relation to the extent of pupil training on cybersafety (NI: 92%, n=72; RoI 79%, n=49;  $p=0.023$ ,  $\chi^2=5.190$ ,  $df=1$ ) and a smaller (not statistically significant) difference in

relation to preventing/dealing with cyberbullying (NI: 85%, n=66; RoI: 73%, n=47). Northern Irish schools were much more likely to have a designated member of staff to deal with incidents of cyberbullying (NI: 61%, n=47; RoI: 39%, n=24;  $p=0.009$ ,  $\chi^2=6.853$ ,  $df=1$ ), and this member of staff was almost three times more likely to have received training for this position in Northern Ireland (58%, n=33) than in the Republic of Ireland (23%, n=10) [ $p=0.001$ ,  $\chi^2=11.999$ ,  $df=1$ ].

A level of frustration among school leaders emerged from the focus groups in both jurisdictions. This frustration resulted in part from the perception that parents, and society in general, are increasingly expecting them to sort out their problems, when they as educators want to get on with the business of teaching (“with all these issues, teaching could nearly become your part-time job” – NI primary principal). In addition, teachers in post-primary schools explained that responding to cyberbullying incidents compared to other more traditional forms of bullying was difficult and very time consuming:

“A fight is easy now. You know, a fight between two boys is easy, whereas when there’s someone in your reception who says that their daughter has been cyberbullied, you don’t know where this will disappear, and how far do we get involved? And again, especially if it’s a Monday, if it’s happened at the weekend . . . You don’t get to teach for the first three periods probably!” (NI – post-primary teacher)

The teachers also expressed varying levels of knowledge and confidence in using technology and in understanding the nature of online cyberbullying. One teacher remarked that “it’s all very new, so adults are constantly playing catch up” (RoI, teacher), while several others remarked that the senior management of schools often don’t understand how social media sites work and had been slow to respond to cyberbullying until the principal himself was targeted. The following extract from a focus group illustrates the divide between the younger pupil generation of “digital natives” and the older generation of teachers:

*Researcher:* OK - where would you pitch yourself?

*Teacher:* Naïve.

*Researcher:* Naïve – have you got a mobile phone?

*Teacher:* Yeah, I do indeed.

*Researcher:* Does it have buttons or . . . ?

*Teacher:* It has, but I shy away from a lot buttons, do you know what I mean – I would say what a kid – like even to post a message on my phone . . . it is a, what do you call it . . .

*Researcher:* A Smart Phone.

*Teacher:* A Smart Phone but I can log on to Facebook but even to post a message on it, I would have to think. I probably just about would, but I wouldn’t be sure where this is going, who is going to see it . . .

*Researcher:* OK.

*Teacher:* No, I am not great. I am not up to speed where I should be at all.

*Researcher:* 3 out of 10, 5 out of 10?

Teacher: Yeah 3, 4 - 4 yeah." (RoI, focus group)

#### **(IV) NEED FOR MORE GUIDANCE:**

The questionnaire data revealed that many school leaders lacked confidence in their knowledge of the relevant legislation on cyberbullying. While the vast majority (87.8%, n=122) *agreed* or *strongly agreed* that they knew the relevant legislation with regard to traditional forms of bullying, less than half (43.9%, n=61) *agreed* or *strongly agreed* that they knew the relevant cyberbullying legislation. This figure varied little between Northern Ireland and the Republic of Ireland. Almost all of the respondents (97.2%, n=136) *agreed* or *strongly agreed* that they would welcome greater clarification of the legal responsibilities of schools in relation to cyberbullying.

School leaders in the focus groups also expressed a strong desire for more guidance from their respective government departments of education. ("You get nothing. And that's not being critical. It's like zero" – NI primary principal). Principals and school leaders explained that they relied on each other for support instead, based on their knowledge of which neighbouring schools had recently dealt with similar incidents ("We literally have nothing except each other" – NI primary principal).

