HOW DO SCHOOLS VIEW LEGAL SOLUTIONS IN THE PREVENTION AND INTERVENTION OF CYBERBULLYING?

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Abstract

Bullying is a complex behaviour which has been identified in every country and setting where it has been investigated, but it is known to be particularly problematic within the social relationships of adolescent school students. Cyberbullying is defined in this thesis as an electronic form of traditional bullying, that is, it is a deliberately harmful repeated act occurring between those with disparate power. As such, it is considered less about technology, and more about the familiar social behavioural problem in a new guise. Research shows cyberbullying to be around half as prevalent as traditional bullying with similar negative impacts, but cyberbullying is often viewed as a more worrying problem because of its widely publicised connection to youth suicide. Research has identified that media accounts frequently causally link cyberbullying to suicide and lay blame for the continuance of cyberbullying to young people or to those who supervise them. This type of reporting elevates the need for something to be done to put a stop to cyberbullying amongst young people.

Legal solutions to cyberbullying have been one remedy proposed in the public arena. In the media, calls for new laws are popularly framed as needed 'big stick' solutions to stop those who perpetrate, that is, what many see as a criminal act. In the psychological academic literature, however, there is caution about such views because if the law is utilised as a solution, it could essentially apply rather harshly to young people, and in Australia it is the criminal law which best captures the range of behaviours more popularly known as cyberbullying. In the legal domain, the focus of attention has been on whether the current laws governing society's offline behaviours are able to capture cyberbullying which occurs in the virtual world.

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Despite the ongoing consideration of legal responses, within-school perspectives about cyberbullying and the law have not really been considered to any great extent. This leaves a gap in the evidence base which will be useful in informing Australia's discussion about legal solutions to cyberbullying. Hearing from those inside school communities – students, teachers, leaders and families - is important because they are the main stakeholders of the day-to-day experiences of student cyberbullying and schools have a history of dealing with not only traditional bullying in schools, but also the behaviour problems of young people more generally, with the help of parents. This thesis drew on Bronfenbrenner's (1977) social-ecological theory to explore the role and impact of legal responses to youth cyberbullying from the perspectives of those in secondary schools. This theory was used to posit that it is not only the actions of those in schools and classrooms that can influence the cyberbullying behaviour of young people, but also wider societal systems, for example the legal system, within which schools and young people are situated.

The objective of this research was to consider school stakeholder perceptions of the impact of legal solutions for addressing youth cyberbullying, given the current work and responsibilities of secondary schools to prevent and intervene in bullying. Of particular interest was how those within schools might see the value and impact of a new cyberbullying-specific law for reducing student cyberbullying. Teachers, students, parents, school leaders, and other staff who were considered having key anti-cyberbullying school roles in the prevention and intervention of student cyberbullying in the school were the participants of this research. Unlike other school studies where surveys had been used to constrain the conversation about what schools were doing – or moreover *not* doing - to reduce cyberbullying, the current

research aimed to gather richer data by employing interview and focus group methods to give scope for a freer voice about this topic (i.e., one which encapsulates a role for society to play alongside schools). Data were gathered from participants around three focus areas of interest to this research: 1) what are schools currently doing to prevent and intervene in cyberbullying?; 2) do schools want and/or need a new cyberbullying law to help them reduce student cyberbullying?; and 3) what is the current and needed role, if any, of the legal system in schools in relation to reducing student cyberbullying? Results were based upon thematic analyses of three transcript data sets, as well as a review of the schools' anti-cyberbullying policies.

Three publications inform this PhD thesis by publication. Paper 1 focussed upon what little is known about how those within secondary schools are approaching and prioritising cyberbullying prevention and intervention, given ongoing calls for legal rather than educational solutions to counter the problem. The key finding of this study was the understanding that it is not always ineffectual school practices that impact the effectiveness of schools in reducing student cyberbullying. Influential ecologies, such as the legal system within which the schools are embedded, can negatively impact school effectiveness to reduce student cyberbullying. Paper 1 established that schools rely on legal clarity for effectively enacting their anti-cyberbullying measures.

Paper 2 focussed upon gaining an understanding about the role a new and specific cyberbullying law might play in assisting schools to address student cyberbullying. Paper 2 showed that a new cyberbullying law was not seen as an effective legal solution to student cyberbullying, or as a way to enhance the anti-cyberbullying actions of schools. Instead, unmet spaces were identified by those in schools where the legal system may play a better role, such as regulating the social

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media industry where young people are hosted as service-users, or by providing to schools greater clearer legal clarity so that they might better operationalise their anti-bullying practices and support young perpetrators.

Paper 3 built upon on these school-identified 'unmet spaces' by focussing upon what solutions, if any, might be derived from the legal system from the perspective of schools that would 'fit' with schools, namely, to enhance their work in preventing and intervening in cyberbullying amongst students. Paper 3 revealed the need to improve inter-systemic channels of communication and work between the two typically separate systems of education and law to serve the mutual goal of reducing youth cyberbullying. While this paper revealed that schools rely on agents and services of the legal system currently to help them and these services are appreciated, these services need further development if they are to responsively align with some of the self-identified challenges of schools to address cyberbullying.

The practice implications arising from this research are somewhat novel as they do not merely focus on what more schools can do, as is typical in the school-based cyberbullying literature, but on what the systems which house school actions could do to more responsively align with the work of schools and create societal and community environments where school capacities are enhanced to respond to youth cyberbullying. Recommendations are made in the final chapter of this thesis for the legal system. These include improving legal clarity for schools by developing police engagement with schools; ensuring that Australia's legal provisions are enacted, and are seen to be enacted on those who cyberbully; and making clearer to those in school communities about what are the legal reporting pathways for those who are impacted by cyberbullying. Recommendations are also made for governments. These include work toward better regulation of the social media industry, and for

taking more responsibility for improving community-wide legal knowledge about cyberbullying via public media campaigns. Recommendations are also made for considering journalistic publishing standards when portraying youth cyberbullying, and for improving the support given to schools by their educational governing bodies. The outcomes of this research will be of interest to secondary schools, education ministry and policy officials, Australian federal and state governments in their anti-bullying responses, as well as local and international scholars from disciplines pertaining to technology, psychology, counselling, media and journalism, education and law.

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List of Publications

Pennell, D., Campbell, M., & Tangen, D. (2020). What influences Australian

   secondary schools in their efforts to prevent and intervene in cyberbullying?

   Educational Research, 62(3), 284-303. https://doi.org/10.1080/00131881.

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Pennell, D., Campbell, M., Tangen, D., & Knott, A. (in press). Should Australia have

   a law against cyberbullying? Problematising the murky legal environment of

   cyberbullying from perspectives within schools. *The Australian Educational*

   Researcher. https://doi.org/10.1007/s13384-021-00452-w

Pennell, D., Campbell, M., & Tangen, D. (in submission, following review with

   minor revisions). The education *and* the legal system: Inter-systemic

   collaborations identified by Australian schools to more effectively reduce the

   cyberbullying of students. *Preventing School Failure: Alternative Education*

   for Children and Youth.

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List of Abbreviations

BYOD   Bring your own (mobile computing) device

(cyber)bullying   Bullying, inclusive of cyberbullying

(Cth)   (Commonwealth)/ a federal law

eSafety   Electronic or online safety

ICT   Information and communication technology

K/P-12   Kindergarten/Preschool/Prep to Year 12 school years

P&F   Parents and Friends' Association

s417   the lower case 's' stands for 'section' (of a law)

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Statement of Original Authorship

The work contained in this thesis has not been previously submitted to meet requirements for an award at this or any other higher education institution. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made.

Signature: QUT Verified Signature

Date: August 26, 2021

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Chapter 1: Introduction

This thesis explores the views of secondary school community stakeholders about legal solutions for student cyberbullying. Unlike many cyberbullying 'perception' studies which use quantitative methods such as surveys which can sometimes constrain school voices, this thesis uses interviews and focus groups to give those on the inside-of-schools central stage and a freer voice in a conversation about this topic. Teachers, students, school leaders, parent representatives, counsellors and those in ICT roles in schools have important voices in the debate about legal solutions – a debate that is currently taking place in the public and political sphere regarding youth cyberbullying. Little is known about how those within-schools are approaching cyberbullying prevention and intervention and how, if at all, legal solutions are perceived 'fitting' with existing school measures to reduce student cyberbullying. Taking a comprehensive social-ecological system view, that is, that schools alone may not be the only context for addressing youth cyberbullying, this study considers how society's legal system might play its role in supporting schools in their work toward reducing cyberbullying.

Central to the study is the idea that all voices need to be heard in equal measure in the debate about wider societal solution approaches to the problem of youth cyberbullying. Knowing where we can leverage and link between the education and legal systems is important if we are to adequately adopt multi-systemic approaches to difficult problems, such as youth cyberbullying. Of concern, and the rationale driving this study, is the contextual backdrop of a media-led social discourse that cyberbullying causes suicide, that schools are failing to protect our young people, and that legal solutions are the answer. Discourses such as these might lead to a

much-reduced school-voice in the wider debate and hastily framed new laws to address the problem. This thesis presents a research study which sought to uncover the perceptions of those within secondary school communities about their own prevention and intervention work toward reducing student cyberbullying and how legal solutions might apply most effectively, if at all, in the context of schools and the problem of student cyberbullying. Findings such as these will be significant as wider society considers the role of the law and schools for addressing student cyberbullying.

In this introductory chapter, the problem of student cyberbullying is introduced, along with an outline of what is known about the current educational approach for addressing it. The social-ecological framework is introduced as way of considering the roles outside the education system for addressing the problem amongst young people. Following this, the context of the problem is presented which includes the potentially dangerous role of the media in directing lobbies for legal solutions. The purpose and scope and significance of the research proposal is then presented. Finally, an outline of the thesis chapters will be presented.

1.1 Background of the bullying and cyberbullying issue

Bullying is a problem which has been identified in every context and country where it has been studied (Craig et al., 2009; Jimerson et al., 2009; Li, 2008; Li et al., 2012; Modecki et al., 2014; Monks & Coyne, 2011; Smith, 2011), thus it is perceived as a global issue of considerable importance. Bullying has been researched most substantially in the context of schools and young people, so much of what we know and continue to learn stems from these roots. As an example, one of the first bullying researchers, Dan Olweus, developed an anonymous self-report

questionnaire to assess the nature and incidence of bullying occurring within schools amongst students in Norway, and from this research developed the first school-based program to try to reduce student bullying (Olweus, 1993). Prior to this, bullying was rarely addressed because it was considered an unpleasant but 'to-be-expected' part of childhood.

From these 'school-based' beginnings in Scandinavia, there is now a cross-cultural research field spanning more than four decades (Hymel & Swearer, 2015) which has informed a widespread view that bullying is no longer acceptable and that schools are well-placed institutions for acting in intentional ways to counter bullying among youth. Through the endeavours of this field of research, much more is publicly known about the way bullying negatively affects young people and why it must be addressed (Rigby, 2009). While it is easy to appreciate from the existing field of school-based research that bullying needs to be addressed, far less is known about *how* to address it, and address it effectively so that bullying is actually reduced. In subsequent sections, it will be demonstrated that youth bullying is a complicated problem requiring research that yields more than simple, singular, or only school-centric solutions.

1.1.1 Definition of bullying

The definition of the term 'bullying' is fundamentally attributed to Olweus (1993). He conceptualised a three-pillared definition distinguishing bullying from the study of general aggression, of which bullying is considered a subset (Hymel & Swearer, 2015). The three-pillared criteria defining what bullying is include the concepts of 1) intentional harm 2) repetition 3) and power imbalance (Olweus, 1993). Put simply, while aggression might include a single act which can happen between two equals, bullying is never without a malicious intent to hurt another, is

repeated over time (i.e., it is a systematic abuse), and occurs because one party is strong and the other weak, rendering the weaker party defenceless in addressing their own victimisation (Dooley et al., 2009). This definition helps to separate bullying from disagreements, or verbal jousts, between students of relatively equal status.

1.1.2 The emergence of cyberbullying

The advent of new and affordable technological devices and the Internet has brought yet another aspect of youth bullying to the field of research, namely 'cyberbullying'. The term 'cyberbullying' has been identified in the research literature by adapting Olweus's definition of face-to-face bullying. There is no universal agreement about the definition, but for the purposes of introducing this research topic, cyberbullying is considered "...an aggressive, intentional act carried out by a group or individual, *using electronic forms of contact*, repeatedly and over time against a victim who cannot easily defend him or herself" (Smith et al., 2008, p. 376). When cyberbullying is defined like this, it is seen as a version of bullying which is a social behaviour problem and far less about technology than many may think. While cyber bullying happens to be perpetrated using an electronic device, it is not a problem which can only be resolved technologically (e.g., denying access to a mobile phone; filtering the Internet) because the key underlying issue is one pertaining to respectful and appropriate social behaviour (Sabella et al., 2013).

1.1.3 Negative consequences of bullying involvement

The harmful impact of *any type* of bullying involvement on the well-being of young people is well documented (Thomas et al., 2017). While the impact of bullying involvement is not a universal experience (Nixon, 2014), the research indicates that being victimised can make a young person sad and lonely, anxious and

depressed, and can result in reduced school performance and attendance, suicidal ideation and suicide. It is also associated with acting out, further bullying, and bringing a weapon to school (Arseneault et al., 2010). For example, a recent Australian survey conducted amongst one thousand 18- 25 year-old young people found that 16 percent of youth dealt with their bullying victimisation by using drugs or alcohol (ReachOut.com, 2019). Bullying perpetration is associated with guilt (Mishna et al., 2010), stress (Cross et al., 2009), social difficulties, depression and anxiety (Campbell et al., 2013), rule-breaking and aggression (Ybarra & Mitchell, 2007), and has associations with substance abuse and criminal activities (Klomek et al., 2015). Even students who are bystanders to bullying have been found to experience negative outcomes such as feelings of powerlessness to stop the bullying and anxiety about becoming the next victim (Evans et al., 2019). Cyberbullying has been found to *uniquely contribute* to symptoms of depression and suicidal ideation over and above the contribution of involvement in purely traditional forms of bullying (Bonanno & Hymel, 2013). A systematic metanalytic review found strong evidence exists for a causal relationship between bullying victimization, mental health problems as well as substance use (Moore et al., 2017). Bullying involvement as a child can affect people negatively long into adulthood (Copeland et al., 2013; Copeland et al., 2014; Wolke et al., 2013). Models of the cost of the negative consequences of bullying run to billions of dollars, which is shared by individuals, families and the Australian community (Alannah and Madeline Foundation, 2018). In summary, all bullying exacts a significant human and monetary cost.

1.1.4 The cyberbullying problem for schools

Cyberbullying has posed new challenges for anti-bullying interventions in the last decade (Smith et al., 2016). Although cyberbullying predominantly takes place

outside of school, the 'fallout' is often brought into school. Studies reporting the co-involvement of young people in bullying and cyberbullying have led the prevention and intervention efforts of schools to be suddenly inclusive of both on- and offline environments. Subsequently school actions for traditional bullying have had to morph quickly into being inclusive of cyberbullying (Coyne & Campbell, 2017).

Cyberbullying-specific evidenced-based intervention programs are only just emerging (Campbell & Bauman, 2018; Nocentini et al., 2015) and while these approaches have been shown to be effective treatments in the research literature, they may not have entered into school practice to any great extent, if at all. In fact, Álvarez-García and colleagues (2015) found that the positive outcomes reported by these kinds of interventions were not found as a protective factor in the victimisation of students in their study, who had reportedly been the recipients of school-based measures. This, they presumed, was because the training commonly being received by students in many schools may not yet be as a result of evidence-based programs. It is of interest, then to gain some insight and understanding of what local schools are actually doing in reducing cyberbullying and how they see the issues of playing catch up.

In a review of cyberbullying research, Tokunaga (2010) suggested that there may be some issues that are likely to make the management of cyberbullying potentially more difficult for schools to address than traditional forms of bullying, requiring schools to develop new strategies. For example, it has been shown there are difficulties in supervising electronic media use, especially when much of it occurs out of school hours (Oxley, 2011; Patchin & Hinduja, 2006; Smith et al., 2008). In addition, there may be serious legal ramifications for certain cyber behaviours, such as sexting which require school stakeholders to have legal

knowledge about such criminal behaviours and subsequently to know when law enforcement must be part of their interventions (Campbell et al., 2010; Forde & Stockley, 2009; Goff, 2011; Langos, 2013; Shariff & Hoff, 2007; Spyrou, 2015). It can also be difficult to remove offensive online material from websites outside the authority of schools (Purdy & Mc Guckin, 2015). As well, the rapidly changing availability of platforms and Apps which make available to immature young people new means by which harm can be inflicted (Sabella et al., 2013) is also a challenge for schools to keep on top of, with parents also struggling in this regard. In some research it appears parents can be less than effective partners for schools in reducing cyberbullying (Young, Tully et al., 2017; Cunningham et al., 2014). The fact that cyberbullying is enabled by electronic devices has generated the adoption of simplistic approaches which have been tried but have not worked (Young, Tully et al., 2017), such as responding to cyberbullying *solely* by addressing the means by which it is conducted (e.g., removing computer access, banning phones, filtering the Internet) (Coyne & Campbell, 2017; Ybarra et al., 2012). In summary, while teachers and school administrators are perceived as agents of enforcement in traditional bullying, there may be certain challenges inherent in online modes of bullying that have weakened perceptions of schools being able to adequately perform these enforcing roles in cyberbullying (Vandebosch, 2014; Young, Tully, et al., 2017).

1.2 The societal context of cyberbullying

1.2.1 The alarm over cyberbullying's role in youth suicide

Given what is known of the serious consequences of bullying and cyberbullying, there remains considerable scope for improvement in mediating

student bullying by all means possible. This need is intensified when set against a backdrop of youth suicide consistently linked to cyberbullying. Australia's emotional response to the suicide of Amy 'Dolly' Everett in the Northern Territory early in 2018 is a recent and still raw example which drew vast media attention to the devastating effect that cyberbullying can have on vulnerable young people and their families (Aikman, 2018; Gemmell, 2018; Lehmann, 2018; The Project, 2018). Events such as this which have been so widely reported (and mourned) create the societal context demanding that more must be done.

Of course, this is not just a local problem. Around the world, the media has reported on youth suicide and other dreadful tragedies which have been attributed to youth bullying. This reporting of events spurs action. For example, Bill Belsey, the Canadian educator who is considered the first to actually coin the term 'cyberbullying' (Belsey, 2007) created a bullying website in response to the Columbine High School shootings in the USA because it was discovered that the young people involved in these acts were retaliating in response to being relentlessly bullied at school. Later, the term 'cyberbullying' was added to the website to try to inform and prevent the Internet becoming an avenue for such tragic outcomes.

According to Berg and Breheny (2014), there is a degree of 'moral panic' that arises when events like youth suicide occur. Moral panic can originate when the public press reports negative and tragic stories without reference to the wider research (Vandebosch et al., 2013). Campbell and Bauman (2018), for example, suggest that adults often think there is an 'epidemic' of cyberbullying. This misperception may be because of the way media headlines present or overstate cyberbullying ('Sad cost of cyber-bullying epidemic', 2018), creating the idea that cyberbullying is more widespread than the data show it to be (Olweus, 2012). In this

way, cyberbullying becomes an over-stated problem (Olweus, 2012). Because it is a 'virtual' problem for which, as *non*-digital native adults (referred to by Prensky, 2001) we feel less equipped and less experienced to counter, it looms as a much larger problem than it really is (Campbell, 2017; Campbell, & Završnik, 2013; Shariff, 2009). As well, the most serious of negative impacts of cyberbullying, like suicide, are the ones relatively high on the media agenda in Australia (Campbell, 2017) and can feed into our fear. Research shows also that adults can mistakenly believe that *all* students are really upset and are irrevocably harmed by incidents of cyberbullying, when students themselves sometimes report otherwise (Compton et al., 2014; Corby et al., 2016; Rigby, 2019; Slonje & Smith, 2008). We know that most young people are responsible online communicators (Shariff et al., 2012) and would not conceive of taking their own lives at the first instance of a cyber incident (Hinduja & Patchin, 2010; Sabella et al., 2013).

To consider the connection between cyberbullying and suicide further, a content analysis of 184 U.S. newspaper articles on death by suicide associated with cyberbullying found that 97.3% of the articles indicated that bullying or cyberbullying (which was presented as an 'amplification of bullying' (p. 1087)) was *causally* linked to the suicide (Young, Subramanian et al., 2017). Consequently, because many of the news stories involved young people, blame for the cyberbullying mostly accrued to individuals (i.e., the student who bullies), and the institutions charged with overseeing their behaviour (i.e., schools). Schools were blamed for failing to acknowledge or stop the bullying, or respond to the suffering victims (Young, Subramanian, et al., 2017), and young perpetrators can carelessly be portrayed as 'monsters' (Horton, 2016). Many of Australia's news sheets might be identified as similarly framing the issue. One such article specifically headlined

blame for schools ('Nations schools failing our youth', 2016) when the article was really only reporting on the latest prevalence figures which had not changed significantly from previous estimates. Another which ran just prior to embarking on the current research headlined: 'Online evil rife in schools' (Bita, 2018) which made it sound as if schools were somehow complicit in cyberbullying because they were a soft touch in allowing students to have their mobile phones on school campuses.

1.2.2 Calls for legal solutions

The links that are portrayed in the media particularly between cyberbullying and suicide, as well as the perceived failure of schools to reign in the online misconduct of young people, is thought to easily "inflame(s) the emotions and arouse(s) sensitivities in a way that causes adults to demand a heavy-handed response. Simply speaking, they (adults) see the harm it inflicts and want something to be done" (Patchin & Hinduja, 2018, p. 201).   This sentiment is clearly seen in the media where stories of cyberbullying are often combined with calls for legal solutions to address it (Olweus, 2012; Young, Subramanian et al., 2017). An apt example of this can be seen in the following Courier Mail excerpt:

> "Queenslanders want to see brazen bullies and online trolls
> prosecuted and even thrown behind bars. Nearly 70 per cent
> think a specific criminal charge of bullying and cyber-bullying
> should be introduced in Queensland. Only 12.9 per cent are
> against the idea. The result reflects rising alarm over bullying at
> schools…" ('Bully for you for positivity', 2013, p. 11)

Campbell (2017) has suggested that online issues which are framed as they are above and reported frequently in the media are likely to inform public opinion and

may contribute to the lobbying of policy makers. Therefore, rather than responding to the researched reality, well-meaning lobbyists for legal solutions to cyberbullying may be mostly responding to tragic media reports of youth suicide which have over-emphasised the role of the young person's cyber victimisation (Hinduja & Patchin, 2018; Vandebosch et al., 2013; Yeager et al., 2015). This may create undue pressure for social solutions, such as laws, that may fail to achieve the aim of impacting the problem, providing meaningful redress for victims, and could create side-effect problems for schools or the judiciary, which have been given little thought (Berg & Breheny, 2014; Myers, 2017; Panzic, 2015).

1.3 Area of concern

Given that cyberbullying behaviour is most prevalent during the student years, and historically most bullying incidences have been handled by schools and families in partnership with each other (Mosser, 2016), the reduced confidence of and in schools to take action to counter cyberbullying is worrying (Rigby, 2009). The level of public interest is important, but in Australia cyberbullying among adolescents has been inflated to the status of a major health concern (Gray et al., 2018) where blame is readily apportioned (Herne, 2016; Young, Subramanian et al., 2017). Some media portrayals depict schools as complicit by allowing 'online evil to run rife' (Bita, 2018). In such circumstances, the researcher contends that school voices might be turned-down rather than tuned-into when it comes to considering wider social solutions to the problem, such as laws.

The opportunity to hear the voices of those in schools who are informed about the facilitators and barriers of school-based actions, based on their own experiences of handling cyberbullying, is an important component of the debate for an

understanding of how wider socio-political actions such as laws are considered and how, in the end, they may affect schools and impact young people. If attitudes toward schools such as the one presented in the headline 'Nation's schools failing our youth' ('Nations schools failing our youth', 2016) are given weight, cyberbullying might far too hastily come under the purvey of the law in Australia, as it has done in other international jurisdictions. It is contended the social-justice principles and practices of schools and families need to be weighed carefully against the legal-justice practices of the law, when it comes to addressing the cyberbullying involvement of young people (Shariff, 2009).

While legal solutions in relation to cyberbullying may be considered popularly to be an effective solution because of the way they might be perceived as a 'big stick' for students who bully, consideration for law reform should follow research (Ford, 2008), not loud, not fearful, not fanciful, and not even well-meaning voices, but those who are informed, such as schools, about the daily challenge of preventing and intervening in student cyberbullying. It is unclear from the available research how those in schools view legal solutions to cyberbullying, particularly in an Australian context, whether legal remedies are perceived as a necessary, welcome and effective solution for student cyberbullying, or otherwise.

The general absence of this kind of research is troubling in the context of the loud voices already present in the Australian marketplace via the media-informed public and the movement toward often fear-based societal solutions by our governments (Richards & Lee, 2017). Sabella et al. (2013), for instance, noted there are many myths pervading public views of cyberbullying that if left unchecked or unchallenged, may be the main impetus, rather than research, for legal solutions. Olweus (2012) too, along with other researchers (Horton, 2016; Young, Subramanian

et al., 2017) raises real concerns about how this debate is informed. The implications for misinformed approaches based, for example, on distorted portrayals of young people as bullying 'monsters' may serve to create feelings of powerlessness and helplessness in the public sphere in the face of this 'presumably ''huge'' and ubiquitous cyberbullying problem' (Olweus, 2012, p. 535).

Myths such as these may predicate an inappropriate policy-driven shift directing school or public focus away from traditional bullying solutions, if cyberbullying alone is seen as the key type of bullying problem in schools and amongst young people. The subsequent literature review will show that face-to-face bullying is the most prevalent issue amongst school students, and one that must be equally addressed because of the evidence indicating its contributory, overlapping, and predictive role in cyberbullying (Del Rey et al., 2012; Selkie et al., 2016; Waasdorp & Bradshaw, 2015). Yet, on the whole, it is not improved educational approaches to counter bullying and by extension cyberbullying that have been called for, but for the use of the law to stop cyberbullying. The idea that cyberbullying is a completely new issue creating a vast number of new victims that, in turn, require immediate legal protection is somewhat misleading (Campbell, 2005; Olweus, 2012) and may not necessarily be a view shared by those in schools (Young, Tully et al., 2017).

In summary, bullying is present in schools where young people are compelled to attend and at rates which are unacceptable to schools and the wider community. While the majority of young people use digital media responsibly (Shariff, 2012), we cannot discount the risks faced by some for negative impacts which are incredibly serious (e.g., as a contributing factor in youth suicide). Considering wider social solutions, such as new laws or legal solutions, for addressing the cyberbullying

problem in schools and amongst young people can be incorporated in a social-ecological framework view of bullying (Bronfenbrenner, 1977), which contends that there are many influences and impacts which shape bullying and that it is not schools alone who may offer solutions (Espelage, 2014). The ensuing literature review will show this theory to be a sound application for considering a legal approach to cyberbullying (Espelage, 2014; Mitchell & Borg, 2013; Thomas et al., 2018) and for considering the likely impacts of such an approach on schools. Other researchers concur. Smith et al. (2016) proposed that further relevant areas of intervention or change might be needed, including wider societal changes (e.g., development of new laws) which might help to address some of the shortfalls in school-based actions. This research proposes that we learn from "…both successes and failures in school-based interventions … to consider whether intervening in schools only is enough. Bullying does not only happen in schools, and schools are only part of the problem and part of the solution" (Smith, 2011, p. 53). Historically, managing cases of childhood bullying in Australian settings has had relatively little to do with schools engaging in any complementary ways with the legal justice system, providing excellent scope for this program of research.

1.4 Purpose

The purpose of this research is to investigate the perceptions of those in schools about legal solutions to the problem of student cyberbullying to establish how school stakeholders see legal remedies complementing, if at all, their school-based efforts to reduce the problem.

The overarching aim of the proposed program of research is two-fold:

1) to determine what legal solutions, if any, are currently contributing - or are needed - to support the work schools do to prevent and intervene in student cyberbullying, and

2) to determine the contribution the experience of schools can make to the ways legal solutions are considered to best meet the challenges of preventing and intervening in student cyberbullying.

To achieve this, there are three focus areas in this research program, all of which follow a respective research question. The focus areas of interest are presented in the next sections.

1.4.1 Focus area 1: How are secondary schools addressing the prevention and intervention of student cyberbullying?

Research question 1: How are secondary schools currently approaching the prevention and intervention of student cyberbullying?

Research sub-questions for this focus include:

(a) How is cyberbullying defined and addressed in school policy and action and what is the perception of the problem inside schools?

(b) What are the key issues or experiences of cyberbullying in schools that challenge the scope of their current prevention and intervention capacity with regards to cyberbullying?

(c) What can be learned from the experiences, successes, and challenges perceived by schools that may impact the consideration of legal solutions?

Rationale and scope: The first area of focus is the anti-cyberbullying work of schools. Data was gathered from interviews with school leaders, specialist staff and

parents, and from focus groups conducted with teachers and with students, as well as the content of school policy documents about what is working and what is not regarding preventing and intervening in student cyberbullying in two large schools in Queensland. The rationale for this section of the study arises from a contextual framing of reduced confidence in schools to address cyberbullying, as is evidenced by a media-led negative discourse, the reported suicide of young people as a perceived result of cyberbullying, and burgeoning public interest in wider social solutions outside of schools to cyberbullying, such as calls for legal solutions. There are no mandates for schools to adopt specific anti-cyberbullying programs per se, so there is great flexibility in how secondary schools approach prevention and intervention to suit their particular school culture and cohorts. Therefore, it will be argued in this research that wider societal solutions are likely to be less effective if we do not know what schools are currently doing that is successful and where the challenges lie that might warrant stronger societal support. That is, do schools actually need legal solutions to enhance their successful actions or to help them respond to their particular challenges in reducing youth cyberbullying? Schools must shine light on debates about appropriate society-wide solutions, such as laws, and foreshadow how these are perceived likely to achieve, fail, or be most effectively configured to best support anti-cyberbullying impacts on students. Unlike other stakeholder perception studies of school measures which most often use surveys containing items of evidenced-based best anti-bullying school practices from which to judge school performance, this research aims to put school's centre stage in the beginning of a larger conversation about legal solutions.

1.4.2 Focus area 2: How do schools view the creation of a cyberbullying-specific law?

Research question 2: How is a cyberbullying-specific law perceived by schools in meeting the challenge of youth cyberbullying?

Research sub-questions for this focus include:

(a) Should there be a specific law to address cyberbullying? Why or why not?

(b) In what ways do schools see a law complementing their existing prevention and intervention policy and action in reducing incidences of student cyberbullying?

Rationale and scope: The second area of focus was about how secondary school stakeholders view the creation of a cyberbullying-specific law to capture cyberbullying. It too was drawn from the perceptions which had been gathered from the stakeholders of two Queensland schools via interviews and focus groups, as described in focus area one. This second part of the study was focussed on addressing the shortfall of school-level voices in the existing academic literature and the wider socio-political and media discourse in Australia regarding the creation of cyberbullying-specific laws. The study's depth of inside-school stakeholder views, from students to school leaders, was novel, as it used semi-structured interview and focus group methodology to provide rich data on the opinions of the varied in-school stakeholders. There is scant research in Australia in relation to within-school stakeholders' views of the role of the law in schools to address cyberbullying among students. The study therefore meets a gap in the literature in this regard. Whether and why there should be a cyberbullying law, what are seen as the implications of a cyberbullying-specific law on students, schools, and their anti-bullying work, what types of bullying behaviours could or should a new law exactly address, and who, in

the complex group processes of bullying involvement, should a law sanction, protect, assist, or serve, are the questions that informed the focus of this phase of the research and the second paper from this research.

1.4.3 Focus area 3: How might the legal system best work in collaborative ways with schools to address student cyberbullying?

Research question 3: What are the leverage and linkage points of a dual-systemic approach (i.e., the education and the legal system) to counter student cyberbullying from the perspective of schools?

Research sub-questions for this focus include:

(a) How do schools see legal remedies 'fitting' with their existing measures?

(b) What do schools think is needed from the legal system to better address bullying and cyberbullying in schools?

(c) What do schools think is needed from the education system to better address bullying and cyberbullying in schools?

(d) Are there 'protection' gaps where the law should intervene and how might they do so?

Rationale and scope: The third and final focus area of this research was viewed as a step forward in developing a dual complementary education and legal system approach to school-based cyberbullying. The rationale for this study stems from the theoretical framing of the research which is that addressing bullying will likely involve all contexts where it occurs, and the problem of bullying needs to be conceived more broadly than one for schools alone to act upon. Therefore, this phase of the study represented a culmination of the previous two studies' foci in that it sought to provide recommendations for education and legal policy makers of the

most complementary solutions toward reducing student cyberbullying from the perspective of those 'living' it and acting to address it in schools.

The data informing this area of focus was also drawn from the interviews and focus groups conducted with the school stakeholders, to understand how best to link the distinct and separate environmental systems of the law (i.e., legal system) with school-based issues in the prevention of the negative impacts of cyberbullying on young people (i.e., school system). Inside-school stakeholders were asked what legal solutions were currently operational in their schools in relation to cyberbullying, as well as what they saw was still needed to support them in creating and enacting their policies, procedures, and strategies. Participants were asked what specific resources – legal or otherwise - are needed to help them understand, handle, and prevent cyberbullying more effectively in schools. Implications from this study will pave the way for how the legal system and broader societal systems might interact best and most collaboratively with school-identified needs in addressing cyberbullying incidents. This focus phase of the study considered the leverage and linkage points for those *outside the realm of the education system*, such as those within the legal system, to engage with schools to address any perceived gaps in school-based protective measures to address student cyberbullying.

1.5 Significance and Scope of the Research

This program consists of three papers published or in submission to peer reviewed journals. They contribute to the body of knowledge of interest to secondary schools, education ministry and policy officials, Australian federal and state governments in their anti-bullying responses, as well as local and international

scholars from disciplines pertaining to technology, psychology, counselling, media and journalism, education, school-based policing, and law.

The contribution of this research is significant in three ways. First, this thesis considers Bronfenbrenner's social-ecological theory (1977) (see Chapter 3) as a way of considering *new ways* to prevent and intervene in cyberbullying that does not simply involve the role of schools. Bullying researchers have been encouraging for some time that further research be conducted that considers how wider societal ecologies or systems may influence the presence or reduction of bullying (Espelage, 2014; Smith, 2011; Smith et al., 2016; Thomas et al., 2018). In this thesis, the implications of legal responses to cyberbullying (considered a distal or macro-system solution in the theory) are investigated from the views of those *within* secondary schools who are closest to the experience, prevention, and management of student cyberbullying (considered the proximal micro- and mesosystem in the theory).

Second, as the literature review will show, there are currently no defined legal standards for schools in relation to cyberbullying (other than the more general and widely accepted duty of care obligation for keeping students safe from harm). And, although there are government guidelines for what 'keeping students safe while they learn' may mean for schools in the case of student bullying, there is great flexibility in how schools interpret and make operational these guidelines on their campuses. Little is known about how schools understand the existing legal landscape in Australia pertaining to cyberbullying or whether the existing law currently impacts, or needs to impact, school priorities to prevent and intervene in the issue. Even in the broader international literature we do not know much about the emphasis schools place on prevention and intervention of student cyberbullying (Vandebosch, 2014; Young, Tully et al., 2017). This research delivers findings that considers the public

pressure and lobbying of schools to 'do more' to stop youth suicide attributed to cyberbullying. Little is known about what 'more' represents, whether schools are even able to 'do more' given the characteristics of cyberbullying amongst their populations, whether there is a genuine need for 'more' in terms of school challenges (perhaps schools are doing just fine), and whether, in fact, a legal response is needed or can achieve 'the more' that might be required (and expected) to better address youth cyberbullying. In considering the 'what more' question, a starting place must include what is currently 'being done' and asking those who 'do it' if a law is likely to help, and if so, what it could or should look like.

Third, legal responses to cyberbullying have been significantly debated, reviewed, proposed, researched and theorised by many disciplines in the local and international literature. This includes the disciplines of law (Butler et al., 2009; Foody et al., 2017; Forde & Hardley, 2011; Stewart & Fritsch, 2011), law enforcement (Broll & Huey, 2014); technology (Montgomery, 2014; O'Reilly et al., 2018; Pegrum, 2009; Van Royen et al., 2015), psychology (El Asam & Samara, 2016; Samara et al., 2017), media, journalism, and public affairs (Berg & Breheny, 2014; "Online bullies must face the full force of the law," 2018; Young, Subramanian, et al., 2017), education (Campbell et al., 2008; Hinduja & Patchin, 2015; Patchin & Hinduja, 2018; Young et al., 2016) , and government (Legal and Constitutional Affairs References Committee, 2018; Tan & Pedic, 2014; Joint Select Committee on Cyber-Safety, 2011). Largely absent, however, are the voices of those inside schools where cyberbullying is most prevalent (Mitchell & Borg, 2013). Certainly, this is the case in the Australian literature, which the literature review to follow will indicate. School stakeholders, such as students, classroom teachers, ICT (information, communication and technology) professionals, school counsellors,

principals, deputy principals, and parents with roles in the school P&F (Parents and Friends Associations), are likely to have first-hand experience of student bullying and cyberbullying, as well as that of addressing and managing it within external educational national frameworks and the internal operational constructs of the school environment. Within schools, it is a professional and often very personal priority of personnel (Patton et al., 2017) to help students with their issues, such as cyberbullying. It is therefore vital to explore this 'vocal gap' to provide insights on how schools can play their part in contributing to solutions for cyberbullying, rather than simply enacting reforms thrust upon them, based upon decisions made about them. Research that provides an understanding about what is working and what is not in the prevention and intervention of cyberbullying in schools is important. Perspectives about whether legal solutions are indicated and if they will even deter young people from cyberbullying, and how proceeding down a legal track may impact schools, are necessary views to gather in any debate about the contribution of new laws to address cyberbullying. To date, the research has not well-provided within-school voices the opportunity to freely inform discussions about *how* society should proceed in its responses to cyberbullying. While wider solutions which stem from outside the bounds of schools, such as legal solutions, may well be warranted to deal with the complexities of cyberbullying, acknowledging the wealth of knowledge and experience stemming from the substantial role schools play daily with young people should not be overlooked. This study seeks out school-level voices to inform a well-rounded view of the merit of using the law to address the cyberbullying of youth with the intent of encouraging collaborative ways of thinking and working - both educational and legal - to resolve the problem of youth cyberbullying.

As will be shown in the following literature review chapter, cyberbullying has certainly become an issue for governments around the world, as well as in Australia, as they grapple with the public pressure for legal responses to protect the well-being of our young people. As Australia reviews its own socio-legal responses to cyberbullying and considers its way forward against a media-led social discourse, the proposed research should be considered timely and informative toward the formulation of effective legal or policy solutions.

1.6 Thesis Outline

Chapter 1 has provided the background to the proposed research and the context and rationale for undertaking it. The purpose, aims, and research questions have been presented, as well as the significance, scope and definitions of the study.

Chapter 2 contains the literature review of the key constructs of this study: cyberbullying amongst students, school prevention and intervention, and legal responses to cyberbullying. The chapter is divided into three sections accordingly, with further sub-headings to cover important aspects of each of these major headings.

Chapter 3 discusses the theoretical framework that underpins this research. This includes a description of the framework, why it has been selected, its usefulness in conceptualising the current study, and how this research makes an original contribution in its use of the framework.

Chapter 4 outlines the PhD research program design, which is by publication. It describes the study making up this program and its methodology. Each of the three focus areas of the research are described in line with the thesis research questions. Participants, procedures, analysis, and ethics are included.

Chapters 5 through 7 contain the three publication outputs of this thesis by publication, representative of the results section. Chapter 5 contains a paper addressing the results of investigating focus area 1: How are schools addressing the prevention and intervention of cyberbullying? Chapter 6 contains the second paper housing results found from examining focus area 2: How do schools view the creation of a specific cyberbullying law? Chapter 7 contains a third paper outlining findings from focus area 3: How might the legal system best work in collaboration with schools to address student cyberbullying?

Chapter 8 is a general discussion and synthesis of the findings contained across the three publications of this thesis. This chapter also outlines implications and recommendations for practice arising from the research. Sections are also devoted to the strengths and weaknesses of the research, and for suggestions for future research. The chapter ends with the thesis conclusion.

A reference list is included for each paper presented in Chapters 5, 6 and 7 and a reference list for all other chapters is included in the closing pages of the thesis. There are three appendices holding additional and supporting documents.

Chapter 2: Literature Review

This chapter begins with a background review of what is known about the complex nature of student cyberbullying (2.1). This will include definitional controversies (2.1.1), the prevalence of cyberbullying (2.1.2), the nature of bullying involvement amongst young people (2.1.3), and the evidence-driven basis upon which schools take action to prevent and intervene in student bullying (2.1.4). This information will serve to lay a groundwork of what it is exactly that must be addressed by schools in terms of student bullying and cyberbullying, which must be foundational for any considered external reforms, such as laws. Following this foundational background, the chapter is divided into the three major sections (2.2, 2.3 and 2.4) reflecting the literature relevant to the three areas of focus in this thesis: (i) within-school perspectives of the cyberbullying issue; (ii) legal solutions to cyberbullying; and (iii) the impact of legal solutions on school-based prevention and intervention to reduce cyberbullying amongst students.

Section 2.2 includes a review of the literature about how school's view and describe their own actions in addressing student cyberbullying. It begins with a discussion of the limitations of the stakeholder 'perception' studies about cyberbullying that are reviewed in this thesis (2.2.1). Next, the review covers some of the existing research conducted with school stakeholders regarding their views about the problem of student cyberbullying (2.2.2); how school stakeholders summarise their capacities for taking action to reduce cyberbullying (2.2.3); and how school policies are being employed within schools (2.2.4). Following this, the perceptions of those within-schools are reviewed with regards to cyberbullying prevention (2.2.5), detection (2.2.6), and intervention following school incidences of

cyberbullying amongst students (2.2.7). Although somewhat limited by the overuse of survey methodologies lacking in rich data (Mitchell & Borg, 2013), an overview of the challenges and needs from within-school perspectives is briefly summarised (2.2.8). This section of the literature review should be considered as the school-system part of the problem and the school-system part of the solution to youth cyberbullying.

Section 2.3 of the literature review pertains to the potential for legal solutions for cyberbullying. In Sections 2.3.1 and 2.3.2, the pros and cons of a legal approach to youth cyberbullying are introduced. In Section 2.3.3, an overview from an international perspective is presented to show how legal solutions have been enacted to address bullying and cyberbullying in other countries. A snapshot of the legal responses from the USA, New Zealand, UK, Canada, Sweden, the Philippines, and South Korea are offered. Following this, an overview of Australia's legal position in relation to cyberbullying is presented (2.3.4), including our criminal (2.3.4), tort (2.3.5) and anti-discrimination (2.3.6) laws. Issues are then reviewed about these provisions in the context of student cyberbullying (2.3.7), and the way Australia has moved, in a legal sense, to protect young people from cyberbullying via the Online Safety Act (2015) is presented (2.3.8). In Section 2.3.9, the question as to whether a new 'cyberbullying law' is warranted in Australia is framed and reviewed.

The final section of the literature review, Section 2.4, overviews the small number of studies which report on how schools view legal solutions for preventing and intervening in youth cyberbullying. This literature, apart from one small Australian study, comes mostly from the USA, where laws have been introduced which have operationalised schools to address youth bullying.

To close, a summary of the review in total and the implications for the proposed research will be discussed (2.5).

2.1 Background: The complexities of student bullying and cyberbullying

2.1.1 Definitional controversy

There is no singularly worded definition of bullying or cyberbullying in the research literature because it is quite a complex issue that is not easy to capture. There have been a number of attempts to resolve how bullying and cyberbullying should be defined (Gladden et al., 2014; Hemphill et al., 2014) but there is still no consistently applied version adopted across studies. The Smith and colleagues' (2008 p. 376) definition of cyberbullying introduced in Chapter 1 as "an aggressive, intentional act carried out by a group or individual, using electronic forms of contact, repeatedly and over time against a victim who cannot easily defend him or herself" is a frequently observed one, and so has been adopted for this thesis.

The definitional controversy regarding cyberbullying in particular has arisen because researchers have used the traditional bullying definition to incorporate cyberbullying. The traditional bullying definition was already on shaky ground with some researchers questioning the necessity of including all three pillars or criteria which include (i) intentional harm, (ii) repeated behaviour, and (iii) power imbalance (Byrne et al., 2016; Dooley et al., 2009; Guerin & Hennessy, 2002; Naylor et al., 2006; Vaillancourt et al., 2008). The uncertainty stems from studies that have shown that participants often describe bullying in ways that deviate from the three-pillared definition used by researchers (Byrne et al., 2016; Guerin & Hennessy, 2002; Vaillancourt et al., 2008). As an example, Byrne and colleagues found youth most frequently emphasised the nature of the bullying (e.g., how mean it was), the feelings

associated with the bullying experience (e.g., the negative emotions experienced if a target, and the negative and positive feelings of perpetration), and the types of bullying (e.g., 45% referred to physical bullying, 34% psychological/mental, 20% verbal, 1% referenced cyberbullying), concluding that researchers and school stakeholders may not be on the same page about an exact definition. To address this issue, it has been suggested that researchers who study and report on bullying should always provide a definition of bullying so as to counter any misperceptions about what bullying is and what the study is trying to measure or report (Volk et al., 2017).

The incorporation of cyberbullying into the field has reinvigorated many of the questions about whether the three-pillared definition can be used to describe this new phenomenon (Campbell & Bauman, 2018; Dooley et al., 2009). Although some definitional criteria of traditional bullying are viewed as relevant to cyberbullying, some researchers see there are some difficulties extending all three pillars simultaneously to cyberbullying. For example, the first pillar of 'intentional harm' provokes controversy because many young people say they are only joking when they are accused of cyberbullying, saying their intent to harm has been misinterpreted. Additionally, the degree of harm varies greatly depending on the form of cyberbully, the frequency and how a target may respond to it. It is sometimes difficult to attribute or infer the intent of someone's online posts or the depth of hurt experienced by a target. This might arise particularly in the case of indirect cyberbullying, where something negative may be posted about a person rather than directly to them. Langos (2012) suggested using a 'reasonable person' approach similar to the objective test used in legal cases that might measure the conduct of the perpetrator against conduct of a hypothetical reasonable person placed in a similar position as the victim.

