

Cyber Bullying: An Educational Prospectus Associated With Law

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Abstract-Cyber bullying has its roots in traditional bullying that takes place face to face in the real world, however cyberspace escalates the swelling thereby creating several challenges. The purpose of this paper is to upsurge the legal responsibilities in primary schools and educational institutes to curb the menace of cyberbullying and deal and heal with the cyberbullying victims. Cyberbullying is a destructive mode of social cruelty disseminated among teens and adolescents adopted due to various reasons. Placing obligation on the schools through emerging laws to abjure cyberbullying can gently instigate an anti-cyberbullying culture and hinder the problem. The core intention of the paper is to provide guidelines to aid educational institutes to embrace a mechanism to protect and minimize cyberbullying. Teens and adolescents are a delicate segment of the society hence rather than criminal liability more focus is placed on the educational institutions' responsibilities.

KEYWORDS: cyberbullying, schools and educational institutes

I. Introduction

Teens and adolescents are victimized in various forms including online harassment, sexual explicit messages, images and videos via electronic media through cell phones, social networking sites, blogs, chatrooms and personal online profiles. A recent trend among the younger generation is to bully peers and post hurtful messages thereby causing the victim irrecoverable aftereffects and lifelong trauma. As an online experience urges stakeholders from all arenas of society to hook up to quick fix and design a mechanism to protect the young generation. As per the definition of Patchin & Hinduja (2006) cyberbullying can be defined as willful and repeated harm inflicted through the medium of electronic text. The anonymity on the cyberspace allows the users to shutter under a nickname as well as portray a totally different persona from what they actual are in the real world. Thereby making it easy to create fake online profiles and aiding to escalate online mischief to an extent that the victim unhesitatingly attempts or sometimes successfully drives to suicide. The irresponsible use of internet due to its feature of anonymity in the cyber space creates a reckless attitude in the youth while using the websites

II. ROLE MODEL & RESPONSIBILITY

Ethics, family rules and discipline play a major role in molding the child since birth. No doubt that parent have the primary role and responsibility in molding the child but in the modern age as diversity in activities is taking place,

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the role model of the institutions and personality are undergoing a paradigm shift. The educational institutes and schools have replaced the role of home while that of the mother is replaced by the teacher. The teacher has got an important role in the development of children. Social behavior of children can be disciplined by parents but as this issue is related to computers and the internet, the primary responsibility falls on the educational institute. Likewise it is recommended that the first line of defense to combat cyber bullying has to be from the pre-primary, primary and secondary school level like in the US and the UK, - India too has to have educational policies associated with law.

III. Educational Institutes: Responsibility

The innovative nature of technology attracts people from all walks of life to be dependent on the internet for every micro and macro necessity of life. Schools and educational institutes are not an exception. Mesmerized by the charm of internet which works as a Midas touch for the young generation, the chances and challenges of encountering online risks cannot be denied. The schools also prefer students doing projects and home work with the use of computer and or internet. The advent of computers made the world a total different place then what it used to be where everything is now online from 'online shopping to online education' the education sector saw a different phase where the students prefer the Google and Wikipedia for school and college projects, references, history etc. It all started with filling online form for admission where the education system later completely saw revolution with initiation of online education. The e-learning is recognized as the GenNext and is a preferred way by the people as a best solution associated with their current employment. As such it is the primary responsibility of the schools to educate and inculcate cyber ethics in the children at an initial stage. Though we propose laws to be amended or enacted for protection of children from online risks like cyberbullying but the crux focus to curtail cyberbullying at the grass root level can be meted out by placing the responsibility on the schools. Just like the schools in their pre-primary and primary stages educate ethics and moral values in children so should they be responsible to teach children at the pre-level the cyber ethics and cyber limitations.