In particular, school leaders expressed confusion regarding the legal parameters of their responsibility in relation to cyberbullying incidents involving their pupils which take place outside school hours. For many, the nature of such cyberbullying incidents "blurs the line" between home and school. There appeared to be variations between schools, some of which were firmly refusing to deal with cases which began out of school, and others which felt a moral duty to respond to all reported cases, even though at times a very direct response was required with parents:

"Sometimes the parents have had an awful weekend, they've seen their child go through dear knows what – they need us. You know, the hope that we're going to do something. And you can't just chase them. Definitely not. But there has to be a stage where you turn round and say 'Realistically – your child's on Facebook, she'd befriended X amount of people. Are they her friends?' You know? Delete them. Remove them. Job done. And sometimes you have to be blunt." (NI – post-primary teacher).

One of the participants in the Northern Ireland focus groups was a senior barrister (Queen's Counsel). His response was first to note that "These things are developing way ahead of the law, and the law can't keep up" and he added that there was not one single law or crime, but instead individual cases which require individual responses which depend not least on the age of the child involved. In terms of the boundaries of responsibility, he suggested that schools should consider carefully the extent of their involvement in cases which take place outside the school:

"I think when it spills in to the school, and becomes an issue there, then that's specifically when you get involved. Otherwise you're becoming like a police force . . . But it is the issue. When it spills into the school, when it comes to your attention within the school context, then you're duty bound in my view to take action. Now you may take action in other circumstances, but you're going further than you need to."

### CASE STUDY – SUICIDE

“ . . . we had a suicide, and it was our first and hopefully our last, and that’s terrible. And there were suggestions that Facebook had something to do with it. Now, the Head of Year was involved and everybody involved in that – desperate. That went on for two years, and they got called to court and put in the stand, and different things, and thankfully for the school it was put out of court and didn’t go to that, but again – you’re just so scared of the whole thing I suppose, as to ‘Am I legally doing the right thing or the wrong thing here?’. (Post-Primary Teacher)

#### *(V) RECOMMENDATIONS:*

Finally, school leaders were asked to make recommendations as to how the situation could be improved in the future. The vast majority of school leaders (91.5%, n=129) *agreed* or *strongly agreed* that schools need more guidance in tackling cyberbullying, while 96.5% (n=137) *agreed* or *strongly agreed* that it is important that all teachers are taught about how to prevent/tackle cases of cyberbullying. When school leaders were offered a list of options which might help them as they address cyberbullying, the most popular choices were “More information on the legal position of schools” (83.8%, n=119), “More information for parents on preventing/tackling cyberbullying” (82.4%, n=117), and “More practical strategies for dealing with incidents of cyberbullying” (81.7%, n=116). A majority of school leaders also called for “More CPD courses to help schools respond to cyberbullying” (67.6%, n=96), “More resources for teaching pupils about e-safety” (63.4%, n=90), and “More policy guidance from the Department of Education” (63.4%, n=90).

These questionnaire findings were confirmed by the many different suggestions offered in the focus groups. Several teachers referred to the need for more training for themselves, for pupils and for parents, as well as more guidance from government which would help alleviate the current situation where school leaders “tend to run around in a cloud of uncertainty” (NI – primary principal).

## CASE STUDY – PARENTS

“I think the biggest difficulty I have is actually parental information. They don't seem to have enough of an understanding. I was giving an example there earlier of last Christmas when we just checked what kids got for Christmas in terms of ICT equipment. A lot got mobile phones which children would have received from Santa Claus per se in fifth and sixth class two years ago, now they are getting them younger in second and third class whereas tablets and iPads and stuff came into fifth and sixth class because those children already had mobile phones. What we'll find then is parents have different standards as to whether their kids should have mobile phones or not. Because you are dealing with different standards of that there is no age restriction per se on mobile phones, not that I'm aware of anyway . . . Yeah and this becomes a bullying problem and then the kid who is being accused for allegedly bullying, you've got to deal with two sets of parents with two different sets of standards” (Primary Teacher)