The pillar of 'repetition' has also been questioned, suggesting that cyberbullying might be more appropriately defined as 'online harassment' (Wolak et al., 2007) because repetition is often not obvious in cases of cyberbullying. Dooley et al. (2009) proposed consideration of examples such as a single but serious overt act of cyber-aggression (e.g., telling someone to kill themselves). Such an example can be more common in cyber or online forms of bullying, as researchers (e.g., Suler, 2004) have determined that there is a disinhibition effect in online encounters that can predicate an emboldened communication that may go further or be more vitriolic than in face-to-face encounters. This may arise because perpetrators do not have to witness the immediate effect of their actions on targets (Hymel & Bonanno, 2014). In the example given, there can be detrimental consequences for the victim regardless of whether the same comment is posted, tweeted or texted ever again (i.e., much harm but no repetition, therefore it should not be called bullying but perhaps a single act of harassment). However, in online modes just the embedded fear that a single cyber-act, such as posting a hateful comment, may be seen, commented on, and forwarded by many others (Thomas et al., 2015), and can remain in cyberspace to be re-viewed over time are all features of cyberbullying that are thought to meet the bullying criteria of repetition, or at minimum, the fear of it being repeated, remaining present, or seen instantaneously by many (Dooley et al., 2009; Langos, 2012).

In terms of 'power imbalance', Wolak et al. (2007) proposed that online bullying does not involve the same power differential as traditional bullying. First, superior physical strength or stature, as might be wielded in physical forms of playground bullying, is not present in cyberbullying. Also argued by Wolak et al. (2007) was that there are no loud auditory or tonally menacing voices experienced in most online contexts which might be used to overpower as is the case in some in-

person verbal bullying in the school yard. In online environments, it was also proposed that the sort of numbers in 'ganging up' on a target, that might be harnessed in the real-world school yard, is less present in cyberbullying. This is thought to allow victims the opportunity to be more equal in power. Also, it has been suggested that in cyberbullying one only needs to turn off, block, or simply disengage with the online interaction on a device as a means of escape (Wolak et al., 2007). Also proposed is that the opportunity to capture written or pictorial evidence of bullying in online modes might 'equalise' the power imbalance between victim and perpetrator (Dooley et al., 2009) enabling the victim to more easily report it and gain help from adults to make it stop. Indeed, there are some prolific researchers in the field, such as Hinduja and Patchin in the USA who do not include the 'power imbalance' criteria in their definition of cyberbullying. Instead, they more simply define it as "wilful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices" (Hinduja & Patchin, 2018b, p. 2).

There are a number of youth studies, however, from which to draw upon to see that the power over a victim in traditional bullying also exists in cyberbullying. For example, those in schools who are traditional bullying victims are also highly likely to be victims of cyberbullying. Mishna and colleagues (2010) found that cyberbullying was closely aligned with experiences of traditional school-based bullying where a power imbalance could be observed. These researchers found that cyberbullying was very often perpetrated by and on school friends with the impacts and motivations very similar across both types of bullying: sadness, anger, depression on the part of victims, motivations of power, polularity and amusement on the part of perpetrators. Smith et al. (2008) also found in focus groups with young people that cyberbullying often appeared to start in traditional ways on school

grounds and then continued in online forms after hours. Therefore, in dispute of Wolak and colleagues (2007) suggestion that the power afforded to 'disconnect' in cyberbullying should see it defined differently to bullying, it is clear from these studies that disconnecting online has little to do with stopping bullying. In fact, disconnecting online does not stop bullying, and disconnecting may well further exacerbate the power differential a perpetrator has to wield over their target.

As studies have shown (Australian Communications and Media Authority, 2009; Livingstone & Smith, 2014), many adolescents primary means of building, negotiating and presenting their social identities in this era requires an online presence. Disconnecting disrupts this. It may stop the cyberbullying but reduces the social power a young person has to interact with others. Disconnecting would be isolating, punitive and would hamper the necessary and important development of adolescent peer relationships placing them in a reduced and unequal power position in relation to their peer group. If a perpetrator can achieve this, a victim has been well targeted.

Some also see that because cyberbullying can be anonymous, being able to stand up to ones attacker is difficult, causing a power imbalance to exist – the powerful and undiscoverd perpetrator versus the victim who does not know who targeted them. While anonymity creates a power imbalance in and of itself, it is often raised as a significant feature and problem of online interactions among young people. Ybarra and Mitchell (2004) however found that more than half of the identified youth targets of bullying in their study said they were regularly harassed more than once by the *same* individual, often a number of times in the same school year. This would suggest that the victimised students in their study were not powerful enough to stop their own their own cyberbullying after a single incident or

even when they knew who it was that was cyberbullying them – they were powerless to address their cyberbullying because it had roots in the relationships in the given school year cohort. Further, Smith et al. (2008) found from conducting focus groups with students aged 11- 16 years in UK schools, students expressed a sentiment of pessimism about ever having any sort of power to really be able to stop their cyber perpetration.

The findings of these studies support the generally-agreed notion amongst school-based researchers that cyberbullying be perceived as an extension of traditional bullying, viewing it as a social relationship problem among young people within school settings. Studies in these settings indicate that intentional harm, repetiveness and power imbalance can be evidenced (albeit a little differently in cyberbullying), and that cyberbullying, equally with tradtional bullying, should be highlighted in the anti-bullying efforts of educators in school-based settings (Ybarra & Mitchell, 2004). In this research thesis, cyberbullying is not viewed simply as a technological issue to be resolved using simple technological means (e.g., disconnecting, collecting digital evidence). It is viewed as an electronic form of traditional bullying, involving the three criteria of intentional harm, repetitiveness, and power imbalance and deeply entrenched in the social relationships of young people.

2.1.2 Prevalence data

Disagreements about the definition of cyberbullying make it difficult to interpret the extent of the problem amongst students. As well, there is a need to improve the measurement of cyberbullying using a standardised instrument (using consistent time constraints, such as 'over the last month') and for prevalence estimates to be collected on a regular basis to assess change over time. Therefore,

prevalence figures that are reported all seem to come with the same caveat that they are at best, an estimate. In reviewing a number of major Australian studies with available prevalence data, Katz et al. (2014) found range of 6% - 40% of young people aged between 8-17 years had been cyberbullied in any one given school year. This is fairly consistent with the international findings of 20-40%, reported by Tokunaga (2010). Jadambaa (2019) more recently conducted a systematic review and meta-analysis to estimate the prevalence of *self-reported* bullying and cyberbullying among Australian children and adolescents. The review found that the 12-month prevalence of bullying victimisation was 15.17% and perpetration was 5.27%. The lifetime prevalence (i.e., over an unspecified period of time) for traditional bullying victimisation was 25.13% and perpetration was 11.61%, with cyberbullying victimisation and perpetration far less common at 7.02% (cyber victimisation) and 3.45% (cyber perpetration), respectively.

A consistent finding across studies is that cyberbullying is especially prevalent during early adolescence approximately between the ages of 10 – 15 years (Cross et al., 2009; Genta et al., 2012; Katz et al., 2014). Other researchers have found it flares at times of school transition (Cross et al., 2009; Price & Dalgleish, 2010), such as the move from primary to high school, perhaps because at these timepoints new relationships with peers must be established or re-negotiated, which are typically enacted online using new Internet-enabled devices and affordances. Approximately 25% of Australian school students aged 13–14 years report that they are cyberbullied, and 10% report that they cyberbully others (Cross et al., 2009). After emergence at around age 10, cyberbullying peaks during early adolescence, then decreases slowly for young people over 15 years of age (Hymel & Swearer, 2015; Katz et al., 2014). While traditional bullying can appear in earlier childhood, it tends

to show an overall decline in prevalence as children age (Arseneault et al., 2010). Of importance is that most studies report that the prevalence of cyberbullying is around half that of traditional bullying (Hinduja & Patchin, 2018b; Katz et al., 2014; Jadambaa et al., 2019; Modecki et al., 2014; Olweus, 2012; Smith et al., 2008; Ybarra, Boyd, Korchmaros, & Oppenheim, 2012). For example, Smith et al. (2008) found, in a relatively small study with 92 survey participants who were in Years 7–10 at school in the UK, frequent bullying was 14.1% for traditional and 6.6% cyberbullying. Modecki et al. (2014) reported an average prevalence of 35% for traditional bullying (both perpetration and victimisation roles) and 15% for cyberbullying involvement. In Jadambaa and colleagues' review (2019) of Australian youth, cyberbullying was found to be less than one third the prevalence (approximately 7%) of traditional bullying (approximately 25%). These studies illustrate the differences in prevalence between traditional bullying (the greater) and cyberbullying (the lesser).

2.1.3 The manifestation of cyberbullying

Cyberbullying is online conduct intended to harm another. Langos (2013) summarises this harm to include unpleasant and distressing states of mind, such as feeling low about oneself, sadness, humiliation, stress, or annoyance. Harm may also include psychological symptomology like depression, anxiety and suicidal ideation and attempt. Cyber victimisation is also seen to reduce quality friendships, causing loneliness, truancy and poor academic outcomes. There can be negative behavioural impacts as well like further bullying, rule breaking, aggression, and substance abuse.

Cyberbullying can be perpetrated directly to a target via an email or message, or indirectly about a target to others using a public area of cyber space such as an online chat group, social networking platform (e.g., Facebook, a public website or

blog). It can occur in overt ways (i.e., easily witnessed, displayed), or covert ways (i.e., known only by the target, hidden, not seen by adults) (Cross et al, 2009). Langos (2014a, p.75-76), a legal cyberbullying researcher, lists and describes eight types or manifestations of cyberbullying using legal-type terms where possible:

1. Harassment: repeatedly sending offensive messages to a target.

2. Cyberstalking: involves intense harassment and denigration that includes threats or creates significant fear in the victim. Harassment becomes cyberstalking when a victim fears for their personal safety.

3. Denigration: making a derogatory comment about the target. There are several manifestations of this conduct. It can occur using words or dissemination of a derogatory, sexual or non-sexual image.

4. Happy slapping: involves the filming of a physical assault on a victim and the subsequent distribution of the film to humiliate the victim publicly.

5. Exclusion: involves a victim not being allowed to enter online 'areas' such as particular chat room discussion group by being purposely excluded by members of those online domains.

6. Outing and trickery: tactics applied together, involving a situation where a perpetrator manipulates the victim into

disclosing information that the perpetrator then publicises in order to humiliate the victim.

7. Impersonation or masquerading: involves the perpetrator pretending to be the victim and sending an offensive message that appears to come from the victim.

8. Indirect threat: a form of cyberbullying which relates to cyberstalking in that it refers to an online communication of impending physical harm but unlike cyberstalking, this form relates to a single threat of physical harm made indirectly in the public online domain.

In interviews with young Australian students (N=84) aged 10-14 years (Cross et al., 2012, p. 81) the following behaviours are described to students as cyberbullying:

- being sent threatening emails
- being sent nasty messages on the Internet through messenger
- being sent nasty text messages or receiving prank calls on their phones
- someone pretending to be the student (using their screen name or password) to hurt them
- someone sending a student's private emails, messages, pictures or videos to others
- mean or nasty comments or pictures about the student being sent, tagged, or posted to websites like Facebook
- mean or nasty messages or pictures about the student being sent to other students' mobile phones

- being deliberately ignored or left out of things over the
  Internet.

The most prevalent type of cyberbullying perpetration reported by Australian students across Years 4- 9 in primary and secondary school settings are consistent with those reported in the traditional bullying studies (Cross et al., 2009) and include being sent nasty messages and being deliberately ignored or excluded online. Mishna and colleagues (2010) found similarly described behaviours. The most common cyberbullying experiences in their youth study were, in order of frequency, being called names (27%), being the subject of rumours (22%), being impersonated (i.e., taking on another's online identity (18%), being threatened (11%), receiving unwelcome sexual photos or text (10%), being asked to do something sexual (9%), and having private pictures distributed without consent (7%). The research indicates that across cohorts of youth, the experience of cyberbullying may differ in form and degree of impact. Thus, it is not a uniform or one-dimensional experience but one with multifaceted layers of experience and of harm

2.1.4 Cyberbullying involvement amongst young people

In the school-based research, bullying involvement is observed as a group process involving many students operating in different but connected ways (Salmivalli, 2010; Salmivalli et al., 1996). The two most obvious roles are the student who is victimised or targeted, and the student who bullies others or perpetrates the bullying. In some instances, students can be both a victim of bullying and also perpetrate bullying. This specific group of children are referred to as bully-victims (Haynie et al., 2001) and are considered a particularly vulnerable group of young people for experiencing negative outcomes (Hinduja & Patchin, 2010).

Another important role is that of witness to the bullying, namely the bystander. Early bystander studies categorised bystanding behaviour into more specific roles, such as Reinforcer of the bully (those who provide indirect support and thereby exacerbate bullying), Assistant of the bully (those who join in with the perpetration once it has been initiated by another), Defender of the victim (those who act to stop the perpetration by personally taking a stand), and found to be the majority, the Outsider (those who observe but do not take action) (Salmivalli et al., 1996).

In the context of cyberbullying research, moving beyond just the victim-perpetrator dyad to consider the roles and actions of bystanders is a research space only beginning to be investigated (Hawkins, 2019) and one which is needed to furnish us with new knowledge. To date we understand that in cyberbullying, bystanders may also be those who are not necessarily witnesses to real-time bullying events as in face-to-face encounters, but may include the friend who is later shown or forwarded a text by a target in order to be made aware of the cyberbullying that has occurred. These differences create a slightly different landscape for considering cyber bystander roles, effects and impacts. Hawkins (2019), in her doctoral studies, found that emotionally supportive cyberbullying bystander friends were a first point of call for buffering student victims. However, it was recognised that such emotional support came with risks to bystanders who took some time to consider their own mental health, the likelihood of becoming victims themselves to perpetrators, or losing social hierarchy status within the peer group as a result of their support. A large Australian cyberbullying bystander study which surveyed 2109 upper primary and secondary school students across three Australian states, was recently undertaken by Campbell and colleagues (2017). These researchers found that bystanders to cyberbullying were most likely not to do anything, or if they did help the person who

had been cyberbullied it was not at the immediate time that cyberbullying was occurring. The girls in the study were the more prosocial bystanders when compared with the boys, and that those students who knew someone who was being bullied in both ways (i.e., face-to-face as well as online) were more likely to tell their parents and friends about it, than those who knew someone who was cyberbullied only, suggesting that perhaps students are aware of how vulnerable a student may be if they are targeted in both traditional and online ways.

Evans and colleagues (2019) longitudinally investigated the bullying dynamics between bully, victim and bystander. A sample of 8000 middle and high school students in the US participated in a 195 item self-report survey. Victim and perpetrator data were accumulated over 5 years, and bystander data over a 2 year period. The purpose of the study was to try to paint a more comprehensive picture of the cumulative effects of the different types of bullying involvement and their implications for adolescent behaviour, mental health and academic achievement. The study found that experiences as a victim were associated with aggression and internalizing symptoms, and negatively associated with self-esteem and future optimism. Being a perpetrator of bullying was positively associated with aggression and negatively associated with future optimism. Cumulative negative bystander behaviour (not responding when others were bullied, acting as an uninvolved outsider) was positively associated with aggression and internalizing symptoms and negatively associated with academic achievement and future optimism. Cumulative prosocial bystander behaviour (standing up for those being bullied) was positively associated with internalizing symptoms such as increased anxiety but also was correlated with academic achievement, self-esteem, and future optimism. The key point is that witnessing bullying and acting upon it in any capacity is a difficult

position for students to be in and any bullying in schools affects more than those that might be considered directly involved as victim or perpetrator (Evans et al., 2019). Nevertheless, the research seems to purport that bystanders are an important target group for bullying intervention programs (Campbell et al., 2017; Evans, 2019).

There is a strong and well-reported overlap of involvement between traditional and cyberbullying in that bullying operates in both on- and offline modes in schools so that what may begin on the school campus often continues online after school (Cross et al., 2015; Haynie et al., 2001; Jadambaa et al., 2019; Ybarra & Mitchell, 2004). There are certainly some youths exclusively involved in cyberbullying perpetration, but the strongest risk factor associated with cyberbullying is involvement in traditional school bullying (Barnes et al., 2012; Del Rey et al., 2012; Espelage et al., 2012; Hinduja & Patchin, 2008; Juvonen & Gross, 2008; Kowalski et al., 2014; Smith et al., 2008; Waasdorp & Bradshaw, 2015; Ybarra & Mitchell, 2004).

Student under-reporting (i.e., a preference for not reporting) of their own victimisation is a common finding across much of the school-based bullying research (Connolly, Hussey and Connolly 2014; Shaw et al. 2019; Smith et al. 2008). However, gender wise, girls report more cybervictimisation than boys (Lee & Shin, 2017), and boys report more traditional bullying perpetration and victimisation than girls (Cross et al., 2009; Juvonen & Gross, 2008; Modecki et al., 2014; Waasdorp & Bradshaw, 2015; Williams & Guerra, 2007). Certain cohorts of students are particularly at risk for victimisation (Bradshaw et al., 2017), for example, students with disabilities (King et al., 2018; Rose et al., 2015), and those with non-heterosexual identities (Espelage et al., 2018), or any identifiable aspect of difference such as ethnicity (Rigby & Johnson, 2016), obesity (Haegele et al., 2020), or those

with emotional and behavioural issues likely to set them apart or who are isolated in some way from the wider peer group (Juvonen & Graham, 2014). In summary, foundational to any progress toward addressing youth cyberbullying, educationally or legally, must be an acknowledgement that cyberbullying is a very difficult youth problem unlikely to be easily resolved due to its complexity and multifaceted nature.

2.1.5 The principles of evidence-based school actions to counter student bullying and cyberbullying

Successful and promising school-based programs to counter bullying and cyberbullying share basic principles (Agatston & Limber, 2018; Campbell & Bauman, 2018; Jimerson & Huai, 2009; New South Wales Centre for Education Statistics Evaluation, 2017; Smith et al., 2016;). Foremost, is the foundation of bullying as a social phenomenon occurring amongst peers, school personnel, parents, and the physical environments of schools. Therefore, school- and classroom-wide policies are the overarching structures and broad backdrop for any prevention and intervention effort in schools (Jimerson & Huai, 2009). These actions are thought of as the primary level or proactive and universal components of school-based measures (Rigby & Griffiths, 2018) which is what is reflected in most of the multi-level educational guidelines and frameworks for schools, such as the 'Australian Student Wellbeing Framework' (Australian Government Department of Education and Training, 2018), climate-enhancing Restorative Practices Interventions (Acosta et al., 2019), or whole-school 'Positive Behaviour for Learning (PBL)' approaches (Rudasill et al., 2018).

In terms of formalised proactive and universal approaches in Australia, the 'Friendly Schools' suite of programs is an example of a multi-component/level, evidence-based, whole-school approach which involves the whole-school community to build social-emotional skills, create supportive environments, build staff capacity, and significantly reduce bullying (Friendly Schools, 2014) and cyberbullying (Cross et al., 2018). This suite of programs draws on 13 major research projects conducted over 15 years involving 27,000 Australian school students. It considers both traditional and cyberbullying and includes a school audit tool and classroom-level curricula geared to address bullying at various developmental- and school-year levels (Cross et al., 2013; Cross et al., 2004; Cross et al., 2016; Cross et al., 2019). Through research design modelling, it has been shown that proactive whole school type approaches are likely to be effective with around 80% of a typical student body in stemming new cases of bullying (Espelage & Swearer, 2008).

There is no mandate, however, to adopt specific evidence-based universal anti-bullying programs, like Friendly Schools, in Australian schools. Whole-school prevention measures, however, are likely to be interpreted from departmental or private educational body guidelines who may, or may not, draw on the available evidence, with schools adopting components of recommended practices on a school-by-school basis. In doing so, schools may uniquely include an array of many actions, which is likely to include anti-bullying policies to communicate the non-acceptability of school bullying and to protect schools from legal liability (Butler et al., 2011). The curriculum may also be used to embed anti-bullying messages through instruction in digital citizenship or other related concepts, such as social skills training (Oxley, 2011). Special days might be set aside to spotlight anti-bullying policies and messages, along with occasional guest speakers or presentations to educate students,

parents, or staff about bullying or cyberbullying (Vandebosch, 2014). School climate initiatives have been found to be an influential force of prevention in school bullying (Acosta et al., 2019; Holfeld & Leadbeater, 2017; Muchera et al., 2018; Voight & Nation, 2016). Enhancing a school climate might include anything from better supervision for the areas where bullying is likely to occur (Vaillancourt et al., 2010), the use of ICT policies to pre-empt inappropriate use of the school Internet (Schubert & Wurf, 2014), the systematic focus and reinforcement of positive behaviours of students (Bosworth & Judkins, 2014), or the education of school personnel to build capacity in recognising their important and mediational roles in bullying (Campaert et al., 2017; Yoon & Bauman, 2014).

Secondary level actions are the reactive school measures that are taken when cases of bullying have been identified and are used in order to prevent the bullying from continuing to cause harm to students (Rigby & Griffiths, 2018). This is likely to be required in only a small number of cases - around 20 percent - who are less responsive to a school's universal prevention efforts (Espelage & Swearer, 2008). Intervention is usually targeted toward individuals or small groups of involved students (e.g., target, victim, and bystanders). In Australian schools the main interventions comprise direct sanctions (Rigby, 2012, 2014), restorative justice (Morrison, 2006), mediation (Rigby, 2012), the support group method (Robinson, 2008) and the Method of Shared Concern (Pikas, 2017; Rigby, 2014).

Direct sanctions are the most common of school approaches, consisting of verbal reprimands, meetings with parents, detentions, exclusion from extra-curricular activities, and suspensions (Rigby, 2012). The idea behind disciplinary actions is a philosophical stance that '…those who bully deserve to be punished and that the sanctions will act as a deterrent to further bullying on the part of the perpetrator(s)

and deter others who become aware of what has happened' (Rigby, 2014, p. 411). A criticism of this approach is that 'it does not involve any contribution from the 'accused' other than compliance' (Rigby, 2014, p. 417).

The other approaches are often described as 'restorative' processes, or 'no blame approaches', because they do not involve harsh punitive actions (Garandeau, et al., 2014). These approaches seek to engage those involved in bullying in counselling and discussion which involve peers and/or adults to differing degrees, where the perpetration is sought to be understood and where empathy for the harm caused to a victimised student is fostered, or in the very least acknowledged (Pennell et al., 2018). There is then some responsibility arrived at for their actions and in making amends.

Pennell and colleagues (2018) argued that some of the typical school-based reactive approaches described above (i.e., those which are either empathy-based or punitive) may be unlikely to work, because studies have found that some perpetrators are motivated by entertainment or amusement and are unlikely to empathetically respond to the harm they have caused their targets (Runions et al., 2018). More than likely, getting caught may make the perpetrator more likely to become more secretive or covert in the ways they bully others. It must be noted that this is likely to include only a very small number (e.g., no more than 5%) of the total number of perpetrators in a school. For persistent and resistant bullying behaviours, intensive tailored interventions (considered tertiary-level interventions) may be the actions taken by schools. This might include counselling methods such as those based upon cognitive behaviour therapy (CBT), or motivational interviewing which would be administered by skilled school counselling personnel (Espelage & Swearer, 2008; Pennell et al., 2018; Runions et al., 2018).

The actions of schools have been at least modestly successful in reducing the problem of student bullying. For example, Merrell and colleagues (2008) conducted a meta-analytic study of school bullying intervention research across a 25-year period (1980-2004), which included 16 studies representing 15 836 K-12 participants from European nations and the US. The authors concluded that the school bullying interventions they examined produced positive outcomes that were related to influencing knowledge, attitudes and self-perceptions rather than on actual reduced bullying behaviours.

Ttofi and Farrington (2011) also conducted a systematic review and meta-analysis of the effectiveness of anti-bullying programs in schools. Studies were included if they evaluated the effects of an anti-bullying program by comparing an intervention group who received the program with a control group who did not. Eighty-nine (89) reports, describing 53 different program evaluations, were included in the review. Of the 53 different program evaluations, 44 provided data that permitted the calculation of an effect size for bullying or victimization. The meta-analysis of these 44 evaluations showed that, overall, school-based anti-bullying programs are effective in decreasing perpetration by around 20–23% and reducing victimisation by 17–20%. Programs which were intensive and long-lasting were more effective, as were programs including parent meetings, firm disciplinary methods, and improved playground supervision. However, programs which engaged peers to tackle bullying (e.g., peer mediation, peer mentoring) were less successful as they were associated with an increase in victimisation. To be noted about the use of 'firm disciplinary methods', in a review of research cited by Myers and Cowie (2019) school-based researchers tend to conclude intervention methods should be non-punitive, flexibly negotiated, and restorative in nature. Responding to bullying

between students should have, as its overall objective, safety for all, a positive school ethos, and should foster - in an ongoing way - positive relationships throughout the school.

Yeager and colleagues (2015) found that there was a decline in efficacy of anti-bullying programs among older adolescents. While bullying appears to be effectively prevented in 7th grade and below, from Year 8 onwards there appeared a sharp drop to an average of zero in effectiveness. There was a seeming reversal in efficacy through the high school years. Yeager and colleagues (2015) proposed that this may be due perhaps to changes in development and the nature of school-based programs. This is of concern, given that cyberbullying behaviours begin to be evidenced around this time because this is when students gain greater access to technology-enabled devices (Espelage et al., 2012; Ybarra & Mitchell, 2004).

Most recently, Gaffney and colleagues (2019) took a closer look at the effectiveness of school-based intervention and prevention programs designed to specifically reduce cyberbullying. Programs were included in their systematic and meta-analytical review only if they met stringent criteria, such as they had to (1) include an adequate operational definition of cyberbullying; (2) describe the evaluation of an intervention or prevention program implemented with school-aged participants; (3) they had to employ experimental and control conditions; (4) and measure cyber-bullying behaviours using quantitative measurement instruments; and (5) they had to have been published from 2000 onwards. Results, based on 24 programs, indicated adopting such programs might see cyberbullying perpetration reduce by around 10%–15% and cyberbullying victimization by approximately 14%.

Smith and colleagues (2016) suggested that some further relevant areas of intervention which are broader than schools alone, might be needed to address youth

bullying more effectively. However, as Smith (2011) states below, there is great

benefit in starting this journey by learning from

> "…both successes and failures in school-based interventions
>
> to reduce bullying. The results so far have been modestly
>
> encouraging. But we do also need to consider whether
>
> intervening in schools only is enough. Bullying does not
>
> only happen in schools, and schools are only part of the
>
> problem and part of the solution." (Smith, 2011, p. 53).

What follows in section 2.2. below is proposed as an overview of the 'school

part of the problem and the school part of the solution'. How school stakeholders

perceive their own action or inaction toward countering cyberbullying is proposed as

a meaningful starting place for considering how legal solutions might interface with

the issues and successes 'on the ground'.

2.2 How school stakeholders view their own measures for addressing cyberbullying

2.2.1 Perception study research: An outline of the scope and limitations

Surveys with statements derived from the research literature, which are then

self-rated by participants using Likert-scales, have been a popular methodology for

determining school stakeholder perceptions about their own school actions.

Participants across these types of studies have included educational leaders (Rigby &

Johnson, 2016) principals, counsellors, teachers, parents, and ICT personnel (Burger

et al., 2015; DeSmet et al., 2015; Vandebosch, 2014). Some studies have compared

teacher and student perceptions (Giménez-Gualdo et al., 2018), or focussed solely on

either student perceptions (Farrell et al., 2015; Kraft & Wang, 2009; Paul et al., 2012; Rigby, 2017; Smith et al., 2008) or parents' perceptions (Rigby, 2019). A limitation of these types of within-school stakeholder studies is that school actions are mostly judged against pre-generated lists of 'best practice', with a focus on finding to what extent these practices are enacted or not enacted by school personnel. Gaps are found in school practice, negatively framed against best practices, with subsequent recommendations for the research community, or for schools, to address the shortfall (Rigby, 2018). The absence of rich data allowing stakeholders to describe their own action or inaction and reasons for this, may limit what can be learned from the experience of those within schools where bullying occurs. School performance judged against best practices does not inform about what may be working successfully in schools and what can be done to strengthen and enhance these actions. Research methods, such as those proposed by this research will aid in addressing this gap and will better inform how and if the law might be employed in strengthening what is successful and assisting where there are challenges.

Although survey methodology is more common, there are some studies which have used interviews to gather particular school stakeholder perceptions. For example, Carrington and colleagues (2017) conducted interviews with parents and their children with disabilities' regarding their perceptions of the bullying and cyberbullying prevention and intervention measures at their school. Other studies have focussed on high-level education officials' views of school-based procedures and policies regarding cyberbullying (Chalmers et al., 2016; Young, Tully et al., 2017). Some studies include the views of high school teachers of cyberbullying prevention and intervention strategies (Stauffer et al., 2012). Other studies have incorporated focus groups which appears to be useful for working with small groups

of 6-8 students to discover their perspectives (Smith et al., 2008) or with groups of teachers (Cunningham et al., 2016). While these studies provide somewhat richer data about stakeholder perceptions and are a useful starting point for considering the challenges of schools regarding the reduction of cyberbullying, few of the studies canvass a wide array of views within a single school (e.g., from students to school leaders), and they do not focus upon school strengths. Additionally, the studies in this review do not canvass perceptions regarding the usefulness of the law or involvement of roles from the legal system in the support of schools for addressing cyberbullying. Nevertheless, the available and relevant studies are reviewed in the following sections.

2.2.2 Stakeholder perceptions of the cyberbullying problem

Many school stakeholders share the perception that it is their duty or the role of the school to teach students about cyberbullying. Most school stakeholders agree that cyberbullying is a difficult problem because it often occurs outside of school grounds, comes with distinct features which create issues for schools, is difficult to detect, and is a problem that is acknowledged and evident in their own student cohorts (Cunningham et al., 2016; DeSmet et al., 2015; Huang & Chou, 2012; ReachOut Australia, 2017; Rigby, 2017b, 2019; Young, Tully et al., 2017). Schools are also cognisant of the expectations on them for handling cyberbullying, which might come from school boards (DeSmet et al., 2015), school leaders (Cunningham et al., 2016; Chalmers et al., 2016), and/or parents and legislators (Carrington et al., 2017; Young, Tully et al., 2017). Overall, evaluations of the moral disengagement of schools distancing themselves from dealing with the behaviour was low (DeSmet et al., 2015), and cyberbullying was rarely considered a problem to be ignored (Burger et al., 2015; DeSmet et al., 2015; Huang & Chou, 2012; Stauffer et al., 2012). In

studies by Rigby (2017a, 2017b), students have been found to hold slightly inflated perceptions of bullying when compared with prevalence data from anonymous surveys, particularly those who have been bullied, but few studies have focused on students' perception of the school environment for its impact on bullying behaviour (Barboza et al., 2009). Parents of children who have been bullied can perceive the problem in schools to be greater than the data show it to be, and are likely to have the lowest perceptions relating to positive school action Rigby (2019).

Except in the case of interviews with school administrators in the US, who perceived cyberbullying as a growing problem, greater than that of traditional bullying (Young, Tully et al., 2017), most school-level stakeholders consider cyberbullying in schools is less prevalent than traditional bullying amongst students, with many schools finding it amounted to a small number of cases during a school year, i.e., one to five cases, as indicated in Vandebosch (2014). Despite student perceptions that bystanders are present at least half the time bullying occurs (Rigby, 2017a), most schools were likely to identify victims of cyberbullying through reports from victimised students or from their parents (Vandebosch, 2014). Reports of victimisation also came from teachers who say they also have become victims of cyberbullying in schools (Vandebosch, 2014).

Similar to the wider literature (Cross et al., 2009; Mishna et al., 2010; Smith et al., 2008), it is the perception of those in schools that they encounter several different types of cyberbullying among their students. Direct forms, such as hurtful messages involving text, pictures, and videos sent directly to targets, were the most common incidences of cyberbullying reported within schools (Vandebosch, 2014). It was the perception of adult school participants (e.g., principals, teachers, ICT personnel) that, in order of frequency, social networking sites (59%), text messaging (52%), MSN

(43%) and email (29%) platforms were the most commonly used by students who cyberbully (Vandebosch, 2014). Based on the gathered perceptions of Year 5 -10 students from across 25 Australian schools there seems to be agreement that most instances usually involve teasing, being ignored, or excluded (Rigby, 2017c). There were other instances of school-bullying perceived by students which included a mix of offline and online perpetrations: 'having nasty stories told about them, being kicked, made to feel afraid, having cruel things said about them online, being racially harassed, being harassed online, and being sexually harassed' (Rigby, 2017c, p. 27).

2.2.3 School issues in building capacity

School-level respondents seemed to report more comfort in primary prevention activities (Young, Tully, et al., 2017), such as those involving the communication of school rules regarding technology use, educating staff and students about cyberbullying, and in the development of policies. Only around one-fifth of schools thought they had clear guidelines for action or enough professional support, including staff training, to handle cyberbullying. These schools were operating from a foundation of e-Safety measures, or traditional bullying prevention and intervention experience (Vandebosch, 2014). Confirming this, a UK study which compared traditional bullying prevention and intervention measures of schools against student perceptions of effectiveness for coping with cyberbullying (Paul et al., 2012), concluded that existing recommendations for schools may not be specific enough or altered suitably for responding to cyberbullying.

In an Australian school stakeholder perception survey, it was found the pressure of other business together with scarce resources made it difficult for schools to focus on their anti-bullying measures (Rigby & Johnson, 2016). This was found also by Cunningham et al.'s (2016) study with teachers who claimed other

curriculum demands hindered the amount of time they were able to focus on anti-bullying initiatives. Teachers in Cunningham's study did not think their administrative leaders committed enough time for teachers to build and develop their anti-bullying actions. Students too, according to Farrell and colleagues (2015), find they need time to develop, problem-solve and practice strategies to effectively deal with real-world encounters with bullying. Also found within school stakeholder perceptions is a lack of concrete anti-cyberbullying materials suitable for uptake in schools (Vandebosch, 2014) that are not cognitively and emotionally demanding to use, and that do not require substantial staff energy and commitment to mobilise or sustain (Cunningham et al., 2016). Suitability was defined in one study as materials that are described clearly, applied easily, applicable across large numbers of students, related to the living world of students, ready for use by teachers, available at no cost to schools, could be accommodated into the curriculum and lesson timetables, and which do not require extensive training (Vandebosch, 2014).

Vandebosch (2014) found that around a third of schools used tools and resources developed for traditional bullying which they sourced from organisations specialising in the development or distribution of educational materials, or used resources available through their Ministry of Education. However, around a third of schools sourced their materials from the Internet. Few schools were satisfied with the range of tools available. Over half of the schools in Vandebosch's (2014) study were very interested in computer-related tools that could be used to address cyberbullying.

2.2.4 Use of school policies to counter cyberbullying

Vandebosch (2014) found that school-level stakeholders perceive the Principal, or a Principal-nominated team, to be responsible for developing school

policies for addressing cyberbullying, but only 18.4% of all schools in their study indicated they had a formalised a written anti-cyberbullying document. Instead, many schools report having policies relating to e-Safety. For example, 93% of the schools surveyed claimed their students know about what is and is not allowed with regard to computers, the Internet, and mobile phones in schools, and are clear about sanctions for not following these rules. In an Australian context, Rigby and Johnson (2016) reviewed the effectiveness of anti-bullying school policies and found that while the many schools across all states and territories they surveyed report they have a policy document, less than half the students in the schools' surveyed knew about it.

Parents of students with disabilities in Brisbane schools were interviewed about their schools' anti-bullying measures and found policies were lacking in procedures so that all school stakeholders would know how to consistently prevent and intervene in student bullying (Carrington et al., 2017). This overlaps the perceptions gathered in an online survey of stakeholders, which included teachers (60%), principals (12%) and school counsellors (11%) from across 147 secondary schools in Belgium (DeSmet et al., 2015). It was the perception that only 46% of educators believed that their actions were effective in reducing cyberbullying. As an example from this study, educators frequently indicated they used discipline, but only 16% believed much good would come from this measure in reducing cyberbullying. It has been thought that school anti-cyberbullying policies could offer much better support to staff by stating more explicitly how educators should handle cyberbullying, thereby encouraging more appropriate, consistent, and recommended actions (Chalmers et al., 2017; Cunningham et al., 2016; DeSmet et al., 2015).

In terms of developing sound school policies, eleven education department officials across three states in Australia were interviewed to gather their perspectives of school policies in their educational jurisdictions, experience of schools' use of policies in their state, and advice their departments might give regarding cyberbullying policy to schools (Chalmers et al., 2016). Of interest was that only one education department informant was able to provide a complete definition of bullying which may be reflective of the definitional disagreements widely reported in the general bullying and cyberbullying literature. Some departmental-level educators were unsure whether their state educational jurisdiction provided policy-writing templates for schools, to what degree schools adopted these or wrote their own, and how cyberbullying was referred to in the policies of schools within their jurisdictions (e.g., whether traditional anti-bullying policies had been modified to include cyberbullying). Some education officials conceded that it was likely that policies could amount to rhetoric in schools because schools might see them as obligatory documents. Department officials believed a single anti-bullying policy where cyberbullying was considered a form of bullying was thought sufficient. Most participants perceived a good school policy should: (a) be clear/consistent; (b) be a position statement; (c) include practice/procedures; (d) provide for education; (e) encompass a whole school approach; (f) include examples; (g) specify roles; and (h) include definitions of both bullying and cyberbullying' (Chalmers et al., 2016, p. 101). Education department stakeholders perceived that anti-bullying policies in schools should be a practical document that works to unite school values and actions toward whole school prevention and intervention of student cyberbullying.

2.2.5 Preventative actions and their success

In order of frequency of adoption, classroom discussions about cyberbullying, explaining school rules regarding cyberbullying, awareness raising campaigns, and initiatives to promote positive online interactions were the prevention measures of most schools (Vandebosch, 2014). These formats were most frequently inclusive of traditional bullying, with a cyberbullying-specific focus more likely to spike in classrooms serving those aged 11-14 years. Cunningham et al. (2016) found that teachers in focus groups reported some prevention activities and presentations were repetitive, and in the case of students in Years 7-8 (the upper age group in this study), were not student-led, active or problem-based which they thought may have reduced their effectiveness with this age group. When a general violence prevention curriculum for middle school students was introduced (of which cyberbullying and bullying were part), Farrell et al. (2015) found in interviews with students there was a need to identify much better instructional techniques that promote student engagement for this age group. Students wanted experiential activities and enough time to practice skills that would be meaningful and relevant in combating the difficult and real-world student encounters with bullying amongst peers. Farrell et al. (2015) also found that unless students felt proficient in operationalising the skills taught to them, and believed that those strategies would be effective in intervening in incidences of bullying, they were unlikely to adopt them. Farrell noted that adolescents must be included as important sources of information when it comes to addressing their own victimisation.

As a preventative measure, 61% of the schools in Vandebosch's (2014) study reported that they advised classroom teachers to respond quickly and adequately to cyberbullying, with around half the schools in the study saying they had designated someone to advise teachers with regard to cyberbullying. Of concern, however, was

that more than half the schools had not provided written information about cyberbullying to teachers, and in almost three-quarters of schools there had been no organised special information sessions to assist teachers with their knowledge on how to prevent or intervene in cyberbullying (Vandebosch, 2014). Only 10% of 309 schools indicated they conducted any assessment of teachers' experiences with cyberbullying. Similarly, Cunningham et al. (2016) found that teachers were unhappy with the top-down approach to anti-bullying measures in their school and wanted much more involvement in development, clearer directives for action, and better training.

Young, Tully and Ramirez (2017) found that in interviews with 36 middle-school and district-level administrators, 'technology' and 'parents' were perceived as both barriers and facilitators to school-based preventative actions. 'Technology' was perceived a barrier because of its fast-paced development, ubiquity, its requirement in schools for learning, and because of the difficulties found in limiting its use for inappropriate purposes in school settings. Stakeholders believed technology created opportunities for students to be more hurtful or aggressive, and because young people were always online, this was attributed to the poor development of inter-personal skills. As a facilitator, there was a perception that technology could be a source of prevention in schools. This included limiting phones in school or class time, using filters or blocking certain websites. However, these were found to be quite complicated to enact as the need to be age-appropriately restrictive meant that schools were always having to adjust to the right level. Also, students were perceived to be able to get around blocked websites or filters, rendering the strategy not only ineffective, but sometimes a hindrance to other educational uses (Young, Tully et al., 2017). Smith et al. (2008) found in focus groups with secondary school

students that only one in five secondary students considered banning mobile phones or Internet use in schools would help prevent cyberbullying.

School stakeholder perceptions that consider 'parents' as barriers to the prevention of cyberbullying is common (Young, Tully et al, 2017; Cunningham et al., 2016). This is because parents are often perceived as unaware of their children's online habits, allowed their children to sign up to social media sites they were too immature to handle, and did not respond to their children's online (mis)behaviour (Cunningham et al., 2016). As well some school stakeholders perceived that parents shifted blame to schools rather than taking responsibility for their children's actions (Young, Tully et al., 2017). In response, schools were unclear then about cyberbullying occurring at night and on weekends (and therefore really under the purvey of parents). Despite new anti-bullying legislation that stated that schools in their US state could intervene if they believed the learning of their students was being compromised, schools still found this a confusing grey area (Young, Tully et al., 2017).

In terms of parents and their role, only about one third of all the schools in the Vandebosch (2014) survey educated parents about cyberbullying and this was more likely to be non-specific (i.e., about traditional bullying rather than cyberbullying). In semi-structured interviews with parents and their children with disabilities (Carrington et al., 2017), communication between schools and home was perceived favourably by parents, with requests for more information about the anti-bullying policies and procedures in schools. Parents in this study recognised their need to be made more aware of what students were doing on their phones. Parents and students also want to know that there is a procedure in place to help students who have been cyberbullied, and that there will be consequences, such as communicating with

parents, following incidents (Carrington et al., 2017; Rigby, 2019). As a facilitator

of action, parents had focussed suggestions for alleviating the bullying and

cyberbullying as experienced by their children on the autism spectrum at times which

were unsupervised (e.g., running games club, library helpers, music groups) which

required limited non-specialised materials and were low-cost (Carrington et al.,

2017). A number of stakeholder perception studies considered that involving parents

in solutions is one of the more effective ways for schools to reduce cyberbullying

(Burger et al., 2015; Cunningham et al., 2016; DeSmet et al., 2015; Kraft & Wang,

2009; Paul et al., 2012)

2.2.6 Detection of cyberbullying in school settings

Detecting and monitoring cyberbullying incidences was perceived as a

challenge for school stakeholders such as teachers and school administrators. In

interviews with middle school- (N=21) and district-wide administrators (N=15) the

overwhelming sense of responsibility for policing all online student behaviour was a

very difficult and a legally confusing grey area for those in schools (Young, Tully et

al., 2017) and one which they felt jaded about. Out of 19 focus groups of teachers

across Canada, 16 groups noted the covert and off-school-campus nature of

cyberbullying a challenge to detect (Cunningham et al., 2016). Shariff (2009) talks

about a policy vacuum for schools with regard to the extent they can be expected to

supervise student expression and online interaction as the lines between freedom of

expression, safety, privacy, and supervision become increasingly blurred. Yet, in

another study, there was ambivalent support for involving external partners or actors

from outside the school to help, with some school stakeholder's preferring self-

sufficiency rather than the involvement of outsiders (Vandebosch, 2014).

Another concern regarding the detection of cyberbullying was that 43% of schools in one study did not have a system in their schools for reporting cyberbullying when it occurred, and only around 20% of schools anonymously surveyed their students to detect cyberbullying (Vandebosch, 2014). Compounding this, some teachers falsely believe that students will report cyberbullying to them, when this is not consistent with any of the research (Hawkins, 2019; Rigby, 2017b, 2018; Smith et al., 2008). Rigby and Johnson (2016) found only 37.7% of all students surveyed across their Australia-wide study reported their bullying to teachers or counsellors. While students themselves recommend reducing cyberbullying by blocking/avoiding messages and telling someone, Smith et al. (2008) found that many cyber victims had told nobody about their victimisation. Hawkins (2019) found that students had different three levels of support if they reported cyberbullying. They wanted a reaction focussed only upon listening and the provision of emotional support, a proactive response which involved developing a renewed sense of belonging and confidence and an intervention response that included sanctions from either the school or police in order to make the bullying stop.

2.2.7 Intervention actions and their success

In the Vandebosch (2014) study around half the schools said they resolved cyberbullying through talks with victims and perpetrators with the Principal and with the assistance of teachers (Vandebosch, 2014). Another study found that the top-rated actions of school stakeholders perceived likely to have the most effect on reducing cyberbullying included seeking help from other professionals like counsellors, getting help from parents, talking to the bully, and talking to other students (DeSmet et al., 2015). In three studies in this review, law enforcement was

mentioned for intervening in cyberbullying. Young, Tully et al. (2017) suggested that administrators experienced complications in their relationships with police in schools because of a lack of clarity in jurisdictional boundaries between the role of the law (e.g., police) and the role of schools. In a student-teacher perception comparison study by Giménez-Gualdo and colleagues (2018) about cyberbullying intervention strategies, both student and teacher participants believed reporting cyberbullying to the police was a good step in getting help in intervening in cyberbullying. Students strongly recommended this, with teachers slightly more inclined to refer cyberbullying incidents to personnel within their school. In Hawkins' (2019) doctoral studies involving action research within student communities within two secondary schools, students also expected that police should be involved in serious and ongoing forms of cyberbullying, such as when students received online threats.