IV. Educational Institutes: Liabilities

30 percent of the spectators support the perpetrator rather than the victim, and given that this takes place in the virtual world, innumerable on-lookers join in on the action, within no time millions of hits are marked on abusive messages making the situation more tensed between the victim and the intimidator. By the time the fact reaches the parents, the helpless parents are lost without guidance for online offences. Many cases are settled out of court due to lack of

legal jurisdiction regarding freedom of expression, student privacy, and protection in cyber-space (Wallace, 1999; Shariff & Johnny, in press). With such a scenario where the legislative efforts prove inadequate to control and combat cyberbullying, undoubtedly prevention through educational institutes' initiative will prove to be the most effective tool. Further educational institutes are flexible and can easily adopt and incorporate the changing technology. Legislations need to concentrate more on developing strategies through educational institutes at pre-primary and primary level to encourage and instill in students cyber ethics so they grow up as disciplined cyber citizens. Instead of limiting the laws in enacting and amending penal provisions for bringing the cyberbullying felon to book, the appropriate approach would be to enact and amend laws to place the liability on the educational institutes as this can reward in long run.

V. Educational Institutes: Initiative

Cyber bullying takes place majorly outside the school hours and mainly off-campus as this is the time when children are left unmonitored. Parents should understand the fact that authorizing the schools to exceed beyond their authority but within meaning would serve and save the retroactive grave real world aftereffects faced by children and society. Thus parents should willingly cooperate with the schools and permit them to lay forward provisions to add and aid to schools 'Acceptable Use Policy' 'reserving the right for actions taken by schools in good faith to discipline the wrongdoer for his off-campus cyberbullying actions. Often schools are blamed for over-reacting or not-reacting when cyberbullying instances occur in their schools and hence the administrators are in a fix. This policy vacuum must be addressed as it is high time for schools to determine the legislative limitations and affiliate with parents to get ratification for actions beyond school boundaries where no supervision exists. Parents need to understand that ratification and/or pre-approval needs to be granted to the educational institutes as a policy guideline to supervise their children from further harm. Thus the menace of cyberbullying cannot be condoned and calls for a combined efforts of parents, teachers and appropriate legislative strategies.

Co-operative initiative

Today 2/3rd of school violence begins through social media. The aftereffects of cyberbullying can cause failures in schools, depression, violence and psychological implications along with tendency for illegal activity. It is very essential to stay updated with the changing trends of technology hence cyber education should be encouraged for principals, teachers, administrators and councilors by conducting workshops and seminars on regular basis in schools. Amalgamated educational, protective and legislative measures will surely truncate perpetuation of the issue.

VI. USA & UK: Logical Approach

In the USA all the fifty states except Montana have bullying laws; twenty states have cyberbullying laws whereas Georgia, Kentucky and Nebraska have proposed cyberbullying laws in their states. The appreciable part of US is that forty-nine states have adopted school policies to

address cyber bullying. In the United Kingdom, it is mandatory for all state schools to adopt anti-bullying policies under the School Standards and Framework Act 1998 and independent schools have similar obligations under the Education (Independent Schools Standards) Regulations 2003. Under the Act it is necessary to frame and include guidelines and policies to combat and deal with cyberbullying against teachers and students. Further the UK with the intention to totally curb and washout cyberbullying over and above the school policies has also criminalized internet bullying addressed under Protection from Harassment Act 1997 and the Crime and Disorder Act 1998. The Communications Act 2003 makes it a criminal act to harass via a public electronic communications network. If the harassment of bullying is carried using a cell phone the Telecommunications Act 1984 makes it a criminal offence to make anonymous or abusive calls.

Suggestion

Every school should adopt a policy prohibiting harassment, bullying, cyberbullying and intimidation. Such policy should run throughout the academic year and integrated with school's curriculum. Cyber etiquettes and cyber ethics should form a regular part of the curriculum. The school administrative staff, students, teachers and parent needs to be kept updated about the new policies and guidelines framed for anti-cyberbullying.

VII. Conclusion

Combating cyber bullying is a combined effort of society and governments, law and judiciary on a national and international platform. Addressing the issues of online victimization of teens and adolescents as an outcome of cyberbullying can be challenging as well as complicated but not impossible. Adopting comprehensive guidelines and rules, implementing a reporting system, tracking, and counselling the victim have to be a part of a routine activity in schools. There have to posters outlining anti-bullying. The school needs to prepare training tools in which there will be modules to train the staff on how to intervene and prevent cyberbullying and strategize effective implementation of the international human rights norms. Nevertheless it is also requisite for the Government to set up a competent watchdog organization and not just policies in schools for name's sake. Internet child safety policies and guidelines on school and pre-school level can prove effective tools which can go far beyond establishing the future of a child friendly online cyber space, a child friendly system and the nation at large.

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