## DISCUSSION

This funded project has confirmed many of the previous international research findings in relation to the particular challenges facing pupils and schools in tackling the growing problem of cyberbullying. It confirms firstly the claim of Livingstone et al. (2011) that Internet technology is deeply embedded in children's lives, and indeed highlights how the ownership and use of mobile and tablet technology is pervasive even among the youngest and most vulnerable children in primary schools across Ireland, with ever younger children being given Internet-ready devices for birthdays and Christmas by well-meaning parents, conscious perhaps of the need to embrace the many positive benefits of modern technology (Costabile & Spears, 2012), or perhaps bowing to peer pressure.

While this study has confirmed the pervasiveness of Internet technology among the “always on” generation (Belsey, 2006), it also exposes the growing digital generational divide between the generations as many parents and teachers struggle to keep up-to-date with the fast changing cyber world. While training is recommended for pupils, parents and teachers (Kowalski et al., 2008), this study reveals that the extent of this training varies considerably between schools and even between jurisdictions, with significantly higher levels of training on cybersafety and dealing with cyberbullying incidents for staff and pupils in Northern Ireland than in the Republic of Ireland, and less than half of all responding schools offering any training on dealing with cyberbullying incidents to parents.

Perhaps it is not surprising that many schools in this study offer inadequate training, when less than half of questionnaire respondents feel confident themselves in their knowledge of the legislation surrounding cyberbullying, and when almost all of them would welcome greater clarification of their legal responsibilities in relation to cyberbullying. A large majority of school leaders also call for more CPD courses, more practical guidance and more resources to help schools respond to cyberbullying. The high degree of uncertainty among school leaders and teachers, exposed in this study, must surely be addressed as a matter of priority so that informed, up-to-date, age-appropriate guidance can be disseminated to pupils and their parents.

The study also confirms previous research (e.g., DENI, 2011) which has suggested that cyberbullying is more prevalent among post-primary school pupils than their younger primary counterparts. Interestingly, many more post-primary than primary school leaders in this study also found that girls were more likely than boys to be involved in incidents of cyberbullying, again confirming the evidence of recent pupil data in Northern Irish schools (DENI, 2011). At primary level, there is a less marked difference. This also raises important questions for schools and policy-makers as they seek to educate post-primary pupils (and girls in particular) about e-safety in general (e.g., sexting) and cyberbullying in particular. It is clear from this study that there remains much urgent work to be done to address the issue of cyberbullying among girls through social media sites such as Facebook and Ask.FM.

The important role of parents is also emphasized in the findings. While parental involvement is widely recommended (e.g., Hinduja & Patchin, 2012; Kowalski et al., 2008) in helping prevent and address incidents, it is apparent that less than half of schools had offered any training to parents. Moreover, focus group interviews revealed a real sense of frustration with the attitudes and actions of some parents who were buying Internet-capable devices for their children, and then allowing them to use them unsupervised. When cyberbullying incidents then arose out of school hours, some teachers felt that parents were too quick to ask the school to deal with these complex problems, and at times actually made the situation worse by their own interventions on social media (“throwing in their tuppence worth”), while at the same time not taking advantage of specially organized training/awareness-raising sessions when offered. Clearly there is a need for a joined-up approach to preventing and dealing with incidents of cyberbullying, involving the school and home community, but this study highlights that the current situation falls far short of that shared understanding and mutually supportive approach.

This tension between school and home is also reflected in the confusion which surrounds the legal responsibilities of schools in relation to incidents of cyberbullying which take place out of school hours. School principals and teachers expressed frustration with their respective government education departments for their lack of guidance in this fast-changing area (“You get nothing . . . It’s like zero”) and the resulting uncertainty when incidents do arise. Focus group participants spoke of phoning colleagues in other schools who might have dealt with similar incidents in recent months, rather than turning to definitive departmental guidance. Reliance on ad hoc, quick-fix solutions is of course unreliable and potentially ill-advised, but it would appear that *faute de mieux* this is the only recourse open to school leaders.