Despite the limited studies garnering school-level views about law enforcement in schools, it seems that many stakeholders favour authority-based approaches following incidents of cyberbullying. Hawkins (2019) noted in interviews with young people, that the restorative/mediation intervention measures taken in one of her study schools was not favoured in comparison to reports by students in a second study school where strong and decisive sanctions were taken in response to student cyberbullying incidents. Students reported how easily perpetrators could 'manipulate and lie during the restorative justice processes' of the school (Hawkins, 2019, p. 166). In a teacher-self-report study by Burger and colleagues (2015), teachers were found to most popularly to opt for 'demanding obedience to authority and focussing on externally enforced control' (p. 197). When Rigby and Johnson (2016) asked teachers to rate their use of reactive interventions they found teachers

were more likely to use sanctions than any other method of intervention. Next were actions to strengthen the victim, mediate, or engage in restorative counselling. The more formal 'Support Group Method' and 'Method of Shared Concern' were used to a much lesser extent. Burger and colleagues (2015) also found that teachers were most uncertain in how best to support and work with victims and focussed mostly on perpetrators. Teachers in Burger and colleagues' (2015) study were found to enlist other adults to assist them in dealing with student perpetrators. These preferences for action may indicate educator doubt about their own self-efficacy (i.e., needing to get help from professionals; opting for less complex techniques) or they simply do not see their role stretching to that of a counsellor when it comes to bullying (Thompson & Smith, 2017). In secondary schools, teachers attribute direct responsibility for cyberbullying to perpetrators much more than they do in primary school settings (Giménez-Gualdo et al., 2018). In primary schools teachers consider the contributory role of the personal characteristics of victims when bullying occurs (Giménez-Gualdo et al., 2018). This may explain the favour given by teachers and by students to punitive actions in secondary schools.

The conclusion of researchers studying school actions based on school stakeholder perceptions is that teachers do not handle cyberbullying well despite a good portion of teachers (66% in one study) believing they have good relationship skills with students (DeSmet et al., 2015). From the viewpoint of teachers, they believe this is because their training at pre-service level to counter school bullying is inadequate (Rigby & Johnson, 2016). Langos and colleagues (2018), for example, found impacts for school intervention of bullying and cyberbullying in Australia and India was dependent upon the degree each country's legal framework of bullying was known by its pre-service teachers. Certainly any lack of training is likely to

predicate teacher-level action, or inaction, that could make for a barrier to more effective intervention of cyberbullying. For example, DeSmet et al. (2015) found four cluster types of educators were evident: referrers (65%), disengaged educators (14%), concerned educators (12%), and 'use all means' educators (9%). 'Concerned educators' were the cluster that acted most in line with recommended practices derived from research, that is, this group of responders were least likely to ignore an incident, use discipline, or tell the victim to stand up for themselves. These educators were found to be older and more experienced staff, more likely to be counsellors, teachers with multiple roles or responsibilities, or principals. They mostly responded to cyberbullying by talking to students, more typically involved parents in solutions, and had higher self-efficacy ratings of their own handling of student cyberbullying than 'referrers', or 'disengaged educators'.

Huang and Chou (2012) found a total of 70.7% of the teachers (in their Taiwanese teacher study) were anxious about the negative impact of cyberbullying on students, and 94.5% of them considered anti-cyberbullying guidance imperative and necessary. Yet, only 12.6% of them had provided relevant guidance to students. Similarly, Rigby (2018) found that a majority of the teachers in his study understood the concept of bullying and had an appreciation of their role in addressing it. However, there were considerable discrepancies in their perceptions when compared to evidence-based knowledge and measures. For example, teachers falsely believed that bullying occurred when no one was watching, that students were highly likely to tell teachers about their victimisation, that cyberbullying was the most common form of bullying, and ill-advisedly told students to delete their abusive texts rather than keeping them for evidence. Teachers also held misperceptions that bullying levels were consistent across countries, and that schools were successful in resolving two

out of three cases of bullying which is not the case. There were also some teacher views about specific interventions that were not founded in research (e.g., that it was positive to insist victims participate in mediation with their perpetrator when they would have preferred otherwise). Teachers also had inconsistent views about the risk factors of bullying (e.g., low self-esteem, gender, family overprotectiveness, and genetic predispositions). The study also found low motivations amongst teachers for seeking out sources of information underpinned by evidence (Rigby, 2018). Likewise, Bell and Willis (2016) examined teacher perceptions of the seriousness of bullying using vignettes which revealed that teachers rated the seriousness of the bullying according to the reaction of the victim. Teachers perceived bullying perpetration less severe in vignettes where the victim was depicted as either over-reacting or under-reacting to their victimisation.

However, depicting teachers in a purely negative light because of poor survey ratings against research derived best practices seems an incomplete and insufficient picture of classroom level actions to counter cyberbullying. Huang and Chou (2012) found nearly all the teachers (87.9%) in their study nominated that they would willingly take immediate action if they were aware of incidents and they knew what to do. Combining these results with other perception studies of teacher roles in prevention and intervention, it would seem researchers conclude that without further training teachers will be an under-utilised resource in schools to reduce student bullying (Giménez-Gualdo et al., 2018).

The experiences of students in relation to school actions toward cyberbullying can be uncovered in a study of 407 UK Year 7 – 9 students where student-nominations of typical coping strategies for traditional bullying, cyberbullying or both were analysed alongside student perceptions regarding the effectiveness of

typical school practices (Paul et al, 2012). Paul and colleagues found, from the perceptions of students, that cyberbullying involvement may require a nuanced school approach that differed from formats used for traditional bullying. For example, students perceived the most effective interventions for traditional bullying and cyberbullying were school sanctions and disciplinary action, and the least effective for the curricular approach. However, students who identified as 'bullies' rated the specific school action of involving a telephone call home or parents attending a school meeting much more effective in responding to cyberbullying than victims of cyberbullying did, suggesting some alterations to existing school practices for intervening in cyberbullying may be warranted, especially if we want victims to report their own abuse (Paul et al., 2012).

In the same study by Paul and colleagues (2012), student coping strategies were rated by students following involvement in incidents of bullying, cyberbullying and both. Students considered the most helpful self-action, consistent across all types and forms of bullying, was to get support from parents and family and/or take an active approach to stop the bullying or cyberbullying from happening (actively take actions to prevent it recurring), to inform the school or teachers, to contact a support service (helpline), and to take a passive approach to engagement with the person who was bullying (i.e., avoid them). In terms of strategies to deal with perpetrators, Kraft and Wang (2009) found that students perceived the most effective sanction would be to take away the offender's access to technology. These student perceptions are important for schools and communities in their alignment of policies and regulations to reduce student cyberbullying.

2.2.8 The needs based on stakeholder views

While there are a number of school stakeholders that might be identified as being significant actors in schools in relation to informing about what schools need to help them with cyberbullying, the overwhelming focus of research is on how schools are (under) performing against prescribed standards with little opportunity afforded about why this may be so and what to do about it. The multiple roles, responsibilities, and not just challenges of these roles - but successes also - in handling cyberbullying as it presents amongst students in secondary schools, is lacking in 'rich' content (Mitchell & Borg, 2013, p. 152) which might help to frame the usefulness, or otherwise, of legal remedies from the perspective of those in schools to support their needs. Very few of the surveys, for example, asked whether schools sought assistance outside their own system, such as from law enforcement personnel, for supporting their policy or action amongst students.

However, based upon the implications arising from the survey-constrained school stakeholder perception literature, there appears to be a need to motivate schools to prioritise their anti-bullying actions which may require external professional assistance. Second, quality anti-bullying policies must be developed as a matter of importance and they must encompass cyberbullying. A concern that is apparent is that strong school stances against cyberbullying may be diluted in strength and clarity if the anti-cyberbullying message is spread across multiple documents which may include e-Safety, digital citizenship, Internet use agreements, and general traditional bullying documents. Amongst those who do not construct the policies (i.e., students, teachers, parents), there is a perception that the policies are not working documents that guide procedure and coal-face action. It is also apparent that students, teachers, and parents require more opportunity for training and support in all aspects of cyberbullying, and those with specific experiences of bullying

should be those given opportunities to feed back to schools about improved actions. External to schools, there is need for broad-based communication and teaching and knowledge about bullying and cyberbullying. School-friendly materials and resources containing practical strategies need to be developed and made available to schools. Classroom level materials especially appropriate for teachers and teacher training appear to be important if teachers are to be a resource to reduce cyberbullying. The question that arises - which will be addressed in this thesis - is whether legal solutions are the macro-solution means considered by those in schools best able to address these types of school challenges and if so, what might these 'legal solutions' look like?

2.3 Legal responses to cyberbullying

Barlett (2019) describes the utopian view that may be connected to wider public calls for tougher or new legal responses to youth cyberbullying. That is, we just need to make 'cyberbullying' a crime and if an individual attacked another online and was caught, then that individual would suffer the consequences of that now-created 'cyberbullying' offense (i.e., we might send them to gaol). Of course, this is an overly simplistic view of the reality of using legal responses to counter cyberbullying. As Myers (2017) explains, in the real world of *youth* cyberbullying, a legal response is unlikely to be a panacea for the problem. Myers (2017) outlines a real world example from Cornwall in the UK to explain: An allegation came to light following the suicide of a young schoolgirl of Polish descent that she had been bullied on the grounds of racism. Media attention about her death and the allegations of racial discrimination flared the usual public demands that more be 'done', in other words, why didn't the law intervene in such a clear case of wrong? Certainly, in the UK, racism is a criminal offence and falls under the umbrella of hate crime. It also

contravenes the UK's *Equality Act 2010*. But the victim also took her own life, so Myers (2017) poses the question, who in this case would justice be 'done' for? The girl's family? The school? The bully? And if prosecuting this case, all of those involved would have had to have been investigated and the racist bullying would have had to be 'proved'. At the time of the tragedy, the police did not treat the incident as suspicious, but went about their work simply trying to establish the circumstances surrounding her tragic death. Myers (2017) asks again, would making this incident a criminal offence help resolve the problem?

The broader evidence suggests that, from a legal point of view, most industrialized nations grapple with similar questions when it comes to their legal responses to youth cyberbullying and the application of any existing law to the online context where it now more and more must apply (Campbell et al., 2010; Campbell & Završnik, 2013; El Asam & Samara, 2016; Langos, 2013; Katz et al., 2014; Myers, 2017; Vandebosch et al., 2012; Yang & Grinshteyn, 2016). While the application of legal solutions for cyberbullying is a complex area for educators (i.e., non-lawyers) to delve into, there are still sound reasons to consider that a legal response to cyberbullying could be eminently useful and complementary to the work of schools for reducing the behaviour among young people (Barlett, 2019). Further, we *must* consider such approaches to the issue, as a global status report of school violence and bullying stated that a *lack* of legislation, or weak enforcement of existing legislation and policy, was a key challenge that is found in the protection of young people, and for the accountability of schools to address bullying (UNESCO, 2017).

2.3.1 Pros and cons of legal approaches to youth cyberbullying

It is a common view, like that proposed by both Barlett (2019) and Myers (2017) above, that people see laws exist to only punish behaviours that are obviously

wrong, but the law has many other functions which might also play a useful role in reducing student cyberbullying (Campbell & Završnik, 2013). Lievens (2014) says that legal solutions for addressing youth issues must *truly* have young people at the centre. Keeping this in mind, Campbell and Završnik (2013) explain that the law can act not only as a vehicle of retribution and punishment for young people, but in numerous other ways to address the youth cyberbullying problem. For example, the law can act as a deterrent, as a vehicle for compensation when someone has been wronged, as a moral standard for society, and as an influence on organisational policies and directives which, as Myers (2017) puts it, might help to shape their overall 'climates'. James (2017) adds other purposes of the law, such its usefulness in helping those who may be disadvantaged, and for preventing the misuse of power.

In the case of cyberbullying, if we believe as Shariff and colleagues (2012) state, that "bullying behaviours are deeply rooted in societal attitudes of discrimination, such as sexism, homophobia, racism, and ableism. Bullying is informed by ignorance, intolerance, and disrespect" (p. 8), one might argue that the law might be truly the best and most comprehensive vehicle through which to steer social reform and set a moral compass that charts a course away from some of the entrenched disrespectful attitudes that perpetuate cyberbullying and permeate society. The criminal law, for example, usually reflects the collective view of what a society considers as right and wrong. However, in the case of youthful cyberbullying, indeed cyberbullying amongst adults, is there such a collective agreement? Myers and Cowie (2019) argue that sometimes there is not. Wider society can have a very high tolerance level for what is considered 'normal' or 'acceptable' in terms of online aggression. In addition, a law that defines a behaviour as a crime is usually society's most coercive deterrent because breaches of

such laws result in strong sanctions (e.g., gaol time). Therefore, a cyberbullying offense might be employed so that a 'proper response to a wrongful act' (James, 2017, p. 21) is achieved which may befit the devasting consequences a perpetrator might wreak on a vulnerable victim with limited power.

However, while punishing the perpetrator may act as retributive justice, some may see a better legal remedy in using the law to help victims of cyberbullying who may have had harm deliberately or carelessly inflicted upon them – perhaps seen as not only the perpetrator, but other likely actors or entities who should take some responsibility (e.g., social media moguls). As such, tortious, contractual, statutory or vicarious liability might accrue (James, 2017) in cases of cyberbullying. For example, tort law (tort meaning 'crooked' or 'wrong') is a civil wrong (i.e., an act that causes harm to another, giving that person the right to commence litigation to recover compensation or some other civil remedy). While criminal law concerns itself with punishment, tort law (sometimes referred to as case law) provides a legal remedy for a harmful act, such as compensation. Contract law (i.e., based upon legally enforceable agreements between parties) might apply in cases of cyberbullying if one considers the agreements and terms of use of an internet carrier service provider may contractually make with a user of their services, for example, about the type of material which is allowed on their sites (Campbell & Završnik, 2013), or the contract a private school may have with its paying parent clientele (Butler, 2018). A harmful act against another may also amount to statutory liability, if for example, a statute applying to a school has been contravened (e.g., a policy directive applying to student wellbeing perhaps) and this results in a student being harmed by cyberbullying. The legislation, standards, directives, delegations, policies and procedures that apply to schools and by which they must abide are numerous

(see for example Education Queensland's policy and procedure register:
https://ppr.qed.qld.gov.au/education/Pages/default.aspx) and could be leveraged if
breached as a legal solution for cyberbullying. Vicarious liability might accrue to a
school authority (the state in the case of public schools, an entity (e.g., a trust, board,
or a church organisation) in the case of private schools) if they, for example,
institutionally fail to prevent or intervene in cyberbullying which results in harm.

A final argument for employing a legal approach to cyberbullying might be if
the law was focussed upon mobilising schools. For example, all state administered
schools in the UK have a legal requirement to have a regularly communicated,
reviewed, and transparent anti-bullying policy (Samara & Smith, 2008). In the USA,
cyberbullying laws have legislated that schools adopt model school anti-bullying
policies which contain the expectations on schools to respond to cyberbullying
(Terry, 2018; Yang & Grinsteyn, 2016)

Certainly, there are plenty of arguments that are explained by Campbell and
Završnik (2013) for legal responses to play an important part in influencing, by some
means or other, the reduction of youth cyberbullying. Given the diversity of
functions a legal response might serve and the complexity of implications for each on
those likely involved in *youth* cyberbullying incidents, Campbell and Završnik
(2013) pose the question – as does this study - what of type of legal response is
needed to address youth cyberbullying in Australia? And for whom should that
response apply – to young people who bully, schools or to parents who supervise
them, educational organisations who are responsible for equipping schools, or others,
such as internet service providers? If a legal approach is adopted these difficult
questions must be answered.

While some see that legal solutions are warranted to help reduce cyberbullying, others just see a range of problematic issues in taking a legal approach. As has already been noted, cyberbullying is characterised by unique circumstances which presents challenges for those interested in tackling this burden using legal means (Myers, 2017; Yang & Grinshteyn, 2016). As Shariff and colleagues (2012) point out, there is a considerable *range* of cyberbullying behaviours and forms of expression that are common amongst young people, like banter and derogatory-sounding language, which are complex and multifaceted and likely not easy to ascribe as cyberbullying and then legislate against. Myers (2017) reminds too that the complexities of the victim/offender cycle must be considered (i.e., bullies are often victims themselves and reacting to their own concerns or circumstances when they are in the role of 'bully'. It is important not to only focus on the victim in considering use of the law, as the mental health concerns of those who bully can be just as significant as those who are victimised, such as being at an increased risk for maladjustment (Piquero, Piquero, & Underwood, 2016). In such cases, purely punitive responses may do little to help. Spyrou (2015) considers that while there may be some justification for criminalising *some* forms of cyberbullying, a legal response must be dependent upon the degree of harm it causes, posing the notion that perhaps it should only be behaviours that reach certain degrees of seriousness that should come under the law? Cornell and Limber (2015) agree, suggesting that the concept of 'bullying' and its various levels of severity and involvement may be far too broad and subjective to comprehensively and reasonably addressed in the criminal justice system. And as they also point out, bullying behaviours are engaged in by a large proportion of the population. Reliance on criminal sanctions might therefore be ill-advised as an approach (i.e., it may well overwhelm the judicial

system) and therefore may not be a good choice if the goal is to universally protect students.

Others see that the threat of police acting as the big stick enforcers of the law might not be as effective as one might think in deterring the bullying of young people. Research has shown that students are more likely to fear the discipline of parents or schools in relation to their bullying wrongs, than the actions of police (Hinduja & Patchin, 2018). While some researchers acknowledge that law enforcement should be more involved in bullying incidents at school, particularly those that meet any existing criminal standards (e.g., physical assault) (Forde, 2010; Rigby, 2012), most concede that in the majority of youth-related cases, it may be more prudent to prioritise less formal school-based methods of deterrence (Patchin & Hinduja, 2018). It has also been strongly suggested that it is the role of schools and families to take responsibility for guiding the behavioural choices of young people (Patchin & Hinduja, 2018) and not the law.

The law is viewed by some as simply too rigid (i.e., it is based only on facts and never on emotion (Myers, 2107), and researchers who have looked at zero tolerance approaches (i.e., also very rigid and punitive measures) say they do not yield great outcomes for young people because there is no empathy afforded them based on their circumstances over which they may have limited control (Kupchik & Farina, 2016; Patchin & Hinduja, 2018; Rigby, 2018). Perhaps an instructive example of an effect of favouring rigidly punitive over educational empathetic approaches is seen in one study where it was found that students nominated to 'retaliate with cyberbullying', 'punish the cyberbully', and 'hit the aggressor' as ways they perceived they might confrontationally approach their victimisation (Giménez-Gualdo et al., 2018). This seems to perhaps demonstrate that punitive

actions, and potentially those which might be modelled through a rigid legal response, might just lead to further bullying.

Criminalising young people (in Australia this could be as young as 10 years old), has also been described as not very 'palatable' (Campbell & Završnik, 2013) and early involvement in the justice system might likely impact a young people's engagement in school, reducing their academic achievement and leading to long term negative consequences for positive life outcomes. Katz and colleagues (2014) prepared a report for the Australian government who had asked them to provide evidence relating to the desirability of using the law as a vehicle to address the youth cyberbullying problem. Their research involved mixed methods of data collection, some of which included collecting the views of school-aged young people via surveys and focus groups. The researchers found there was little evidence for a legal approach being an effective deterrent of youth cyberbullying. There were a number of reasons for this. First, the young participants (as well as many of the cyberbullying stakeholder adults who were also participants) had a lack of awareness of the relevant laws applying to cyberbullying. If the law is not known, it is not going to be a very good deterrent (Robinson & Darley, 2004). Second, the young people were found to be impulsive and unlikely to be deterred by a careful consideration of whether their actions are illegal or not (given that graffiti and underage sex are illegal activities but are still engaged in for fun by young people). Third, young people in the study perceived from their experience and knowledge of the current law, that few cyberbullies are ever convicted, diminishing the capacity of the law to be a youth deterrent. And finally, the young people believed that their knowledge of technology was superior to that of many adults, and for cyberbullies who choose to be anonymous, it was believed they would be able to remain hidden and would unlikely

be caught by a law. Therefore, along with whatever are the likely benefits of using a legal approach to address cyberbullying, it would seem there are also those who can see disadvantages to such an approach, particularly if we are to comprehensively develop legal solutions that the public might see and call for as a way to put a stop to cyberbullying. What follows are some of the legal responses of other countries, which will then help to frame Australia's current legal stance. Australia's existing laws, issues with those laws, and other protective actions are reviewed, along with what is known about why a new 'cyberbullying' law is worth considering.

2.3.2 The international context

Consistent media attention drawing attention to cyberbullying as a fatal problem for young people, has predicated the move of some nations to promptly enact specific legal responses to bullying. Where new bullying and/or cyberbullying laws have been drafted, or in some cases amended to specifically include cyberbullying, it is believed the increased risk of civil or criminal sanctions will deter and lessen incidences of cyberbullying, that is, they will work to deter young people from cyberbullying (Gillespie, 2006; Patchin & Hinduja, 2018). Although some of the research emanating from countries like the USA is promising regarding the adoption of cyberbullying-specific legislation, it is as yet too limited and with varying results, to confirm whether cyberbullying has in fact been prevented amongst young people, or even whether new laws have made things easier for schools to prevent and intervene in the issue (Dasgupta, 2018; Patchin & Hinduja, 2018; Seelman & Walker, 2018; Terry, 2018; Young, Tully et al., 2017). However, by way of example, all U.S. states now have various laws that might apply to cyberbullying, most of which include specific terms such as 'cyberbullying' or 'electronic harassment' (Cyberbullying Research Centre, n.d.).

The US legislation includes proscribing that schools enforce their own state's anti-bullying laws which, operationally, means that schools are legally required to provision anti-(cyber)bullying work, beginning with a detailed policy which may be legislated in some states to include regular reviews (Chisholm, 2014; Yang & Grinshteyn, 2016). Some states have legislated that school governing bodies template model policies for their schools, while in other states this is optional. The US Department of Education has set out a guiding framework for all states to use in their anti-bullying model polices for schools. The 13 key components include "…purpose, scope, prohibited behaviour, enumerated groups, reporting, investigations, written records, consequences, mental health, communications, training/prevention, transparency/monitoring, and legal remedies" (Yang & Grinshteyn, 2016, p. 465). Although a less frequently exercised option, some US states, around ten, expressly criminalise bullying, cyberbullying, or both (Yang & Grinshteyn, 2016). The unpalatability of criminalising cyberbullying amongst the young has been discussed in the Australian literature (Butler, 2018; Butler et al., 2009; Butler et al., 2011; Campbell & Završnik, 2013), but in Yang and Grinshteyn's (2016) report it is suggested that it may serve to strengthen state enforcement.

In New Zealand, the *Harmful Digital Communication Act (HDCA) 2015* was created to amend existing legislation, including the *Harassment Act 1997*, the *Human Rights Act 1993*, the *Crimes Act 1961* and the *Privacy Act 1993*, all of which failed to adequately capture cyberbullying. This new statute aims to deter, prevent and mitigate harm caused to individuals by digital communications (e.g., cyberbullying, harassment and "revenge porn" (i.e., distribution of intimate videos and/or photographs without the subject's consent). The Act's strength is that it serves to establish new digital communication principles, criminal offences, and a standard

take-down procedure for removing content on request (Office of the Privacy Commissioner, 2015). It has been criticised however as being a quick fix unlikely to be effective, creating unintended consequences for free speech and a potentially unworkable load for the judiciary (Panzic, 2015).

In the UK, there is no specific or comprehensive statute that addresses 'cyberbullying' despite some pressure to do so (Samara et al., 2017). There is a legal requirement that schools have anti-bullying policies in place, as set out in Acts governing general school standards and ministry-level education and inspections (Samara et al., 2017), such as the *School Standards and Framework Act 1998* which gave schools certain statutory obligations specifically regarding bullying, including making policies known and transparent to pupils, parents and all persons employed state-operated schools (Myers, 2017). Head teachers are permitted to search and confiscate phones; to regulate pupil conduct outside the school and to permanently exclude pupils and enact same-day detentions (Smith et al., 2016). Whether this type of legislation prevents school bullying is unclear as there are no formal measures in place to evaluate it. However, Samara and Smith (2008) found in a survey of schools compared over time in relation to the introduction of these anti-bullying policy requirements for schools, that schools in the UK moved to having a separate anti-bullying policy instead of having a bullying policy as part of a broader policy on behaviour and discipline, and that schools began to survey the extent of bullying, and there were shifts in the types of interventions being employed in schools (Samara & Smith, 2008). Serious incidents of cyberbullying in the UK constitute an offence under more general laws. For example, Smith et al. (2016) cite the *Equality Act (2010)*, which can be used for discrimination and prejudice-based bullying; the *Children Act (1989)* which can be used for safeguarding (e.g., sexting) and the *Public Order Act*

(1986) which can be used for harassing or threatening behaviour. The *Communications Act (2003, section 127),* the *Malicious Communications Act (1988)* and the *Protection from Harassment Act (1997)* can be used in serious cases of cyberbullying amounting to a crime. The boundaries between what is bullying behaviour and a criminal act have also been clarified on a new website launched in 2016 by the Metropolitan Police service with the advice targeted to and written for young people to understand (Myers, 2017). The guidance also advises that the police should be involved if schools feel a criminal offence has been committed. Targets may pursue legal redress based on common law principals of duty of care as it pertains to a school's responsibility to its students, breach of that duty, and for damages relating to injuries if they can be proven to be a direct cause of that breach (Butler, 2018).

In Canada, two Canadian legislative initiatives, intended in whole or in part to combat cyberbullying, include the *Cyber-Safety Act of Nova Scotia (2013)* and *Protecting Canadians from Online Crime Act (2014)* (Cartwright, 2016). According to Yang and Grinshteyn's (2016) review, the Canadian legislative response focuses not on schools—as is the case in U.S. state legislation—but rather on the prohibition of certain types of online conduct, such as non-consensual distribution of intimate images, with power to have those images removed from the Internet, and with consequences which would permit the removal of devices used in the offense. In some places, the new legislation also created a special policing unit to handle cyberbullying investigations (Broll & Huey, 2014). Prosecuting cyberbullying offences using this legislation has, depending upon the municipality and their by-laws, included fines between $2000 - $10000, or 90 days – 6 months in gaol. There are also provisions which allow victims to obtain protection orders against perpetrators of cyberbullying, and the ability to sue the parents of minors who

engage in cyberbullying (Broll & Huey, 2014). In at least one Canadian province, there is legislation that makes parents or carers directly responsible for bullying carried out by children under their care (Nicholson, 2014).

Prosecuting via Canadian legislation has not been without its difficulties (Broll & Huey, 2015; Cartwright, 2016; Shariff et al., 2012). Firstly, Broll and Huey (2014) found in conversations with Canadian police that they do not endorse the criminalisation of student cyberbullying activities and therefore do not tend to address cyberbullying amongst young people via the available laws but by prevention through education. Second, Cartwright (2016) found in a review of three legal cases, that Canadian courts interpretation of the freedom of speech and the right to anonymity online was impeding police ability to seize and search mobile phones for evidence (Cartwright, 2016) thereby making prosecution of cyberbullying less likely. Third, Shariff et al. (2012) raised concerns about the differences coming up between prosecuting hardened adults versus vulnerable young people when it comes to cyberbullying legislation. For example, the open court principal in Canada which allows for media coverage of proceedings was challenged (but upheld) by a teenage plaintiff's desire to sue an online perpetrator anonymously. And finally, the *Protecting Canadians from Online Crime Act (2014)* has attracted criticism for only addressing cyberbullying in a cursory manner (Espelage & Hong, 2017), with Cartwright (2016) purporting it to be about cyberbullying protection but in reality only mostly dealing with 'sexting'.

In Sweden, bullying and cyberbullying are not specifically identified as criminal in any laws, but if sufficient harm was caused, the behaviour may be argued as criminal conduct via existing legislative provisions. Sweden has taken an educative approach with government funded offices distributing information, hosting

conferences and communicating stances on bullying. The *Discrimination Act*, which applies to students as well as Swedish adults, protects against any discrimination based on sex, gender, ethnicity, religion, age, or sexual orientation, and for which schools are tasked with some responsibility for operationalising. Additionally, *The Education Act* contains Sweden's school-based anti-bullying provisions (Yang & Grinshteyn, 2016).

The Philippines passed their *Anti-bullying Act* in 2013 which, according to Yang and Grinshteyn (2016) addresses cyberbullying legislatively more explicitly than many other countries. For example, schools are directed to prohibit bullying and discipline bullying, provide rehabilitation to perpetrators, and to include parents when incidents occur. Included also are procedures for reporting and investigating incidents and for protecting against retaliation, and to counsel bullies, victims, and family members.

South Korea's legal response to bullying was to try to prohibit high traffic websites from allowing users to post anonymously. The '*Internet Real-Name System*' law was proposed but was later rescinded as it was found too problematic and in violation of principles of free speech (Yang & Grinshteyn, 2016).

As demonstrated in this international snapshot, there are many ways in which countries have considered their legal responses to youth cyberbullying. However, the premise of developing a specific law which identifies cyberbullying as an offence in its own right, with its own definitions and sanctions is thought of as necessary by some – sometimes to take a tougher approach (Online bullies must face the full force of the law, 2018; Wu, 2014), or sometimes so that it can better address the problem and provide victims, parents, schools, and the police with a much better understanding of measures available to them to address the problem (Nicholson,

2014; Srivastava et al., 2013). While we may look to the US, and other jurisdictions to provide frameworks for what we might consider as our next steps in any legal response to the issue (Butler, 2018; Foody et al., 2017; Samara et al., 2017; Yang & Grinshteyn, 2016), Australian perceptions regarding new laws (and how such laws may impact key stakeholders) are just as important in the development of appropriate legislation. The current thesis seeks to gather the perceptions of those within schools who may be most impacted by legal reforms to address cyberbullying. To consider the need for new legal approaches, or otherwise, to cyberbullying. It is important to first understand Australia's current legal stance in relation to cyberbullying.

2.3.3 Australia's current legal stance in relation to cyberbullying

In Australia, there are no criminal or civil statutes that *specifically* define or prohibit 'cyberbullying'. There is one statute in the New South Wales *Crimes Act 1900*, which seeks to protect school staff or students from being intimidated, stalked, harassed (presumably this extends to online harassment), or assaulted whilst on, entering, or leaving school premises (Butler, 2018). This does not encompass incidents which take place outside the bounds of school premises where it is known that cyberbullying often occurs (Smith et al., 2008).

Despite no cyberbullying-specific law currently existing in Australia, targets of cyberbullying may want those who have harmed them to take some kind of criminal or civil responsibility under an array of more general laws. Behaviours encapsulating aspects of cyberbullying include those described by legal terms such as harassment, stalking, threats, and inciting suicide. As well, civil wrongs, or torts, where a target has been deliberately (e.g., in the case of defamation) or carelessly

harmed (e.g., in the case of failing to act appropriately in a relationship where a duty

of care is owed) are also examples which might apply to cyberbullying (James,

2017). But to be clear, 'cyberbullying' in and of itself, cannot be prosecuted

(criminal) or litigated (civil) per se, as it has no legal definition or specific legislation

of its own (Langos, 2014a). As Nicholson (2006) clearly elucidates for those reading

this who, like this author, may be 'non-lawyers', there has been no conscious design

of laws – civil or criminal – specifically directed at bullying or cyberbullying.

Therefore, according to Nicholson (2014), the educational and deterrent effect of

Australian law to set clear boundaries specifically around 'cyberbullying' conduct

for schools or young people that shows cyberbullying to be bad and against the law,

is not very clear. As El Asam and Samara (2016) point out similarly to the UK

system, the current legal arrangements can be challenging to any legal process

because prosecutors (in the case of criminal law) and litigators (in the case of civil

law) must "establish the nature of a cyberbullying case and then apply the (most

appropriate) existing legislation" (pp. 137-138). Attention on Australia's current

legal stance regularly appear in the public media discourse. Such attention may

focus on reporting issues (Buckingham-Jones et al., 2018), tougher stances against

those who perpetrate (Online bullies must face the full force of the law, 2018); and

questions as to whether a new law is warranted (Wu, 2014). Erin Molan, Nine News

TV presenter and a regular guest on the Jonesy and Amanda WSFM 101.7 weekday

radio show, has been vocal about her own issues in trying to enact Australia's current

laws to put a stop to her own cyberbullying. Her interview entitled 'Erin Molan's

brutally honest message about cyberbullying' on the Jonesy and Amanda radio

program on August 23, 2020, is an anecdotal account of some of the issues covered

in this section - about the issue of cyberbullying and Australia's current legal stance:

2.3.4 Australian criminal laws which might apply to cyberbullying

Under Australian federal law currently, the most potent weapon against cyberbullying is the criminal offence of misusing a carriage service, which includes internet and phone services, "in a way that reasonable persons would regard as being menacing harassing or offensive" and carries a penalty of up to three years imprisonment (*Criminal Code Act 1995 (Commonwealth)*, s 474.17). It is also a criminal offence to misuse a carriage service to incite suicide (section 474.29A), to make threats (sections 474.15; 474.16), or to host child abuse material such as posting images of sexual or other abuse (e.g., filming someone being bullied) (s 474.22). In Australia, the minimum age of criminal liability for such offences is 10 years of age, but children under 14 years can only be prosecuted if it can be proved *beyond reasonable doubt* that they understood the nature of the offence that they were committing and clearly knew that it was wrong (Campbell et al., 2010). This is based on common law doctrine of *doli incapax* (Latin, meaning a presumption of a young person's lack of understanding of the differences between right and wrong) applying to children aged between 10 and 13 years in all Australian jurisdictions (Langos et al., 2018). Once a youth is aged between 14 and 17 years, the youth is taken to have attained the developmental maturity to be held fully responsible for their actions under the criminal law. This is important to note given that cyberbullying is identified amongst young people between the ages of 8 and 17 years (Katz et al., 2014) which may limit the deterrent factor of such laws for influencing a reduction of young children's cyberbullying, or may overly impact those at developmental ages where it peaks, around 13-15 years (Cross et al., 2009). The

preferred position of the UN Committee on the Rights of the Child to which Australia is a signatory, states that the minimum age of criminal liability should be formally set at minimum 14 years of age, but this has not been adopted in Australia to date (Nicholson, 2014).

Langos (2014a) reviewed the relevance of Section 474.17 of the Criminal Code (Cth) for encapsulating cyberbullying and shines a light on the breadth of this offence and what it may mean for youth cyberbullying conduct. One issue, Langos (2014a) notes is that the legal criteria for committing a misuse of a carriage service offence under section 474.17 does not require cyberbullying conduct to occur more than once, and it does not require proof of an intention to harm, nor does it necessarily require a victim. As Langos (2014a) explains, it is not a requirement that a carriage service recipient (i.e., a victim) to *be* menaced, harassed or offended as a result of the conduct, only that a reasonable person, given all the circumstances, would regard *the use of the service* as menacing, harassing or offensive. Already it is evident that Section 474.17 of the Criminal Code may regulate a broad range of generally aggressive online conduct not limited to how cyberbullying is broadly understood, experienced, and defined in schools (given that cyberbullying necessarily requires a repeated intention to harm and a victim).

Further, given that all cyberbullying involves the 'use of a carriage service' to facilitate it, section 474.17 will apply to nearly all forms of young people's cyberbullying. This is because the offence does not contain any legal definitions of the terms 'menace', 'harass' or 'offence', therefore, says Langos (2014a), broad dictionary definitions are likely to apply (i.e., 'menace' to mean 'a threat'; 'harass' to mean 'torment'; and 'offence' to mean 'a feeling of resentful displeasure'). If this is the case, then Section 474.17 would likely capture most forms of youth

cyberbullying. Taking examples from the listed forms in Section 2.1.3 of this thesis, the *threatening* behaviour inherent in cyberstalking, indirect threats, harassment, denigration, masquerading or impersonation could be deemed 'menacing. 'Harassing' conduct could include the *torment* of denigrating or harassing comments. And what cyberbullying conduct would not be considered 'offensive' (i.e., displeasing), even if using the 'reasonable person' test which is intended to 'allow community standards and common sense to be imported into a decision' regarding this law (Langos, 2014a, p. 97). Langos (2014a) suggests the only conduct unlikely to be regulated by Section 474.17 may be short term 'exclusion' or isolated instances of 'denigration' (i.e., being mean).

In addition to the misuse of a carriage service found in the federal *Criminal Code Act 1995 (Commonwealth)*, there has been a proliferation of State and Territory stalking, harassment and intimidation offences over the past decade that may also impose criminal liability for some behaviours encapsulating cyberbullying (Langos, 2014a). Langos (2014a) explains that where both state and Commonwealth legislation overlaps in its governance of alleged conduct, it is often a matter of who 'gets there first' that will decide whether the State or Commonwealth will prosecute. Given that both victim and perpetrator in cases of youth cyberbullying are likely known to each other and in the same geographical location (e.g., a school), it would make sense to prosecute cyberbullying under State jurisdiction (Langos, 2014a). In terms of State laws, Kift and colleagues (2010) suggest that making repeated unwanted contact by phone, email, or text (i.e., cyberstalking) in order to create fear and apprehension would be considered in most Australian jurisdictions (although they do differ in their applicability) sufficient to capture serious cyberbullying. Although when these laws were drafted they may not have had youth cyberbullying

specifically in mind (Kift et al., 2010). There are laws also against assault (which is both a tort and a crime) and other like offences which would cover serious physical bullying, death threats and threats of violence. However, in practice, according to Nicholson (2014), these offences do not always operate effectively with youth unless the police consider them serious enough (i.e., there is adequate evidence to warrant action). In the case of the motive of a cyberbully, it may be to cause a victim emotional distress which cannot always be seen by way of obvious evidence, like physical bruises in the case of assault. As Langos (2014a,b) notes, however, mental harm is an element for several state criminal offences and thus these laws can have apt application if police are aware of them and are prepared to use them to deter cyberbullying.

Some research has found that even when police do know the laws which apply to cyberbullying, they are not in favour of using a criminal law against young people (Broll & Huey, 2015; Katz et al., 2014; Queensland Anti-cyberbullying Taskforce, 2018). Therefore, even with coercive and strong criminal laws in place already which encapsulate cyberbullying conduct, these may be an ineffective solution in addressing cyberbullying amongst young people if police do not know them well, or know them but do not see the use of them is warranted for curbing youth cyberbullying. According to Nicholson (2014), criminal offences can be difficult to prove and as well they do differ in Australia from state to state making them somewhat, as he describes, a confusing legal 'hotch potch'. And, as Butler (2018) explains, while criminal laws may seek to punish they do not provide any legal remedy, that is, they are not an avenue for recovering compensation for the target, which some may see as a better legal response. Research also indicates that schools, like the police, may not find criminal legal approaches to cyberbullying

particularly palatable in curbing the cyberbullying of young people (Campbell &
Završnik, 2014) and therefore not that helpful in complementing their work in
preventing and intervening in the issue with students. It is more likely that schools
may wish to *shield* their students from the criminal law. As a further example from
the misuse of telecommunications services, under the *Crimes Legislation Amendment
Act (No.2) 2014* (NSW), young people with underage nude photos on their mobile
phones (sometimes popularly referred to as sexting) could wind up, quite absurdly,
on a sex-offenders register under a law designed to capture paedophiles and not the
consensual dating practices, right or wrong, that now appear in youth culture
(Langos, 2014c; Shubert & Wurf, 2014; Tallon et al., 2012). Langos (2014c)
explains that Section 26D of the *Summary Offences Act 1953* (SA) might be a law
that has merit for better regulating the 'indecent filming' aspect of consensual versus
non-consensual sexting of youth. Like New South Wales, South Australia has
similar and inflexible child pornography laws that have resulted in criminal
prosecution seeing youth placed on the Child Sex Offenders Register (Langos,
2014c). Even so, in order to fully protect young people using this criminal offence,
youth must first know the law and then fully appreciate what their image-based
consent may cover (i.e., an indecent image being taken, and/or for that image to be
distributed). Given young people, due to their developmental immaturity or lack of
mental capacity, may also be easily *deceived* into consenting to being indecently
photographed, this offence may still not adequately offer the appropriate protections
or prohibitions without the proper legal education of youth (Langos, 2014c).

   In summary, while the criminal law in its current form may be adequately
able to capture many forms of cyberbullying (as per a review recently conducted by
the Legal and Constitutional Affairs Committee in 2018), it still might be seen by

schools and other youth advocates as overly-punitive for the cyberbullying wrongdoing of young people, or far too legally complex to act as an effective deterrent for students. Schools may also view the criminal law (which operates on fact and not emotion (Myer, 2017)) unable to take proper account of the naivety of young people (e.g., in the case of sexting) or those involved in the bully-victim cycle typical in student cyberbullying involvement. Schools may find the criminal legal response too punitive and discriminating, as schools cannot *only* focus on the wrong done to targets of cyberbullying in the consideration of any legal system contributions to this youth issue, but must consider equally any mental health or other concerns they may have for the student who bullies as well (Campbell et al., 2013; Myer, 2017; Piquero et al., 2017).

In 2013, the Alannah and Madeline Foundation's (AMF) National Centre Against Bullying (NCAB) held a symposium in Melbourne for over 100 leading legal and academic experts on bullying to consider the criminal law in relation to youth bullying (Alannah and Madeline Foundation, 2013). It was unanimously recommended that a lower range offence should be created to make it clear that while bullying is unacceptable conduct in a modern society which might be communicated by a societal legal response, in the case of the current criminal laws, these may be overly harsh to be effectively deployed with young people and far too complex to be understood and thus helpful to schools (Nicholson, 2014). This finding was also supported by the government-funded research of Katz and colleagues (2014) who did not see that the current criminal arrangements were a very effective response – they were relatively unknown and confusing for those in stakeholding roles in the prevention and intervention of cyberbullying amongst young people in Australia. However, since the symposium, and other legal reviews

of our laws, no new lower range criminal offences have been introduced (Legal and Constitutional Affairs References Committee, 2018).

2.3.5 Tort (civil) law which might apply in cases of cyberbullying

Given that the criminal law affords no vehicle for recovering compensation for a target of 'cyberbullying' per se, a number of legal scholars have turned their attention to the civil law, mostly that arising from the law of torts, looking to evaluate the functionality of these causes of legal actions for achieving redress for cyberbullying victims (Butler, 2018; Davis, 2015; Nicholson, 2014; Srivastava et al., 2013). Unlike criminal laws which are concerned with punishing wrong doers, a tort is a civil wrong arising between two parties which is chiefly concerned with providing a remedy to the target of a wrongful act (James, 2017). A target of cyberbullying might commence a legal action against a perpetrator based on a range of intentional or unintentional torts (or wrongs) (James, 2017). Intentional torts might include the intentional infliction of 'nervous shock' (i.e., a psychiatric injury), defamation, breach of privacy (although this tort has not currently been recognised by the Australian High Court), or assault (Butler, 2018; Davis, 2015; Kift et al., 2010). However, according to Davis (2015), civil remedies are costly to pursue and time consuming to maintain, and, as reported in a traditional bullying case where damages in the form compensation for medical bills were sought, are also quite traumatic for young plaintiffs (Cook, 2019). Davis (2015) argues that in cases of youth cyberbullying, children who are being cyberbullied need immediate support and quick action to stop their harassment rather than protracted and expensive legal proceedings. Furthermore, Butler (2018) explains that if the perpetrator is another child without the means to pay any compensation – and in Australia parents are not

liable for the wrongful acts of their children – achieving a successful civil claim outcome would be a rather meaningless solution.

The tort of negligence – a careless act or omission in acting (James, 2017) - may provide an alternative to targets of cyberbullying (Srivastava et al., 2013). Negligence is described as 'a failure to take reasonable care for the safety of a person to whom a duty of care is owed' (Nicholson, 2006, p. 23). At common law, it is well-accepted that a school authority owes a non-delegable duty of care for ensuring that a school is a safe environment for its students. This duty is delegated to principals but the legal responsibility (i.e., vicarious liability) usually remains with the school authority - a State or Territory government in the case of public schools, and the church organisation, trust, or other entity in the case of a private school (Campbell et al., 2008). While teachers themselves owe a personal duty of care to protect students from bullying and may be defendants in actions for damages brought by students (Butler, 2018), it is substantially school authorities who are 'vicariously liable' because they are the teacher's employer. It is typically school authorities that are legally responsible too because they are the holders of the contract (should there be one which is established and then breached with the paying clientele of a private school), and it is a school authority's responsibility should there be any institutional-level failure found in protecting students from cyberbullying at one of their schools. Therefore, as Srivastava and colleagues (2013, p.31) point out that 'in one of the more enduring paradoxes of life' it is the school – to whom we entrust the nurture and education of our young - that attracts an almost exclusive focus for delineating 'negligence' because in a civil compensation claims the school 'is seen as the one with the deep pockets'.

The issue arises in the case of cyberbullying of what exactly is the standard of a school's legal duty of care when it comes to protecting students – both victims and perpetrators - from the harms of cyberbullying (Butler, 2018; Campbell et al., 2008; Forde & Stewart, 2008). In the case of schools, a duty is clearly owed to students while on the premises and in relation to school-related activity outside the premises (e.g., excursions), but typically the duty is perceived as ending outside these parameters. However, given the nature of cyberbullying, it may well be that the school has a duty to control cyberbullying if perpetrated by students at other times, particularly if schools are aware of the problem and take no action, if cyberbullying occurs on a school-hosted website, learning platform or school-provided devices, and if reasonable precautions are not taken by the school to manage any foreseeable risks of cyberbullying such as developing policies and preventively educating the school community and taking appropriate interventive actions if cyberbullying occurs (Butler et al., 2011; Campbell et al., 2008; Schubert & Wurf, 2014; Spyrou, 2015). In cases of whether an acceptable standard of care has been breached in any specific case of cyberbullying, a court might defer to a 'responsible body or expert opinion' (Kift et al., 2010). Accordingly, it behoves school authorities to be informed by accepted anti-cyberbullying practices so that school for whom they are vicariously liable are equipped with model policies and actions. This is likely to involve supervision, monitoring and review of the use of computer equipment on school campuses, and other widely accepted and evidenced-based school anti-cyberbullying practices (Kift et al., 2010).

2.3.6 Australia's anti-discrimination laws

In Australia, it is also unlawful to discriminate on the basis of a number of protected attributes including age, disability, race, sex, intersex status, gender

identity and sexual orientation in certain areas of public life, including education and employment (Attorney Generals Department, n.d.). Some forms of cyberbullying, such as name-calling and exclusion are unaffected by such laws, unless they include exactly those protected attributes covered (Cornell & Limber, 2015). At the federal level, it is illegal to discriminate based upon age, disability, race or sex, which includes being harassed or being denied opportunities arising from these attributes (Australian Human Rights Commission, 2014). Each State and Territory has overlapping provisions (e.g., in Queensland we have the *Anti-discrimination Act 1991* (Qld)) but the Commission notes that the laws do apply in slightly different ways and that there remain some gaps in protection between these jurisdictions. As Cornell and Limber (2015) write, using these sorts of legal responses to mediate youth cyberbullying is unlikely to be very comprehensive because, while cyber racial slurs might be covered by discrimination laws, and gender-based bullying as well, being teased about being overweight or dumb may not.

