

**Wyndham Community and Education Centre Inc.
Policy and Procedure**

Policy name	Cyberbullying Policy and Procedure
Responsible person	CEO, Managers
Staff involved	All staff
Review dates	2017
Related documents	<p><u>Legislation:</u> Sex Discrimination Act (1984) (Com), Vic Equal Opportunity Act (2010) (Vic), Crimes Amendment (Bullying) Act 2011 (Vic), Federal Australian Human Rights and Equal Opportunity Commission Act (1986) (Com), Federal Racial Discrimination Act (1975) (Com), Federal Disability Discrimination Act (1992) (Com), Victorian Disability Act 2006 (Vic), The Victorian Occupational Health and Safety Act (2004) (Vic), The Commonwealth Criminal Code Act (1995) (Com), The Commonwealth Crimes Act (1914) (Com), The Victorian Crimes Act (1958) (Vic).</p> <p><u>Policies:</u> Complaints and Appeals Policy and Procedure, Privacy Policy and Procedure, Access and Equity Policy and Procedure, Harassment, Discrimination, Victimisation and Bullying Policy & Procedure, Computer Email & Internet Policy & Procedure.</p> <p><u>Other:</u> Codes of Conduct, DET Cyberbullying posters and bookmarks, VCAL Student Contract; VCAL Student Package, VCAL Teacher’s Package, Australian Privacy Principles summary, DET Interactive Learning Modules at http://www.education.vic.gov.au/about/programs/bullystoppers/Pages/bullystopmodules.aspx</p> <p>and</p> <p>http://www.education.vic.gov.au/about/programs/bullystoppers/Pages/cyberbullying.aspx</p> <p>Australian Government office of the children’s eSafety Commissioner – https://www.esafety.gov.au/complaints-and-reporting/offensive-and-illegal-content-complaints/report-offensive-or-illegal-contentt</p> <p>Australian Communications and Media Authority (ACMA) http://www.acma.gov.au/</p>

Policy Context

The Information Communications Technologies (ICT) are now very much a part of life and learning. While ICT bring with them new opportunities for learning, they also bring some risks.

This document was reviewed and accepted by the Board of Governance of the Wyndham Community and Education Centre Inc on 2/09/16 and supersedes all previous versions.

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Cyberbullying is direct verbal or indirect bullying behaviours using digital technologies to harass, threaten or intimidate someone. This includes inappropriate communication via a mobile devices, setting up a defamatory personal website or deliberately excluding someone from social networking spaces.

All forms of cyberbullying are unacceptable at Wyndham Community and Education Centre Inc. (Wyndham CEC). Such behaviour is unlawful and will not be tolerated. All staff, clients, volunteers and students have the right to an atmosphere free of cyberbullying and have the responsibility to prevent it and expose it. Cyberbullying can affect health and well-being.

What is Cyberbullying?

Cyberbullying is bullying behaviour that is carried out using digital technologies such as the Internet, email, chat rooms, discussion groups, online social networking sites, blogs, cameras, instant messaging, digital images and/or mobile phone technologies such as short messaging service (SMS).

Cyberbullying is pervasive and incessant. It differs from face-to-face bullying in that the bully can 'follow' their victim 24/7, and continue the bullying in the home. Cyberbullies may take advantage of the perception of anonymity (e.g. using an account in a fake name, or a blocked number).

Cyberbullying can be particularly harmful as it is often a public form of humiliation and many others are able to see what is written or posted. Once something is published online, it is very difficult to remove.

It is used to create a risk to another person's health or safety – either psychologically or physically – or their property, reputation or social acceptance.

Cyberbullying behaviours can include but are not limited to:

- Inappropriate verbal suggestions;
- Jokes or innuendo aimed at an individual to embarrass and humiliate;
- Sending inappropriate, insulting or threatening texts, picture messages, emails, or instant messages (e.g. Instagram or Facebook);
- Sending/display of inappropriate images such as forwarding or sharing unflattering or private images without permission;
- Sending and/or forwarding sexually explicit images ('sexting'); People of any age, who forward or share images of a sexual nature of a person under 18 need to be aware that this is a criminal offence (child pornography) that may result in prosecution;
- Publishing someone's private, personal or embarrassing information without permission, or spreading rumors / lies online;

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- Posting mean or nasty comments or pictures in chat forums;
- Offensive or inappropriate phone calls or SMS;
- Forwarding other's private emails, messages, pictures or videos without permission;
- Assuming someone's identity online and negatively representing them in a way that damages their reputation or relationships;
- Creating hate sites or implementing social exclusion campaigns on social networking sites;
- Applying inappropriate pressure to another person to speak or act in a particular way;
- Targeting another person with inappropriate words or actions;
- Name calling;
- Encouraging others to socially exclude someone / intentionally excluding others from an online group;
- Damaging someone's social reputation and social acceptance;
- Stealing passwords / Using a person's password to access their account and then pretending to be them;
- Sending cruel and threatening messages or material;
- Placing embarrassing photos of people on the web;
- Creating fake profiles that are mean or hurtful;
- Repeated prank phone calls such as repeated hang ups, anonymous or threatening phone calls; and / or,
- Using technology to run a multi-step campaign to bully another person. For example, setting another student up to be assaulted, video-recording their humiliation, posting the video-recording online and then sending the website address to others.