This study has examined the relevant legislation in detail, and while not purporting to represent an exhaustive legal report, nonetheless has shown that the law is also struggling to keep up with the changing abuses of new technologies, and that high-tech cases have to be “shoehorned” at times into ill-

fitting legislation which was written many years ago. There is no one single piece of legislation in either jurisdiction, and it is clear that each case must be considered on an individual basis, taking into account factors such as the age of the children or young people involved, the severity of the offence, the degree of criminal intent, and whether the victim and their family actually wishes to pursue legal action, which is not always the case for a number of reasons. Furthermore, consideration must be given as to whether recourse to the courts is necessarily the most appropriate way of dealing with all incidents of cyberbullying (especially involving younger children), and whether a more educative school or community-based approach might on occasion be more effective. There are also very clear legal difficulties in policing a worldwide web, and in removing offensive material from websites which are hosted in other legal jurisdictions. Notwithstanding the wide range of possible legislation which could be applied in dealing with a range of possible incidents of cyberbullying, and the individuality of each case brought before the courts, this research project highlights the need for some accessible guidance to be prepared by the respective government departments to address the fundamental question of the extent of the legal responsibility of the school, especially in dealing with the “blurred” distinction between home and school in cases where cyberbullying has occurred outside school premises and/or outside school hours.

Finally, the study highlights the strong desire among school leaders for more resources, training and guidance to assist them in addressing an issue which they are currently struggling to deal with. Far from abdicating their responsibilities, this study highlights that school leaders are spending long hours dealing with very serious and challenging incidents, but often with a lurking fear that they may be getting it wrong. Nor are schools ignoring their responsibility to teach e-safety and to instill in children an awareness of the dangers as well as the enormous benefits of Internet technology. However, here too there is a constant need for new, up-to-date training and resources to be made available to schools as they seek to empower their pupils to navigate safely through the world of the Internet, thus embracing the spirit of the following analogy from the Byron Review:

Children and young people need to be empowered to keep themselves safe – this isn’t just a top-down approach. Children will be children – pushing boundaries and taking risks. At a public swimming pool we have gates, put up signs, have lifeguards and shallow ends, but we also teach children how to swim. (DCSF - *Byron Review*, 2008, p.2)

## CONCLUSION

This research project has highlighted a previously unreported level of frustration on the part of school leaders in both Northern Ireland and the Republic of Ireland in their struggle to deal with the growing and very complex problem of cyberbullying, especially in the absence of clear and up-to-date guidance from respective government departments. Confusion surrounding the legal responsibilities of schools is common in both jurisdictions. Rather than relying on evidence-based strategies and procedures proposed by government, school leaders are resorting to *ad hoc* solutions, at best consulting neighbouring schools, while trying to unravel intricate webs of interpersonal online aggressive acts, many of which have taken place outside of school and outside of school hours.

The report makes a number of recommendations in relation to the development and dissemination of training and resources for schools in both jurisdictions, but concludes with an urgent call on government to provide the legal and policy framework which will guide school leaders out of the “cloud of uncertainty” and towards clarity of understanding and effective responses to cyberbullying in schools throughout Northern Ireland and the Republic of Ireland.

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### Cyberbullying and the Law

What is Bullying? - 'A student is being bullied or victimized when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other students' (Olweus, 1993, p.9)

What is Cyberbullying? - "Cyberbullying is any behavior performed through electronic or digital media by individuals or groups that repeatedly communicates hostile or aggressive messages intended to inflict harm or discomfort on others." (Tokunaga, 2010, p.278)

- 1 Is your school a primary or post-primary school?  
 Primary  
 Post-Primary
  
- 2 How many pupils are currently registered in your school?  
\_\_\_\_\_
  
- 3 Is your school single-sex or mixed?  
 Single-sex (girls only)  
 Single-sex (boys only)  
 Mixed (girls and boys)
  
- 4 How many teaching staff are currently employed in your school?  
\_\_\_\_\_
  
- 5 How many non-teaching staff are currently employed in your school?  
\_\_\_\_\_
  