In summary, Australia has no specific statutes against 'cyberbullying' per se (Butler, 2018). The array of existing laws relating to bullying are vast and can be largely unintelligible to young people and those in schools working to reduce youth cyberbullying (Katz et al., 2014; Nicholson, 2014; Robinson & Darley, 2004; Tan & Pedic, 2014). Civil remedies do not offer much redress in the case of prosecution in cases involving young people against other young people, as they are costly in terms of time and money and young people have no means to pay (Davis, 2015). Further, it is schools that are 'the legal solution' under current arrangements due to the fact that a finding that they have been negligent in their duty to students is much more likely to yield financial compensation for the victim (Butler, 2018). Discrimination laws go some way but do not comprehensively target all the forms of cyberbullying

(e.g., weight-based bullying) found amongst young people who cyberbully (Cornell & Limber, 2015; Haegele et al., 2020).

2.3.7 Issues in applying Australia's existing laws to bullying and cyberbullying

One reason that other countries have instituted new laws in relation to bullying and cyberbullying is that societal views about bullying generally have changed. Additionally, trying to retrofit existing legislation to the online context can prove difficult. The Australian legal case of Brodie Panlock is instructive in helping to illustrate this point. This case showed that the law had not kept pace with the changing societal views about bullying and had to quickly adapt to accommodate new societal expectations. In 2011, Brodie suicided as a result of merciless workplace bullying. However, it was discovered that the definition of stalking in the *Crimes Act 1958* (Vic) was unable to capture the bullying that happened to Brodie as a criminal offence. The only sanction for Brodie's perpetrators at that time was to fine them using an *Occupational Health and Safety Act 2004* (Vic). Referred to as 'Brodie's law', section 21A of the *Crimes Act 1958* (Vic) has now been expanded to encompass forms of serious bullying, including physical bullying, psychological bullying, verbal bullying and cyberbullying. It applies to serious bullying occurring anywhere in the community, such as workplaces, schools, sporting clubs and online (Victoria State Government, 2020). The legislation is not a 'bullying' law per se, it is a stalking offence, but it covers a course of conduct that can include bullying behaviours such as threats and abusive and offensive words or conduct such that it is intended, or could reasonably be expected, to cause a victim to engage in suicidal thoughts or actions that involve self-harm, and it has as a maximum penalty 10 years imprisonment (Victoria State Government, 2020).

When the law has not kept pace with social change or in the case of cyberbullying - advances in information technology (IT) - it can adapt either by applying new social situations to existing rules or by creating new rules (Campbell & Završnik, 2013). In Australia, the law seems to be most responsive to tragedy and public outcry leading most to adaptations of existing laws, rather than in the creation of new rules, to better capture bullying and cyberbullying. For example, 'Dolly's law' is a populist name for an amendment passed by the NSW parliament on November 22, 2018, following our nation's grief over the suicide of a young schoolgirl who had been cyberbullied. The amendment sits within the *Crimes (Domestic and Personal Violence) Amendment Act 2018* (NSW) and therefore adapts the existing legislation to capture online bullying and abuse by extending definitions of the terms 'stalking and intimidation' to include online forms of these legal behaviours (Ketley, 2018; NSW Government Justice, 2018). However, this Act has been reported to be confined to persons experiencing domestic or family violence (Australian Law Reform, 2021)

In terms of the law in relation to youth cyberbullying and the work of schools in this regard - and unlike the USA's recent anti-cyberbullying legislation reform - Australia has no clear or concise cyberbullying-specific legislation which clarifies for schools what it is exactly they must do to protect students from cyberbullying. Some researchers have described this as a confusingly grey area for schools (Goff, 2011). Schools must navigate an array of legislation which *might apply*, usually relying upon the guidance of their administrative bodies (i.e. state education departments for public schools and the organisational governing bodies of private schools) to clarify for them any day-to- day operational legal obligations for upholding the legislation (e.g., policy templates or when to report cyberbullying

amounting to crime). Thereby, the potential pitfalls of schools, their staff and students, should they fail to adequately prevent and intervene in any particular or unique case of student cyberbullying (Campbell et al., 2010; Carrington, et al., 2017) carries serious legal implications, and likely a high degree of apprehension, for schools. As previously outlined, these implications might include failing to adequately protect young people from criminalisation (Campbell & Završnik, 2013; Tallon et al., 2012), and being sued if they breach some undefined unclear standard of their duty of care to keep students safe from cyberbullying (Butler, 2018). In Tan and Pedic's (2014) report, the criminal nature of cyberbullying was not really a well-understood concept among the Australians in their study, particularly young people. Additionally, advice sought by schools from police for serious cases of cyberbullying might also be hampered by findings which indicate that even police may lack of knowledge of the various federal and state laws and whether these should apply in youth incidents of cyberbullying (Legal and Constitutional Affairs References Committee, 2018).

2.3.8 The Australian response to protecting the online safety of young people

While Australia has not legislated 'sweeping bullying protections' in the form of new criminal laws (Yang & Grinshteyn, 2016, p. 470) it should be made clear that Australia has not ignored the cyberbullying of young people. Like many other countries, societal action began intensifying with reports linking youth suicides to cyberbullying (Srivastava et al., 2013). This action began seeing cyberbullying shift beyond just the sphere of schools into that of a shared public health concern (Juvonen & Gross, 2008). Socio-political responses to prevent cyberbullying began being discussed, considered and in some cases acted upon (Young et al., 2016) and

this situation continues in Australia presently. Evidence of this can be seen in the emergence of a national framework for schools, such as the *National Safe Schools Framework (NSSF)* developed in 2003 (Cross et al., 2011). Australia was one of the first countries to develop such an integrated national policy (Cross et al., 2011). In 2018, this policy morphed into the *Australian Student Wellbeing Framework* (Australian Government Department of Education and Training, 2018). The Wellbeing Framework, like the earlier NSSF, has been endorsed by Ministers of Education through the Education Council. It was created with input from all states and territories, education authorities, and a range of national and international experts. It is aligned to state, territory and other national wellbeing and safety initiatives and to the *Australian Curriculum* https://www.australiancurriculum. edu.au/ (Australian Curriculum Assessment and Reporting Authority (ACARA), n.d.) , the *Australian Professional Standards for Teachers and Principals* https://www.aitsl.edu.au/teach/standards (Australian Institute for Teaching and School Leadership, 2017). It contains five key elements: Leadership, Inclusion, Student Voice, Partnerships, and Support. Guided by the framework, the *Student Wellbeing Hub* https://www.studentwellbeinghub.edu.au (Australian Government Department of Education and Training, 2018) provides information and resources for students, teachers and parents to assist them to create and maintain a safe and welcoming school environment and to develop respectful positive relationships. How well schools adhere to the principles of the framework and how these translate to school practice and the prevalence of bullying are unknown, although a study of the earlier version of the framework (i.e., the NSSF) found that much greater support was needed to enhance the uptake of recommended practices amongst teachers across Australia (Cross et al., 2011). In a later study, it was found that cross-state

and cross-discipline conceptions of anti-bullying policies were similar, which could be a positive impact of the framework's guidance (Chalmers et al., 2016)

Other measures have included informational websites. *Bullying. No way!* https://bullyingnoway.gov.au/ (Bullying. No way!, 2019) is national website serving children, teens, parents, educators and the community. Connected with the website is the management of a 'National Day of Action against Bullying and Violence' https://bullyingnoway.gov.au/nationalday. The action and website are administered by the Safe and Supportive School Communities (SSSC) which includes representatives from the Commonwealth and all States and Territory governments as well as national Catholic and Independent school representatives. Members work together to help schools to create learning environments where every student and school community member is safe, supported, respected and valued. The Queensland Government coordinates the group on behalf of Australia's government (Campbell, 2017).

In the early months of 2014, the Australian government created a discussion paper stemming from concerns about the online safety of Australian children (Australian Government Department of Communications and the Arts, 2014). The result of this public and invited consultative process pre-empted a new statute created in Australia called the *Enhancing Online Safety for Children Act 2015* (Cth). This statute instituted the office and website of an Australian eSafety Commissioner. The mandate of the eSafety Commissioner was to promote the online safety of children, and to create an effective service for handling cyberbullying complaints. The Office comes with legislated authority to investigate serious incidents of cyberbullying (Carrington et al., 2017) and can serve take down notices to social media companies to remove cyberbullying material targeting an Australian child (Australian

Government Department of Communications and the Arts, 2014). The Office also

lists a range of laws that are applicable to online safety. In 2017, the Act was

renamed to include *all* Australians with the removal of 'for children' from its title,

and in 2018, the Act was superseded by the *Enhancing Online Safety (Non-*

consensual Sharing of Intimate Images) Act 2018 (Cth), which contained additional

provisions for complaints and removal of non-consensual sharing of intimate images,

and illegal or offensive online content. Staff of the Australian Communications and

Media Authority (ACMA) assist the eSafety Commissioner to perform the functions

and exercise the powers of the amended Act (Australian Government Office of the e-

Safety Commissioner, n.d.). Another review of the 'Online Safety Act' and other of

Australia's regulatory provisions (i.e., Schedules 5 and 7 of the *Australian*

Broadcasting Services Act 1992 (online content scheme) were undertaken and

reported on by Briggs (2019). Following this, a number of recommendations for new

legislation were proposed and were released for public consultation in December

2019 (Department of Infrastructure, Transport, Regional Development and

Communications, 2019). In December 2020, the government released a new draft

Bill based upon the public consultation (Department of Infrastructure, Transport,

Regional Development and Communications, 2020). On February 24, 2021, the

proposed Online Safety Bill 2021 was read for the first time following its

introduction into the Australian Parliament (Department of Infrastructure, Transport,

Regional Development and Communications, 2021; Parliament of Australia, 2021).

The *Online Safety Bill 2021* (Cth) was passed in June by both houses of the

Australian parliament (Parliament of Australia, 2021). In its final iteration, the

Online Safety Bill 2021 (Cth) retains and replicates many of the provisions in the

Enhancing Online Safety (Non-consensual Sharing of Intimate Images) Act 2018
(Cth) but extends and establishes under the eSafety Commissioner:

- a new *adult* cyber abuse scheme that will provide a pathway for the removal of seriously harmful online abuse when websites, social media or other online services do not remove it after a complaint.

- a reduction of the time in which online services must delete cyberbullying or image-based abuse material from 48 to 24 hours after receiving a take-down notice from the eSafety Commissioner.

- a broadening of the cyber-bullying scheme to capture harms occurring on services other than social media (e.g., gaming and other applications and platforms used by children)

- the creation of a set of Basic Online Safety Expectations for the digital industry, with mandatory reporting requirements that will allow the eSafety Commissioner to require specific information about online harms and what individual services are doing about them.

- an update of Australia's Online Content Scheme previously found within the *Australian Broadcasting Services Act 1992 (online content scheme)* which regulates online content in Australia, requiring sections of the technology industry to create new codes that meet the Government's expectations to keep users safe. The Bill also allows the eSafety Commissioner to create industry standards in this regard. In addition, the eSafety Commissioner will be empowered to issue take-down notices to sites anywhere in the world if they host seriously harmful online abhorrent content such as child sexual abuse or terrorist material.

- giving the eSafety Commissioner the power to require online services to provide contact information for individuals using anonymous accounts to abuse, bully or share intimate images without consent.

The *Online Safety Bill 2021* (Cth) is not a cyberbullying offence per se but it does offer considerably wider protections for cyber victimised youth. Where once complaints about large social media services came under the purview of the eSafety Commissioner, there is now greater power and scope for the Commissioner to address cyberbullying complaints stemming from a very broad range of typical child end-user online service providers (e.g., Xbox, app distributors such as IOS Apple Store and Google Play Stores, Snapchat, Tik Tok, and search providers like Internet Explorer and Google).

Fore-grounding much of this policy action from the government might be attributed to the emergence of a small volume of literature being published by Australian academics who had begun raising concerns about the legal implications of bullying and cyberbullying for schools and young people (Butler et al., 2009; Butler et al., 2011; Campbell, Butler, & Kift, 2008; Campbell & Završnik, 2013). Not long after the first publications began to appear, the 'Bullying, Young People and the Law' symposium was held, which brought together legal, law enforcement and educational experts to disuss and debate the legal issues surrounding (cyber)bullying and young people. Also around the same time, the international literature began circulating reviews of the fairly limited success that school-based interventions were having on reducing bullying (Byers et al., 2011; Merrell et al., 2008; Ttofi & Farrington, 2011; Yeager et al., 2015) let alone the new phenomenon of *cyber*bullying.

The Australian government commissioned their own research that served to scope the scale and nature of the cyberbullying problem in Australia, how cyberbullying is currently approached and whether a law might act as a deterrent for young people (Katz et al., 2014; Tan & Pedic, 2014). The synthesis of this research indicated that both traditional and cyberbullying affects around one in five young Australians and both types of bullying should be considered in any societal intervention, including a legal response (Katz et al., 2014). At the time of the research report, the introduction of new laws and wider societal measures to deter youth bullying had begun in other countries and this was reported to the government. While both adult and student participants in the Australian-commissioned research indicated a new law *could* be introduced, it was deemed a counter-productive move to criminalise vulnerable young people and that any amendments to the existing legal framework to specifically capture cyberbullying as an offence in its own right should be sensitive to the developmental stages of youth who are those typcially involved in cyberbullying. Legal responses were thought most suitable if they referenced school frameworks and other 'rights of children' and 'child proctection' approaches. The report by Katz and colleagues (2014) suggested that law for minors should act as a deterrent rather than a punishment, and should be used to raise awareness amongst young people, parents, schools, and relevant authorities about the best ways of prevention and management of the problem. A multi-pronged approach was recommended involving education and deterrence which is appropriate without being unnecessarily punitive. The report found that investment was needed in resourcing and capacity-building in schools, police, legal advice centres and non-government organisations to be clearer in their roles in preventing, identifying, addressing and referring and reporting cyberbullying matters. At the time of the report in 2014,

there was very little evidence which could be sourced to assess the effectivness of criminal laws or civil regimes for reducing cyberbullying. Nevertheless, it was suggested that a general effort should be undertaken to change laws to reflect and establish acceptable social and behavioural norms in the community for both online and offline conduct, which could be accompanied by media campaigns of ongoing education. One immediate and sensible response was aimed at reducing the ongoing harms of cyberbullying by instituting a rapid take-down of cyberbullying content on social networks (which resulted in the *Enhancing Online Safety for Children Act 2015* (Cth), previously discussed). Certain civil enforcement regimes were not at all favoured by study participants in the Katz and colleagues (2014) report. Specifically, these included fining young people, thought to be discriminatory for those from low socio-economic backgrounds, and mediation and conciliation between cyberbullies and their victims, where there was concern that victims could be re-victimised during such a process. It was considered appropriate in further reviews of any civil enforcement regimes in Australia's future to include consultations with children, teachers, and parents so that approaches are child-friendly and appropriate. There was also a gap identified by the commissioned research that much more clarity was required regarding roles and responsbilities in cyberbullying prevention, investigation and referral of behaviours. It was stated that this was needed across sectors, considering this improvement to clarity to be likely one of the most effective interventions in youth cyberbullying (Katz et al., 2014). The current thesis will seek the views of those in the education sector and will include many of the stakeholders (i.e., young people themselves) recommended for inclusion in discussions of legal reform by the Katz and colleagues' (2014) study.

Despite investigative reports such as this, Australia is still grappling with the potential for legislative responses to cyberbullying. This is demonstrated in the most recent of government reviews, such as the 2018 Senate enquiry into the '*Adequacy of Australia's existing criminal laws to address cyberbullying*' (Legal and Constitutional Affairs Senate References Committee, 2018). As well, closer to home, the Queensland State Government established an anti-cyberbullying taskforce to review and advise on comprehensive government-directed action regarding community-wide measures to address youth cyberbullying in Queensland (Queensland Government, n.d.). The reports from these government reviews had overlapping recommendations that, unlike some international jurisdictions, 'Australian governments approach youth cyberbullying primarily as a *social and public health issue*…(and) consider how they can further improve the quality and reach of preventative and early intervention measures, including education initiatives…' (Queensland Anti-cyberbullying Taskforce, 2018, p.10). The reports did not recommend any new cyberbullying specific laws be introduced in Australia, and that the current punitive sanctions are sufficient as they stand in relation to Australian minors. In Queensland, improved coordinated action by law enforcement officers of existing legislation was recommended to makes processes clearer for victims of cyberbullying to report and access legal protections for victims of cyberbullying. Also, recommended were that clearer mandates regarding current and existing legislation should be made *explicit* in school actions and requirements for preventing and intervening in cyberbullying. Additionally, the Queensland Anti-cyberbullying Taskforce advised that 'right to be forgotten'- or 'right to erasure' type legislation being considered in Europe (e.g., Youm & Park, 2016) should be

considered in Australia's future legal responses to assist victims of cyberbullying to have their abusive online content permanently removed.

In summary, Australia's legislative stance in relation to cyberbullying is primarily a social and public health one, with growing public education regarding cyberbullying delivered via frameworks and educative websites which seek to define cyberbullying, warn of its negative impacts, provide information about how to deal with it, and how the existing legislation might be exercised to deal with more serious forms of cyberbullying. Wide implementation of anti-bullying programmes in Australian schools is considered broadly within the research as the most viable of all public health approaches for the prevention of mental health problems associated with cyberbullying (Jadambaa et al., 2019). How schools are faring within this legal and societal stance and with any anti-cyberbullying educational expectations placed upon them to reduce cyberbullying is unknown.

2.3.9 Does Australia need a new cyberbullying law designed to reduce youth cyberbullying?

There are varied positions taken by those considering whether there should be a law against cyberbullying. El Asam and Samara (2016) argue that creating a legal response specifically to 'cyberbullying' might indeed better protect students from the harms of bullying involvement, particularly those which are fatal, and it might pave the way to more clarity in terms of identifying and classifying (i.e., defining) and reporting the different types of cyberbullying. For example, it might provide a legal definition for what cyberbullying is and isn't, and could be inclusive of the behaviours that might be overlooked or difficult to prosecute in the current provisions (Yang & Grinshteyn, 2016; see also Erin Molan's radio interview:

https://www.wsfm.com.au/lifestyle/video/erin-molans-brutally-honest-message-about-cyberbullying-101072/).

Considering a brand new and cyberbullying-specific law might clarify what has been described as a policy vacuum for schools in relation to youth cyberbullying and what schools are expected to realistically do in relation to supervising and responding to the online world of their students (Shariff, 2009). A new cyberbullying law could focus on establishing more age-appropriate and meaningful sanctions for youth (e.g., enforced counselling as part of newly developed civil regime, rather than gaol time as part of the existing criminal law) (Katz et al.,2014). As such, a specific cyberbullying law might be a way to deliver stronger or more appropriate sanctions than the types of actions of schools can take (e.g., giving a detention) to reduce student cyberbullying (Campbell & Završnik, 2013). Another advantage, as noted by Butler (2006), Srivastava and colleagues (2013) and Nicholson (2014), is that the 'hotchpotch' of legislative provisions that are likely to be a challenge for prosecutors/litigators to select as a best fit in any given case of cyberbullying could perhaps be simplified if a new cyberbullying offence was created. As well, the educative function of knowing that there is a law that communicates that 'cyberbullying' is wrong (i.e., not using other less familiar legal terms such as 'harassment' or 'stalking' or 'threats') might be established with a new and clearer law (Nicholson, 2014).

Cornell and Limber (2015) suggest that the introduction of new laws usually contribute towards educating people, influencing their opinions and actions and generally raising awareness with regards to the prevalence and severity of the problem. Thereby, it could be argued that introducing a new cyberbullying law might help schools to reduce it. Further, as Williams and Guerra (2007) found that

bullying was significantly related to normative beliefs approving of bullying, removing these approving beliefs in wider society might help to reduce bullying. Another benefit to crafting a cyberbullying specific law, is that cyberbullying has no real geographical boundaries so being able to create, for example, a national law with terminology that intersects with other international jurisdictions could be an effective and cross-national way of dealing with cyberbullying (Davies & Lee, 2008; Yang & Grinshteyn, 2016). The introduction of a new cyberbullying law in Australia may also open the pathways of support for schools, as is the case in some US and Canadian schools where laws have been introduced, where school liaison/resource officers (SRO's) or other uniformed or non-uniformed members of law enforcement are now on staff to help with enacting the new laws, such as investigating cyberbullying incidents reaching certain thresholds of seriousness (Hinduja & Patchin, 2018). Amongst 1704 pupils aged between 12 -16 years who were surveyed in Spain, students agreed an assertive and positive strategy for coping with cyberbullying was to be able to report the abuse to the police (Giménez-Gualdo et al., 2018). This is more likely to be effective if police are given a clear 'cyberbullying' law to enact. In qualitative interviews with parents of students with disabilities, most of whom had been bullied, Carrington et al. (2017) found parents would be happy to take a harsher legal line with student perpetrators, especially those who were repeat offenders. In the US, Nickerson (2019) found in a review of a small number of fledgling studies some emerging support that school practices which are now delineated by (cyber)bullying-specific legislation and policy may be serving to impact in the reduction of bullying in schools. Thus, taken altogether, there are some who take the position that a new law might offer additional protection for young people and be quite well-received (El Asam & Samara, 2016).

Some take an alternative position. They do not consider that a specific cyberbullying law is warranted because Australia already has many *existing l*egal responses to many kinds of (cyber)bullying behaviours already enshrined in her laws (El Asam & Samara, 2016; Langos, 2014; Legal and Constitutional Affairs Committee, 2018). Also, the challenge of drafting a cyberbullying-specific law as a 'catch-all' provision (Spyrou, 2015) has been seen to be too difficult, as laws are constructed about defined behaviours which are then activated when definitional criteria are deemed to be met or breached (Butler, 2018). Given the definitional challenges presented already in this review, and the range of behaviours making up the umbrella term of cyberbullying, it is likely then that legal definitions will be just as difficult to construct in a single cyberbullying law. For example, some researchers have noted the difficulties in defining what is free expression or speech and where it veers into cyberbullying (Binder, 2016; King, 2010). Another difficulty might include how the law might define and judge 'thresholds' of cyberbullying (Binder, 2016). Katz et al. (2014) found at the lower end of severity, cyberbullying can be confused with cyber aggression and the normal robust teenage language and behaviour. At the higher end, some cyber offences such as blackmail, 'grooming' by paedophiles, and other coercive sexual behaviour, are not normally categorised as 'bullying' either by young people or authorities. Harm and damage from bullying may be experienced much in later life (Copeland et al., 2013; Wolke et al., 2013) so this too might present difficulties in judgement if cases are brought to bear well after incidents have occurred.

While Jaffe (2014) believes the existing law may not go far enough to protect victims *from* cyberbullying but if revisions or new law is created, it will really require considering quite complex questions. For example, should the legal focus be

with the victim, those that allow the bullying to occur, with the individual posting the harmful content, the webhost upon which the cyberbullying content was created, or should it focus upon the individuals who "like" and forward messages? Given these types of questions, the creation of a specific law may be an unlikely panacea for the problem. In a paper written by Meyers and Cowie (2019) in the UK context, the conclusion was drawn that making bullying a criminal offence would probably not help youth who are victimised or those who bully and criminalising the behaviour would not support the emotional health and well-being of young people. A new specific law was also proposed as likely to add on to the workload of an already overstretched criminal justice system, and delays in this regard would not show the public, victims or perpetrators, that something was being done 'by the law' to take cyberbullying seriously (Myers & Cowie, 2019).

In interviews with lawyers, as part of a UK study by Samara et al. (2017), there were mixed views on whether a new specific cyberbullying law should or even could be created. One lawyer who was interviewed felt that that deeply considering the unique legalities of bullying and cyberbullying was a necessary and worthwhile step, most other lawyers in the study felt that having one single piece of legislation for cyberbullying was just too simplistic. In an Australian government funded study (Katz et al., 2014), there was moderate support for a simplified cyberbullying offence, with around half of the young people (58 per cent) in the study and two-thirds of adults (68 per cent) believing that a new, simplified specific offence would discourage cyberbullying. However, it must be noted that nearly 30 per cent of young people and 17 per cent of adults remained unsure.

2.4 How do schools view legal solutions for reducing youth cyberbullying?

There is limited research that includes, as participants, those within schools to answer this question. Some research reported by the PEW centre in the USA (Duggan, 2017) found there my be gender differences in the way legal solutions are viewed amongst adult populations. For example, men were found to believe that improved policies and tools from online companies are the most effective approach to addressing online harassment (39% vs. 31%). Meanwhile, women were more likely to say that stronger laws are the most effective approach to take (36% vs. 24%), and it was women who were more likely to feel that law enforcement did not currently take online harassment incidents seriously enough (46% vs. 39%). Therefore, we might conclude that the presence or availability of laws (such as those instituted in the USA) alone do not guarantee that cyberbullying will reduce. Along a similar line, Tan and Pedic (2014) found in their study that students know very little about the legal consequences of cyberbullying or sexting in Australia. Robinson and Darley (2004) rightly argue that any legal solutions can only be effective if the potential offender knows the law and the implications for breaking it. To this end, Myers & Cowie (2019) say that legal awareness training must be better embedded in school curriculums to overcome, what they perceive - at least in the UK school context - as a challenging lack of knowledge about the law in relation to cyberbullying in school communities. They argue that the existing legal consequences of cyberbullying must be dealt with from an early age, as soon as children and young people are able to understand the implications of what they are doing. Likewise, Forde (2010) considers it prudent for Australian schools to be familiar with the legislation applying in their State or Territory so that schools can identify what sort of offences give rise to a positive obligation to report youth

cyberbullying to the police. Whether schools know these legal reporting obligations in the case of cyberbullying in Australia, given the paucity of educational research about cyber-legal topics, is uncertain.

In the US, a qualitative survey taken of 67 participants aged between 14 -18 years old who were avid technology users were asked about how they see solutions for addressing cyberbullying (Evans et al., 2016). The study found that some respondents considered that law enforcement did not take cyberbullying seriously enough. Further to this, again in the USA where many states have more moved to institute specific cyberbullying laws to protect young people, Hinduja and Patchin (2018) reported that one-quarter of police officers did not know if their state even had a 'cyberbullying' law. In Canada, as previously reported, Broll and Huey (2014) found that police did not favour the criminalisation of student cyberbullying and were therefore reluctant to address cyberbullying via the available laws anyway (regardless of them being available), opting wherever possible to prevent cyberbullying through education. In an Australian government funded investigation, it was found that police records of cyberbullying were unable to be matched with school reports of police being called in to help with student incidences, making it difficult to evaluate the benefits of a legal response (Keeley, Katz, Bates, & Wong, 2014). Giménez-Gualdo et al. (2018) found that a considerable percentage of teachers agreed (i.e., 66.1%) - in their Spanish study - that they 'never' contacted police as part of their intervention strategies for countering student cyberbullying, and in few or no cases at all did they seek or see the need to get external help outside the school for addressing student cyberbullying. Without those who look for a legal response and without those who can follow through and enforce the law, even a new and specific cyberbullying law, will not likely serve to reduce cyberbullying.

When school administrators were asked about how a State-wide anti-bullying law in Iowa, USA was being implemented in schools, school administrators reported there were still grey areas in knowing where the line between school and legal jurisdictions prevailed. Further, while trying to prevent the misuse of technology in the schools to meet new legal obligations (e.g., limiting mobile phone use during class time, filtering access to some websites) students were still managing to side-step school policy making schools feel vulnerable in how they were to meet their new and specified legal obligations (Young, Tully et al., 2017).

In a study in the USA involving a large self-report survey of young people, Dasgupta (2018) discovered significant increases in the *reporting* of cyberbullying in in schools by students following the staggered introduction of new laws. Dasgupta concluded that public interventions like laws, may not have an immediate deterrent effect but they may promote school environments in which high school victims feel safe to report. However, Patchin and Hinduja (2018) also surveyed youth about whether the introduction of new laws, supplying increased police presence in schools, managed to deter youth bullying. Approximately 1000 students from US middle schools took an online survey on their perceptions of punishment from various sources and their involvement in bullying and cyberbullying. Results indicated that students are more deterred by the threat of punishment from parents or school, than from police, suggesting that the law may only be marginally effective in deterring youth bullying.

Seelman and Walker (2018) examined whether the presence of state anti-bullying laws predicted lower likelihood of bullying victimisation, fear-based absenteeism, in-school threats or injury with a weapon, and suicidality for lesbian, gay, bisexual, and questioning high school students in the United States. Based on

the Youth Risk Behavior Survey data collected across 22 US states from 2005–2015, coupled with data about the presence of general and enumerated anti-bullying laws that include sexual orientation as a protected class, they found that that lesbian, gay, bisexual, and questioning youth (particularly boys aged 15 or younger) experienced less bullying victimisation in states with general or enumerated anti-bullying laws. They also found a modest reduction in fear-based absenteeism among boys in states with such laws. While there was little connection between state laws and in-school threats, injuries, or suicidality, and for sexual minority girls' likelihood of victimisation, absenteeism, or suicidality, it was concluded that the results suggested that general and enumerated anti-bullying laws may help reduce bullying victimisation for gay, bisexual, and questioning boys.

Following consultations in schools from across seven regions of New South Wales, the engagement of young people in their mid-teens (i.e., 10% were 12-13 years, 42% were 14-15 years, 39% were 16-17 years) was sought through surveys and focus groups about their knowledge of laws for cyberbullying and sexting and their opinions regarding current penalties which may apply (Tallon et al., 2012). The study revealed that youth want and need education about the laws that apply to their use of mobile phones and the internet; they agree that cyber bullying and sexting should be against the law, but that maybe there should be a more appropriate range of responses and penalties available; they also agree that the penalty should suit the offence, it should take into account the offender's awareness of the law, offending history and the level of harm caused to the victim. The study found that young people feel that sharing nude or sexy photos of a person without their permission is much worse than exchanging those photos where there is consent, and that the law should treat these situations differently; youth believe that people under the age of

18 should never be charged with sex offences or placed on the sex offender register for age-appropriate (peer-to-peer) sexting and say that the age difference in federal and state laws regarding child pornography is confusing. In terms of criminal law reforms and the role of law enforcement, the study recommended listening to young people in the development of laws, particularly those that apply to peer-to-peer consensual sexting; and that official police guidelines on how to respond to cyberbullying and sexting incidents should be made publicly accessible and transparent (Tallon et al., 2012).

Tallon and colleagues (2012) also reported that young people want better education regarding legal consequences for things that affect them, a focus on practical solutions, early intervention, harm minimisation and to be active participants in any decisions to be made about them. It was reported that young people do not want victims to see the law as the easy way out of difficult situations, but to learn how to deal with peers who bully and sext. There was also a recommendation to develop innovative non-criminal and local responses. The study suggested better record keeping and research on the current use of the law and legal services that respond to sexting or cyberbullying among young people and the nature and prevalence of criminal law interventions that are, or have been, associated with young people's online behaviour. In this way, Australia might begin to gauge the responsiveness and appropriateness of the legal system's role in the issues of young people's cyberbullying (Spears et al., 2015; Tallon et al., 2012).

Young et al. (2016) reported emergent themes from semi-structured interviews with advisory and legal employees of education departments in Australia – the only other study apart from the present one - which asked specifically about how a 'cyberbullying' law might contribute to reducing cyberbullying amongst

students. Results indicated mixed views about the impact of a cyberbullying-specific law, mirroring the debate and possibly confusion about the law and cyberbullying in the wider Australian community, and the ambiguity reported in other studies (Vandebosch, 2014). Supporting the theoretical basis of this research however was that most participants in the Young and colleagues (2016) study, although chiefly educators, agreed that cyberbullying is an issue likely to be best addressed cooperatively with the input of both the education and legal systems. That is, both education and the law have a role to play.

While Yang and Grinsteyn (2016) described legislative changes in the USA as 'empowering' of schools - particularly in taking clear policy positions against youth cyberbullying, Terry (2018) found that the impact of state anti-bullying legislation in the US was only effective when the laws contained expansive purpose and definition components (which not all provisions did). Additionally, if the model school anti-bullying policies flowing from these laws also were not sufficiently expansive, the introduction of the law did not translate into any actual reduced student bullying.

Taken together, there is limited research about how legal solutions are perceived for reducing the cyberbullying of youth and there is no research that considers how those inside Australian schools understand the issue in light of their own undertakings to reduce the problem. In countries where laws have been instituted, the emergent research has not, as yet, established any reduction in cyber-perpetration, although the observance of increased reporting of cyberbullying and the reduction fear-based absenteeism related to gender cyberbullying for some vulnerable youth is positive. The idea of crafting a cyberbullying-specific law to encapsulate the multi-faceted behaviours of cyberbullying and then applying it to

developing youth is quite concerning to some in the Australian context. And, the extant research appears to indicate that legal solutions must be clear and act to inform the roles and actions of schools, police, parents and the wider community if they are to serve their deterrent purpose.

2.5 Summary and implications of the literature review

Due to its prevalence amongst youth, schools have shouldered most of the responsibility for trying to prevent and manage bullying (Campbell & Bauman, 2018; Smith & Thompson, 2017) and have been the settings for conducting the research for much of what is known about student bullying and how best to address it. Responding to the emergence of cyberbullying is a more recent phenomenon for schools (Adams, 2007), which has occurred almost in parallel with the accessibility of new information, learning and communication technologies (Barlett & Gentile, 2018; Katz et al., 2014; Schubert & Wurf) seeing schools extending their anti-bullying practices to encompass cyberbullying with varying levels of success.

Reviews of school-based programs have shown that school measures alone have only modestly countered its incidence (Ttofi & Farrington, 2011; Gaffney et al., 2019). This might be because schools have been slow to focus specific attention on cyberbullying, believing their existing policies and practices which have been developed for other purposes (e.g., traditional bullying, technology use, behaviour management) are adequate to deal with the problem, especially as schools rarely survey their student cohorts, check in with teachers regarding their cyberbullying experience, and see only relatively few escalated cases brought before them in any given school year. As well many teachers believe they are relatively successful at addressing cases of bullying, which the research gathered from student participants counters (Rigby, 2018).

When asked about cyberbullying in schools, stakeholders readily see the problem and acknowledge its presence amongst their own student cohorts. However, the societal pressure via the media and youth suicide may be influencing this school rhetoric, creating a political correctness to describe it as a big problem, because - when asked to number cases - schools struggle to list very many (Vandebosch, 2014). Students feel pessimistic about cyberbullying's removal from school settings, and therefore tend to stay silent or manage with the support of friends and family. Staff at all levels within schools would like more help to handle it. The intricate webs of bullying involvement by students, its secretive nature, and its out-of-school conduct makes it a complicated matter for schools to detect, along with perceptions that parents are both part of the problem and part of the solution.

Evidenced-based school materials for approaching cyberbullying are reported to be in short supply, as is the time and commitment of schools to source what is available, and intensively train staff to adopt it, predicating a reduced commitment in this area. Teachers appear to be an under-trained and therefore an under-utilised resource of schools to counter bullying, despite research showing they could make a real difference. Students know this, and do not believe teachers can do much to help, despite their advice-rhetoric 'to tell'.

Either way there is room to consider sharper school measures and new solutions. For example, policing all students' online behaviours is a near impossible task and perhaps one that might be shared or problem-solved with new actors such as the police (Vandebosch, 2014). In places where laws have been initiated, most substantially in the USA, the reporting of cyberbullying has improved, and victimisation of some at-risk students has decreased, suggesting that the presence of

societal laws may foster and improve high school environments where victims feel safer (Dasgupta, 2018; Seelman & Walker, 2018).

Other studies have questioned this, suggesting that students are more likely to be deterred by the threat of punishment from parents or school, rather than police, suggesting that law enforcement may not be the most effective means of addressing the problem (Broll & Huey, 2014; Kupchik & Farina, 2016; Patchin & Hinduja, 2018). From Australian investigations, there is very little knowledge regarding the legal consequence for bullying among the general (Robinson & Darley, 2004) and student populations in Australia (Tan & Pedic, 2014). It appears that students do not often associate cyberbullying and the law in their natural discourses, and that while debate and confusion exists about the role of the law and cyberbullying, there is some acknowledgement from those in policy positions in education, that both education and legal systems are likely to have a role to play in reducing the problem in the future (Young et al., 2016). There is strong support for a coordinated approach to addressing cyberbullying in schools from those outside of schools (Queensland Anti-cyberbullying Taskforce, 2018; Vandebosch, 2014) but how outsider roles are configured is yet unknown, with some in schools unsure whether outsider roles are really necessary (Vandebosch, 2014).

It is of importance to note that the research is clear that traditional bullying is a more common experience than cyberbullying amongst youth (Modecki et al., 2014; Olweus, 2012; Smith et al., 2008;) yet it is the frequency of media attention and its framing of cyberbullying in connection with suicide that has driven most action toward legal solutions to address cyberbullying, rather than research. There is much less attention to the contribution of traditional bullying to cyberbullying (Olweus, 2012; Young, Subramanian et al., 2017) in the societal approach to the problem of

cyberbullying. This has been evidenced in the naming of task forces (i.e., 'Anti-*cyberbullying*'), and in the discussions and reviews in Australia (e.g., The Senate review: 'Adequacy of existing offences…to capture *cyberbullying*').

On the whole, it is our existing laws that have been held up as solutions, with some re-drafted to capture some forms of more serious online bullying. These 'pockets' of relevant law (Foody et al., 2017, p. 50) may be given names, such as 'Dolly's law' to imply to the wider public that the 'new' laws are stopping or catching people who cyberbully (Ketley, 2018; NSW Government Communities and Justice, 2018), but in effect, they are still not fully adequate, clear, or useful for addressing the whole range of behaviours that are covered by the terms 'bullying' or 'cyberbullying' encountered in schools and that fall within their duty of protective care (Samara et al., 2017). This might suggest that some of the manifestations of cyberbullying may be perceived less serious by those in the legal system, media, public lobby, and the government, and subsequently are relegated a lower priority for attracting a societal legal response. How schools feel about the various manifestations of student cyberbullying attracting legal consequences is also unknown.

There are concerning implications here. First, is that there is an absence of evidence about how schools prioritise, if at all, the need of legal solutions in the work they do to counter school bullying and cyberbullying, and whether *they* perceive the current legal landscape adequate in meeting the range of in-person and online bullying behaviours they face in daily school life. And further, if it is perceived inadequate, how might this be rectified to best meet the needs as they are experienced and perceived by stakeholders. The circumstances under which schools should take the initiative and those under which the law could take the lead is very

unclear from what little is known of the perspectives of school stakeholders (Vandebosch, 2014).

By way of their duty of care (Nicholson, 2006) and moral compass, schools acknowledge their role (DeSmet et al., 2015; Vandebosch, 2014) in protecting students from the harms from online and offline bullying behaviours, even when many of them, as is the case for cyberbullying, occur covertly (Cross et al., 2009), out of school hours (Smith et al., 2008) and require investigative powers for which they may feel ill-equipped (DeSmet et al., 2015; Vandebosch, 2014; Young, Tully et al., 2017). Through greater involvement in solutions, specific training and resourcing, and constructive and appropriate legislative frameworks to support this, school efforts may be vastly improved from how they are currently being experienced (Carrington et al., 2017). Without the external support (Álvarez-García et al., 2015) of a carefully considered and constructed legal system of support, schools may be unable to meet the evidenced-based standards that might be required to make them more effective in reducing cyberbullying amongst students (Álvarez-García et al., 2015; Rigby & Griffiths, 2018b).

It is unclear how schools regard their efficacy in addressing face-to-face bullying alongside bullying occurring in online digital environments, despite the research suggesting they are applying their in-person bullying policies and procedures to cyberbullying (DeSmet et al., 2015; Vandebosch, 2014) and the media framing that schools are missing the mark and 'failing' young people when it comes to addressing cyberbullying ('Nations schools failing our youth', 2016). Schools may feel they *are* effective because of their experience with face-to-face student bullying and therefore do not need a specific cyberbullying law to assist them with cyberbullying. In this case, the introduction of legal solutions may be perceived as

unwarranted or imposed and may serve to sabotage their existing prevention and intervention efforts. Alternatively, there may be highly specific challenges related to the online phenomenon that might be well addressed under the purview of the law and *not* education (e.g., policing online behaviour as per Young, Tully et al., 2017). In this case, schools may be well-pleased to re-assign, outsource or invite others, such as the police, to take on some of this responsibility, or they may feel over-protective of their historical role in being the main custodians of student well-being.

While researchers have begun to take advantage of the heterogeneity of state anti-bullying laws in the US, to examine their effectiveness, such as those studies by Dasgupta (2018), Nikolaou (2017), Terry (2018) and Seelman and Walker (2018) where there is tentative support for the impact on student reporting, reduced prevalence in schools, as well as reduced negative outcomes such as truancy, there are few qualitative studies indicating school-level views. Qualitative studies in schools are also needed to evaluate how new legislation is being implemented at a school level, including barriers and facilitators in implementation (Institutes of Medicine and National Research Council, 2014) and how these types of broader social solutions (Bronfenbrenner, 1977) are impacting school-level actions and student cyberbullying rates. There are very few qualitative studies that consider how school stakeholders perceive legal solutions.

It seems from reviews of the literature, that many of these questions have been left unanswered as the voices of those inside schools are somewhat underrepresented in conversations about legal solutions, even though their first-hand experience of bullying and cyberbullying, or that of addressing, investigating and managing it, is a daily lived one (Patton et al., 2017). Even in the public consultations referred to in this literature review, voices *inside* schools were

represented only by others speaking on their behalf (e.g., by those in Departments of Education). It is vital to fill this gap to round out our view of the need, or otherwise, for legal responses for youth cyberbullying, and what the implications might be on the practices of schools who most routinely and concretely act on the bullying behaviours of students. Consideration for how best to frame some of the issues emerging from this literature review is proposed in the following chapter which presents a theoretical framework for the study.

Chapter 3: Theoretical Framework

This chapter outlines the theoretical framework of the thesis. It begins by outlining how bullying is understood from an array of theoretical perspectives (section 3.1), all of which have been very important, but not complete pictures in informing the reduction of youth bullying. Next (section 3.2), the importance of Bronfenbrenner's (1977) ecological systems theory to the field of bullying research is outlined and its use and adaptation in the form of the social-ecological theory is introduced. The use of social-ecological theory in the bullying research is outlined to propose that while many contexts – both proximal (immediate) and distal (less immediate) - may act to predicate, maintain, or mitigate the bullying behaviour of young people, it has been the proximal contexts of schools that have been the focus of much the social-ecological research. The social-ecological theory is then proposed as a lens for this study (section 3.4) to underpin an understanding that it is not those in schools alone who are able to impact the bullying behaviour of young people. Thus the application of this theory in the current study offers a holistic view of the cyberbullying problem for schools which extends beyond their immediate bounds to the legal system beyond, so that more precise explanations are found and multifaceted and less simplistic solutions to difficult problems might be generated through school-based bullying research. By setting the study within this framework, the role of the legal system to address cyberbullying is viewed as an influential context of schools and youth who cyberbully, and therefore it is proposed that those with school roles, including young people themselves, are those best-placed to evaluate the impact of legal solutions on student cyberbullying. In the final section

of this chapter (section 3.5) the design, construction, and assumptions of the study - based on these underpinnings – are detailed.

3.1 Theoretical views of bullying

No one theory comprehensively explains why bullying occurs (Thomas, et al., 2018). As already outlined, it is a very complex social problem likely to have a range of underlying internal and external factors contributing to its cause and motivations (Pennell et al., 2018; Runions et al., 2018; Sutton et al., 1999; Smith, 2011). Bullying is thought to be 'deeply rooted in the human experience' (p. 140) as it is present in all complex societies (Thompson & Smith, 2017). It has been explained as the over-use of violence to establish social dominance (Thompson & Smith, 2017).

Monks and colleagues (2009) detailed a number of theories that have been used to investigate bullying. One of the theories is *Evolutionary Theory* (Kolbert & Crothers, 2003) which purports that bullying may exist and thrive because it functions as way to gain a competitive advantage. Another theory is *Attachment Theory* (Cho et al., 2017; Murphy et al., 2017) which contends that the quality of attachment to caregivers influences the development of the internal model of relationships which then affects how an individual will relate to others in their life. *Social Learning Theory* (Bandura, 1971) proposed that individuals learn not only through direct instruction but also by noting the behaviours of others and the consequences that follow. Therefore, in the bullying field, there were some who considered that bullying may occur because of deficits in the learning of social skills or social problem solving. The *Social Information Processing Model* (Crick & Dodge, 1994) was important for a time in shaping interventions around an individual's deficits in social skills development. These models went unchallenged

in the literature for some time but have now been superseded by the work of Sutton, Smith, and Swettenham (1999) who discovered that competent social manipulation is active in much bullying involvement such that it is those with skills rather than deficits that are more likely to perpetrate bullying behaviour. *Social Cognitive Theory* (Bandura,1986) is an updated and expanded version of social learning theory. *Social Cognitive Theory* proposes that there is an ongoing reciprocal influential interaction between situational/environmental factors, internal thoughts and feelings, and behaviours (Swearer, 2014). Thus, bullying is explained as a complex array of psychological, cognitive, and social characteristics, each important if intervening to transform bullying behaviours into prosocial interactions (Swearer, 2014). *Socio-cultural theory* has pointed to innovations in school actions, such as addressing the culture of schools which may flourish or stifle bullying, as well as interventions involving the roles of bystanders (Bosworth & Judkins, 2014; Roland & Galloway, 2002; Salmivalli et al., 1996) . This theory identifies the situational factors, rather than individual factors, that are embedded in a system or culture that contribute to bullying. *Socio-cultural theory* suggests that if we change the system, we change the behaivour.