Cyberbullying vs bullying

While cyberbullying is similar to bullying in some ways, there are also differences.

Differences:

- Cyberbullying is invasive.
- Cyberbullying can be difficult to escape and is incredibly invasive. It is more likely to occur outside of times at Wyndham CEC, including at home, and can happen anywhere.
- Cyberbullying can involve a large audience.
- Cyberbullying can involve harmful material being widely and rapidly shared to a large audience, for example, rumors and images can be posted on public forums or sent to many people at once. This material can also continue to be available and harmful long after the cyberbullying has ceased.

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- Cyberbullies have a sense of anonymity
- Cyberbullying can provide the bully with a sense of relative anonymity and distance from the target, so there is a lack of immediate feedback or consequences.

Similarities:

- Power imbalance - The power imbalance between the ‘bully’ and the ‘target’, the repetitive nature of the bullying behaviour and the intent to harm, humiliate, embarrass, ostracise, or isolate can occur in bullying and cyberbullying.
- Types of behavior - Types of behaviour including spreading rumours and making threats or insults, can occur in bullying and cyberbullying.
- Reasons for behaving in a bullying way - People often engage in cyberbullying for the same reasons they engage in bullying.
- Cyberbullying is illegal when:
 - it becomes harassment that is illegal;
 - someone makes threats against a person that are illegal.

In Victoria, it is illegal to stalk a person. Stalking occurs where a person intentionally causes another person to fear physical or psychological harm for themselves or others. Conduct that may be considered stalking is:

- telephoning or contacting someone electronically by email, chat rooms, SMS, or messenger, where the intention is to cause another to fear for their own safety or the safety of another or to cause another physical or psychological harm; or
- providing offensive material to another or leaving it to be found by a person (this would include posting offensive photos or messages via email, on networking pages such as Instagram, Google +, Facebook or You Tube or in chatrooms or message boards).

Using text messaging, emails or telephones, mobile phones, to make a threat or to harass or menace someone can also constitute a range of other crimes.

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Where cyberbullying involves:

- comments that injure the personal and professional reputation of an individual; or
- exposing that person to ridicule or causing other people to avoid them, it may amount to defamation. A person who has been defamed may be able to sue the other person.

Responsibilities

Any student, client or employee who believes they have been a victim of cyberbullying is encouraged to inform the offender that their behaviour is unacceptable and against Wyndham CEC policy.

Any student, client or employee who has knowledge of cyberbullying occurring should inform a member of the Management team as soon as possible so that action can be taken.

Any victim of cyberbullying should seek the support of their Manager or the CEO as appropriate. Any behaviour that makes a person feel offended, threatened, scared, intimidated or uncomfortable is against Wyndham CEC policy and unlawful.

Procedure

All reports of cyberbullying should be treated seriously and thoroughly investigated by the relevant service unit Manager and / or the CEO if appropriate.

On completion of the investigation, the Manager in consultation with the CEO will determine the course of action to be taken.

The CEO will keep the Board informed of any investigation or actions undertaken.

Breaches of this policy will have consequences ranging from a written warning, counselling, dismissal, exit from a program and / or legal proceedings.

It should be noted that incidents of offensive or suspicious online behaviour should be reported to the Australian Communications and Media Authority (ACMA) <http://www.acma.gov.au/> or the Australian Federal Police depending on the nature of the behaviour.

The Office of the Children's eSafety Commissioner protects Australian children when they experience cyberbullying by administering a complaints scheme and deals with complaints about prohibited online content. Contact details are: <https://www.esafety.gov.au/complaints-and-reporting/offensive-and-illegal-content-complaints/report-offensive-or-illegal-content>

Email: enquiries@esafety.gov.au

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Tel: 1800 880 176

Where there is a reasonable belief that illegal activity or misuse of technology may have occurred, Wyndham CEC may report the suspected illegal activity or misuse of technology may lead to police involvement.

Note: See the Harassment, Discrimination, Victimization and Bullying Policy & Procedure for more information regarding Bullying.

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