- 6 Do you have an anti-bullying policy in your school?  
 Yes  
 No

- 7 If yes, is this a separate, stand-alone policy or is it a part of your school's Behaviour Policy?  N/A  
 Separate policy  
 Part of the Behaviour Policy  
 Other \_\_\_\_\_
- 8 If you do not have a policy, do you intend implementing one?  Yes – When? \_\_\_\_\_  
 No
- 9 Does your anti-bullying policy refer to cyberbullying?  Yes  
 No
- 10 Have teaching staff at your school received any training to prevent/deal with *traditional (i.e. non-cyber)* bullying?  Yes  
 No
- 11 Have teaching staff at your school received any training on *cyber safety* (i.e. safe, responsible use of mobile phones and the Internet)?  Yes  
 No
- 12 Have teaching staff at your school received any training on procedures for dealing with *cyberbullying* incidents?  Yes  
 No
- 13 If teaching staff did receive training, what form did this take (e.g. seminar, \_\_\_\_\_  
presentation from an invited speaker, \_\_\_\_\_  
part of their Initial Teacher Education \_\_\_\_\_  
etc) and who provided the training?
- 14 Have pupils at your school received any training to prevent/deal with *traditional (i.e. non-cyber)* bullying?  Yes  
 No
- 15 Have pupils at your school received any training on *cyber safety* (i.e. safe, responsible use of mobile phones and the Internet)?  Yes  
 No
- 16 Have pupils at your school received any training to prevent/deal with *cyberbullying*?  Yes  
 No
- 17 If pupils did receive training, what form did this take (e.g. presentation from an invited expert, curriculum, etc.)? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 18 Have the parents of your pupils received any training to help  Yes

- prevent/deal with *traditional (i.e. non-cyber)* bullying?  No
- 19 Have the parents of your pupils received any training on *cyber safety* (i.e. safe, responsible use of mobile phones and the Internet)?  Yes  
 No
- 20 Have the parents of your pupils received any training to help prevent/deal with *cyberbullying*?  Yes  
 No
- 21 If parents did receive training, what form did this take (e.g. seminar, presentation from an invited speaker, etc) and who provided the training? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 22 Have you designated a member/members of staff to deal with incidents of cyberbullying?  Yes  
 No
- 23 If yes, have they received training for this position?  Yes  
 No
- 24 Are you aware of any incident of cyberbullying in your school to date?  Yes  
 No
- 25 In the past couple of months how many incidents of *traditional* bullying have come to your attention?  0  
 1-5  
 6-10  
 11-15  
 16-20  
 20+
- 26 In the past couple of months how many incidents of *cyberbullying* have come to your attention?  0  
 1-5  
 6-10  
 11-15  
 16-20  
 20+
- 27 Have you received any guidance from the Department of Education regarding cyberbullying?  Yes  
 No
- 28 If yes, can you give details of the guidance? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

29 Have you availed of any resources/materials in relation to cyberbullying (e.g. NI Anti-Bullying Forum resources)  Yes  
 No

30 If yes, can you outline the resources you used? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

31 Please circle your chosen response to the following list of statements.

Strongly Disagree (SD), Disagree (D), Unsure (U), Agree (A), and Strongly Agree (SA).