There are also theories which seek to explain certain aspects of bullying behaviour. The *General Strain Theory* (Agnew, 1992) comes from the crime and delinquency field and conceptualises cyberbullying perpetration to be a coping mechanism for overcoming negative life experiences and the resultant feelings of depression, anxiety, or stress. The theory helps to explain the predictive, transactional relationship between traditional and cyberbullying (Espelage et al., 2012). The *Theory of Planned Behaviour (TPB)* (Azjen, 1991) and the *Theory of Reasoned* Action (TRA) (Fishbein & Ajzen, 2010) are similarly proposed theories

for predicting cyberbullying perpetration, particularly as it pertains to adolescent development. These theories share a number of tenets. The first tenet of 'attitude' posits that a positive attitude toward cyberbullying (e.g., the perception that cyberbullying is just a joke or a bit of fun) is connected to the likelihood of cyberbullying perpetration. The second tenet is 'social norm' which contends that the opinions of significant others, like friends, school personnel, or parents have the power to be influential forces in predicting perpetration. For example, if there is negative social pressure against cyberbullying this will result in a lower intent to perform it. The reverse is also true, if there is positive social pressure toward cyberbullying this will result in a higher intent and likelihood of perpetration. The third tenet is 'perceived behavioural control' which relates to the ease in which adolescents are able to engage in cyberbullying (e.g., anonymously, 24/7, little visual feedback of the pain they may cause to a target) with very few constraints to hinder them (i.e. hard for adults to detect so there is a belief that it is easy to get away with). Of the three tenets, 'attitudes' have been found to be the most influential and robust predictor of cyberbullying intentions amongst adolescents (Doane et al., 2014; Heirman & Walrave, 2012). In light of this finding, the *Theory of Planned Behaviour* and *Theory of Reasoned Action* have informed actions such as taking a clear anti-cyberbullying stance and communicating this explicitly (e.g., in schools, this might be via policies and other methods of sign-posting anti-cyberbullying messages), and attempting to reduce student perceptions that it is a commonly engaged in or approved of activity of the group. In schools it might include actions that attempt to show the cost of cyberbullying in terms of the victim experience, thereby fostering increased empathy in perpetrators (e.g., showing sad or

inspirational movies or documentaries depicting young people who have experienced cyberbullying) (Doane et al., 2014).

Studies based on these bullying theories have been useful – yet not complete explanations - of our current understanding of bullying, namely, it seems that there are both individual and systemic factors which appear to mediate the bullying behaviour of youth (Thomas et al., 2018). The *Ecological Systems Theory* attributed to Urie Bronfenbrenner (1977), while principally a theory of child development, is a theory which has been useful for comprehensively examining the effects of individual traits and interpersonal and contextual factors of youth bullying (Lee, 2011). Further explanation of this theory and its importance in understanding bullying in this thesis follows.

3.2 The importance of Bronfenbrenner's theory to the field of bullying

Bronfenbrenner (1977) first introduced his *Ecological Systems Theory* as an argument for moving studies of child development beyond the laboratory to the actual environments in which children lived their lives. The theory heralded a new dawn in child development research which took much better account of

> "...the progressive accommodation, throughout the life span, between the growing human organism and the changing environments in which it actually lives and grows. The latter include not only the immediate settings containing the developing person but also the larger settings, both informal and formal, in which these settings are embedded" (p. 513)

The ecological systems framework is often presented pictorially, as in Figure 3.1 below, with an individual child at the centre of their world and their development shaped within concentrically arranged ecological environments in which they live, grow, and interact (Kim et al., 2020). Bronfenbrenner (1977, 1979) proposed that children develop within both their proximal environments - that is, their immediate settings, such as homes and schools where they are present – as well as within, and as a product of, their distal settings. Distal environments are the larger social contexts in which a child's immediate settings, and importantly the interactions within those settings, are embedded and impacted to result in developmental outcomes of a child.   Bronfenbrenner identified five contexts which are conceived as 'a nested arrangement of structures, each contained within the next' (p. 514).
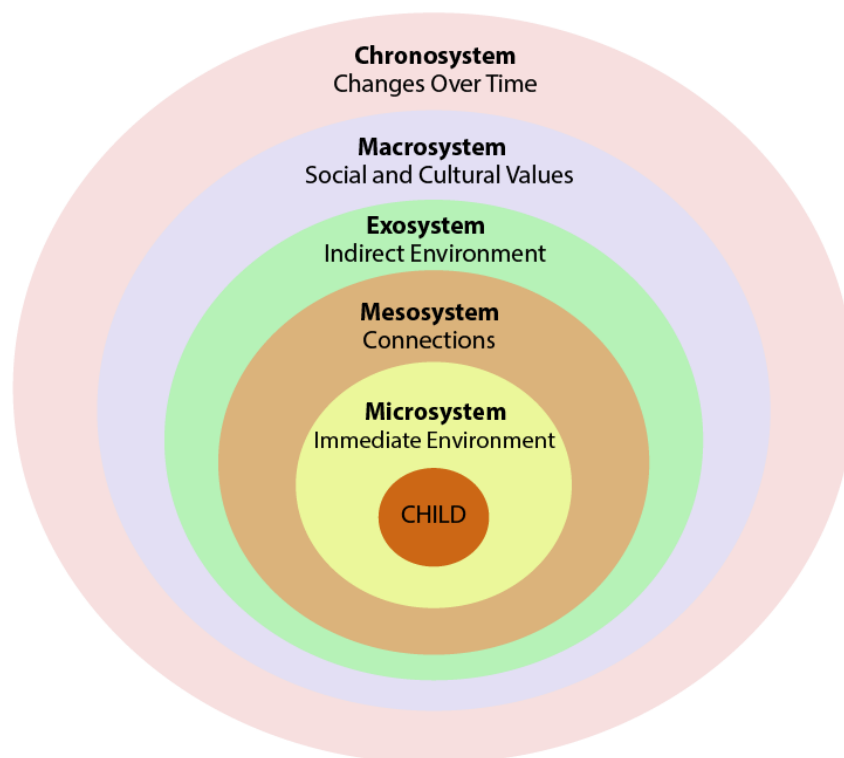
Figure 3.1. A Visual Conceptualisation of Bronfenbrenner's Ecological System's Theory. Reprinted from "What is Bronfenbrenner's Ecological Systems Theory?" from the website of The Psychology Notes Headquarters: Online Resources for Psychology Students:

The five systems named in this theory are arranged to reflect the level of direct impact they are likely to have on a developing child, and likewise the impact a child may have on their environment. As such, the systems are not static, but operate reciprocally (i.e., bi-directionally) and dynamically, such that the influence of one system on a child's development depends on the relationship with all the others. Therefore, it is each environmental system's *interrelationship* (i.e., both impact and influence) which helps to explain the development of the child. Bronfenbrenner named - and described - these systems as follows:

1) The microsystem.

This ecology contains the interactions that occur in an immediate setting containing the child. A setting has elements of place, time, physical features, activity, participant, and roles. A microsystem might be considered a child's home, school, or kindergarten, a classroom, a neighbourhood park, and so forth.

2) The mesosystem.

The mesosystem is a system of microsystems – two or more - that together and between them comprise and describe the interrelationships that may impact a child's development. As indicated in Figure 3.1 above, the mesosystem consists of 'connections' between microsystems, that is, how these interact to impact the developing child (e.g., how parents (home microsystem) interact with a child's teacher (school microsystem).

3) The exosystem.

The exosystem is an extension of the mesosystem. The exosystem encompasses other social structures usually found within a community (e.g., informal social networks, agencies of government, the neighbourhood). The exosystem does not contain the developing child, yet the exosystem impinges upon the immediate settings in which the child is found and develops, and thereby can influence, delimit, or even determine what goes on there, ultimately impacting, albeit less directly, the development of the child. For example, an inadequate transport system in a particular suburb may limit a family' ability to afford developmental opportunities for their children, such as being able to get them to sport.

4) The macrosystem.

The macrosystem refers to a larger context which might affect the life of a person, like culture and sub-culture, mass media, and other social norm-forming structures, such as religious ideologies or practices, socio-political policies, socioeconomics, or societal law. The macrosystem influences the micro-, meso-, and exosystems which tend to demonstrate the more concrete manifestations of the macrosystem's influence. For example, within a society, one school classroom may look and function much like another because a government education policy (a larger societal context) sets the pattern (Bronfenbrenner, 1977).

5) The chronosystem.

The chronosystem refers to the environmental changes that occur over the lifetime which may influence a developing child, including major life transitions (e.g., starting school, moving to a new house, parental divorce), and historical events relating to time (e.g., the impact of Covid-19 pandemic during the 2020 school year).

Bronfenbrenner later revised his theory, naming it the 'Bioecological model' (Bronfenbrenner & Ceci, 1994) because he became more concerned with the nature of the proximal *processes* within an environment of development (i.e., those which are direct and immediately impactful), seeing these processes and their timing as the most potent force influencing developmental outcomes (e.g., how many times a process which directly impacts the child is repeated or modelled for a child to learn, or how the quality and timing of that process may impact how well development occurs). A critical element in Bronfenbrenner's theoretical construct is *experience*, which focuses not only on what the relevant features and processes within an environment might be, but how these are experienced by the person living in that environment (Bronfenbrenner & Morris, 2006). Therefore, the model rests on the assumption that '...environmental conditions *and* experiences are required for the realization of human potentials' (p. 799).

While Bronfenbrenner's ecological systems theory was established as a way to study child development, it is recognised by many disciplines as a model that has broad utility to point the way to a fuller and more precise explanation for *any* phenomenon under investigation (Magnusson & Stattin, 2006). Likewise, the work and theory of Bronfenbrenner (Espelage, 2014) has resonated strongly with scholars in the bullying and youth aggression fields. In the school-based bullying literature, however, the theory is most often referred to as the *Social-ecological Model/Theory* because it is principally used to inform an understanding of how social contexts can contribute to or prevent victimisation and perpetration (Espelage, 2012, 2014).

The social-ecological theory has helped to generate research which considers that the bullying involvement of youth is not merely a matter of individual predispositions or characteristics - described as 'intrapersonal processes' by Thomas

and colleagues (2018). Bullying is also influenced by the 'interpersonal processes and contexts' of a child's primary social units (e.g., what happens at home with parents, what happens in classrooms with their teacher, and what and how things happen between these two immediate situational contexts to impact bullying). Social-ecological theory also shows that beyond the intra- and inter- personal aspects of bullying, there are also what Thomas and colleagues (2018) refer to as 'broader social conditions' within which the individual and their primary social units interact which may also play an important role in understanding bullying. Bronfenbrenner's (1977) social-ecological theory has opened the pathway to look at bullying more holistically, that is, as a complex behaviour likely to be mediated by all of the contextual and situational factors in a young person's life. Encompassed by the theory is the idea that significant reductive impacts on the bullying behaviour of young people will be more effective and likely sustained if focussed across multiple facets of understanding and multiple social levels of a young person's world, more so than efforts focussed on or within any one system level (Sallis et al., 2015). That is, a coordinated whole-of-society approach which embeds or encompasses a role for schools, may be more effective than schools working alone on the problem.

3.3 The social-ecological theory and framework as used in bullying research.

The social-ecological theory has been utilised in many ways to first identify and then research the influential systems within which youth are situated that may have direct, indirect, and dynamic influences on their bullying involvement (Barboza et al., 2009; Cross et al., 2015; Espelage, 2014; Espelage et al., 2012; Hong & Espelage, 2012; Guo et al., 2020; Hawkins, 2019; Hong & Eamon, 2009; Hong, Peguero et al., 2014; Hornby, 2016; McGuckin & Minton, 2014; Merrin et al., 2018). As one example, Cross and colleagues (2015) adapted the five systems described by

Bronfenbrenner (1977,1979) to understand where and how intervention must be targeted to prevent 'cyberbullying perpetration'. While drawing upon Bronfenbrenner's classically named ecologies of the micro-, meso-, exo- and macrosystem environments, these systems were re-imagined to furnish an understanding of the individual- , peer-, family-, online-, and community-level influences likely involved in the cyberbullying perpetration of youth. Thus the theory was adapted to conceptualise the proximal to distal factors of cyber perpetration, allowing a clearer understanding of what types – and at what approximate system-level interventions may need to be targeted to reduce the cyberbullying of youth.

In Guo and colleagues' recent study (2020), the social-ecological theory guided the identification of the multifaceted factors associated with roles in cyberbullying involvement amongst school-aged children (i.e., as victims, perpetrators, bystanders, or those uninvolved), finding that distinctive roles were associated with particular individuals, family, peer, and school factors. And, as outlined already, in the work of Thomas and colleagues (2018), a social-ecological framework was utilised to draw together many of the bullying theories, substantially as way to indicate a paucity of research considering the 'broader social conditions' that may impact bullying involvement, such as the role of community, cultural values, attitudes and norms, law and policy which are likely to also be factors in bullying (Thomas et al., 2018, p.446). Thus, in the bullying research, although we can see mirrored the environmental systems identified by Bronfenbrenner (i.e., the microsystem through to the macrosystem – rarely the chronosystem), these are co-opted to denote spheres of levels of influence which may have not yet been considered in our understanding – or in our research - of youth bullying. For

example, Thomas and colleagues (2018) concluded, based on their social-ecological view of the current research contributions, that youth bullying has been mostly problematised as an individual, family or school-based one, producing limited solutions mostly pertaining rather cyclically to the (in)actions of schools. The following outline of bullying research helps to expand this notion just a little further before the use of the social-ecological theory is explained as a way of approaching the current study.

Microsystem level bullying research: The focus of the earliest bullying research was on the psychology of the individual who either perpetrates bullying or is victimised by others (Espelage, 2014). Espelage (2014) considered this level of research and understanding best equates to an understanding of Bronfenbrenner's (1977) description of the microsystem. For example, our knowledge that bullying victimisation is more likely when young people exhibit low social competence, have few friends and little peer support, or, that we can identify an increased risk for being bullied if students have disabilities, or are in sexual/gender minority groups, or are obese (Gini & Espelage, 2014). This microsystem focus has led to solutions which might involve social skills training, anger management, or explicit teaching about inclusiveness and the appreciation of difference. Some researchers think the large amount of focus on individual characteristics in the bullying field over a sustained period of time, which was initially devoid of the various contexts for bullying, may have fostered society's misunderstanding of students who perpetrate bullying as pathological monsters (Horton, 2016).

Mesosystem level bullying research: Studies which perceived bullying to be a problem found within the context of and relationships between families, peer groups and the multiplicity of relationships within schools, led researchers to investigate and

innovate solutions to bullying with an understanding of the impact of connections at these social-ecological levels. For example, we have insights into how the climate or atmospheres of schools can exacerbate or buffer experiences for youth who are involved in bullying (Acosta et al., 2019; Bosworth & Judkins, 2014; Barboza et al., 2009; Holfeld & Leadbeater, 2017;Voight & Nation, 2016). Another example of a solution gained from research examining bullying within the interactions occurring between contextual relationships, is the finding that we must educate classroom teachers about the importance of their role - within broader school-wide actions - in mediating and responding to bullying (Yoon et al., 2016). Mesosystem-level research has provided evidence for including the role for families in anti-bullying interventions because they have been found to be influential factors that can enhance or hinder the efforts of schools in communicating about bullying (Lester et al., 2017). Mesosystem-level research has led to solutions for bullying which has been influential in the establishment of educational frameworks for school guidance such as the 'Australian Student Wellbeing Framework' (Australian Government Department of Education and Training, 2018) which encourages schools to operate their anti-bullying practices in multi-faceted and inter-connected ways (e.g., embedding bullying topics within the curriculum, encouring positive relationships across the school, adopting and making known anti-bullying policies, educating parents, staff, teachers and students about bullying, and so forth).

Exosystem level bullying research: The exosystem comprises aspects of the environments beyond the immediate system containing the individual, such as the nature and features of neighbourhoods and communities. Examining how bullying is influenced by experiences in environments outside of the school is a far-less investigated source of problem and solution (Espelage, 2014). However, in one

paper by Hong, Peguero, and their colleagues (2014), the exosystem was perceived as 'educational and community inequalities found within the communities of Latino and Asian youth' (p. 318) which they hypothesised was likely to be barrier to a school's ability to afford, resource, and implement anti-bullying work, thereby contributing to the bullying and victimisation amongst this cohort. It was proposed then that by strengthening exo-level factors as an integral part of what school administrators do - such as prioritising community meetings with local leaders, or engaging community youth-related activities - school efforts to ameliorate bullying in neighbourhoods which contain cohorts of migrant youth might be enhanced and more effective. Again, it is clear to see the study's recommendations rest soundly on the shoulder of schools.

Macrosystem level bullying research: The macrosystem level is regarded as the 'blueprint' of society, the external structures and patterns that impact the more immediate or proximal environments of a child (Bronfenbrenner, 1977). The macrosystem of youth bullying is likely to encompass any beliefs, policies, laws, and or any other normative influences of a society that may directly or indirectly influence the constraints and opportunities to reduce the bullying behaviour of young people. This is an under-researched area in the bullying literature, but some evidence has been found that factors such as violence and bullying shown in the media may be correlated to levels of bullying in young people (Smith, 2014). In another study from the US, it was found that sexual minority youths who reported being cyberbullied were more likely to attend schools in precincts with higher LGBT assault hate crime rates (Hatzenbuehler et al., 2015). Similarly, Hong and colleagues (2014) found, in the predominantly Christian society of South Korea, religion had an impact on school bullying. Those who attended regular church activities with their families had less

involvement in bullying at school, as well as fewer conduct problems, than those not involved in religious activities. Thus, it would seem that the distal social ecologies of schools and of young people – their exo- and macrosystems (i.e., broader social systems) - can impact the prevalence of youth bullying. Intervening in bullying at these exo- or macrosystemic levels - and not just at the level of schools and classrooms (i.e., making community or societal changes) – may hold new solutions for reducing the behaviour of bullying.

3.4 Conceptualisation of the current study from a social-ecological perspective

In the literature review presented in Chapter 2 of this document, cyberbullying emerges as a difficult problem for schools to prevent and address, as many of the ways schools might typically employ to modify the behaviour of young people, might be outside their scope of practise when it comes to *cyberbullying*. Also, while schools can directly impact the behaviour of young people by moderating risk and protection *within their bounds*, there are likely issues still bearing on schools in relation to cyberbullying requiring external scaffolds or clearer directions which, if left unaddressed, may impact a school's effectiveness to foster the appropriate development and growth of young people in light of cyberbullying's negative impacts. For example, the extant research suggests that some school issues may include growing expectations of schools to use, supervise and shape the electronic media use of young people (Oxley, 2011; Patchin & Hinduja, 2006; Smith et al., 2008), knowing how to remove offensive online material from websites outside the authority of schools which may be of harm to a young person (Purdy & Mc Guckin, 2015), how best to manage the ready access immature young people are granted to a world-wide Internet which is mostly unfiltered, unsupervised, and unruled (Shariff & Hoff, 2007), the inability of parents to partner well with schools

to address the online problems of their children, because many do not know what their children are doing and as adult online users they use online devices and platforms so differently to their children (Robinson, 2013). Many of these issues may - or may not - impact a school's ability to develop and progress young people. How these internal and external situational factors impact schools must first be understood before legal solutions are evaluated for their power to solve the cyberbullying problem of youth. Understanding about the cyberbullying issue and impact on schools is best understood from the perspective of those dealing directly with the cyberbullying behaviour of young people in schools.

The reviewed research in Chapter 2 also indicated there may be a vacuum of policy, support or guidelines for schools regarding their role in managing youth cyberbullying (Vandebosch, 2014). Schools are the organisations that are placed in a position of trust and care for the online protection of students and must operate with a degree of (legal) clarity around this responsibility (Campbell et al., 2008; Nicholson, 2006, 2014; Shariff & Hoff, 2007; Young, Tully et al., 2017). Leaving schools ill-equipped or over-challenged in their responsibilities to manage cyberbullying may be influencing the cyberbullying involvement of students and public disappointment in schools when they are perceived as failing to stop or act upon the cyberbullying of students (Bita, 2018, e.g., 'Online evil rife in schools'; "Nations schools failing our youth", 2016). Again, this so-called 'vacuum' is best understood from the perspectives of those inside schools who are responsible for interpreting societal expectations – often drawn from society's legal position – to put into policy and practice what happens in schools to reduce student cyberbullying. Thus, it is again a within-school perspective which is needed and sought. A 'school view' must be representative of all those in schools who know something of the issue

of cyberbullying and how their school responds to it, namely leaders, cyberbullying-related staff, teachers, parents, and students. The need for a wide array of perspectives forms the impetus for adopting a case study approach to the design of this study. Such a design affords many opportunities to the researcher to gather data from across a range of school participants who have knowledge about what is 'the case for schools' as they seek to impact the cyberbullying of youth.

Further, a conceptualisation of this research from a social-ecological standpoint, purports that while the proximal environments of young people, such as schools, are important in understanding their behaviour, it is imperative to also see the higher order and more distal systems within which schools and young people are embedded, such as the legal system which is of interest in this study. Both proximal and distal variables bearing on the issue of youth cyberbullying are important to research because while the extant literature indicates that schools (as one proximal environment of young people) can have a powerful impact on bullying behaviours (Bosworth & Judkins, 2014; Mucherah et al., 2018; Rudasill et al., 2018; Voight & Nation, 2016), it is clear that schools do not have all the answers. Not only are there publicly recurring calls that a stronger legal stance is required (presumably to compensate for what schools cannot achieve) – there is also evidence from systematic and meta-analytical reviews of in-school anti-cyberbullying programs that say the actions of schools have only been successful in reducing cyberbullying perpetration by approximately 10%–15% and cyberbullying victimization by approximately 14% (Gaffney et al., 2019). The research also indicates that many young people do not 'tell' in the school setting because they do not believe the school can stop their victimisation (Connolly et al., 2014; Shaw et al. 2019; Smith et al. 2008). Thus, one might argue as Thomas, and colleagues (2018) posit, that in

conjunction with work of schools, the prevention and intervention of bullying must include wider and more effective responses than that of schools alone. Some solutions may need to derive from beyond schools, such as a legal response to the problem. Thus, this study is conceptualised to take both an inward (proximal) and outward (distal) view of a variety of school-level experiences of reducing student cyberbullying. The purpose of this framing is not only to better understand the role of schools for reducing student cyberbullying (because this is an immediate and proximal environment of those youth who bully), but to understand from such a school perspective the role and impact society's legal system and its laws (i.e., a distal environment of schools and youth) might play in impacting the cyberbullying problem of youth.   Of particular interest in this study is understanding the likely effectiveness and impact of legal solutions for preventing or intervening in student cyberbullying. Legal solutions are conceptualised as a distal environment that house schools, and schools house the cyberbullying behaviour of young people. Therefore, in a social-ecological conception, legal solutions might be considered effective and impactful solutions for young people if they positively impact - either directly or indirectly – any of the nested systems of impact around the school to ultimately impact in positive ways the young person who cyberbullies. Figure 3.2 below is a graphical representation of this theoretical conception, outlining all of Bronfenbrenner's five systems as they might pertain to the context and undertaking of this research. Further explanation of the figure follows.
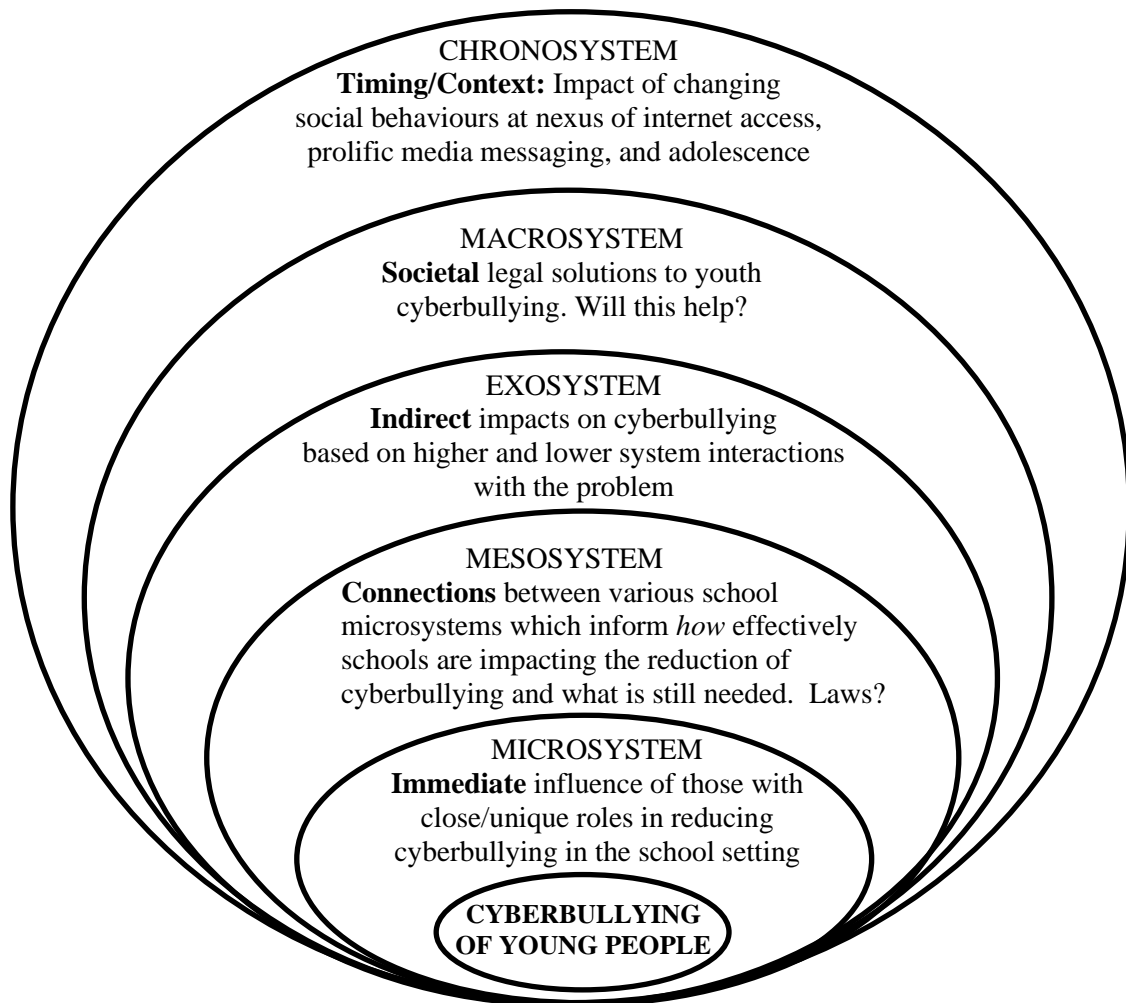
Figure 3.2 Social-ecological theoretical conceptualisation of the present study (Pennell, 2021)

Clarifying the figure above further, if one considers the 'chronosystem' as the point-in-time context of the study, then proposed legal solutions to what might be considered a youth behaviour, are set within the impact of 'changing times'. Social behaviours are changing given the historical advent and proliferation of technology. At no other time in history have young people had such access – including that granted by schools - to online ways of learning and living, a largely unfiltered, unsupervised space. Intersecting with 'these times' are adolescents who, at this timepoint in their development, are in the throes of establishing their own identity

which must now be enacted online (Cross et al., 2009). Also, at this 'chronosystemic' timepoint in history, there is unprecedented exposure to 24-hour media. Public messages which may distort cyberbullying's role as a cause of youth suicide can be easily proliferated (Vandebosch et al., 2013; Young, Subramanian et al., 2017). This messaging – or rising youth suicide - may be the setting event of public interest (or panic) about the effects of youth cyberbullying predicating calls for legal solutions. Legal responses, such as a new law for cyberbullying, may be *seen* as a necessary societal response – which may - or may not - be needed for effectively handling the online relationships of young people. It is this chronosystemic context that sets this study in motion, namely, to understand more precisely what *is* 'the cyberbullying case' amongst youth, by asking those who are either young people themselves or those who deal more closely with this widely concerning and 'of-the-time' youth issue.

Legal solutions - rather than educational ones – are a broader and more encompassing (higher order) societal-level response and therefore a 'macrosystem' in the theoretical framing. No matter the 'chronosystemic' context for considering the role of legal solutions, it is important to gain an understanding of the role the law might play in addressing cyberbullying. Solely examining school-level determinants provides a very limited perspective on the complexity of the issue that schools face and theoretically, we must not preclude an understanding of legal system solutions - perhaps in the form of a new cyberbullying law or some other means – in assisting schools in their work and responsibility for reducing the cyberbullying behaviour of young people.

Following on, the theory proposes that the macrosystem is likely to impact all the systems and structures nested within it. We know little about the exosystems

which may impact school actions for reducing student cyberbullying, nor how these may be impacted by legal solutions to cyberbullying. However, given that schools are considered one of the immediate and directly impactful environments of young people involved in cyberbullying (Cross et al., 2009; Katz et al., 2014), it is important to include these contexts in considering how legal solutions might impact their actions and ultimately the cyberbullying of young people. What schools do and how they effectively influence the cyberbullying behaviours of young people, via their anti-cyberbullying practices, is considered the mesosystem (or the next influential sphere) in the model. While schools may be typically identified as a microsystem (where a young person is present) and indeed they are, in this study's conceptualisation, the school's prevention and intervention measures (i.e., the actions which the school has decided upon and is operationalising) has great influence on the roles of staff, students and parents to impact the cyberbullying of young people. Therefore, it is viewed as the next proximal influential context of cyberbullying occurring in schools (equated to the mesosystem). While viewing 'the school' as the mesosystem may sit at odds with purists of the ecological systems theory, it is not at odds with many who adopt it for use in the bullying literature (see for example, the recent work of Acosta and colleagues (2019)).

The role of the school and its impact on youth who cyberbully (mesosystem) is understood by drawing upon the connected experiences and uniquely informed interactions of many smaller microsystems within the school who are closest to – or who have unique or important roles with - students who cyberbully. The microsystems in this study are those of school leaders, parent leaders, those with key staff roles (e.g., school counsellor or ICT personnel), classroom teachers, and students. It is from this level in the cyberbullying social-ecology model – ascribed

the microsystem in Figure 3.2 – where perspectives are drawn and then combined to inform how and what the school is doing well or otherwise (mesosystem) and how and whether legal solutions might, if at all, assist to more effectively reduce the cyberbullying of students.

Thus, Figure 3.2 shows the proximal to distal impacts of legal solutions on youth cyberbullying based on a school setting. In this study, it is those within-schools with direct roles, responsibilities, or experiences (i.e., a collection of microsystems) that are equated with the microsystem level of the model. How the various microsystems inside the school connect and interact to inform an understanding of the impact, influence and effectiveness of school measures are equated, in this study, to the mesosystem-level (i.e., the school-level capabilities to reduce the problem and its impact). Beyond the mesosystem of schools is a key and novel tenet deriving from the theoretical basis of this research which includes viewing schools as parts of their distal ecologies about which we currently know little. By asking new questions of within-school stakeholders about the current and perceived potential impacts of the macrosystemic impact of 'the law' on schools, it is proposed that new solutions for the problem of youth cyberbullying will be generated that do not solely rest on the actions of schools alone.

To summarise, the problem of student bullying has been mostly problematised as an individual, family or school based one (Espelage, 2014; Espelage et al., 2012; Thomas et al., 2018) with most research resulting in interventions targeted in these contexts. The novelty of this school-based study is that while cyberbullying remains viewed as still a role and responsibility of schools, this role and responsibility is understood as only one part of a nested broader societal response. There have been no studies in the literature which have investigated legal solutions to cyberbullying

from the perspectives of those with an array of roles inside schools, but the research suggests it is these perspectives which are of interest and importance to the bullying field (Mitchell & Borg, 2013). Multi-systemic approaches to bullying prevention are thought to hold great merit but more research evidence is needed to inform them (Thomas et al., 2018). This study, informed by its theoretical perspective, seeks a greater understanding of the roles of schools and how they view the role of the legal system in reducing youth cyberbullying.

3.5 From the theory to the research construction

From a social-ecological theoretical standpoint, the legal framework of cyberbullying is a macrosystemic factor which may create conditions for schools, families and young people that contribute to the presence or reduction of bullying (Espelage, 2014). What is of interest in this study is what the prevailing impacts on youth cyberbullying might be if legal solutions – given the public calls for them - are targeted towards addressing student cyberbullying. Legal reforms, if there are any, are likely to exert a significant amount of influence on the community at large, within which are embedded the work and responsibilities of schools to reduce cyberbullying, and this will ultimately have implications for young people. What is speculated, given the theoretical underpinning of this research, is that legal solutions constructed hastily, inappropriately, or inadequately may serve to reduce the function of schools to effectively reduce cyberbullying - and laws or legal solutions which are informed by, and are respectfully mindful of the work and actions of schools are likely to enhance schools' functionality in preventing and intervening in youth cyberbullying and will, as a result, reduce the prevalence of student cyberbullying involvement.

Legal solutions are conceived in the present study in a number of ways. First, how the current law may be acting in schools for addressing cyberbullying (which is reflected in Paper 1/Chapter 5), whether there is need to create a new and specific cyberbullying law as a solution to cyberbullying (reflected in Paper 2/Chapter 6), or if there are any other solutions viewed as deriving from the legal system by those in schools which could be leveraged to reduce the cyberbullying of students more effectively (reflected in Paper 3/Chapter 7). All of these 'legal solution' conceptions are considered a macrosystem level impact on schools and young people and are therefore evaluated from the viewpoint of schools. School views are derived from perceptions which are sought from the complex of individual experiences and interactions of those involved in schools. It is they who can best inform about what is not well understood from the extant literature about the challenges of schools and the law and the handling of youth cyberbullying. This includes what little is known about how schools are *successfully* functioning to reduce the cyberbullying of students or conversely, whether and if schools are struggling, why this is so and whether legal solutions are the answer. Little is known about whether schools are currently drawing support from the legal system (e.g., its affiliates and actors, such as legal organisations, advisors, local or school-based police, lawyers) and to what effect these actors currently support school policies and actions to address the cyberbullying of students. While some research suggests that the current legal environment of bullying is unhelpful to the work of schools in reducing the problem with a new law sorely needed (Nicholson, 2006, 2014), there are others who advise there is no need for legal reform (Legal and Constitutional Affairs Committee, 2018). It is important, therefore, to know how schools see the need of a new law and how such a law is perceived to best impact schools and young people to reduce the

problem of cyberbullying. There is also a paucity of research about the coexistence

of legal and education systemic approaches to reduce the cyberbullying of young

people and whether or how these two distinct and different-level systemic

approaches should align most collaboratively and cooperatively to effectively target

youth cyberbullying. As such, one further assumption of this study is revealed,

which is represented graphically in Figure 3.3 and explained further below.
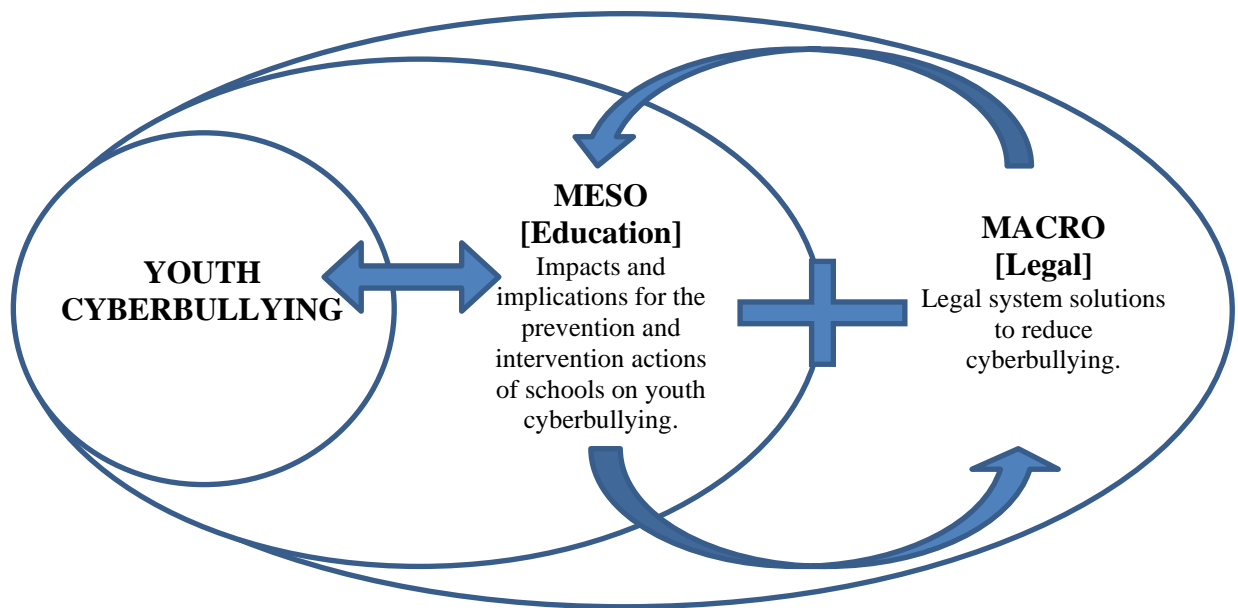
Figure 3.3 Leveraging the effectiveness of both meso- and macro-system solutions to reduce student cyberbullying (Pennell, 2019)

While all levels of the social-ecological framework are acknowledged in

conceptualising this research, it is the mesosystem (educational understandings

drawn from within-school microsystems) and the macrosystem (impact of legal

solutions on schools and youth who cyberbully) which are focussed upon in the

study. While society's legal responses might typically have nothing to do with the

roles or perspectives of those in schools - other than impinging on them - in this

study the two systems of education and law are re-imagined as equal and cooperative partners in addressing youth cyberbullying. Hence, in the figure, there is a 'plus sign' and similarly sized concentric spheres turned to appear 'side-by-side'. The arrows circle in mutually informing shared communication and understanding before a dual-systemic focus is directed on the problem. Thus, it was the intent of the researcher to see ways that both systems - as equally important partners – might be drawn together in resolving what is a difficult and complex issue. Therefore, school voices – which have been the more silent partner - are elevated to a new position for the purpose and conception of this study. It is contended that school-based knowledge and experiences communicated by these voices, including those of students, may help to explain how and why schools act (or are unable to act) to effectively reduce cyberbullying amongst young people. Further, it is contended that it is this knowledge which is most needed for how legal solutions – and any other distal solutions - to youth cyberbullying are considered or evaluated for their impact. That is, legal solutions should link and leverage the effectiveness – or serve to overcome the ineffectiveness - of school-based actions to improve, overall, how society responds to the youth cyberbullying problem.

Chapter 4: Research Design

This chapter describes the design and methodology that was used to address the research aim and questions of this PhD by publication study. The first section (section 4.1) reiterates the research purpose and the research questions. In the following section (section 4.2) the need for a qualitative research design is explained as best meeting the research purpose. Within this qualitative model of research, a constructionist-interpretive tradition of enquiry shaped the conceptualisation and construction of the study (section 4.2.1) including the choice of a multi-case study approach (section 4.2.2). The third section (section 4.3) is devoted to the method. It begins with a description of the two secondary schools case study sites from where the school community participants informing this research were drawn (section 4.3.1). The school community participants are described next (section 4.3.2) as well as the data collection techniques considered most appropriate for gathering the diverse array of role perception data of importance to this study (section 4.3.3). The in-common interview and focus group questions that were used to gather participant perspectives are covered in brief in the next section (section 4.3.4), with directions to where, in the thesis document, the role-specific protocols and questions can be read in full (Appendix B). The procedure of the study is the final section covered in the method section to detail for the reader how schools were located, participants recruited, and how participant and policy data was gathered (section 4.3.4). In the fourth major section of this chapter (section 4.4), the ethical considerations pertaining to the study and the subsequent approvals that were granted are described, along with a brief discussion of the acknowledged limitations of the study (4.4.1). In the final section (section 4.5), the study's analytical framework is described prior

to introducing the study's findings in subsequent chapters (Chapter 5, 6 and 7). A series of analytical processes which were undertaken during the analytical phase of the study are outlined, including those undertaken on the school stakeholder data transcripts (section 4.5.1 and section 4.5.2), and the analysis of school document data (section 4.5.3). Finally, the presentation of results in the form of journal papers is introduced (section 4.6), leading into the three results chapters (Chapters 5, 6, and 7) which follow.

4.1 Reiteration of the research purpose and research questions

To review, this research has a two-fold objective:

a) to explore what legal solutions, if any, are currently contributing - or are needed - to support the work schools do to prevent and intervene in student cyberbullying, and

b) to determine the contribution the experience of schools can make to the ways legal solutions are considered to best meet the challenges of preventing and intervening in student cyberbullying.

To achieve these objectives, and to inform three publications required by a PhD by publication, there are three major research questions:

1. How are secondary schools addressing the prevention and intervention of student cyberbullying?

2. How do schools view the creation of a cyberbullying-specific law?

3. How might the legal system best work in collaborative ways with schools (i.e., the education system) to address student cyberbullying?

4.2 A qualitative research model

A qualitative research model was the research design adopted to address this study's purpose because it would deliver 'a deeper understanding of the social phenomena' than a quantitative approach would yield (Silverman, 2014, p. 22). Qualitative research is indicated over quantitative methods when it is the aim of the research to investigate a complex phenomenon - such as cyberbullying in this study - where more data is needed to grasp, more comprehensively, an understanding of the issue (Curry et al., 2009). Qualitative research is also recommended when wanting to know more about how mechanisms (e.g., such as legal solutions, in the case of this study) may impact that problem (Curry et al., 2009). For example, Curry and colleagues (2009) propose qualitative research can illuminate why a given intervention might have an impact by gaining detailed perspectives of those in specific organisational contexts about why and how and if at all that mechanism may produce the desired impact (e.g., in this study, will legal solutions have the desired impact of reducing youth cyberbullying?). Finally, qualitative research is considered an effective way to gain insights from special groups (e.g., in this study, secondary school stakeholders of the cyberbullying problem amongst adolescent students) who may have been under-represented and under-researched (Curry et al., 2009). It is for these 'deeper understanding' reasons, a qualitative research design is contended as a sound methodological approach to address the research purposes and objectives in the current study. However, it is important to consider more precisely what model underpins the 'deeper understanding' which is sought. What follows is a brief outline of 'constructionism' as described by Silverman (2014) which is the broad underpinning of this qualitative research.

4.2.1 A constructionist framework

While there are no universal doctrines underlying qualitative methods, there are some recognised common sets of belief which can provide an overall framework for 'viewing reality' (e.g., positivism, feminism, post-modernism) that help to guide the views and inform the concepts a researcher adopts when conducting a qualitative study (Silverman, 2014). The current research should be considered aligning broadly with a constructionist paradigm (Silverman, 2014). When one adopts a constructionist agenda, the research is imbued with – or provoked by - two kinds of questions. The first question pertains simply as to how one gains an understanding of the 'lived experience' of the 'lifeworld' of study participants. It asks the researcher to consider the question: 'what is going on here?' (Silverman, 2014, p. 24). The second question is much deeper and interpretive, encouraging the researcher 'to step back from that reality' to ask: 'how is this reality being produced, assembled and/or maintained?' by the socially constructed world of the participants. Another way of putting this is: 'how has this particular reality been socially brought into being...' - that is - 'how has it been socially constructed and sustained'? (Silverman, 2014, p. 24-25).

The paradigm, as translated in this study, is that 'school views' would be represented through the lens of secondary schools, and the question 'what's going on here?' would need to be embraced from a multiplicity of perspectives assembled to represent this world. Further, that range of perspectives would need to be understood as each being products of the school contexts within which they were embedded (i.e., there would be differences that might be observed in school-specific and role-specific framing of perspectives. These differences would be seen in their choice of language, roles and responsibilities, and experiences with- and of the cyberbullying

of young people (i.e., a school-social-construction based upon different lived experiences within that world).

While the purpose of determining a school-based "truth" is to inform an enriched understanding of cyberbullying from the environment where is it most prevalent amongst young people (i.e., schools), it must be acknowledged that the ultimate intent of the study was to identify new positive approaches and outcomes in resolving cyberbullying which may be instigated from systems *outside* the bounds of schools (i.e., macrosystemic solutions as described in the previous chapter). Thus, the 'stepping back' conceptualisation of a constructionist orientation allowed for deeper and interpretive thinking about what of the participants' views might be socially impacting or bringing their realities 'into being'. Part of this conceptualisation was considering at the outset of the study whether the legal environment of schools may be one social construction which may be impacting views and shaping anti-cyberbullying dynamics and processes.

Also, during the analysis and reporting of this research, an over-riding understanding which pervaded the approach to this study was that we cannot resolve anything unless we recognise and understand that we are intricately involved together in the construction of our worlds (Roller & Lavrakas, 2015). Therefore, following a 'constructivist -interpretive' tradition of inquiry (Levitt 2020, p. 22), it was acknowledged that a dual role was to be played between study participants and the meaning-making of researchers. A social-ecological underpinning (Bronfenbrenner, 1977, as discussed extensively in Chapter 3) – namely that it is not *only* schools that can contribute solutions to the problem of youth cyberbullying - was a significant interpretive influence over the research design and analytical work of the researcher.

While much research on bullying and cyberbullying is conducted using surveys which may constrain the views of participants to the survey questions and fail to take in the wider picture, this research drew upon a qualitative case study design. Qualitative case study research designs are purported as being "particularly useful for studying educational innovations, evaluating programs, and informing policy" (Merriam, 2009, p. 51). Given we know little about how schools may be *innovating* with ways to address the cyberbullying phenomenon, nor *why* evaluations of anti-cyberbullying programs only result in modest outcomes, and because it is the express purpose of the study to inform a consideration of legal policy from the specific viewpoints of those within schools, a qualitative case study design was contended an effective methodological approach.

4.2.2 A case study design

A qualitative case study design is described as an "in-depth description and analysis of a bounded system...an empirical inquiry that investigates a contemporary phenomenon within its real-life context...particularly when the boundaries between the phenomenon and its context are not clearly evident" (Merriam, 2009, p.40). The 'bounded system' of focus in this study pertains to the context of secondary schools. It is the secondary school context which play host to the phenomenon of youth cyberbullying at its greatest reported prevalence, that is, those aged between 13-14 years according to Cross and colleagues (2009). It is also within this bounded system where the most concrete actions of prevention and intervention amongst young people are likely to regularly occur. Therefore, it is contended that a qualitative case study research design is an appropriate research design to embrace the complexity of the cyberbullying problem of youth and for considering solutions, such as the effectiveness and impact of legal solutions for it from a uniquely

informed viewpoint. A case study approach is a sound overarching research structure to investigate some of the "complex social units consisting of multiple variables of potential importance in understanding the (cyberbullying) phenomenon" (Merriam, 2009, p. 50). The multiple variables of potential importance in this study include the variety and richness of voices on the inside of secondary schools (i.e., leaders, staff, parent-leaders, teachers, and students) whose views have not been canvassed in the extant literature on the topic of addressing youth cyberbullying in light of the potential impact legal solutions may have. It is within schools (i.e., where complex social units interact with multiple variables), where our understanding of the mechanism of legal solutions to the problem of youth cyberbullying may be best informed.