1	Cyberbullying is a growing problem in my school.	SD	D	U	A	SA
2	It is not the school's responsibility to deal with cyberbullying.	SD	D	U	A	SA
3	I feel that the issue of cyberbullying is not as problematic as presented by the media.	SD	D	U	A	SA
4	Schools need more guidance in tackling cyberbullying.	SD	D	U	A	SA
5	Cyberbullying is more common among girls than boys in my school.	SD	D	U	A	SA
6	I feel confident in responding to cases of cyberbullying in my school.	SD	D	U	A	SA
7	I feel that I am supported by colleagues when having to deal with bullying.	SD	D	U	A	SA
8	I feel that I am supported by colleagues when having to deal with cyberbullying.	SD	D	U	A	SA
9	I know the relevant legislation regarding traditional bullying.	SD	D	U	A	SA
10	I know the relevant legislation regarding cyberbullying.	SD	D	U	A	SA
11	I would welcome greater clarification of the legal responsibilities of schools in relation to cyberbullying.	SD	D	U	A	SA
12	I am familiar with the Department of Education policy on cyberbullying in schools.	SD	D	U	A	SA
13	There are enough age-appropriate resources already to allow teachers to deliver e-safety lessons in schools.	SD	D	U	A	SA
14	Teachers in my school have been victims of cyberbullying from pupils.	SD	D	U	A	SA
15	Teachers in my school have been victims of cyberbullying from parents.	SD	D	U	A	SA
16	Teachers in my school have been victims of cyberbullying from other teachers in the school.	SD	D	U	A	SA

- |    |  |    |   |   |   |    |
|----|--|----|---|---|---|----|
| 17 | It is important that all teachers are taught about how to prevent/tackle cases of cyberbullying. | SD | D | U | A | SA |
| 18 | I would be interesting in attending a course on “Cyberbullying and the Law” if it was offered.   | SD | D | U | A | SA |
| 19 | It is important that teachers are taught about how to use social networking sites responsibly.   | SD | D | U | A | SA |
| 20 | Teachers in my school have used social media as a teaching methodology.                          | SD | D | U | A | SA |

32 What would help you as you seek to address the issue of cyberbullying?  
*(NOTE: Please circle as many responses as you wish)*

More practical strategies for dealing with incidents of cyberbullying.

More resources for teaching pupils about e-safety.

More information on the legal position of schools in relation to cyberbullying.

More policy guidance on cyberbullying from the Department of Education.

More information for parents on preventing/tackling cyberbullying.

A dedicated section of the Department of Education website on cyberbullying.

More CPD courses to help schools respond to cyberbullying.

Other *(please specify)*:

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***Thank you very much for completing this questionnaire.  
Please return it in the pre-paid envelope.***

APPENDIX 2: FOCUS GROUP CONSENT FORM



Research Consent Form

**Project Title: “Cyberbullying and the Law”**

Thank you for agreeing to participate in this research study. The research questions are as follows:

- What is the current legislation in Northern Ireland and the Republic of Ireland with regard to cyberbullying?
- What legal responsibility do schools in Northern Ireland and the Republic of Ireland have in dealing with incidents of cyberbullying?
- What is the current government policy regarding dealing with cyberbullying in schools in Northern Ireland and the Republic of Ireland?
- What are schools in Northern Ireland and the Republic of Ireland currently doing to address the issue of cyberbullying?

All data generated by this research activity will be stored securely and confidentially. Data from the interview will be used in the final research report and subsequent conference presentations and research articles. Participants will remain anonymous. No comments will be attributed to any individual person or school.

		Yes	No
1	I have been fully informed as to the purpose and nature of this research project.	<input type="checkbox"/>	<input type="checkbox"/>
2	I understand my role in this project.	<input type="checkbox"/>	<input type="checkbox"/>
3	I understand that interviews will be recorded and that notes may be taken.	<input type="checkbox"/>	<input type="checkbox"/>
4	I understand that all data will be stored confidentially and securely.	<input type="checkbox"/>	<input type="checkbox"/>
5	I understand that findings will remain anonymous and that no names (individual or school) will be used in any written report/presentation/article.	<input type="checkbox"/>	<input type="checkbox"/>
6	I understand that the findings will be used solely for the purposes of the research project (including the research report, conference presentations and research articles).	<input type="checkbox"/>	<input type="checkbox"/>
7	My participation in this research project is voluntary.	<input type="checkbox"/>	<input type="checkbox"/>
8	I understand that I can withdraw from this research project at any time without adverse consequences.	<input type="checkbox"/>	<input type="checkbox"/>

Name (please print):

Signature:

Date:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_