An important feature in this qualitative case study design is that it is "a collective or *multiple* case study approach" (Merriam, 2009, p. 48). Swain and colleagues (2018) provide an argument that different school communities have different experiences that may impact their perceptions. Therefore, in the design of this research study, more than one case is included so that what is yielded is a more 'general condition' (Merriam, 2009, p. 48). Uncovering a more general state of affairs, for example similarities of perspective across *two* school cases, was deemed one way this study's findings might be strengthened, rather than reporting only the findings pertaining to a single school's experience. Merriam (2009) reports that case study designs are highly appropriate for applied fields, such as education, and can be particularly useful for discovering a system's (i.e., a school's) processes, problems and programs which can then be examined to bring about understanding and improved practice. In this study, two secondary schools in Australia were selected as the 'real life' contexts of youth cyberbullying to inform a better understanding of

school processes and programs for reducing youth cyberbullying, particularly in relation to evaluating how legal solutions might interact with the youth cyberbullying problem as it is experienced and acted upon by those in schools.

4.3 Method

4.3.1 Two secondary school case study sites

Two independent secondary schools nested within a larger ARC-Linkage study called "A legally-informed intervention for schools to prevent and intervene in cases of cyber bullying" (ID LP110200330)" were the school case sites of the current study. The larger ARC case-study was a mixed-methods project which operated in three Australian states between 2011- 2014. The researcher worked on the project as the research project manager between 2013 - 2014, and as part of her role on the project, had substantial knowledge of data which she had collected at two of the schools. While data was collected at six school sites, two in Queensland, two in South Australia, and two in Western Australia, the researcher chose the two Queensland schools that she had recruited and gathered all the data, as the case study sites. Appendix A offers further reading about the larger ARC project and the subset of data which was drawn upon to inform this study. Section 4.4 below also provides a discussion of the ethical considerations which arose and were resolved in order to conduct this study.

Henceforth, however, the two independent secondary case study schools pertaining to the current study are referred to as School 1 and School 2 (except in Chapter 8 where they were named, as part of an editorial request, as North School and South School). The schools were large (i.e., > 1000 students), metropolitan, Preschool to Year 12 (P-12), co-educational, independent secondary schools in Australia. The schools had a sizeable leadership team of staff, including specialist

staff such as counsellors and technology staff, and a large Year 9 cohort from which to recruit the participant views needed to meet the current study's purpose. School 1 and School 2 had recently introduced BYOD (bring your own devices) one-to-one technology for their students and were interested in protecting their student cohorts from the negative impacts of this decision, such as cyberbullying. Further, the principals of independent schools can decide directly whether they would like to participate in school-based research projects (i.e., there are no additional ministry level gatekeepers as there would be in the state system). Table 4.1. below provides further description of the size, type and educational advantage of the students attending the case study schools that were the research sites of the current study.

Table 4.1

Overview of Case Study Schools

Reference	School ICSEA Value*	School Description	Enrolments	Size of Year 9 cohort	No. Teaching (All) Staff
School 1	1176	Independent Secondary Co Ed P-12 Metropolitan	2109	213	181 (323)
School 2	1122	Independent Co Ed P-12 Metropolitan	1280	120	100 (170)

*The higher the ICSEA value, the higher the level of educational advantage of students attending the school. ICSEA is set at an average of 1000 (ACARA, 2016).

4.3.2 Participants

According to Curry and colleagues (2009), qualitative case studies are enhanced when their data sources are diverse. Therefore, in this study a deep array of school community members' perspectives was sought. Participants were those

with diverse yet unique roles with young people or with the anti-cyberbullying measures of the case study schools. A total of 42 secondary school community members, or 'within school stakeholders', were the participants of this study. There were 24 participants in School 1 and in School 2 there were 18. The secondary school stakeholder roles purposively invited to participate included:

(i) the executive leaders of the school, namely the principal and deputy principal. These roles were included because they lead the anti-bullying policies and practices of schools, including making reports of incidents and disciplining students, or engaging with families or other school outsiders in relation to student cyber-incidents within the school.

(ii) a staff member in a key anti-cyberbullying role in the school, such as those in an ICT/technology-specific position in the school, because they may be staff members who detect or collect online evidence of student cyberbullying; or a school counsellor who may counsel students involved in cyberbullying

(iii) a parent-representative of the school, such as the Parents and Friends (P&F) president, who may source and fund experts to talk to parents about youth cyberbullying, or who may play liaising roles between school and families about cyber concerns

(iv) students and teachers of the Year 9 cohort, because Australian research has shown that reports of cybervictimisation peak during this school year (Cross et al., 2009). Therefore, students are likely to be directly aware or involved in the cyberbullying problem occurring in their cohort, and teachers of a Year 9 cohort may be more likely to have had to respond to student incidents of cyberbullying. Additionally, both students and teachers were considered those with an experience of the schools' anti-cyberbullying measures.

Table 4.2 below provides an overview of the secondary school community members who agreed to participate from School 1 and School 2. In terms of role participation, there was one school principal, two deputy principals, one middle school coordinator, one technology staff member, one school counsellor, two parents, thirteen Year 9 teachers, and twenty-one Year 9 students whose views were gathered as part of this study.

Table 4.2

Overview of School 1 and School 2 Participants and Document Data.

	SCHOOL 1	SCHOOL 2
School anti-(cyber) bullying documents provided (N=10 documents)		
Documents provided following a request for school anti-(cyber)bullying policies	Two documents: 1. Anti-harassment and Anti-bullying Policy 2. Student Acceptable Use of Technology Policy	Eight documents: 1. Bullying Policy 2. Child Protection Policy 3. Code of Conduct – Students 4. Outline of Discipline System 5. Computer and Internet Acceptable Use Policy 6. Electronic Devices Policy 7. Mobile Phone Policy – Students 8. Formal Complaints Policy
School leaders, key role staff & parent representative interview participants (N=8)		
Protocol/Questions (refer to Appendix B)	*School-role participants who consented to be interviewed*	
Principal Questions	Principal	Deputy Principal
Deputy Principal Questions	Deputy Principal	Head of Middle School
Key Role Questions	ICT Staff Coordinator	School Counsellor
Parent Association Representative Questions	President of Parent's and Friends Association	Parent Volunteer Coordinator
Year 9 teacher focus group participants (N=13 teachers)		
Protocol/Questions (refer to Appendix B)	*Number of participants who agreed to participate in focus groups*	
Teacher Focus Group Questions	9 x Teachers	4 x Teachers
Year 9 student focus group participants (N=21 students)		

Student Focus Group Questions	8 x Students in Focus Group 1	4 x Students in Focus Group 1
	3 x Students in Focus Group 2	6 x Students in Focus Group 2

4.3.2 Data collection techniques

The perceptions of school participants were gathered using interview or focus group methods and by reviewing school anti-(cyber)policy documents. These data collection techniques were seen as useful methods to gather the data for this study for the following reasons:

Interviews: Interviews are a common and well-accepted vehicle used by qualitative researchers to gain insights into 'what people are doing and thinking and why' (Roller & Lavrakus, 2015, p. 50). Thus, in this study, interview methods were used to gather the views of executive leaders, key staff and parent representative participants of this study, for whom it was presumed because of their busy leadership type roles in schools, would be articulate and comfortable enough to share their ideas in a brief and time-efficient one-on-one encounter with the researcher (Creswell, 2014). The interviews were conducted in a *semi-structured* way, that is, the interviews took on a conversational form. Therefore, it must be noted that both interviewer and interviewee formed the eventual data product (Silverman, 2014). The semi-structured format allowed participants a good portion of control over what they were free to communicate, despite the researcher using an interview guide (i.e., there was a general protocol and set of questions) to ensure the relevant areas of key interest to the study were covered. The interview protocol, procedure and questions used for gathering the role-specific data informing this study can be viewed in Appendix B.

In adopting a semi-structured interview format, Silverman (2014, p. 183) suggests a more 'authentic understanding' of the experience of participants can be gained. Further, when interviews are designed and carried out using open-ended questions, as they were in this study, a pathway is created for participants to 'voice their experiences unconstrained' (Creswell, 2014, p. 240). Open-ended questions are those which require more thought and consideration than a simple yes or no response.

A final rationale for adopting interview methods is that they were seen as a way to gather a volume of useful information which would not be time-efficient to directly observe (Creswell, 2014). A great many topics were covered in the interviews which to date have not been well understood from the exisitng literature, therefore the interviews provided a fluid way participants could spotlight, explain, speculate and brainstorm their views stemming from their cyberbullying-related experiences in their school context (Curry et al., 2009). The participants who were interviewed in this study were considered under-represented in the current research literature about the topic of legal solutions to student cyberbullying, therefore interviewing this cohort of school stakeholders placed them front and centre as the missing but important experts (Patton et al., 2017). As can be seen in Table 4.2, interviews were conducted with two executive staff, one key role staff member and a parent-representative from each of the two study schools.

Focus groups: According to Roller and Lavrakas (2015) focus group discussions are a group-style interview which can encourage talk, or even debate, about 'divergent and convergent thoughts and ideas' on any given topic (p. 105). Curry and colleagues (2009, p. 1445) describe focus groups as 'guided discussions among a group of people who share a common characteristic of interest'. Thus, in

this study, focus groups were the method used for gathering the unique insights of groups of students and with groups of teachers in the schools. The literature suggests that interactions that occur between focus group members can gain for a researcher a time-efficient understanding of the range of views within these specific characteristic-groups (Curry et al., 2009). One specific group characteristic of interest in the selection criteria for student and teacher focus group participation in this study was involvement as a teacher or a student with the Year 9 student cohort in the study schools, as research suggests a greater prevalence of the cyberbullying problem occurring at this year level in schools(Cross et al., 2009). Thus, in meeting Year 9 involvement criteria was considered as a way to gain additional insights.

Focus groups methods were also chosen in this study because, as Creswell (2014) proposes, there can be a certain amount of comfort, safety and even enjoyment in group activities and environments. In a school-based context, it was presumed that groups of students and groups of teachers may be somewhat homogenous groups likely to share some in-common and relevant experiences that may affirm individual members of the group if shared (Creswell, 2014; Roller & Lavrakas, 2015). Student personal experiences of being cyberbullyied – or - in the case of teacher groups, whether the actions of schools derived from decisions of school leaders have met-the-mark, might be considered a few of the 'sensitive topics' that might arise in the focus group discussions (see Appendix B for the student and teacher focus group questions). Thus, focus group data collection methods were considered able to provide a degree of freedom to students and teachers to discuss difficult issues or make unpalatable comments (Roller & Lavrakas, 2015, p. 108). Focus groups are also seen as productive research techniques to encourage the generation of ideas - a key and important component of

this study – namely hypothesising about the impact of school measures and the merit of legal solutions for reducing youth cyberbullying. In this way, focus groups were seen, as Roller and Lavrkas (2015) propose, a data collection method which might be more conducive to brain storming amongst these role groups in the schools, with the comments of others likely to encourage participants to shape, inform and refine their own individual thoughts. From each of the two school case study sites, two focus groups of Year 9 students, and one focus group of teachers of Year 9 students were the data collection methods designed for including those in teaching- or student-roles to share their views. Two focus groups were considered necessary to conduct with students because a) students reflect the greatest number of those within a secondary school and one focus group may have been inadequate in capturing the range of views of students, b) students are an underrepresented voice, c) they are those closest to the cyberbullying problem within their cohorts, d) they may be those best to inform about the experience and effectiveness of school measures, and e) they are a group who may be able to hypothesise about solutions offered via legal means for reducing the cyberbullying problem as it occurs amongst young people. As can be seen in Table 4.2 one focus group of teachers and two focus groups of students were conducted in each case study school.

Documents: In addition to gathering a diverse range of views of school community members using interview and focus group methods, school anti-(cyber)bullying documents were also considered a written source of data which could inform this study. For example, documents can be objectively reviewed to gain a deeper understanding of the policies and practices of the schools and could be another source with which to verify within-school stakeholder conceptions (Curry et al., 2009).

A rationale for including a review of school policy documents as part of data collection methods in this study is that other qualitative school bullying research suggests that the anti-bullying policies of schools are important for protecting students from the harm of (cyber)bullying because these documents guide the practical preventative and intervention actions of schools (Rigby & Johnson, 2016), and that school policies must reflect the responsibilities schools have under the law in relation to cyberbullying (Butler et al., 2011; Chalmers et al., 2016). Documents can be objectively and systematically reviewed for their 'essential components' (Curry et al., 2009). In the case of anti-cyberbullying documents, these essential elements can include how cyberbullying is defined, whether the policies are practical documents communicating clear anti-cyberbullying sentiments, and guiding roles and responsibilities within the school for addressing cyberbullying (Carrington et al., 2017; Chalmers et al., 2016). Table 4.8 outlines the essential elements that were denoted as important in the current study.

Given that some research identifies a policy vacuum for schools which may expose them to the law and/or can make schools uncertain about their responsibilities for supervising the online worlds of students (Goff, 2011; Shariff, 2007; Shariff & Hoff, 2009), collecting the school's documents was considered an important source of data for informing this study. Further more, as Curry and colleagues (2009, p. 1445) purport, an objective viewing of documents may help a researcher to make 'inferences about antecedents and effects', such as of the antecedent of the current legal environment of cyberbullying for schools and the students. Table 4.2 overviews the school anti-bullying documents that were collected as part of this study. School 1 offered two documents. School 2 provided eight documents. The additional documents provided by School 2 were voluntarily offered because the

school felt these documents captured some aspect of their school's anti-cyberbullying policies/practices.

4.3.3 Interview and focus group protocol and questions

Four interview protocols (Principal, Deputy, Key Role, Parent) and two focus group protocols (Teacher, Student) were developed to gather within-school stakeholder perceptions. Table 4.2 provides a reference to which protocol questions were asked of whom and Appendix B contains the protocol, procedure, and role specific interview and focus group questions which were used to gather the school community perception data. In brief, the protocols and questions were in-common except for some items which prompted information likely to be gained from or only relevant to a specific role/group (e.g., teachers were asked 'what are you doing in your classrooms?' / key role staff members were asked 'what does your specialist role contribute?'/ Parents and Friends' (P&F) association representatives were asked 'what role do you think the parents' association can play...?') and so forth. The in-common interview and focus group questions covered three main areas of the study's focus, namely, how are secondary schools addressing the prevention and intervention of student cyberbullying; how do those in schools view the creation of a cyberbullying-specific law; and how might the legal system and the education system work together to address student cyberbullying more effectively? Appendix A (on the fourth page) contains the breakdown of the interview and focus group questions as they were used to inform the three areas of focus of this study.

4.3.4 Procedure

4.3.4.1 Recruiting schools

Schools 1 and 2 were recruited as case study schools using email advertising delimited to large (>1000 students) independent secondary schools within driving

distance of the researcher (< 150 kilometres). Follow up phone calls to responsive schools assisted in confirming schools as case study sites. University ethics-approved information statements about the research and informed consent processes were then sent to principals to read and consider. Principals were asked to sign consent forms indicating, on behalf of the school, their willingness to be a case study school. Signed principal consent allowed the researcher access to the school community from which to recruit participants for interviews or focus group participation and to collect school anti-cyberbullying policies. A school-assigned research liaison staff member was assigned to help the researcher to conduct the study. All participants who were interviewed or were members of teacher or student focus groups were given written information statements which explained the study purpose, details of involvement (including being audio-recorded), the freedom to withdraw without risk/reason, along with risks and benefits of participation prior to being asked to sign consent forms indicating consent to participate. Student participants were required to have the written consent of a parent/guardian before being able to join a student focus group. Prior to all interviews or focus group discussions, a verbal overview of the written information statement was given by the researcher with opportunities to ask questions. Respondents were reminded that they would be audio-recorded, with their data later transcribed with identifying information removed.

4.3.4.2 Conducting interviews and collecting school policy documents

School leaders, a key staff member, and parent representative in each of the schools were first identified with the assistance of the school-research liaison staff member, and then were personally invited via a phone call or by email to participate in an interview with the researcher. School leader interviews were conducted first, at

which time school anti-cyberbullying policy documents were collected from the principal. Next, the key role staff member was interviewed, followed by the parent representative. Tables 4.3 (School 1) and 4.4 (School 2) below provides information about those who agreed to be interviewed, including specific participant roles, qualifications, and experience in relation to involvement in the schools' anti-cyberbullying measures.

Interviews - eight in total / four in each study school - were conducted on participant-nominated days, times and in locations of convenience on the school campus (e.g., in the principal's office). The specific questions covered in the interviews according to role-type are found in Appendix B. Interviews were described to participants as taking approximately 30 minutes of their time. Interview lengths are recorded on Tables 4.3 and 4.4 below. In brief, they ranged from 10:18 minutes with a parent in School 1 to 33.31 minutes with a school leader in School 2.

As Table 4.4 indicates, in School 2, only one executive leader was interviewed because the principal was suddenly unavailable at the scheduled interview time and, in their stead, asked the deputy principal to participate. The deputy principal was asked the principal's questions (see Appendix B), and the deputy principal's interview questions were asked of a Middle School Coordinator (MSC). The justification for this switch was that the MSC was the second in charge of the Middle School when the deputy principal was in absentia and thus had an executive type of role in the Middle School. Additionally, the MSC also had a substantial role in developing the student behaviour policies for Years 7 – 9 in the school, including dealing with the behavioural issues of the students in these Year levels.

Table 4.3

School 1 Interview Participant Demographics

Interview Questions (Appendix A)	Consenting Participant (Gender) • **Roles & Responsibilities**	Audio recording (min:sec) Transcript (pp)	Highest Qualification	Time in school	Age bracket	Do you have anything to do with anti-bullying policy/actions of the school?
Principal	Head of College (Male) • oversight of 2 campuses as well as an owned outdoor education facility	15:04 mins 12 pages	Bachelor of Education	20 months	>55	Policies were established before my arrival, but they are reviewed every 3 years
Deputy	Deputy Principal/Director of Student Activities & Boarding (Female) • oversees management of students across P-12 • Manages co-curricular programme and boarding	20:24 mins 11 pages	Graduate Certificate in Education Leadership	11 years	35-45	Yes, I have input into development and review. When I was Year 9 coordinator, I had a lot to do with bullying policies within the college.
Key Role	E-Learning Coordinator (Female) • leading e-learning in the school • classroom e-learning • teacher e-learning professional development. (PD)	10:18 mins 5 pages	Masters of Education	9 months	25-35	Chair of the new cyber safety working group. I develop acceptable use policies for ICT in school
Parent Association Representative	President of Parents & Friends Association (Male) • Parent of students currently at the school	12:15 mins 7 pages	Bachelor of Applied Science	10 years	45-55	Arrange symposia, in partnership with school, on bullying topics (mostly cybersafety, but some other); if school were to send home letters to parent body on issues of cyberbullying or bullying, the P&F would get to vet that first so that they can speak with authority if parents have concerns.

Table 4.4

School 2 Interview Participant Demographics

Interview Questions (Appendix A)	Consenting Participant (Gender) • **Roles & Responsibilities**	Audio recording (min:sec) Transcript (pp)	Highest Qualification	Time in school	Age bracket	Do you have anything to do with anti-bullying policy/actions of the school?
Principal	Deputy Principal of School/Head of Middle School (Male) • student wellbeing • staffing • student learning • general operations	33:31mins 18 pages	Bachelor of Education. Currently doing a Masters of Management and Leadership in Education	18 years	>35-45	Not involved in development of policies, but have reviewed, taught, and communicated them to parents, have had to enact them.
Deputy	Middle School Coordinator (Male) • Acting Head of School in absentia • head of discipline for Yrs 7-9 • relief staff coordinator • medical issues	28:12 mins 13 pages	Bachelor of Education	13 years	35-45	Discipline – enactment of policies
Key Role	School Counsellor & Life Skills Coordinator (Female) • Social and emotional wellbeing of students • Creates curriculum around digital citizenship and cybersafety	17:47 mins 8 pages	Graduate Diploma of Counselling	9 years	45-55	Creating curricular around digital citizenship & cybersafety. Media skills- helping kids and their parents find reliable sources and helping them to understand and honour copyright.
Parent Association Representative	Parent Volunteer Coordinator (Female) • Coordinates all parent involvement in school P-12 • Coordinates a coffee club for school families • Does supply primary teaching in the school • Past parent of the school	23:01 mins 11 pages	Diploma of Teaching	10 years	45-55	I have conversations with parents in my coffee club role about policies and family's experiences with the school technology.

4.3.1.2 Conducting teacher focus groups.

Participants for 6–8-member teacher focus groups were recruited via an emailed invitation through targeted Year 9-level staff email networks at each school, with information and consent documents attached. These documents were also made available in hard copy and were verbally overviewed, with questions asked and answered, prior to the focus group start. A total of 13 teachers who had at least one class of Year 9 students volunteered to participate in teacher focus groups. In School 1, nine teachers participated, and in School 2, four teachers participated. School 1's teacher focus group occurred during a typical staff meeting time straight after school. School 2's teacher focus group was scheduled one hour before the school day. Both teacher focus group discussions were attended voluntarily. The questions used to guide teacher focus group discussions are found in Appendix B. Teacher focus group discussions in both School 1 and School 2 went for approximately 35 minutes. Table 4.5 below shows the membership and demographic information of the teacher focus groups.

Table 4.5

Teacher Focus Group Participants and Demographics

School (Audio length/ Transcript length	No. of teacher participants			Breakdown of teacher participants per age range						Years of teaching experience
	Males	Females	Total	<25	25-35	36-45	46-55	56-65	>65	
School 1 Audio 35:53 mins/ Transcript 29pp	2	7	9	0	2	4	2	1	0	5, 5, 6, 9, 9, 15, 15, 15, 20 Range: 5 – 20 years Mean: 11 years Median: 9 years
School 2 Audio 35:07 mins/ Transcript 21pp	2	2	4	0	1	2	3	0	0	5, 8, 22, 30 Range: 5 -30 years Mean: 16.25 years Median: 15 years

4.3.4.3 Conducting student focus groups

Participants for two x 6–8-member student focus groups were recruited in each case study school (i.e., two focus groups in each school, four in total) after a short presentation about the research at each schools' assembly. Interested students met the researcher after the presentation and were given hard copy information and consent documents to take home to discuss with their parents. Student- and parent-signed consent forms were included, with instructions to bring them in-person to the focus group. The research liaison staff member in each school assisted with the set-up of the two student focus groups which were conducted with students on their campus. The student focus groups were conducted at times and in locations suited to the school. Focus groups were described to students as taking approximately one hour of their time. The length of discussion of each student focus group is recorded on Table 4.6. In brief, the shortest discussion was 33:16 minutes amongst a group of only three students in School 2 (six students were meant to attend but three had forgotten their consent forms on the day and so were unable to participate). The longest student focus group discussion, as shown on Table 4.6, was Student Focus Group 1 in School 1 which ran for 58:12 minutes. A total of 21 students from Year 9 (i.e., those aged between 13-15 years) voluntarily participated in the student focus groups. Table 4.6 below indicates the number and gender mix of students who participated in each of the focus groups conducted across the two case study schools.

Table 4.6

Participants of Student Focus Groups

Reference	School 1	School 2
Student Focus Group 1	8 students (3 males/ 5 females) Audio length 58:12 Transcript 39 pages	4 students (2 males/2 females) Audio length 53:48 Transcript 27 pages
Student Focus Group 2	3 students* (0 males/3 females) Audio length 56:10 Transcript 37 pages	6 students (3 males/ 3 females) Audio length 37:16 Transcript 22 pages

*Three students did not have parent consent forms with them so were unable to be included.

4.4 Ethical considerations and approval

The data set described above had already been collected by the researcher using the ethics approvals governing the large ARC project from which the data informing the present work is drawn. Thus, a number of ethical considerations had to be addressed in order to gain approval for the study reported in this thesis document.

First, at the time that the data was collected from the study participants, there was no clear statement made to the participants that their data would be made available to a PhD student to write her thesis. However, it was not possible to return to the research sites to gather new informed consent (e.g., principals had transferred, students graduated, teachers dispersed, parent leaders no longer in their elected positions or indeed, no longer parents of *school* children). Therefore, in discussions with ethics advisors, it was deemed necessary to apply for a negligible/low risk ethics review to the QUT Human Research and Ethics (HREC) committee for them

to consider the ethical implications of the use of the data in the application of this study.

As part of the ethics approval process, use of the data was formally requested in writing from the Principal Investigator of the ARC project, Professor Campbell, who agreed to also supervise the use of that data during the researcher's candidature by acting as the principal supervisor. An ethics application was prepared and lodged online following confirmation approvals in May 2019, justifying merit for use of the collected data in the current study (see Appendix A for this justification) and addressing some of the limitations which were raised as concerns (see section 4.4.1 to see how they were addressed). The Office of Ethics and Integrity (OREI) approved the application in October 2019 [Ethics approval reference: 1900000924]. The analysis and resulting publications in Chapters 5, 6 and 7 did not proceed until these approvals had been awarded. All publications make attributions to the ARC project funding.

4.4.1 Acknowledged limitations of study at the outset.

One limitation which delayed the ethical approval process involved the age and relevance of the data for informing the current study. However, there was still scant research – none in fact - reporting specifically school-level perceptions about legal solutions toward cyberbullying, making the unused/unanalysed data set novel and quite valuable. Additionally, there had been little change in the Australian legal scene that would render the data out of date. Australia had not introduced a cyberbullying-specific law but had certainly debated and discussed one in the absence of the data available to undertake this study. The only other change in the legal landscape was the introduction of the *Online Safety Act 2015* (Cth). This piece of legislation led to the establishment of an eSafety commissioner with an office for

handling *cyberbullying complaints* of young people. The legislation has been

repealed now and replaced with the *Online Safety Bill 2021* (Cth), but neither the Act

nor the new Bill criminally outlaws youth cyberbullying which this study questions.

Given the context of this study is set within ongoing societal calls for a stronger legal

response to youth who perpetrate ("Online bullies to face the full force of the law",

2018), nothing had legally changed in the public's mind – they were still calling for

some kind of new law -or for the existing law - to be used to reduce adolescent

cyber-perpetration. Nevertheless, the *Online Safety Act 2015*, was indeed instituted

after the data informing this study had been collected. Therefore, it must be

acknowledged that school-level views about this particular piece of legislation is

outside the scope of this study and may be a perceived limitation. It should be noted,

however, that because this was a government action that was taken without the

evidence drawn from voices inside schools, it was of interest to consider whether this

legal solution might have - retrospectively speaking - met any of the needs or offered

a legal solution for the problems described by the school stakeholders in this study.

In terms of school anti-cyberbullying practices which are also under review in

this study, there have been no new mandates legally directing schools or detailing the

responsibilities of schools in relation to cyberbullying. While schools may broadly

adhere to a legal duty of care to students in relation to cyberbullying which may spur

their actions, they still have wide scope for prioritising and deciding what they do on

a day-to-day basis to protect young people from cyberbullying's harms (Young,

Tully et al., 2017; Vandebosch, 2014). At the time of the data collection, both

schools had bring-your-own technology policies with widespread uptake, and

students with smartphones were common, thus students' access to technology and

school issues with that technology was not outdated. While there may be an

argument about rapid changes in the *kinds* of Apps or social networking platforms available now that may not have been available in 2013/14 school year, this is not an argument for the data being out of date. Student cyberbullying is not considered a technological problem to be resolved by merely technological means, this is a myth, and is generally not supported in the cyberbullying literature (Sabella et al., 2013). Rather, cyberbullying is perceived a problem behaviour within social relationships of young people at school (Coyne & Campbell, 2017), therefore it does not matter that Tik Tok may be now more popular than Facebook, as the appearance of these new Apps have not altered the basic nature, or prevalence figures, of cyberbullying.

Also of note, much of the seminal knowledge concerning prevalence, characteristics, consequences, smartphone use, roles reported in the cyberbullying literature was flourishing around 2013, when the proposed data was collected, framing it well. The more recent research on cyberbullying focusses more substantially upon evidenced-based practices for schools (Campbell & Bauman, 2018), and the need for more theoretically driven cyberbullying research (Volk et al., 2017), so new research has not overshadowed what this data contributes in terms of school opinions about the role societal laws might play in reducing the cyberbullying of students (still to date, there are few studies conducted on this topic). In international contexts, where laws have been instigated very rapidly, there are some school impact research studies beginning to emerge in relation to how those laws are working to reduce student bullying, but again they are scant and limited to their own countries' legal jurisdictions, and to date, none of them are qualitative studies which seek the first-hand perspectives of those inside schools (Dasgupta, 2018). Use of the present data represents an Australian first.

In summary, the current legislation in Australia has not altered in any significant way since the data had been collected (i.e., there were no new cyberbullying-specific laws, and cyberbullying remains best encapsulated by a criminal law which some see as unsuitable for use with young people). Currently foregrounding the importance of this data are recurring calls for something more to be done about cyberbullying, which includes calls for legal responses. Finally, school-based research is difficult to gather, and the data utilised in this research, willingly given by participants from two secondary independent schools, has now resulted in three publications in quality journals informing our understanding of school perspectives about legal solutions to youth cyberbullying.

4.5 Analytical framework

The raw audio recorded data was transcribed verbatim by the researcher. Following ethical approvals for the current study, fourteen written transcripts were divided into three succinct data sets (see Appendix A) with each set subject to a two-level analytical process to inform three topically driven research outputs. The school anti-bullying policy document data provided by each of the schools was reviewed using a project-developed checklist which the researcher derived from components found in literature (described in section 4.5.3 below). The analytical frameworks used to deduce the results of this study and its subsequent publications are described below.

4.5.1 Level 1 analysis: Deducing the vast volume of surface level content.

A qualitative content analysis, as described by Elo & Kyngäs, (2007), was the first systematic approach taken in analysing the volume of data collected in this study. This approach was deemed useful eliciting the 'manifest content' as described

by Elo and Kyngäs (2007) or the 'semantic surface-level content' as described by Braun and Clarke (2006). Elo and Kyngäs (2007) describe this type or level of thematic analysis as a way to 'distil words into fewer content-related categories', to create from a volume of data a 'model, conceptual system, conceptual map or categories' (Elo & Kyngäs, 2007, p 108). A qualitative content analysis has three basic phases: preparation, organisation and reporting.

Preparation phase: In this study, to prepare the volume of data that had been collected, each interview and focus group transcript was first read in its entirety, then, as a 'unit of analysis' (Elo & Kyngäs, 2007) the three areas of focus of this research were delineated using protocol question markers as outlined in Table 4.3 as the instrumental guide. Three subsets pertaining to areas of interest resulted.

Organisational phase: For each of the demarcated sets of data within the study, the techniques of open coding, grouping, categorising, and abstracting, were used by the researcher to make 'sense of the whole'. This process has been described by Elo and Kyngäs (2007) as establishing the who, what, where, when and how of the data. This was a lengthy phase, resulting in a range of organised summaries or concise data reports/records which could be referred to throughout all other phases of the analysis.

Reporting phase: A number of models, conceptual systems, mind maps, or categorical systems were developed by the researcher to draw upon during the reporting of the research (Elo & Kyngäs, 2007). For example, Figure 4.1 below represents one example of a conceptual system which was drawn from the data. Figure 4.2 represents one of the mind maps that was developed by the researcher. And, in Figure 4.3, there is an example of a categorisation system which was developed and was useful to refer to across phases of the analysis.

Figure 4.1 *Conceptual overview of school measures*
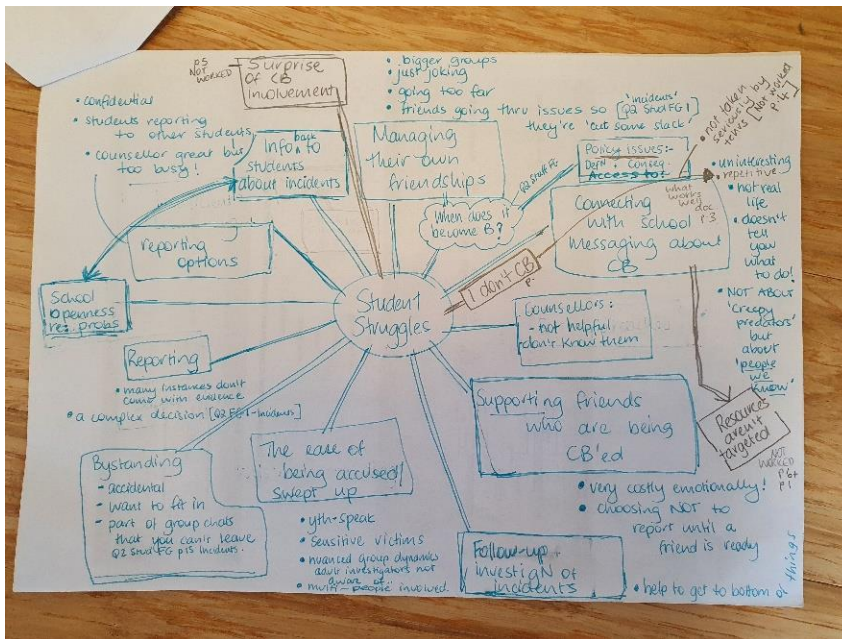
Figure 4.2 *Mind map of youth struggles with cyberbullying*

Figure 4.3 *Categorisation of what is working well from the role-perspectives of leaders and key staff.*

A full list of the records that were generated during this phase of the analysis acted as a reference and included, for each of the focus areas below, an understanding of the manifest content pertaining to:

For focus area 1:

       a) cyberbullying definitions,

       b) incidents,

       c) school measures: (i) policies, (ii) prevention, (iii) investigation and reporting of incidents, and (iv) response measures

       d) perceptions of what works,

       e) perceptions of what does not work

       f) roles and responsibilities

       g) role-specific struggles/issues

For focus area 2:

       a) law yes or no?

       b) reasons/considerations/justifications

       c) what could law specifically do to address cyberbullying

       d) for whom should it apply or help

For focus area 3:

       a) what do schools need – role perspectives

       b) how does legal system support

       c) how can legal system support

       d) which system for youth cyberbullying

4.5.2 Level 2 analysis: A latent, deeper interpretive analysis

The themes reported on in each of the three papers (in Chapters 5, 6 and 7) were identified from three 'latent' (i.e., deeper level and subsequent) thematic analyses which took the form of an inductive bottom-up approach (Braun & Clarke, 2006). The purpose of this second step of analysis was to inform the new learning

sought by the researcher which was driven by the topic areas of interest, guided by the research questions, and that interpreted through theoretical underpinning of the study. Thus, the second phase of analysis was more interpretive in nature (Holloway, 1997), taking both an up-close surface view of the worlds of those in school settings, but also looking outward toward the external contexts of schools such as the legal system to interpret what might be giving the school or the cyberbullying problem amongst young people 'its shape, form or meaning' (Braun & Clarke, 2006, 84). By making interpretations from various school stakeholder lenses and considering these in light of the social ecological bi-directional 'impact and influence' framing of the study, this second phase of analysis went beyond simple semantic or manifest descriptive content to a deeper understanding of the school-legal- and young person cyberbullying issue (Braun & Clarke, 2006).

Procedurally, Braun and Clarke's (2006) six phases were adopted during this part of the analysis, namely:

1. Getting really familiar with the data. In the case of this study, the content already established in Step 1 above was read and re-read from all kinds of perspectives. Patterns began to be identified through an 'iterative' process of 'cycling back and forth' (Creswell, 2014, p. 262). Initial ideas are formed during this phase. In the current study, connections between school stakeholders within a school began to be noticed (e.g., students report they are bored with school talks, teachers also observe students are bored with talks they feel regularly obligated by the school to give) giving the researcher a reason to ask why schools do this, and what is it exactly that is boring.

2. Initial codes begin to be generated in the second step of the analysis process. In the current study coding involved noticing interesting features of the data, often this

was seen by constantly comparing between the array of voices, the types of issues, the kinds of responses both within and between schools or stakeholders in the study (Given, 2008). One example of a feature noticed very early on in this study was that both schools had abandoned student surveys to determine the incidence of cyberbullying that may be occurring covertly in the school setting). After identifying these coded sections, the researcher began to look across the data to notice these in a more systematic way, collating any data interpreted as possibly relevant to such coded sections.

3. Searching for themes is next, that is, beginning to see the data forming themes which are relevant to the research questions. Broader meanings that were mapped, interpreted and presented in this study, were frequently guided during the analytical phase by the theoretical framework guiding this study. Where might a particular theme sit within a social-ecological understanding or framing of the problem and its solutions?

4. Reviewing the themes follows next. At this phase of the analysis, the themes that work across the data set and can begin to be 'mapped'. Figure 2 in Paper 1 (see Chapter 5) is an example of this mapping.

5. Defining and naming the themes is about the specifics of the themes in relation to the overall story the data tells. It is at this stage the researcher began to see definitions, that is, what makes a theme a theme. For example, in paper one (Chapter 5), when similar external school pressures could be identified in both schools' data and could be interpreted as having an impact on some measure of the school, likely ultimately to impact the cyberbullying of young people, this constituted a 'theme'.

6. The final aspect of a thematic analysis is reporting. In the current study this involved selecting vivid and compelling extracts to illuminate the analysis, research questions and literature in order to report, in a scholarly way, what was found.

4.5.3 Reviewing the school policy document data

Ten school policy documents were briefly reviewed, using six key components derived from the literature that recommended what schools should consider including if they were to avoid some of the legal pitfalls which arise from their duty of care for preventing student cyberbullying (Butler et al. 2011; Chalmers et al. 2016). Table 4.7 below show the specific items which were identified by the researcher from this literature and how they were operationalised into a project-developed checklist. Appendix C is an example of how the checklist was used to gain an overview and understanding of the key content contained within the school policy documents which were provided by the schools.

Table 4.7

Checklist for Anti-bullying Policy Content

Component
1. Bullying as well as cyberbullying is clearly stated as unacceptable (i.e., is the policy a school position statement that might unite school values and actions?)
2. Definition is included for bullying and cyberbullying and are these clear and well defined (i.e., are there three pillars, are there examples included?)
3. Practise and procedures by which various members of school community may report bullying behaviour and to whom (i.e., are roles specified?)
4. Process and practices by which complaints will be handled: investigated, handled with sensitivity, properly documented (i.e., is the document a practical document)
5. Potential sanctions are stipulated, including the possibility of police involvement (i.e., is there are consistent and clear message and process for decision-making?)
6. Plan for how policies should be consistently reinforced in the minds of students and the broader school community, not merely left on school websites (i.e., does the document provide for education?)

Collecting and reviewing the school policy documents was considered a method of verification when analysing the transcripts containing the perspective data. The documents allowed a way for the researcher to locate 'evidence that may support or refute explanations of the findings' so that the study analysis is richer and more meaningful (Roller & Lavrakas, 2015, p. 364). 'Triangulation' is a common verification approach that compares one source of data with another source to provide a balanced and deeper understanding of the outcomes rather than relying on the one source alone. Comparing what stakeholders say (e.g., about how they investigate cyberbullying in the school) with what is contained in school policy documents (e.g., is the process described by stakeholders observed in written format in the anti-cyberbullying policy?) was the way which was adopted in this study to gather a more complete, balanced and authentic understanding about school successes and challenges and to better frame the study outcomes for linking and leveraging legal responses. Given that, too, in the USA, specific anti-bullying laws have legislated that schools have templated policies that drive their school-based actions toward the prevention and intervention of bullying and cyberbullying (Yang & Grinshteyn, 2016), gaining some understanding of this in the Australian school context was deemed useful and appropriate. It should be noted, however, that it was not the intent of this study to produce stand-alone findings related specifically to the review of the policy documents. In brief, however, Appendix C indicates that both study schools had anti-bullying policies in place which referred to cyberbullying or online harassment. These policies formed part of a network of school documents which together broadly housed the strong anti-cyberbullying stances of the schools and the intent of the schools to foster safety and wellbeing and positive relationships (e.g., student acceptable use of technology; student codes of conduct; child

protection policies, etc.). The completed checklist (found in Appendix C) clearly

denotes issues with defining cyberbullying with clarity (e.g., sometimes conflating it

with legal terms like 'harassment'). The checklist also indicates that the practical

and specific processes following incidents were either absent or only partially

delineated. As an example, role responsibilities were outlined in School 1's policy

(e.g., staff will act to prevent bullying; bullying is the responsibility of all school

roles including students, school staff and parents) but the policy failed to include the

names or contact details of those in the school to whom one might specifically report

incidents or any detail as to *how*, for example, staff will *act* to prevent bullying.

Additionally, while sanctions for cyberbullying were included and involved

references to either typical school disciplinary measures, (e.g., detention, suspension)

or going to the police for 'serious cases', the cyberbullying behaviours that might

amount to serious levels (i.e., what is a legal offence and a matter for the police)

were not described.

4.6 Presentation of Results

In the subsequent three chapters – Chapters 5, 6, and 7 –the results of each of

the three analyses that have been outlined in this chapter are presented. Each

analysis is contained within a respective journal article – of which there are three.

Each journal article is based upon one of the three areas of focus that were proposed

in Chapter 1 (sections 1.4.1, 1.4.2 and 1.4.3). Chapter 5 contains Paper 1, which

followed the research question: How are schools addressing the prevention and

intervention of cyberbullying? The investigation considers the *educational/school*

solution to youth cyberbullying. Findings reported in the paper draw upon

participants' reflections of their own prevention and intervention work, and using the

schools' provided documents to seek examples pertaining to stakeholder's

perspectives. It was not the intent of Paper 1, nor of any of the papers in this thesis, to report specifically on the schools' provided documents. Therefore, Paper 1 centres on the perspectives gathered from school stakeholders on the work of their schools – drawing upon participants' views of their own ease and struggle, their own role experience and confidence in taking on the challenge of countering the problem of student cyberbullying (in Figure 3.3, the schools' contexts were conceptualised as the mesosystem). The resulting paper is published in a subscription access quartile one (Q1) international journal (thereby meeting a key criterion of undertaking a PhD by publication). It should be noted that this paper uses the Chicago author date referencing style that was a condition of publication in the Educational Research journal. The citation is as follows:

Pennell, D., Campbell, M., & Tangen, D. (2020). What influences Australian secondary schools in their efforts to prevent and intervene in cyberbullying? *Educational Research, 62*(3), 284-303. https://doi.org/10.1080/00131881.2020.1795701

Chapter 6 consists of Paper 2. This paper had as its focus *legal system solutions* to the problem, namely a proposed new cyberbullying-specific law to reduce youth cyberbullying (in Figure 3.3, the legal system was conceptualised as the macrosystem). Thus, the research question guiding the paper focuses on the law: How do schools view the creation of a cyberbullying-specific law to reduce student cyberbullying? The resulting paper is accepted for publication (with proofs currently in preparation) in the Q1 subscription access journal The Australian Educational Researcher journal. The paper is presented using the style and referencing guidelines of the journal (a version of APA 7th overlaid with journal publishing preferences), and can be cited as follows:

Pennell, D., Campbell, M., Tangen, D., & Knott, A. (2020). Should Australia have a law against cyberbullying? Problematising the murky legal environment of cyberbullying from perspectives within schools. *The Australian Educational Researcher.* https://doi.org/10.1007/s13384-021-00452-w

Chapter 7 consists of Paper 3, which followed from the research question: How might the legal system best work in collaboration with schools to address student cyberbullying? It combines both meso-and macrosystem solutions, that is, it has a focus furthering an understanding of dual-systemic (i.e., education *and* legal) solutions in response to the youth cyberbullying issue. In Figure 3.3., this is represented by the figurative 'plus' sign where schools and wider society better align to target and support the cyberbullying problem amongst young people. Paper 3 promotes the idea that it is not schools alone, nor a law alone, that will resolve youth cyberbullying and provides practical implications arising from the current study towards this end. The resulting paper is still being considered, following interest and immediate review and invitation to re-submit with very few requested changes in the Q1 (education)/Q2 (developmental and educational psychology) subscription access international journal Preventing School Failure: Alternative Education for Children and Youth. The paper is presented using the style and referencing guidelines of the journal (i.e., APA 7th), and is cited as follows:

Pennell, D., Campbell, M., & Tangen, D. (2020). The education *and* the legal system: Inter-systemic collaborations identified by Australian schools to more effectively reduce cyberbullying. [Manuscript in submission, following review, *Preventing School Failure: Alternative Education for Children and Youth*]

Chapter 5: How are schools addressing the prevention and intervention of cyberbullying?

This chapter, Chapter 5, contains a paper guided by the research question of focus area one of this research. It asks how are schools addressing the prevention and intervention of cyberbullying? The investigation considers the *educational* (i.e., the school) solution to youth cyberbullying. Thus, the paper centres on perspectives on the work of schools in reducing cyberbullying. The published paper's citation is as follows:

Paper 1 citation

Pennell, D., Campbell, M., & Tangen, D. (2020). What influences Australian secondary schools in their efforts to prevent and intervene in cyberbullying? Educational Research, 62(3), 284-303. https://doi.org/10.1080/00131881.2020. 1795701

Relevance to the thesis

This paper provides evidence of the influence the current Australian legal framework of cyberbullying is having on schools as they seek to enact and operationalise their practices to reduce student cyberbullying. The paper also uncovered, in a novel and surprising way, a host of other hidden societal and school community influences which were colouring school efforts to prevent and intervene in cyberbullying. The results revealed that without wider societal changes, such as considering the role the law was playing in schools, that schools were likely to be hampered in their capacity to effectively reduce the cyberbullying behaviours of

young people. The paper (and chapter) is presented in the style and referencing guidelines of the journal (Chicago author-date) where it is published.

Why this journal was chosen

Educational Research is an international Q1 peer-reviewed long-standing research journal for informed thinking on all issues of contemporary concern in education, such as the role of schools in addressing the recent phenomenon of student cyberbullying. Educational Research has publications emanating from well-known and prolific researchers in the international field of school-based (cyber)bullying research (e.g., Smith, McGuckin, Salmivalli, Thornberg, Steffgen, Li, including almost all the internationally recognised Australian anti-bullying researchers) some of whom appear in Paper 1's reference list. The topic of the paper was believed to be of interest to academics and researchers alike, and the findings needed to be communicated to both policy makers and practitioners which the journal's subscription readership was likely to afford. The journal has a broad scope of readership because it chooses to publish paid for open access or free to publish subscription articles that promote a critical enquiry in and of education in relation to topical issues. Paper 1's novel outward-looking view of the influences on school prevention and intervention and how this may impact the successful reduction of youth cyberbullying met this criterion for the journal. Educational Research is journal interested in articles about policies and practices that have worldwide impact and ameliorating student cyberbullying is a problem experienced by schools worldwide.

Statement of contribution of co-authors for thesis by published paper

Statement of Contribution of Co-Authors for Thesis by Published Paper

The authors listed below have certified that

1. they meet the criteria for authorship and that they have participated in the conception, execution, or interpretation, of at least that part of the publication in their field of expertise;
2. they take public responsibility for their part of the publication, except for the responsible author who accepts overall responsibility for the publication;
3. there are no other authors of the publication according to these criteria;
4. potential conflicts of interest have been disclosed to (a) granting bodies, (b) the editor or publisher of journals or other publications, and (c) the head of the responsible academic unit; and
5. they agree to the use of the publication in the student's thesis and its publication on the QUT's ePrints site consistent with any limitations set by publisher requirements.

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Contributor	Statement of contribution*
Donna Pennell QUT Verified Signature March 17, 2021	Conducted interviews and focus groups, data transcription, data analysis, conception, conception of the first draft of the manuscript
Marilyn Campbell	Original ARC funding for data collection, assistance with literature review content, participated in analytical process and decision-making, edited manuscript drafts
Donna Tangen	Assisted with methodology, participated in analytical process participated in analytical process and decision-making, edited manuscript drafts

Principal Supervisor Confirmation

I have sighted email or other correspondence from all Co-authors confirming their certifying authorship (if the Co-authors are not able to sign the form please forward their email or other correspondence confirming the certifying authorship to the GRC)

Marilyn Campbell
_____   QUT Verified Signature   March 18, 2021
Name   Signature   Date

Paper 1

What influences Australian secondary schools in their efforts to prevent and intervene in cyberbullying?

Abstract

Background: Cyberbullying is a significant problem for young people and secondary schools are the main institutions expected to address it. School anti-bullying measures have only modestly reduced the problem to date.

Purpose: This study aimed to examine the perspectives of members within the school community regarding their actions to reduce cyberbullying.

Method: School stakeholders were recruited from two large independent high schools in Australia. Overall, four school leaders, two key personnel with roles in cyberbullying prevention, and two parents participated in semi-structured interviews, while two groups of Year 9 teachers, and four groups of Year 9 students (aged 13-15 years) participated in focus groups. Interview and focus group protocols were developed to gather views about prevention and intervention measures for cyberbullying in the stakeholders' schools. Copies of anti-cyberbullying policies and documents were also collected for review.

Analysis: A thematic content analysis was conducted on 14 stakeholder transcripts from interviews and focus groups, and school policy documents were reviewed for anti-bullying components. The distal systems of Bronfenbrenner's (1977) social-ecological framework were used to frame a wider view of school efforts to prevent and intervene in cyberbullying.

Findings: The content analysis and review showed that school actions were reflective of evidence-based best practice. However, despite actions toward making students safe from cyberbullying, stakeholders were left questioning why these incidents were still observed. The analysis revealed that the

continued presence of cyberbullying was not simply attributable to ineffective school practices, but rather from societal influences. Three macrosystem themes were identified from the data: the culture of technology; the legal framework; and the media portrayal of cyberbullying. These macrosystem influences could be seen impacting four school exosystems (i.e., communities of school practice): the parent community, the organisational community, the support and advice community, and commercial communities of schools.

Conclusion: The macrosystems and exosystems of schools are influencing school actions, with implications for the reduction of student cyberbullying.

Keywords: cyberbullying, bullying prevention and intervention, secondary schools, technology, law, media

Introduction

Cyberbullying is a global problem affecting young people's wellbeing (UNICEF 2017) and schools can sometimes bear the brunt of negative opinion for failing to adequately address this situation ("Nations Schools Failing Our Youth." *The Courier Mail,* June 17, 2016). This is somewhat understandable, as research suggests cyberbullying is most prevalent during the school years, particularly when students' relationships are disrupted during the transition to secondary school, requiring them to re-negotiate their friendship groups or establish new ones (Cross et al. 2009). In this technological age, most young people enact their day-to-day interactions using online-connected devices to text or chat in groups, creating opportunities for cyberbullying to occur. Many schools also put technology in the hands of young people for the purpose of teaching and learning, so the community considers schools have key roles in socialising children to become responsible digital citizens (Oxley 2011). Therefore, one could argue that schools do need to take a substantial portion of responsibility for preventing and intervening in cyberbullying amongst students.

Background

Understanding cyberbullying

Cyberbullying can be defined as an *electronic form* of bullying which is delineated by three criteria drawn from our understanding of traditional bullying: 1) it is intentional targeted harm, 2) usually repeated, 3) which happens because there is a power imbalance that weakens a target and enables a perpetrator (Thomas, Connor, and Scott 2015). Sometimes, this view of cyberbullying is debated because of the characteristics of cyberbullying that differentiate it from traditional bullying and the

way the definitional criteria of intent, repetition, or power imbalance must be applied in cyberbullying (Dooley, Pyzalski, and Cross 2009; Menesini and Nocentini 2009). For example, cyberbullying can occur at any time of the day or night, be anonymous, remain online over time, and an online audience can include many people who can continue the incident by liking, forwarding, or commenting. However, cyberbullying is viewed, though, there is no doubt it is a challenging issue for schools to address. The intention of this paper is to consider some of these school challenges in light of the expectations on schools to act to reduce the problem of student cyberbullying.

School actions to address bullying

Research shows that schools can do much to create climates where bullying is less likely to flourish (Dorio, Clark, Demaray, and Doll 2019). Anti-bullying environments begin with strong school stances via policies and should reflect the legal responsibilities of schools to keep children safe (Butler, Kift, Campbell, Slee, and Spears 2011). Policies should then act as drivers of practical school actions: that is, the proactive and reactive responses of schools to address bullying (Nickerson and Rigby 2017). Prevention includes educating the whole school community about bullying in all its forms, and providing ways to report incidences. Intervention includes investigating reports of bullying and following up with methods of support or discipline to arrest any further harm to students (Nickerson 2019).

Even though Australian schools enact prevention and intervention strategies, it is estimated that one in five 8 – 17-year-old students are consistently cyber-victimised during any one school year (Katz et al. 2014). While school-based measures in Australia have been shown to modestly reduce the problem (Cross et al. 2019), cyberbullying still occurs — as is also the case in international contexts

(Gaffney, Farrington, Espelage, and Ttofi 2019; Yeager, Fong, Lee, and Espelage 2015).

While it is easy to conclude that schools are simply not doing enough, it is important to acknowledge that cyberbullying is complex. Research shows cyberbullying to be interwoven with experiences of traditional bullying, creating student roles as both perpetrator and victim in-person and online (Waasdorp and Bradshaw 2015). Cyberbullying occurs off-campus and out of school hours, sometimes involving networks of students across schools (Smith et al. 2008). Also, the tools and networks used to cyberbully may be parent-provided/administered, where schools may feel they have limited jurisdiction (Young, Tully and Ramirez 2017).

Cyberbullying may also be difficult to address because schools are not the only contexts for this behaviour (Thomas, Connor and Scott 2018). Cyberbullying is likely to be a product of the societal or community environment within which schools are embedded (Espelage 2014). While relatively little research appears in the bullying literature about such influences, one US study found that sexual minority youths who reported being cyberbullied at school were more likely to attend schools in neighbourhoods with higher LGBT assault hate crime rates (Hatzenbuehler, Duncan, and Johnson 2015). Similarly, Hong and colleagues (2014) discovered that the predominantly Christian society of South Korea had an impact on school bullying. Those who attended regular religious activities with their families had less involvement in bullying at school. The society and community within which schools operate their prevention and intervention actions, it would seem, have some influence on bullying amongst school students. It is how these kinds of external

influences are perceived to be acting upon schools' prevention and intervention of cyberbullying by different stakeholders that is the focus of the current study.

Conceptual framework

In the study presented in this paper, the social-ecological systems theory of Bronfenbrenner (1977) was drawn-upon as a conceptual framework for considering how systems of influence might contribute to behaviour. The theory posits that individuals are situated within a range of nested, reciprocal, and dynamically interacting systems that influence their development. Influences may be 'proximal' (close, direct, immediate), or 'distal' (less close, direct, or immediate). Bronfenbrenner (1977) names these systems the *micro-*, *meso-*, *exo-* and *macrosystems* depending upon how directly they impact the individual.

While more typically the framework is applied to child development, in the school-based bullying literature, the model is sometimes used to inform gaps in our understanding so that we can see new ways to address bullying which have not previously been considered (Espelage, 2014; Thomas, Connor and Scott, 2018). For example, Thomas and colleagues (2018) recently proposed that conducting research to consider the broader society or community conditions influencing bullying, that is the exo- and macrosystems of bullying, might open new ways to see and address the problem. Thus, in the current study, Bronfenbrenner's (1977) framework — often represented by nested spheres of influence — is used to underpin an understanding that it is not only the actions of schools, or those with direct roles in schools with students (e.g. teachers), that can influence the cyberbullying behaviour of young people, but also the wider systems within which schools are situated. Figure 1 indicates how we have conceptualised and understood the relationships in our study of cyberbullying according to this underpinning framework.
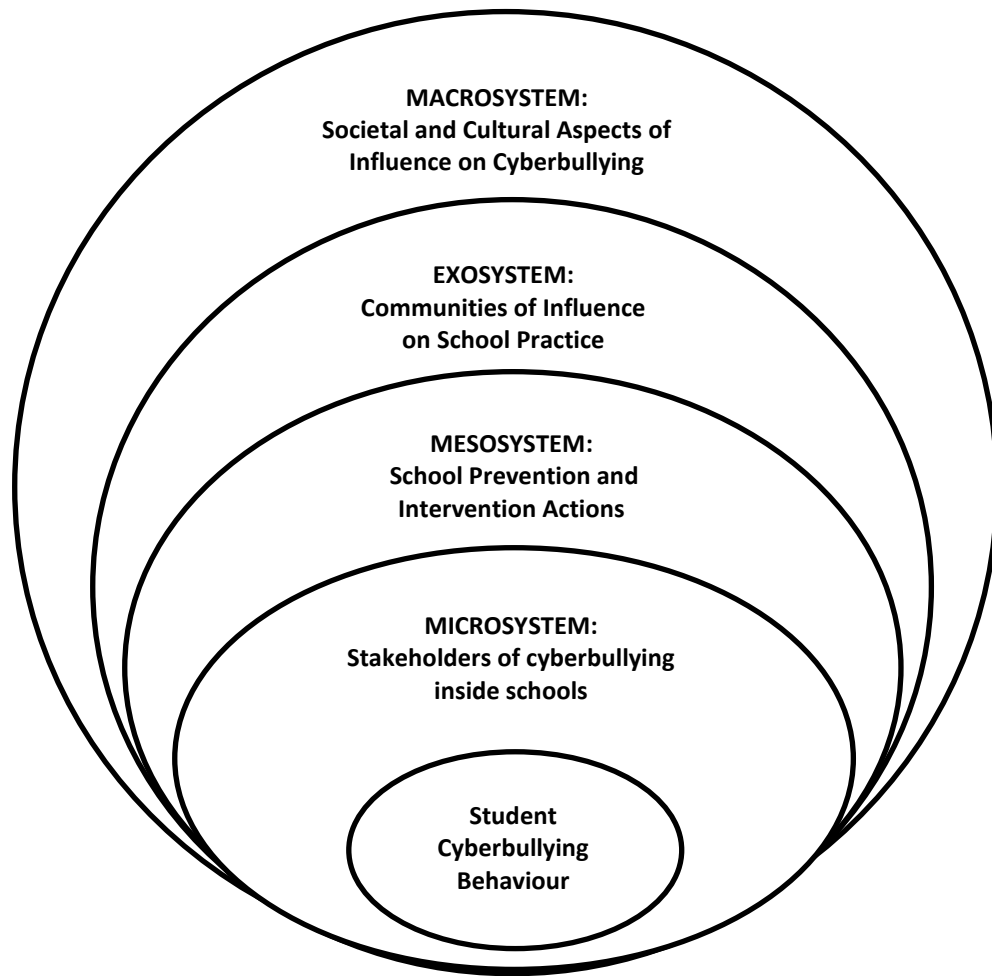
Figure 1. Application of the social-ecological framework to the current study of influences on secondary school prevention and intervention of cyberbullying

For this study, the *microsystem* was conceptualised to contain the stakeholders of cyberbullying prevention and intervention in schools who are closest to the problem of student cyberbullying (i.e., students, teachers, parents, school counsellors, ICT (information and communication technology) staff, and school leaders). The interactions of stakeholders were considered to be encompassing the *mesosystem* of the school, where the measures of schools, such as their policies and strategies, are broadly understood and serve to address cyberbullying. Beyond the mesosystem are the distal systems of most interest to this research - the *exo-* and

macrosystems of the school - that are less often considered. The *exosystem* was seen as the communities of/around a school's practice that may be influencing or impacting directly or indirectly in terms of what they do to prevent and intervene in cyberbullying in the school (e.g., communities of parents, communities of support/advice of the school). The *macrosystem* was seen as the societal, or cultural environment within which schools have to operationalise their practice to prevent and intervene in cyberbullying (e.g., public perceptions of the cyberbullying problem, the legal framework of cyberbullying).

Purpose

Because cyberbullying is associated with negative outcomes for young people, such as behavioural problems, psychological harm, social difficulties, and distress, and has an association with suicidal ideation (Thomas et al. 2017; Hinduja and Patchin 2019), research which considers a broader view of *why* schools may struggle to stop cyberbullying is timely and necessary. Therefore, the aim of this study was to consider the perspectives of a range of secondary school stakeholders about their own schools' cyberbullying prevention and intervention actions in a way that brings in a much wider understanding of the effectiveness of schools to reduce cyberbullying.

Method

A qualitative interpretivist methodological approach was taken in order to focus on how those closest to the problem of cyberbullying in schools see their own schools' actions to address cyberbullying and the impacts of these actions on students through the experiences they encounter in their 'world' (i.e., their roles and interactions in schools) (Holloway, 1997). The interpretivist approach of this study allowed an up-close view of the school setting – and beyond it – drawing from various school

stakeholder lenses. Thus, the data could be viewed in 'dynamic' ways, allowing the analysis of bi-directional and reciprocal direct or indirect influences indicated in Figure 1.

Ethical Considerations

Independent secondary schools nested within a school consultation study about cyberbullying were selected as research sites for the current study. Schools had been recruited following approvals from a university ethics committee, using standard informed consent processes. This study was conducted at two of the participating schools (referred to in this study as School 1 and School 2). Principals provided written consent to access their school communities from which to recruit participants for teacher and student focus groups, and to recruit school leader, key staff and parent participation in semi-structured interviews. All participants provided independent, informed written consent to participate. Information statements to participants explained the study purpose, details of involvement (including being audio-recorded), the freedom to withdraw without risk/reason, along with risks and benefits of participation. Parent and student consent was required for student participation. Principals consented to the collection of school policy documents, and for their use in non-identifiable forms.

Participants

School 1 and School 2 were large metropolitan Preschool to Year 12, co-educational, independent secondary schools which had recently introduced one-to-one technology for students. From each school, anti-bullying documents were requested so that the researchers could understand school action/stance in relation to cyberbullying. Students from Year 9 (13–15-year-olds) were selected as participants for student focus groups. The rationale for selecting students from this particular year group was

that reports of cybervictimisation during this year level have been found in Australian studies (Cross et al., 2009). The participants of teacher focus groups were teachers who taught at least one Year 9 class. Interview participants were recruited purposively for their likely roles in the prevention and intervention of cyberbullying in the schools. School leaders, key personnel (school counsellor, or ICT staff), and parents (who had a representative role in the parent body of the school) agreed to be interviewed. Table 1 gives an overview of the participation of school stakeholders in interviews and focus groups, and the document data that was provided by each of the two schools.

Table 1. Overview of School, Participant and Document Data.

	SCHOOL 1	SCHOOL 2
Anti-bullying Documents Analysed		
Policy documents containing the anti-bullying stance of the school	Two documents provided and analysed	Eight documents provided and analysed
Semi-structured Interviews: Leaders, Key Roles & Parents		
Executive 1	Principal or Deputy Principal	Principal or Deputy Principal
Executive 2	Deputy Principal or Other Leadership Role	Deputy Principal or Other Leadership Role
Key Role	School Counselling or School Technology Role	School Counselling or School Technology Role
Parent Representative	Parent	Parent
Focus Groups: Year 9 Teachers		
Year 9 Teacher Focus Group	9 x Teacher Participants	4 x Teacher Participants
Focus Groups: Year 9 Students		
Year 9 Student Focus Group 1	8 x Student Participants	4 x Student Participants
Year 9 Student Focus Group 2	3 x Student Participants	6 x Student Participants

Measures

Four interview protocols (Principal, Deputy, Key Role, and Parent) and two focus group protocols (Teacher and Student) were developed. The protocol items were common, except for some targeted questions which prompted information to be gained from a specific role (e.g., what do students need?; what does your key role contribute?; what do you do in your classroom?). Core questions included: how do you define and treat cyberbullying in relation to traditional bullying?; what does your school do to try to prevent and intervene in cyberbullying?; what strategies have worked well?'; what hasn't worked well?; 'can you describe any incidents that have happened in the school? and do you have anti-bullying policies/where can you find them/how are they communicated/is cyberbullying included?'

Procedure

A school-based liaison person was assigned at each school, through whom the first author organised interviews with staff and parents and recruited participants for the focus groups. School leader interviews were conducted first, at which time school anti-cyberbullying policy documents were collected, with additional documents voluntarily offered. Participants for student focus groups were recruited after a short presentation at the school assembly. Participants for teacher focus groups were recruited via an emailed invitation through staff-list email networks at each school. Interviews and focus groups were conducted onsite in each respective school, at times and in locations convenient to the schools. Interviews and focus groups were audio-recorded and transcribed verbatim.

Data analysis

Ten school policy documents were analysed, using components derived from the literature (see Butler et al. 2011; Chalmers et al. 2016). These were operationalised

in a project-developed checklist containing items such as: is cyberbullying included and clearly defined with examples?; is there a school stance statement?; are personnel/roles specified to whom the school community can report bullying?; are there practical processes and practices by which reports of bullying will be investigated, handled and documented?; are potential sanctions indicated? and is there a plan for how policies are reinforced to the broader school community?

Fourteen transcriptions, resulting from interview and focus groups with stakeholders, were subject to bottom-up inductive thematic content analysis (Braun and Clarke 2006). Briefly, this process involved reading the transcripts in their entirety to get a sense of the whole, generating codes to represent meaning, reducing codes under higher order categories and finally consolidating these categories into themes. This process established what schools were doing - with ease or difficulty - to prevent and intervene in cyberbullying. At each stage of the data analysis process, progress was dependent upon discussion and consensus agreement between the three authors.

To inform the social-ecological interpretation of the data (Bronfenbrenner 1977), an iterative process of cycling back and forth between various stakeholder 'lenses' was undertaken, framing the data as an impact/influence associated with one of the proximal or distal ecologies of schools, as conceptualised in Figure 1. Like the theory, which suggests the systems of influence act in reciprocal and dynamic ways to impact behaviour, the data was also treated and interpreted in connective ways. For example, schools had policies which suggested that: teachers were conduits for detecting/reporting cyberbullying (mesosystem influence on teachers); teachers could not see cyberbullying in their classrooms (teacher microsystem impact); teachers asked to conduct surveys to detect covert incidents (microsystem influence), but

because of perceived 'legal issues' these were not enacted by the school (thus an identified macrosystem influence on a school's measures). When macro- or exosystem pressures could be identified similarly in both schools' data as impacting their school policies, prevention, reporting mechanisms, and responses (intervention) to incidents that were likely to affect the reduction of cyberbullying amongst students, they were considered 'themes'. As shown in Figure 2, three macrosystem (i.e., societal/cultural) themes were found impacting a number of exosystems (i.e., communities of practice) of schools which were, in turn, considered to be influencing responsibilities on the schools for the safety of their students.

[Insert Figure 2 here]

MACROSYSTEM Societal and Cultural Aspects of Influence on Cyberbullying	EXOSYSTEM Communities of Influence on School Practice	MESOSYSTEM School Prevention and Intervention Actions

Culture of technology
→ Organisational community: Enhanced learning identity
→ Parent community: Partnership
→ Keep students safe from all use & misuse of technology

Legal Framework
→ Advice community: Professional conferences
→ Advice community: Suburban police
→ Keep school & students safe from the law

Media portrayal of cyberbullying
→ Parent community: Confidence in school
→ Organisational community: Safety identity
→ Commercial community: Resources available for purchase
→ Keep students safe from serious harm

Impacts Policies

Impacts Prevention

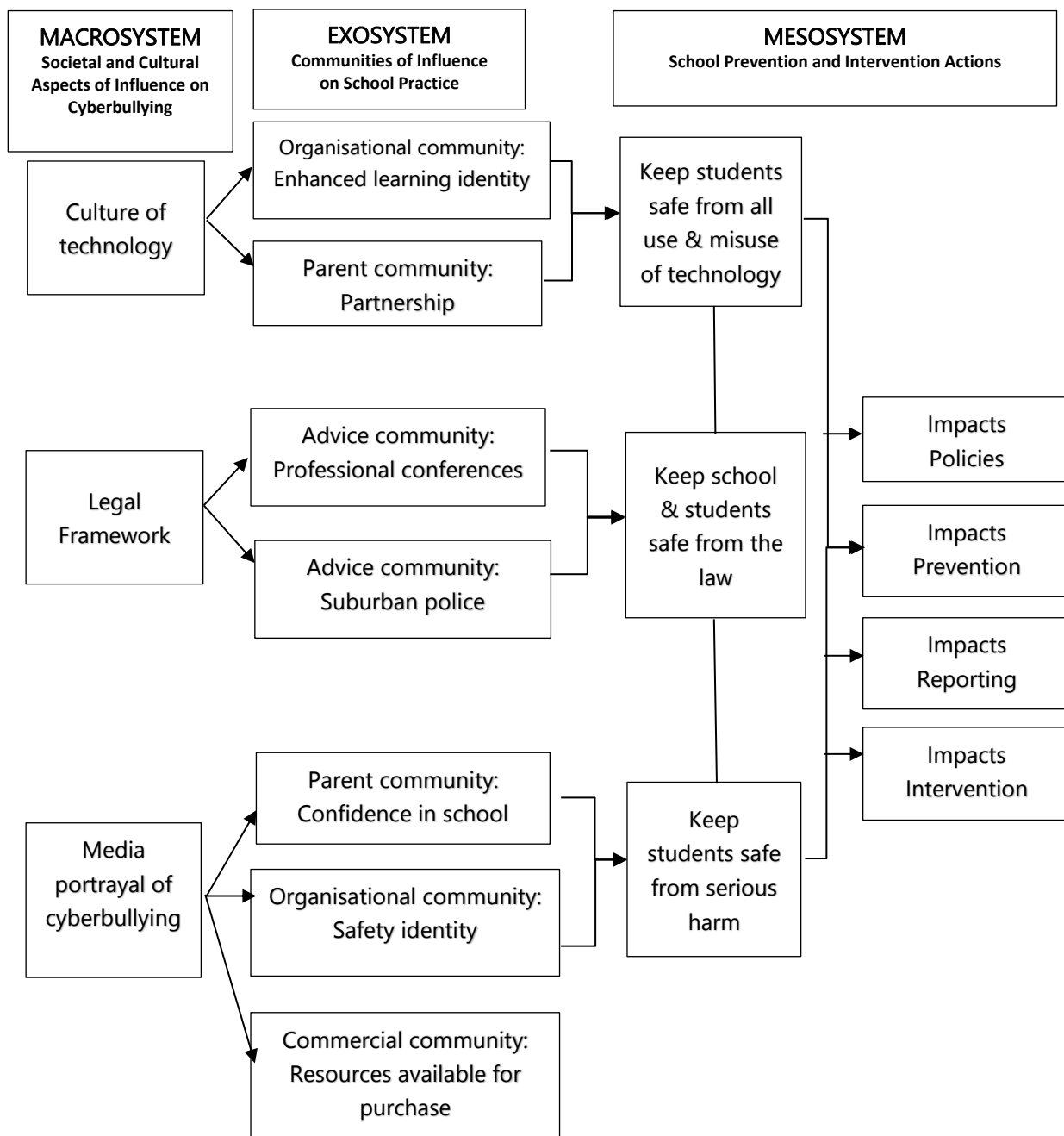Impacts Reporting

Impacts Intervention

Figure 2. Themes from the data analysis: societal (macrosystem) and community (exosystem) influences on secondary school prevention and intervention of cyberbullying (mesosystem)

Findings

Overall, the content analysis and review showed that school actions were reflective of evidence-based best practice. However, despite actions toward making students safe from cyberbullying, stakeholders were left questioning why these incidents were still observed. The analysis revealed that the continued presence of cyberbullying was not simply attributable to ineffective school practices, but rather from societal influences. Findings are presented in the subsections below, beginning with a report of how, according to the analysis, schools were preventing and intervening in incidents, and then how the macrosystems and exosystems were impacting the mesosystem of schools. Where relevant, anonymised excerpts from a range of school voices are included to illustrate and illuminate findings.

What were the schools doing to prevent and intervene in cyberbullying?

The data revealed that the actions of schools regarding prevention and intervention of cyberbullying (i.e., the mesosystem) consisted of prevention policies, whole-school education about cyberbullying, taking reports of cyberbullying seriously, and addressing incidents when they occurred. In-common views were that an all-encompassing proactive approach, involving home-school partnerships, clear expectations of behaviour, a positive school climate of care, maintaining standards of digital citizenship within the school, and responding to reports of cyberbullying with an individual-focussed developmental approach – were the schools' most successful methods for addressing cyberbullying amongst students.

Despite the data indicating a well-rounded approach to cyberbullying in the schools, many stakeholders recognised that cyberbullying incidents still occurred, and they

did not really understand why. This can be seen both in discussion between teacher participants in one of the teacher focus groups:

> Teacher: Yet their behaviour doesn't change
>
> Teacher: We still deal with (it)
>
> [Teacher Focus Group participants]

and also through observations from one of the school leaders:

> They've had a million messages... I think it's still important to have that education (thinking pause) I'm not convinced that...it's necessarily enough...to solve those issues...

Given the scope of the prevention and intervention actions of the schools, it was unclear to participants why their actions were not more effective in impacting their students' cyberbullying behaviour.

Re-conceptualising school actions as a product of society or community influences

While it is considered the responsibility of secondary schools to prevent and intervene in issues of student cyberbullying, the data indicated that external factors were impacting aspects of schools' policies, prevention, reporting and responses to cyberbullying. Three societal (or macrosystem) themes were detected in the data as school impacts: 1) the culture of technology; 2) the legal framework; and 3) the media portrayal of cyberbullying. These macrosystems were also found to influence the exosystem of the schools, including: 1) the parent community; 2) the school organisational community; 3) the advice community; and 4) the commercial community.

Culture of Technology (Macrosystem)

The 'culture of technology' macrosystem was perceived as a pressure on schools to incorporate information and communication technologies (ICT) in preparation for the 'digital world'. Thus, this 'culture' – the ubiquity of technology - was being

participated in by schools as part of their position in wider society. On the most part, the analysis indicated that this macrosystem influenced an unwieldy responsibility on the schools for student safety from *any and all harm* pertaining to the 'culture of technology'. One principal described it thus:

> There was a time gone by where schools didn't deal with things that were occurring on a Saturday evening at a party and then manifesting themselves in a way that comes in through Facebook or on other social media or in particular texting and the rest. The responsibility as educators is clearly on us to take action where needed.

Impacts on the Schools' Communities of Practice (Exosystem)

Organisational community: The broader 'culture of technology' macrosystem impacted the schools' organisational community (i.e., the privately-funded school community within which both schools in this study were affiliated). This organisational community framed an *enhanced learning identity,* which influenced a fast-adoption of technology in classrooms, because this was identified as something that distinguished them from what many government schools could offer. However, stakeholders recognised that this came with an implicit expectation for 'technology' teaching, so that the technology they had enabled would be used appropriately. However, sometimes students did misuse their devices, putting substantial pressure on schools to do more about cyberbullying.

Parent community: While school leaders perceived closer home-school connections were required to deal with such a responsibility, staff perceptions queried the parental role:

> Where are the parents? … they need to be on top of what their kids are doing.
>
> [Teacher Focus Group participant]

Parents for their part, recognised they could be helpful partners, but this did not bear out in student perceptions, as this excerpt demonstrates:

> They do put a lot of attention towards it but I guess they have to now...every student has an iPad...the (repetitive) talks are mandatory...because if kids *did* get cyberbullied...(and) the school hadn't talked about it, then there could be a load of complaints from parents...
>
> [Student Focus Group participant]

Students, therefore, recognised the influence of the schools' communities of parents on school practices in the way cyberbullying education was delivered to them (i.e., very frequently).

Impacts on Schools' Measures (Mesosystem)

Given the weight on schools to prevent cyberbullying within this wider social and community of practice context, the schools were prone to emphasise the negative aspects of technology. Experts and visiting groups were invited to reinforce the ways in which technology could be 'dangerous'. Schools, therefore, presented education about cyberbullying as a sub-component of a broader 'dangers of technology' message that less-often addressed student cyberbullying experiences with peers. As one student commented,

> ...they don't really have it specific to cyberbullying ... and not cybersafety ... They don't say, 'To not get cyberbullied', they say 'So that you don't get stalked by a creepy predator on Facebook...' Yeah, but what if someone I know is cyberbullying me, what do I do then?
>
> [Student Focus Group participant]

Thus, this cultural macrosystem also helped to explain why the schools were preventing cyberbullying in technological ways, by blocking websites, discouraging Apps, and creating parent websites about the latest 'threats'. Students perceived these were not the schools' best measures to address cyberbullying. The 'culture of technology' was also influential in schools' resolution of some cyberbullying incidents, seeing cyberbullying as simply a product of technology (e.g., 'just change

your password') which students found disappointing because it did not address perpetrators or their own feelings of powerlessness.

The Legal Framework (Macrosystem)

The second macrosystem theme — the legal framework – was substantially identified from the school policy document data. These indicated how schools were struggling with the numerous laws pertaining to cyberbullying (e.g., Anti-Discrimination Act, Privacy Act, Negligence (Duty of Care), Criminal Code): it was difficult for schools to write clear policies or interpret their legal responsibilities in schools when the law itself seemed so unclear. Many stakeholders, however, considered that cyberbullying issues amongst students could very easily become legal matters (e.g., School 2's school counsellor had concerns about the legal ramifications of 'sexting' for unwitting young people).

Impacts on Schools' Community of Practice (Exosystem)

Advice Community: Given the weighty responsibility of schools to write policy and interpret the legal framework of cyberbullying in their daily actions, two school exosystems of advice were identified in the data as avenues of school support. One exosystem could be seen in new relationships with the local suburban police that had been developed to unravel the legal aspects of cyberbullying. Another community of school advice detected in the data was attendance at professional conferences, as a school counsellor reflected:

> ... it's just so grey that it's very hard. I go to conferences. Every year the school sends me to cyber safety summits, to try to hear the latest thing so that I can disseminate this. But what I hear at these conferences is 'We're not exactly sure what this means' and 'It's different from this State to this State' and so, you know, it's often hard to bring things back from that, so we have to go to the principle rather than the legality.

Because these exosystems were not well equipped to inform school actions that ensured schools were protected *from* the law, stakeholders felt vulnerable and uncomfortable in juggling their legal responsibilities in practice. These quotations from three participants in one of the teacher focus groups are illustrative:

> Teacher: It's my understanding is that legally … schools do have some responsibility …
>
> Teacher: Where do they think we're going to get the information from?
>
> Teacher: Exactly, how are we supposed to know what they're … I mean they're on Facebook 50 times a day!
>
> [Teacher Focus Group participants]

Impacts on Schools' Measures (Mesosystem)

The legal framework macrosystem impacted the number of policies needed for schools to adhere to the different legal aspects of cyberbullying affecting their practices. This made concise information about cyberbullying difficult for students to find. The legal focus of policies meant that rarely did students or teachers read them, perceiving them not as helpful guides, but as obligatory documents to protect schools. For example, when students 'looked up' their schools' anti-cyberbullying stance, definitions of cyberbullying were confusingly found muddied with legal terms, such as 'harassment'.

Leaders from both schools spoke of the 'steps and processes' contained in their policies for reporting incidents in the school but, according to both teachers and students, victims rarely reported their own victimisation. Students feared further perpetration if they 'told a teacher' and proposed 'better ideas' in their focus groups to report their victimisation in more confidential and 'accessible' ways which were not available to them. Teachers in School 1 recognised that 'consistent' school actions were important, thus those with policy knowledge would be best equipped to process (make records of and handle) incidents. Thus, it may be that the macrosystem

of law may have been influencing an undercurrent of fear that schools may have to account for their actions in a court of law based upon their policies.

The legal macrosystem appeared to have a subversive influence in some of the schools' prevention and intervention measures. School leaders perceived surveys to detect covert bullying in the school only revealed 'relationship squabbles'. Teachers, however, recognised a legal influence, such as avoiding too much knowledge of cyberbullying on the one hand and responding with a duty of care on the other, as illustrated in the following excerpt from the data

> … teachers would like... to have done a student survey of the year level with generic questions, carefully worded, to ascertain any uncomfortable experiences, but in the end, it was vetoed by the powers that be *because of legal issues…*there was a fear that if they did say there was something going on, then how do we deal with that? The responsibility is duty of care then, means we have to deal with it
>
> [Teacher Focus Group participant]

It appeared that schools felt compelled to act on student and parent incident reports formally, despite requests to do otherwise, because they were keeping the law in mind, as one teacher observed:

> You can't really listen to the child's plea 'Please don't tell anyone'... because you have a duty of care to follow that up.
>
> [Teacher Focus Group participant]

Thus, within such an influential macrosystem of unclear legal ramifications, schools appeared to emphasise safety *from* the law in their cyberbullying policies and practices.

Media Portrayal of Cyberbullying (Macrosystem)

The third macrosystem theme derived from the data was the media portrayal of cyberbullying, which amplified the wider public view of the cyberbullying 'issue'

that had substantially impacted and shaped school responsibilities. One leader described it thus:

> We *have* adapted the existing bullying policies...In the early days with cyberbullying we didn't think much of it was a school responsibility...but *because you saw it in the media all the time...* when it happened, it was like: 'Who's responsible? Is it our issue? Is it the parent's issue?'... So, the biggest change I think has been just (that) we need to deal with it.

Characteristic of this theme were numerous references to negative consequences of cyberbullying that had been 'seen' in press or 'watched' on television. As one parent commented, references were most likely to encompass concern about the 'drastic measures that some students take' (e.g., suicide).

Exosystem: Impacts on Schools' Measures

Parent Community: The wider public view of cyberbullying in the media was found as an impact on the parent communities of the schools. For example, as a school leader commented, parents could lack confidence in the schools for the management of the cyberbullying issues of their children:

> "when it's on the cyberworld *it's between lots and lots, hundreds and thousands of people …* and it's a problem parents are very concerned about...so they do want that next level as well (the law) sometimes too. Sometimes they're not just happy for it to be solved by the school."

Organisational Community: In response to the 'media portrayal of cyberbullying' as a 'danger' to young people, the organisational community was influenced to market a 'safety' message about the schools. Stakeholders from both schools referred consistently to their schools as 'safer' ones compared to government schools. For example, private schools were perceived as having more safety resources (e.g., counselling or ICT services), structures (e.g., network monitoring and hierarchical reporting systems) and personnel (e.g., pastoral care teachers). School 2's counsellor reported they had not seen 'the serious, horrible, cyberbullying other schools have

had'. This was an image mirrored by a parent, who reflected that the school was less likely to see serious cyberbullying due to the school's faith-based nature.

Commercial Community: Another school exosystem found likely to be shaped because of the macrosystem of the 'media portrayal of cyberbullying', was the community of experts, groups, and products which had flourished by capitalising on the harms of cyberbullying and were commercially available to schools. Schools recognised this, but, as one leader commented, they saw they had little choice if they wanted some help to support their actions:

> We do have people come in from the community to help us and ... just constantly reinforcing
> ... the dangers … It's always difficult, they are sometimes quite expensive ... but it's …
> definitely a necessary thing

Impacts on Schools' Measures (Mesosystem)

While the schools' parents' associations welcomed visiting experts to the school, students considered that oftentimes, the content presented to them did not relate that well to their cyberbullying experiences. As one participant from a student focus group noted,

> It's not relatable to us ... I think the talks can be good but ... it definitely isn't the most
> practical way to be getting awareness across about cyberbullying
> [Student Focus Group participant]

Additionally, while schools appeared self-congratulatory about their 'safety' measures for preventing and resolving the *serious* issues of cyberbullying, the perhaps *less serious* issues were being managed by students, highlighted by this quotation from a student focus group participant:

> We all have a....somewhat personal experience with cyberbullying - so it is going on...it's
> just not really that evident...most people just get over it
> [Student Focus Group participant]

Thus, the 'media macrosystem portrayal of cyberbullying' appeared to exacerbate the schools' responsibilities for keeping students safe, not just from the *likely* harms of student cyberbullying, but from the *less likely* as well. The parent exosystem reacted to unfounded fear, with both the private school organisation and the commercial exosystems of the schools capitalising on it. In such a societal macrosystem that reflects only the most serious of negative consequences of cyberbullying, the more typical student experience may be easy for schools to overlook.

Discussion

Implications of macro- and exosystem influences on schools to reduce student cyberbullying

When secondary school prevention and intervention measures are viewed through the lens of external school contexts, a wider understanding *is* unlocked (Thomas et al. 2018). While the schools in this study demonstrated they were broadly adopting evidence-based best practice (Menesini and Salmivalli 2017; Nickerson and Rigby 2017; Nickerson 2019), external influences beyond school control, were shown to nuance their practices to address student cyberbullying more effectively.

External influences on policies

The external influences on the schools in this study were seen to have an impact on their anti-cyberbullying policies. Cyberbullying stances were dispersed across multiple documents, reflecting their areas of responsibility for safety represented by an array of laws that were confusing. Written policies were not helpful guides and were not constructed with teachers or students in mind. Cyberbullying is likely to be reduced when schools disseminate practical policies that drive school actions. While other studies have also found anti-bullying policies wanting (Carrington et al. 2017;

Rigby and Johnson 2016; Vandebosch 2014), schools are often directed to address internally the components of policy that may be inadequate (Butler et al. 2011; Chalmers et al. 2016). However, this study suggests that schools will be ill-equipped to attend to many of these components when the legal macrosystem of schools is confusing and the communities supporting schools provide inadequate advice to unravel it.

External influences on prevention

This study revealed that schools had a tendency toward teaching about cyberbullying within a broader awareness of the negative capabilities of technology (e.g., to attract online predators) rather than cyberbullying behaviour likely to be occurring within friendship groups at school (Mishna, Cook, Gadalla, Daciuk and Solomon 2010). Research indicates that cyberbullying has much less to do with technology than many adults believe (Sabella, Patchin and Hinduja 2013); thus, cyberbullying approaches based too substantially around technology are likely to be ineffective. Todd and Medina (2019) suggest it is important for schools to target teaching to what young people really need. This is likely to be achieved by including students in both design and feedback of school prevention and intervention measures (Spears and Kofoed 2013). The current study shows that hidden societal and community voices may be impeding whole-school approaches to cyberbullying education, drowning out the voices of students and making it difficult to determine what it is that they want to know about handling their own experience of cyberbullying.

External influences on reporting

Student under-reporting of their own victimisation is a common finding in school-based bullying research (Connolly, Hussey and Connolly 2014; Shaw et al. 2019; Smith et al. 2008); this under-reporting is often seen as a problem for schools and an

issue for students. Research also indicates that a variety of student-sensitive methods for reporting incidents is necessary (Connolly et al. 2014; Shaw et al. 2019). However, given the external influences on schools, there appeared to be underlying fears in that the more they know, the more they are obligated to act - they must show they are acting or show there is nothing to act upon. This was exemplified in the current study by the abandonment of confidential surveys to detect covert issues. Rather than seeing the relationship difficulties of students as bullying, or even just as a potential breeding ground of negativity within the school climate likely to encourage bullying (Dorio et al. 2019), schools preferred to allow non-serious instances (e.g., potentially stemming from student 'relationship squabbles') to pass without the focussed involvement of the school.

External influences also led schools to construct formal reporting mechanisms to ensure they meet aspects of their legal duty of care. However, these systems were relatively unused by students, or teachers, who could not report issues they could not see. When the influence of external systems do not allow for a moderate view of cyberbullying due to inflated media messaging; when there is unreasonable expectation from the technological culture for what schools can reasonably do alone to contain misuse of technology; and where there is inadequate support to alleviate school fears of legal ramifications should they fail to act appropriately in cases of cyberbullying, schools are unlikely to want to consider any additional teacher- or student-suggested ways that will reveal more accounts of student cyberbullying.

External influences on interventions

Some of the student-safety responsibilities on schools influenced by their macro- and exosystems of practice appeared to be linked to student disappointment with school actions following incidents. Disappointment with intervention outcomes can

be a major reason why student do not report their abuse (Connolly et al. 2014; Shaw et al. 2019). For example, in the current study, parents and students were often reported as wanting to alert the school to victimisation without necessarily alerting or confronting the perpetrator. Alternative measures such as increased supervision, offering support to the victim, or whole-school reminders about anti-bullying stances were not perceived as adequate alternatives in the cases described. Perhaps schools felt compelled to enact and record their formal 'steps and processes' because they feared legal reprisals once a bullying report had become known to them. In one example, the school intervened with a technological solution, such as suggesting the student change their password, which may have offered protection from the immediate harm (thus meeting legal macrosystem pressures to keep students safe from technology, the law and any substantial harm of cyberbullying) but, from the student viewpoint, the safety-focus of school's response did not impact the perpetrator, or address student feelings of powerlessness.

Summary

School prevention of, and intervention in, cyberbullying does not exist in a vacuum. The societal and community environments of schools influence how and why they act. These influences can act as hidden barriers to the reduction of cyberbullying amongst students. Acknowledging and supporting schools in their responsibilities, which are created and maintained by the macro- (technology, law, and media) and exo- (parent-, organisation-, commercial-, and advice- communities) systems of schools, may work positively to assist them in their work with students to reduce cyberbullying. Students' voices should be listened to so that schools can maintain what they are already doing well and improve what is less effective. A

multi-systemic approach to cyberbullying, that goes beyond schools to their community and broader society, is likely to achieve better outcomes for reducing cyberbullying, but only if it is young people's voices identifying their needs and informing the approach.

Strengths and limitations

A strength of this study lies in the way it has brought the voice of key stakeholders from inside secondary schools to bring about understanding of how distal systems of a school's practice may be challenging them to reduce cyberbullying. While this research provides insights from an in-depth, rigorous qualitative analysis that contributes by presenting findings of schools' actions based upon their external influences, generalisation is not intended. The schools are not reflective of the wider education community, as they were well-resourced private metropolitan schools with strong anti-bullying motivations and measures already operating. However, it is noteworthy that the views of stakeholders about their own measures are broadly reflective of the wider literature involving stakeholders as participants (Burger, Strohmeier, Spröber, Bauman, and Rigby 2015; DeSmet et al. 2015; Rigby, 2017; Smith et al. 2008; Vandebosch 2014), and the outward-focus beyond school gates to societal and community level influences is relatively novel in bullying research (Thomas et al. 2018). Therefore, despite limitations, this study is offered as a useful contribution to the existing evidence base and an impetus for future school-based bullying research which encompasses the complementary role of society and community in supporting schools to reduce cyberbullying.

Conclusion

This study looked at how stakeholders at two independent secondary schools perceived they were moving to reduce student cyberbullying. The analysis demonstrated how school actions were being influenced by external environments within which the schools operated. Three macrosystems - the culture of technology, the legal framework, and the media portrayal of cyberbullying - were found to impact schools directly, or through their parent communities, school organisation, advice channels, or commercially available school support options. Implications of this research are that the societal and community ecology of schools can play a sometimes hidden role in the continuation of cyberbullying. This study, although limited in its application, should be considered a useful place to start to understand why schools struggle to reduce cyberbullying. An important implication is that an inclusive community approach complementary to schools to reduce cyberbullying may achieve better outcomes for young people, provided it is *their* voice that is empowered to be the guide for alignment between what schools do and how society responds.

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Declaration of Interest Statement

The authors declare there are no conflicts of interest.

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Chapter 6: How do schools view the creation of a cyberbullying-specific law?

This chapter, Chapter 6, consists of a paper containing the findings of focus area two which was guided by the research question: How do schools view the creation of a cyberbullying-specific law? This paper has been accepted for publication and is in the publication process of the Q1 subscription journal The Australian Educational Researcher. The paper citation is as follows:

Paper 2 citation

Pennell, D., Campbell, M., Tangen, D., & Knott, A. (in press). Should Australia have a law against cyberbullying? Problematising the murky legal environment of cyberbullying from perspectives within schools. *The Australian Educational Researcher.* https://doi.org/10.1007/s13384-021-00452-w

Relevance to the thesis

While Paper 1 in the previous chapter focussed on within school perspectives about *educational* solutions to student cyberbullying, the results presented in Paper 2 focus upon within school perspectives about *legal* solutions to the problem. The results revealed that those inside secondary schools have somewhat limited knowledge about the current law/s in relation to their possible impacts on youth who cyberbully, and any legal knowledge school stakeholders do have tends to be focussed upon fears of legal reprisals for schools. In this context, a new cyberbullying-specific law was not wanted, and was quickly dismissed, with the legal focus deftly re-directed to where the law could contribute better solutions to the problem rather than a new law which might target schools or young people. Unmet

legal spaces were identified from the data which could more appropriately target student cyberbullying from the viewpoints of those in schools, including the need of regulations for social networking services, developing actions under the purvey of law to extend school options outside of expulsion, and building whole of community attitudes and approaches to cyberbullying through public media campaigns that include knowledge of the illegality of cyberbullying for schools and the wider public. Again, the paper and this chapter employs the favoured style and referencing guidelines of the journal to which it was submitted. This paper represents the only Australian school-based study to gather the perceptions of secondary school community members about the usefulness and scope of a specific cyberbullying law for student involvement in cyberbullying. Because of the legal focus and need for legal accuracy in this paper, Special Counsel Andrew Knott was invited to co-author this paper. He is a legal practitioner working within the education field.

Why this journal was chosen

Given the topic of this paper is about *Australian* law, it was important to locate an *Australian* journal. However, given the international interest in Australian legal and educational solutions to youth cyberbullying, it was important that the journal reached an international readership. The Australian Educational Researcher (AER) is a peer-reviewed Q1 education journal which offers paid-for open access or subscription publishing options (the researcher opted for the non-paid for subscription option). It is a journal that promotes understandings of educational issues to assist in informing education policy. AER addresses issues of both theory and practice. Given Paper 2 problematises the law *on the books*, versus that which is experienced *in practice* in schools regarding cyberbullying, this journal seemed apt. AER is also a forum for education researchers to debate current problems/issues.

Legal solutions to cyberbullying are a current concern within Australia and internationally, therefore the paper makes a unique contribution to the ongoing legal debate from a within school perspective.

Statement of contribution of co-authors for thesis by published paper

Statement of Contribution of Co-Authors for Thesis by Published Paper

The authors listed below have certified that:

1. they meet the criteria for authorship and that they have participated in the conception, execution, or interpretation, of at least that part of the publication in their field of expertise;
2. they take public responsibility for their part of the publication, except for the responsible author who accepts overall responsibility for the publication;
3. there are no other authors of the publication according to these criteria;
4. potential conflicts of interest have been disclosed to (a) granting bodies, (b) the editor or publisher of journals or other publications, and (c) the head of the responsible academic unit; and
5. they agree to the use of the publication in the student's thesis and its publication on the QUT's ePrints site consistent with any limitations set by publisher requirements.

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Contributor	Statement of contribution*
Donna Pennell QUT Verified Signature March 17, 2021	Conducted interviews and focus groups, data transcription, data analysis, conception, conception of the first draft of the manuscript
Marilyn Campbell	Original ARC funding for data collection, assistance with literature review content, participated in analytical process and decision-making, edited manuscript drafts
Donna Tangen	Assisted with methodology, participated in analytical process participated in analytical process and decision-making, edited manuscript drafts
Andrew Knott	Wrote in part some of the legal components of the introductory literature review. Approved all legal aspects of the paper. Edited manuscript drafts.

Principal Supervisor Confirmation

I have sighted email or other correspondence from all Co-authors confirming their certifying authorship. (If the Co-authors are not able to sign the form please forward their email or other correspondence confirming the certifying authorship to the GRC)

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Paper 2

Should Australia have a law against cyberbullying? Problematising the murky

legal environment of cyberbullying from perspectives within schools.

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Abstract

Cyberbullying is a harmful behaviour to which schools must respond. Australia does not have a cyberbullying-specific law, so schools navigate their responses within a range of laws not created for the online world, nor for youth. In this study, the murky legal environment of youth cyberbullying was problematised from perspectives found within two Australian secondary school communities. School leaders, key staff, teachers, students, and parents participated in interviews or focus groups to gather their views about whether a new cyberbullying-specific law was needed to help reduce youth cyberbullying. A thematic analysis found three themes: that an educational approach was favoured over a legal one; that current laws mediated a constrained discussion about the benefit a new cyberbullying-specific law would have for schools; and that there were school-identified unmet spaces where the law should be contributing better solutions to youth cyberbullying. Legal responses with implications for reducing youth cyberbullying are discussed.

Keywords: student cyberbullying, cyberbullying law, legal solutions, secondary school perspectives, cyberbullying prevention and intervention, qualitative

Declarations

Conflicts of interest/Competing interests

The authors have no known conflicts to declare

Availability of data, code, and material

Not applicable

Authors' contributions

All authors contributed to the study conception and design. Material preparation, data collection and analysis were performed by Donna Pennell, Marilyn Campbell, Donna Tangen, with legal contributions and review by Andrew Knott. The first draft of the manuscript was written by Donna Pennell and all authors commented on previous versions of the manuscript. All authors read and approved the final manuscript.

Introduction

Cyberbullying is defined as an electronic form of bullying. It has three criteria: it is intentionally harmful, repeated, and exists where there is a power imbalance (Smith, Mahdavi, Carvalho, Fisher, Russell, & Tippett 2008). In Australia around 20 percent of children aged 8 – 17 years are cybervictimised (Katz, Keeley, Spears, Taddeo, Swirski, & Bates 2014). Cybervictimised youth report increased depression, anxiety, loneliness, and suicidal ideation, with perpetrators also at risk of mental health, academic and conduct problems (Nixon 2014). Schools too can attract poor reputations if the community believe cyberbullying is rife amongst students (Bita 2018). Cyberbullying, therefore, is a serious problem for schools who adopt a range of measures to minimise its prevalence (Nickerson 2019). However, reviews of school measures show cyberbullying to be a difficult problem to resolve (Ng, Chua & Shorey 2020), leading some to consider whether there is a role for the law to play (El Asam & Samara 2016).

Many countries have considered how they might legally respond to cyberbullying (Yang & Grinshteyn 2016). In the USA, for example, cyberbullying-specific laws in each state have been instituted. Operationally, such laws mandate that schools adopt model anti-cyberbullying policies (Yang & Grinshteyn 2016), clarifying in some cases what schools must do in practice (e.g., if student cyberbullying occurs off-campus). This level of clarity for Australian schools is less clear, as to date, no federal or state jurisdiction has a law against cyberbullying. Cyberbullying is addressed through broad health and wellbeing frameworks, such as the innovative *Australian Student Wellbeing Framework* (Australian Government Department of Education, Skills and Employment 2020) and through the *Enhancing Online Safety Act (2015)* which was introduced to enable take-down notices to be

issued to social media platforms if they fail, following a complaint, to remove cyberbullying material targeting an Australian child.

Despite these as innovative responses to youth cyberbullying (Briggs 2018; Campbell 2017), in the public sphere there continue to be calls for the law to do more to stop youth who cyberbully ('Online bullies must face the full force of the law' 2018). Some consider this an emotional response to youth suicide (Myers 2018), with the public unaware that cyberbullying does not *cause* suicide but may be one of many complex contributing factors (Hinduja & Patchin 2019). Therefore it is uncertain whether introducing a cyberbullying-specific law would stop young people from considering suicide. Nevertheless, some see creating a specific cyberbullying-specific offence would be one way to 'get tough' on young people who cyberbully. Others say a concise cyberbullying-specific law would resolve a complex array of criminal and civil laws that confuse the legal status of cyberbullying for schools or youth (Alannah and Madelaine Foundation 2013). Yet others suggest a new cyberbullying-specific law would alleviate the need to be constantly adapting this new social phenomenon into existing laws not fit for purpose (Campbell 2017). For example, the *Crimes (Domestic and Personal Violence) Amendment Act 2018 (NSW)* recently adapted its definitions of 'stalking' and 'intimidation' to include online versions of these behaviours (Ketley 2018). While changes such as these may capture online forms of domestic violence, embedding cyberbullying in this way may not mean very much to those in the school context. However, whether those in schools who are close to the youth cyberbullying problem can see any benefit in adopting a cyberbullying-specific law to effectively counter student cyberbullying is something unknown and is the topic of the current study.

Our existing laws governing cyberbullying from the position of schools and youth

Australia already has tough federal and state criminal provisions which can capture behaviours that could be considered cyberbullying, making one wonder why there continue to be calls for tougher approaches (Wu, 2014). For example, the *Criminal Code Act 1995* (Commonwealth) outlaws the misuse of a carriage service (i.e., phones, internet) to menace, harass or cause offence (section 474.17), to incite suicide (section 474.29A) or to make threats (sections 474.15; 474.16). These federal laws can apply to children over 10 years of age, and carry coercive sanctions (e.g., up to three years imprisonment and fines of up to $19,800 for section 474.17). As well, all States and Territories of Australia *criminally prohibit* 'stalking', that is, conduct which has the intention of causing mental/physical harm to a victim, including self-harm, or of creating fear for a victim's safety (Australian Law Reform Commission, 2014). Discrimination laws also offer protections on the basis of age, disability, race, sex, gender identity and sexual orientation (Australian Government Attorney-General's Department, n.d.). States and Territories also have their own overlapping – even extended – laws which might apply to cyberbullying. Thus, for the present, the Australian government does not believe a new cyberbullying specific law is needed (Senate Legal and Constitutional Affairs References Committee, 2018).

However, from a school perspective, some of these criminal offences (e.g., the misuse of a carriage service) are very broad and could so easily criminalise youth cyber-misconduct (Campbell and Završnik, 2013; Davis 2015). Stalking laws are not useful because in their application criteria they vary between jurisdictions (Australian Law Reform Commission, 2014). Vilification laws may serve to protect

youth from racial or gender-based cyberbullying, but not necessarily if being

cyberbullied about being overweight (Cornell and Limber 2015). While there are

still a range of other Australian laws which might better apply in any given

circumstance of youth cyberbullying (Youth Law Australia, 2021), this 'patchwork

of generic offences' can be confusing, making them ineffective legal solutions

(Srivastava et al. 2013, p.30).

The uncertainty about how any number of criminal laws could uniquely apply

to youth who cyberbully is likely to be worrying to schools (Nicholson, 2014).

Taking one example is the research reporting that laws designed to *protect children*

from adult sexual predators, could just as easily *harm them* because some teen

cyberbullying and sexting may meet the criteria of a child pornography offence

(Schubert & Wurf 2014; Tallon, Choi, Keeley, Elliott & Maher 2012). While such

laws may *capture* cyberbullying, they may be ineffective for a number of reasons: 1)

when police are called to schools to address youth they can be uncertain about the

relevance of these laws to youth (Dodge & Spencer 2017); 2) these kinds of laws do

not adequately discriminate the different behavioural intent of youth, such as sexting

which might occur more legitimately in a consensual teen relationship to that which

is coercive or exploitative (Schubert & Wurf 2014); and 3) students quite often have

no knowledge that these kinds of laws even apply to their cyberbullying (Tallon et al.

2012; Katz et al. 2014). Thus, the current criminal laws as they stand, from the

perspectives of schools and youth, are wide-ranging and thus confusing, act too

narrowly or non-uniformly to be comprehensive, or they can act too imprecisely for

youth cyberbullying, yielding sanctions that are too harsh to apply to youth.

Australia's system of civil law acts differently. It can used by anyone who

suffers harm or injury arising from a deliberate or negligent act of another to gain a

legal remedy (e.g., monetary compensation) (Butler 2018). However, this system

also has some drawbacks for addressing youth cyberbullying. First, it is a legal

approach which has been criticised as being costly, drawn-out (Davis 2015), and

traumatic (Cook 2019). Moreover, it is one which only really works if it is directed

at a schools' liability in negligence (i.e., proving schools have failed in their duty of

care to protect a student from the foreseeable harm of cyberbullying (Srivastava et al.

2013). Schools are more likely, within this system, to have legal actions taken

against *them* because a student who cyberbullies usually has no money to pay

compensation and a perpetrator's parents in Australia are not liable for their

children's actions (Butler 2018). To schools, this may seem to be an unjust legal

approach for effectively working to reduce the cyberbullying of youth. Given such a

problematic legal environment of youth cyberbullying consisting of many kinds of

laws, it could be argued that the unique perspectives drawn from within schools

might help to inform our understanding about what kind of a cyberbullying-specific

law, if any, would help to reduce *youth* cyberbullying.

What could a new cyberbullying-specific law offer to schools and youth?

While typically problematic youth behaviours might be best addressed within

broad health and wellbeing policies (Powel & Graham 2017), more precise legal

knowledge is needed by schools in cases of student cyberbullying. For example,

when does youth cyberbullying meet the legal definition of 'offence' or 'menace'?;

what cyberbullying behaviours must be reported because they are 'criminal'?; should

legal terms such as 'harassment' be defined in school anti-cyberbullying policies to

ensure youth are not inadvertently caught in laws that describe behaviours they may

not recognise as cyberbullying?; and what of the clarity of 'stalking' which, in the

case of youth cyberbullying, might cross legal jurisdictions?; how do schools

respond to the *range* of teen 'sexting' scenarios (consensual versus coercive)?; how can schools be assured their responses to youth cyberbullying have met the requisite standard of care should a victim pursue them (Butler 2018)?; given perpetrators and bystanders of cyberbullying can also accrue negative consequences (Doumas & Midgett 2021), do schools also have legal responsibilities to protect them also?

When the law is not clear to schools, it offers little in the way of deterrence to youth within their care (Robinson & Darley 2004). School policies can ensure an adequate warning is given to youth that aspects of their cyberbullying conduct is prohibited (Katz et al. 2014). However, vague policies may jeopardise what actions are taken by staff and students, making them vulnerable to legal actions (Drogin & Young 2008). Therefore, this study seeks to understand what a cyberbullying-specific law might establish for schools as they enact their policies and practices to reduce the cyberbullying of students.

What kind of law might schools see as effectively acting to reduce youth cyberbullying?

From the viewpoints of those in schools, it is uncertain what kind of cyberbullying law might be considered effective in targeting youth. In the only Australian study which asked about what kind of law would act best, secondary school voices were not included (Young, Campbell, Spears, Butler, Cross & Slee 2016). In other research, school voices tend to be diluted by other vested stakeholders (Katz et al. 2014). However, we do know that from the viewpont of preeminent legal, law enforcement and educational experts, an understandable, specific (cyber)bullying *criminal* offence is the kind of law which should be considered, providing it includes minor penalties (Alannah and Madelaine Foundation, 2013). Minor penalties are viewed as those which are developmentally

relevant and dependent upon the severity of the offence (e.g., community service, warnings by police, banning access to social media, or enforced counselling) (Katz et al. 2014). Others have suggested that repeat child cyber-offenders might be given a maximum of three months' detention (Lee 2014). While conceding that a cyberbullying-specific offence *could possibly* have a role to play alongside schools, education ministry officials thought a single cyberbullying offence would likely be too difficult to construct (Young et al. 2016).

Others caution about making a cyberbullying-specific law a *criminal* offence if it is to apply to children (Campbell & Završnik 2013; Davis 2015; Katz et al., 2014). As Myers (2019) reminds us, the school-based research indicates that student cyber-perpetrators may also be victimised youth, and schools have obligations to care for *all*, including student perpetrators who may have their own issues. A cyberbullying-specific *criminal* offence may be viewed likely to only jeopardise the futures of students who may need support rather than legal punishment (Young et al. 2016)

Some stakeholders suggest that the already instituted *Enhancing Online Safety Act (2015)* offers the best type of legislative approach to youth cyberbullying (Davis 2015). While this Act is currently being revised to include *more* provisions for online safety (Department of Infrastructure, Transport, Regional Development and Communications, 2020), none of the proposals empower tougher stances against youth who perpetrate. Therefore, while allowing some relief of the ongoing shame of having been cybervictimised, victims cannot claim compensation and their perpetrators are not punished. Although around 10% of youth cyberbullying complaints made via this Act were thought to have met a criminal threshold under the current laws, none had resulted in charges against children (Briggs, 2018). From

the perspectives of student-victims, this kind of law may not seem effective in reducing youth cyberbullying.

Finally, some think *no* new law is needed to especially capture the cyberbullying of youth, but rather existing laws must be better communicated and be seen to be enforced (Katz et al. 2014; Queensland Anti-cyberbullying Taskforce 2018). Those in schools may concur given that most student cyberbullying involves mean comments or exclusion (Cross, Shaw, Hearn, Epstein, Monks, Lester & Thomas 2009) for which school stakeholders may consider no cyberbullying-specific law is needed.

The present study

Legal responses have been discussed by legal scholars (Langos 2013), education department officials (Young et al. 2016); government-commissioned researchers (Katz et al. 2014); the public ('Act faster on cyber-bullies' 2018); media journalists (Wu 2014); technology workers (Martin & Rice 2012); politicians (Legal and Constitutional Affairs References Committee 2018), and by cross-disciplinary experts (Alannah and Madeline Foundation, 2013). However, research reporting secondary school voices is sparse and no research has asked those in secondary schools about the merits of a cyberbullying-specific law targeting youth. This seems remiss, given it is schools who are expected to keep children safe online (Nickerson, 2019) and it is they who must navigate their responses within the current problematic legal framework (Nicholson 2014). The purpose of this study was to provide secondary school stakeholders from two Australian schools the opportunity to contribute their views about whether a new cyberbullying-specific law has merit, and if so, how that law might interact within the context of schools and young people to effectively reduce the problem.

Method

Following a 'constructivist -interpretive' tradition of inquiry (Levitt 2020, p. 22) where there is an acknowledged dual role played between study participants and the meaning-making of researchers, this study was designed to consider how participants viewed their own experiences of managing student cyberbullying in schools (Silverman, 2014). A social-ecological underpinning (Bronfenbrenner, 1977) - that it is not only schools that can contribute to solutions to the problem of youth cyberbullying - was an interpretive influence of the researchers. Swain and colleagues (2018) provide an argument that different school communities have different experiences that may impact their perceptions so two large Australian (> 1000 students) P-12 (preschool to year 12) independent schools, nested within a larger mixed-methods school consultation research project, were selected as sites to inform this study. The schools are named School 1 and School 2.

Participants

Forty-two secondary school community members participated in this study. The participants' were considered leading stakeholders of the schools' anti-cyberbullying actions, or they were teachers or students of the Year 9 cohort where research shows student cybervictimisation to peak (Cross et al., 2009). Students were intentionally included as it is increasingly being recognised that hearing their voices on issues that affect them is important (Powell, Graham, Fitzgerald, Thomas & White 2018; Swain et al. 2018). From each school, two executive leaders, a staff person in a key anti-cyberbullying role, and a parent organisation representative were asked to participate in semi-structured interviews with author one. A focus group of Year 9 teachers were recruited from each respective school. Two focus groups of

Year nine students (i.e., aged 13 – 15 years) were also recruited in each study school.

Table 1 provides an overview of the participants from School 1 and School 2.

Table 1

Overview of School 1 and School 2 Participants.

SCHOOL 1	SCHOOL 2
Interview participants	
Executive Leader 1: Principal	Executive Leader 1: Deputy Principal
Executive Leader 2: Deputy Principal	Executive Leader 2: Middle School Coordinator
Key Role: ICT Staff	Key Role: School Counsellor
Parent Representative: Parents and Friends (P&F) Association President	Parent Representative: Parent Volunteer Coordinator
Year 9 teacher focus group participants	
9 x Teachers Teaching experience: 5 – 20 years	4 x Teachers Teaching experience: 5 – 30 years
Year 9 (13-15 years) student focus group participants	
Focus Group 1: 8 x Students 3 males/ 5 females	Focus Group 1: 4 x Students 2 males/2 females
Focus Group 2: 3 x Students 0 males/3 females	Focus Group 2: 6 x Students 3 males/ 3 females

Interview and focus group questions

      A set of questions derived from the literature (Young et al. 2016) were used to guide the semi-structured interviews and focus group discussions with participants. The questions were: Should there be a distinct law against student cyberbullying? Why/Why not?; What types of behaviours exactly should a cyberbullying-specific law address?; Who should a cyberbullying-specific law concern (e.g., victims, perpetrators)?; What exactly could/should a cyberbullying law do (e.g., civil law to gain a remedy, or criminal law to deter)? Participants were free to add further comment.

Procedure

      University ethics-approved informed consent materials were developed for use in this study. A research liaison person was assigned in each school to assist with recruitment and data collection processes. Students volunteered after a short presentation was given at their schools' assembly by author one, with student participation requiring signed parental consent. Student focus groups ranged between 35 - 60 minutes in length, and were conducted in a classroom (School 1) and library (School 2). Teacher participants were recruited via school-email lists and their focus groups were conducted during a staff meeting time (School 1) and before school (School 2). Teacher focus groups took approximately 30 minutes. Interview participants were purposefully invited by phoning them or via a direct email, with interviews conducted at individually negotiated times and locations in the schools (e.g., principal's office) . Interviews ranged between 10 - 35 minutes in length. All discussions were audio-recorded and transcribed verbatim by author one. All participants could ask questions prior to signing consent forms.

Data analysis

Qualitative inductive thematic analysis methods (Braun & Clarke, 2006) were used to analyse fourteen transcripts. The purpose of the analysis was to provide a sense of the predominant content of views within secondary schools about a new law to reduce youth cyberbullying. Braun and Clarke (2006) suggest this type of analysis is appropriate if participants' views are relatively unknown about a topic. The analytical steps included reading the whole data set to get familiar with it; generating initial codes noting the main or interesting content until saturation. Next, codes were collated into a range of potential themes based upon shared similar semantic content and gathering together all the data appearing to fit within those themes. The potential themes were refined with subsequent re-readings to ensure the predominant and important content was covered, checking to ensure they worked across the data set. Further analysis helped to refine and formulate more specifically what constituted a theme, that is, not only a description that best covered the array of data but one which would tell the story of the study which was the school-based perspective regarding the merit of a cyberbullying-specific law. Throughout the analysis process, progress was dependent upon discussion amongst authors, with the final thematic interpretive results requiring consensus agreement. Data analysis resulted in three themes, each introduced below grounded in transcript excerpts. Excerpts were chosen to demonstrate the theme, scope of views making up the theme, and the range of role-voices that contributed to this research.

Results

Three themes were revealed through data analysis: 1) that an educational approach was favoured over a legal one in acting on the cyberbullying of students; 2) that knowledge of current laws governing schools and cyberbullying mediated a

limited discussion about the merits of a new law being of benefit to schools; and 3) that there were school-identified unmet spaces where the law should be contributing better solutions to youth cyberbullying than targeting schools or youth. Each of these themes are outlined below.

Theme 1: An educational over a legal approach

The data revealed that school stakeholders favoured an educational approach over a legal one if solutions to youth cyberbullying were truly at heart. For example, one school leader railed against the idea that a cyberbullying-specific law would stop youth if it did not stop all of society seeing cyberbullying as wrong:

> "...it's not just a student issue, it's an issue for all of society. Take some sort of broad-brush approach to it, so that we do catch (anyone) ... considered…bullying. Full stop!" [School 1: Principal]

Most substantively, however, there was a pervasive view that a legal approach would fail to adequately educate:

> "I come very much from a developmental perspective in recognizing that it's about educating students" [School 2: Deputy Principal]

The law was seen as a rigid instrument which could not respond flexibly to young people who '*have got a lot of other issues going on*' [School 2: Deputy Principal]. As explained by a school counsellor, a law would act too bluntly for youth at a vulnerable stage in their development:

> "We're talking about teenagers who are impulsive, and if we have a law, are they going to do something … to jeopardize their future?" [School 2: Counsellor]

This perspective was furthered by the views of students, who identified unintended negative consequences for youth if a cyberbullying-specific law was

instituted. For example, futures could be 'ruined'; family stresses – perceived as underpinning some perpetrator's lives – could be exacerbated; victim reporting might diminish given some perpetration occurred between 'friends'; and, while a law may punish, it may punish the wrong students:

> "The thing is... it's SO hard to classify who's doing what because usually it's not just a one-person thing...people join in..." [School 1: Student - Focus Group 1]

Resoundingly, the data indicated an educational approach (i.e., one responsive to the development and needs of youth) was valued over a legal one, because as on teacher succinctly explained:

> "…the law locks you into something when sometimes you need a bit of discretion…" [School 2: Teacher]

School stakeholders did not want a cyberbullying-specific law. It was not viewed as a beneficial approach for reducing youth cyberbullying.

Theme 2: Knowledge of existing laws

There were many references to laws found within the data, including "privacy laws" [School 1: Teacher], "communications law" [School 1: Deputy Principal], "paedophile registers" [School 2: Counsellor], laws that label you [School 1: Student], being "tried the same way as an adult" [School 1: IT Staff], and "laws about photos and sending photos" [School 2: Teacher]. Perhaps this was why one school leader questioned what yet another law would add:

> "I'm just curious as to over and above what's already there...would we be covering?" [School 1: Deputy Principal]

Most participants conceded a legal response should be for serious "levels" of cyberbullying [School 1: Student], such as "...threatening over the internet" [School

2: Student] and "inciting suicide" [School 2: Parent]. Current laws were perceived as existing protections for these extreme behaviours amongst youth. A new law was quickly dismissed because any other student issues like "exclusion" or "being mean" [School 1: Teacher] would not be able to be easily legislated against.

A concern which mediated quite a dismissive discussion about the benefit of a new law - or how that law might operate to best impact schools or youth cyberbullying - was the trouble parents might cause if a new law was introduced:

"I think the ... (parents) who are ... highly motivated and wanting action ... would come in here with their solicitor" [School 1: Teacher]

"I can see...where parents ... could pick up on the fact that there could be money involved and this would be a great line to go down!" [School 2: Coordinator]

Teachers also framed a new cyberbullying-specific law likely to increase their workload and would likely not have the necessary substance to really impact the behaviour of students:

"Yeah great – who's going to enforce it?" [School 1: Teacher]

Also constraining a deep discussion about a new law was an underpinning lack of knowledge about the current laws governing cyberbullying. For example, when asked about whether a specific cyberbullying law would be helpful, one student said:

"Isn't there one (already)?" [School 1: Student - Focus Group 2]

Another student was incredulous that cyberbullying was already a gaol-able offence under current law. Some of the adult stakeholders may also not have known very much about the current law because they suggested a *new* cyberbullying-specific law would be helpful if something could be done about:

"Racial slander,...sexist slander..." [School 1: Teacher]

The data indicated that schools fear how they are handled within the current civil legal system (e.g., parents with solicitors looking for recompense), and this, coupled with some confusion about the current criminal laws governing youth cyberbullying, mediated quite a limited discussion about what a cyberbullying-specific law could establish to enhance school efforts to reduce student cyberbullying.

Theme 3: School-identified unmet spaces where the law should contribute better solutions to youth cyberbullying

While a new cyberbullying-specific law was not wanted and was quickly dismissed, there were school-identified unmet spaces discussed where stakeholders perceived the law should contribute better solutions to youth cyberbullying. From the data, four unmet legal spaces were identified and are described below.

Translation of the law into school practice

The first 'unmet space' included knowing how to translate the current law into day-to-day school anti-cyberbullying policy and practice, as indicated by this teacher-raised issue:

"What are we technically allowed to be accessing? If a parent brings us a printout (of cyberbullying), are we even allowed to use that? (in reference to privacy laws)" [School 2: Teacher]

Teachers from School 1 did not find the current legal framework a useful "foundation" for their "legal obligation to act". Contrasting the clarity for reporting "child abuse", teachers thought their obligations in relation to cyberbullying were not "concrete", dealings required "value judgements", and made for "arguments" between teachers and students, and schools with parents. Therefore, the data showed

that a more effective legal focus may be to ensure schools are provided with the needed legal clarity for informing their anti-cyberbullying practices.

Social media regulations

Another unmet legal space recognised substantially by students were the necessary regulations needed to govern the social media industry, for example:

"... if we did have a law, you'd have a law for the app creators!" [School 2: Student -Focus Group 2]

"I definitely think there should be anti-bullying policies on every application that connects people... I definitely think there should be laws around that!" [School 2: Student - Focus Group 1]

Students proposed that law-makers focus first on anonymous platforms that are attractive to youth who enjoy cyberbullying:

"...I think it's the worst idea to be able to go on there (on an anonymous platform) ... (make it a law) it needs to have the person's actual name on it…" [School 2: Student - Focus Group 2]

Students also thought that social media companies must be made to legally adhere to their own conditions around appropriate content, identifying "government incentives" would likely be necessary for compliance:

"I think they could have a law for… the technology station…to (force them to) shut down somebody's account" [School 2: Student - Focus Group 2]

Teachers saw as an unmet space the real "substance" of effective legal solutions, that is, the needed capacities of the technology industry to track and trace and also adequately empowered bodies to deal with online abuse:

"the law should give those authorities who do have the ability to track – give them the authority, the power to track. That would be kind of good." [School 2: Teacher]

Therefore, the regulation of online service providers was viewed as a more comprehensive legal focus, particularly from the perspectives of students and teachers, for reducing youth cyberbullying than instituting a cyberbullying-specific law focussed on the wrongs of youth.

Public campaigns to improve whole of community approaches

The data indicated that legal responsibility for youth cyberbullying weighed inequitably on schools. This was perceived unjust when compared with celebrities who infamously cyberbully, and online platforms and television programs who host cyberbullying-type content as entertainment. These wider issues were framed as modelling cyberbullying to youth without any legal accountability. One teacher argued that parents, too, should be held to greater account:

"I think there needs to be way more focus on parental responsibility. We always say, 'Schools, schools, schools. Teachers, teachers, teachers' ... none of these conversations ever has parents in it! They're the ones who know that their kids have got a phone on them. Take (it) off them when they go to bed!" [School 1: Teacher]

Some stakeholders considered this weighty responsibility was the result of a poorly communicated public understanding of what cyberbullying is including its legal status, as one student sensibly explained:

"… make it very public ...the point of having a law is to... realise there are cons" [School 2: Student - Focus Group 1]

Thus, instead of new cyberbullying-specific law, the data indicated that the current

legal status of cyberbullying must be made more widely known and seen by students

to be enacted.

Complementary educational and legal approach for persistent perpetrators

The data identified an unmet legal space existed between what schools do and

how the current criminal laws respond to youth perpetrators. One leader, for

example, wondered what additional legal actions schools might take, other than

suspending students:

> "Those ones (young people) where we couldn't do anything with, perhaps
>
> there may be something handled in a legal way?... Some support ... rather
>
> than just us dismissing them" [School 2: Coordinator]

Another stakeholder considered there may be a need for educators and legal actors to

work across their systemic lines to develop more well-thought-out options to

communicate the seriousness of cyberbullying to young people:

> "...maybe it's about having outside (legal) resources who can come in and
>
> actually work with kids... And rather than be punitive (like a distinct
>
> cyberbullying law would be), be restorative and educational, but still let the
>
> students know that it is very serious..." [School 2: Counsellor]

'Steps' were certainly proposed by numerous participants to address this space, such

as free specialist counselling, "a certain program they've got to go to" [School 2:

Parent], or sanctions which would be administered external to schools under the

purvey of law (e.g., community service, supervision/restrictions of online activities).

Therefore, the data indicated that a more compelling legal solution than a

cyberbullying-specific law could be to establish educo-legal responses that do more

than suspend or criminalise – both options viewed as ineffective from the perspective of those in schools.

Discussion

The views of the secondary school participants in this study provide a unique view of the complex problem of student cyberbullying, set against public calls for stronger stances against youth cyberbullying and Australia's consideration of its laws. A key finding was that schools did not see any answers to the youth problem in the introduction of a new cyberbullying-specific law. While departmental-level educators *could* see a school-complementary role for a new law to address cyberbullying (Young et al. 2016), this was not the case in the current study. It is unsurprising that within-school stakeholders are more likely to want to prioritise their own school actions over a legal approach but it is still important that schools do not fail to communicate the laws governing cyberbullying, given the research suggesting there are vulnerabilities for legal consequences if the law is not adequately known (Tallon et al. 2012; Tan & Pedic 2014). While some evidence-based school anti-cyberbullying programs include aspects of legal knowledge as a component of school capacity building to deal with bullying (Campbell & Bauman 2018), schools who do not opt for such programs (e.g., Cyber-friendly Schools) may neglect the inclusion of important legal knowledge for their communities. Therefore, this study lends some support to recommendations that have been made previously to governments to mandate the requisite components of school prevention of cyberbullying (Queensland Anti-cyberbullying Taskforce 2018).

Another implication of this research is seen in the need for school personnel to be supported to better understand the many areas of law that pertain to cyberbullying (Katz et al. 2014; Langos 2013). The schools in this study feared how

easily they could become embroiled in the law should 'parents with solicitors' seek remedies from schools for failing to prevent student cyberbullying. While secondary schools may owe a duty of care in relation to protecting students from cyberbullying and should take this duty seriously, they should be offered some assurances that they are not the only insurers of the harm of cyberbullying (Butler 2018). Thus, this study adds to others who conclude schools lack clarity for their legal responsibilities when it comes to youth cyberbullying (Butler 2018; Queensland Anti-cyberbullying Taskforce 2018; Schubert & Wurf 2014). Further, legal training for school staff must improve because the participants of this study were unable to problematise the current legal framework of cyberbullying in light of what a new law might establish. While on face-value a cyberbullying-specific law may have been simply not viewed as a good solution, some stakeholders did not really appreciate the vulnerabilities and loopholes of the current framework in relation to schools, youth and cyberbullying. It was surprising to discover that some stakeholders were dismissive about the role of a cyberbullying-specific law and not very informed about it given this is a regular debate occurring in the public and political spheres that could impact their practices or the youth they serve (Young et al. 2017).

In the current study, legal solutions were designated a distant end point for serious adult behaviours (e.g., threats). It seemed that school stakeholders would prefer that education and law rarely overlap in the case of youth problems. However, gaining the advice of legal actors for day-to-day student issues that arise in schools was identified as an unmet space in this study, one with the potential to create poorer responses to reports of youth cyberbullying in the school. This indicates more avenues must be created for those in schools (e.g., conferences and professional development opportunities) to flesh out the cyberbullying-encompassing laws to their

practice. Further, improving government messaging about the legal status of cyberbullying is also likely to lift a heavy legal weight off schools because it will extend legal knowledge and accountability for reducing youth cyberbullying to wider society (Queensland Anti-cyberbullying Taskforce 2018).

While the *Enhancing Online Safety Act 2015* has been described as an innovative legal solution by those outside of schools (Briggs 2018; Davis, 2015), findings from the current study suggest that more thoughtful consideration is needed for the youth cyber-perpetrator. Educational and legal practitioners need to focus on ways that communicate more effectively the seriousness of youth cyberbullying that avoid a criminal record or placement on a sex offenders register - two concerning consequences identified in this study - which may follow under the current legal arrangements. Future research could explore solutions which draw upon the expertise of both sectors to propose ideas for meeting these youth-focussed legal objectives.

There were implications for law-makers indicated by this study to focus sustained attention on the online service industry, particularly as a way to assist students who perceive cyberbullying has free rein in some their online environments. Fortuitously, there is a draft Bill of a new Online Safety Act before the Australian public which proposes to establish new expectations for social media platforms and greater requirements for the technology industry be proactive in consumer online safety (Department of Infrastructure, Transport, Regional Development and Communications, 2020). This study indicates support for legal interventions such as these because they act - not on schools and youth - but on youth online environments over which schools have little control. However, future research must follow up with

those in schools to determine if the new legislation achieves reduced cyberbullying in student populations.

Strengths and limitations

A strength of this study lies in considering how those inside secondary schools see the need for a cyberbullying-specific law to address student cyberbullying, offering a uniquely informed view which has been missing from the literature. There are some limitations of the work to be noted. The study would have yielded richer data had the participants been given, prior to their participation, an overview of the current laws in Australia regarding cyberbullying. Also stakeholder perceptions were gathered before the *Enhancing Online Safety Act (2015)* had time to influence the views of those reported. The findings of this research are also specific to the two schools where data was drawn and may not be reflective of the wider school view. Finally, while this study represents rigorous qualitative research, it is a product of decisions made by investigators. However, the study should be considered a novel school-based contribution to Australia's evolving legislative responses to cyberbullying.

Conclusion

This study gave voice to two Australian independent secondary school communities about the need or otherwise of a cyberbullying-specific law for reducing student cyberbullying. A key finding of the study was that a new cyberbullying-specific law was not wanted because an educational approach was viewed superior to a legal one for dealing with youth cyberbullying. Varied understandings of the current legal framework of cyberbullying mediated a school-level view that a new cyberbullying law would do little else other than to increase litigiousness and it would offer no benefit for enhancing school efforts to address youth cyberbullying. Schools identified avenues that law-makers should focus their

attention to contribute better solutions to youth cyberbullying. Schools wanted the current law to be better articulated to inform their real-world anti-cyberbullying practices with students, and to be more widely communicated and enacted within the wider community to extend the reach and the responsibility for addressing the problem. Laws which establish better regulation of the online industry were called for, with accompanying incentives for industry to improve its ability to detect online abuse. Schools proposed that educators and legal experts need to work together to solve the problem of the vast space between being suspended or being criminalised which are currently the only options for supporting youth who perpetrate.

Declarations

Conflicts of interest/Competing interests

The authors have no known conflicts to declare

Availability of data, code, and material

Not applicable

Authors' contributions

All authors contributed to the study conception and design. Material preparation, data collection and analysis were performed by Donna Pennell, Marilyn Campbell, Donna Tangen, with legal contributions and review by Andrew Knott. The first draft of the manuscript was written by Donna Pennell and all authors commented on previous versions of the manuscript. All authors read and approved the final manuscript.

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Chapter 7:   How might the legal system best work in collaboration with schools to address student cyberbullying?

This chapter, Chapter 7, consists of a paper containing the findings from focus area three which was guided by the research question: How might the legal system best work in collaborative ways with schools to address student cyberbullying? This paper has undergone review and was invited, with interest, for re-submission to the journal Preventing School Failure: Alternative Education for Children and Youth. Final publication advice is pending, following review. The paper is currently cited as:

Paper 3 citation

Pennell, D., Campbell, M., & Tangen, D. (2020). The education *and* the legal system: Inter-systemic collaborations identified by Australian schools to more effectively reduce the cyberbullying of students. [Manuscript in submission at Preventing School Failure: Alternative Education for Children and Youth]

Relevance to the thesis

This paper is at the vanguard of future school bullying research because it attempts to create new learning about how educo-legal inter-systemic collaboration might improve the capacity of secondary schools to prevent and intervene in student cyberbullying. Although in Paper 2 a new cyberbullying-specific law was not wanted, Paper 3 provides findings that suggest ways the legal system – or actors within it – might contribute to the work of secondary schools, productive and positive actions which do not legally target schools or young people but seek to support them.   The results found within this paper shine a light on where schools

struggle and how various aspects of - and actors/agents affiliated with - the legal system are currently helping schools, and where they might be leveraged or further developed to help schools prevent and intervene in student cyberbullying. The paper and chapter are written in the style guidelines nominated by the journal where it is in submission.

Why this journal was chosen

Preventing School Failure is a journal providing a forum to examine practices which are data driven and are practical for improving the education of youth. It is a peer-reviewed, cross-disciplinary, international, quarterly Q1(education)/Q2 (educational psychology) journal for educators, school administrators, mental health workers, juvenile justice personnel, staff-development specialists, teacher educators and others. The goal of the journal is to share authoritative and timely information with a wide-ranging audience who are dedicated to serving children and adolescents in general and alternative schools. Preventing School Failure is a journal interested in papers with integrated literature reviews, program evaluations/reviews, papers with program descriptions and/or policy-related content. A key intent of the journal is to supply readers with papers that contain enough detail so that they can put useful or innovative strategies, practices or procedures into place for improving the education of young people.

Statement of contribution of co-authors for thesis by published paper

Statement of Contribution of Co-Authors for Thesis by Published Paper

The authors listed below have certified that:

1. they meet the criteria for authorship and that they have participated in the conception, execution, or interpretation, of at least that part of the publication in their field of expertise;
2. they take public responsibility for their part of the publication, except for the responsible author who accepts overall responsibility for the publication;
3. there are no other authors of the publication according to these criteria;
4. potential conflicts of interest have been disclosed to (a) granting bodies, (b) the editor or publisher of journals or other publications, and (c) the head of the responsible academic unit; and
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Donna Pennell QUT Verified Signature March 17, 2021	Conducted interviews and focus groups, data transcription, data analysis, conception, conception of the first draft of the manuscript
Marilyn Campbell	Original ARC funding for data collection, assistance with literature review content, participated in analytical process and decision-making, edited manuscript drafts
Donna Tangen	Assisted with methodology, participated in analytical process, participated in analytical process and decision-making, edited manuscript drafts

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I have sighted email or other correspondence from all Co-authors confirming their certifying authorship (If the Co-authors are not able to sign the form please forward their email or other correspondence confirming the certifying authorship to the GRC)

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Paper 3

The Education *and* the Legal System: Inter-systemic collaborations identified by Australian schools to more effectively reduce cyberbullying.

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Abstract

It is an expectation of Australian schools to address student cyberbullying. However, schools may struggle to be effective if other societal systems are not aligned and supportive. Within this ecological framing, this qualitative study used interview and focus group methods to gather secondary school stakeholder perspectives about the role the legal system plays in helping schools to prevent and intervene in student cyberbullying. School leaders, specialist staff, teachers, students and parents participated. A thematic analysis uncovered three themes with implications for improving school capacity with the help of society's legal system: What schools can and cannot do to reduce cyberbullying; the role of police in school-based cyberbullying management; and the need for education *and* legal inter-systemic collaborations to meet school-identified challenges in addressing student cyberbullying.

Keywords: collaboration, cyberbullying, legal system, perspectives, secondary schools

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Introduction

Historically the bullying of children has been ignored or treated as a disciplinary matter handled by schools and families – that is, it has had little to do with the justice system (Cornell & Limber, 2015). With the emergence of digital communication, however, forms of bullying that occur online have created much public attention. Online bullying, referred to as 'cyberbullying' is defined as 'an aggressive, intentional act carried out by a group or individual, using electronic forms of contact, repeatedly and over time against a victim who cannot easily defend him or herself' (Smith et al., 2008, p. 376). Around one in five students in Australia are likely to be cybervictimised in any given school year (Katz et al., 2014). All involvement in bullying is associated with increased risks for young people, such as psychological distress, emotional and behavioural problems, substance use, self-harm and attempted suicide (Thomas et al., 2017). While cyberbullying is typically handled by schools and not the legal system, in Australia there are some student cyberbullying behaviours which might constitute an illegal offence (e.g., making online threats; image-based abuse) (Butler, 2018). As cyberbullying usually emerges amongst young people during early adolescence, it is a problem – both legal and behavioural - likely to be encountered by schools to which they must respond (Katz et al., 2014).

The challenge of schools to address cyberbullying

The school-based bullying literature proposes schools manage bullying by (a) assessing its prevalence, (b) adopting anti-bullying policies, (c) providing education and training about bullying, (d) implementing prevention programs, (e) building strong leadership support for the school's anti-bullying practices, and (f) effectively intervening when cases arise using discipline or counselling (Nickerson et al., 2013). Broken into such concise steps it sounds easy, but schools have only been

moderately successful in stopping the bullying occurring amongst students (Ng et al., 2020; Pennell, Campbell, & Tangen, 2020; Rigby & Johnson, 2016). In particular, cyberbullying can be especially difficult for schools to counter because it often occurs off-campus, out of hours, and sometimes anonymously (Smith et al., 2008). While media attention on cyberbullying has highlighted the seriousness of the issue, at times this portrayal can amount to blame for schools for inadequately supervising youth perpetrators (Young, Subramanian et al., 2017). More insight is needed to understand what school actions are being taken and how to improve these practices (DeSmet et al., 2015). One recent Australian study investigated school anti-cyberbullying measures and found that it is not *always* ineffectual school practices contributing to ongoing cyberbullying but circumstances stemming from beyond a school's control (Pennell et al., 2020).

The legal system

Pennell and colleagues (2020) noted that the Australian legal framework around cyberbullying lacked clarity for some secondary school communities, a beyond-school circumstance found to elevate fears of legal reprisals (e.g., school processes being judged as failing to adequately meet standards of duty of care to students; or, fearing students may unwittingly break the criminal law for some of their cyber misbehaviour). Legal uncertainty was found influencing the omission (e.g., failing to conduct confidential surveys) and adoption of less-effective measures (e.g., writing obligatory legal policy documents not seen or read as guidance documents by teachers or students). Thus, when schools operate in legally uncertain environments, it can negatively influence their practices.

In some countries, new cyberbullying laws have been instituted that help schools to clearly understand their responsibilities for managing cyberbullying (Yang &

Grinshteyn, 2016) and school resource officers (SRO's) (i.e., school-based police services) have been placed in schools to enforce, inform and provide counsel to educators and students about the law (Broll & Howells, 2019). However, in Australia there has been no rush to enact explicit 'cyberbullying' laws and basing police in schools is not common (Pennell et al., 2020). There are reasons for this. First, Australia's approach to cyberbullying has always been a preventative, rather than punitive one, favouring broad-based health and wellbeing frameworks (Australian Government Department of Education, Skills and Employment, 2020). Second, there are already many legal provisions in Australian and State legislation that address behaviours which may constitute serious cyberbullying, such as threats, encouraging suicide, stalking and image-based abuses (Legal and Constitutional Affairs Senate Committee, 2018). And third, recent research found that schools *do not want* new cyberbullying laws, like those in other countries, that target schools or young people as a way of remedying the problem (Pennell, Campbell, Tangen et al., 2020).

However, the extant research reflects the ongoing struggle of some schools to adequately interpret the legalities of cyberbullying in their everyday work to prevent or intervene with students. For example, a number of Australian studies indicate schools and youth need to know more about the laws that impact them in relation to cyberbullying (Pennell et al., 2020; Katz et al., 2014; Young et al., 2016). This is not only an Australian school problem, but can occur in countries, such as the UK, where the law does not specify cyberbullying (Butler, 2018; Myers, 2018).

Reducing cyberbullying: Schools and the wider community

In such a legal climate, schools can find it difficult to know the parameters of their responsibilities with students. For example, Vandebosch (2014) conducted an online

survey amongst school staff members of 309 primary and secondary schools in Belgium and found that while schools are more than willing to act to counter student cyberbullying, they can be somewhat uncertain about the appropriateness of their actions. Vandebosch's survey respondents perceived they needed more guidance to understand who exactly should take the lead in the response to student incidents, for example, should it be the school, the police (i.e., the legal system), or the families of students?

What is often proposed in the research is a wide ecological framing of cyberbullying (Thomas et al., 2018) that is, that many parts of society are likely needed to play their part in reducing the problem. Vandebosch (2014) suggested youth-, health-, and IT system workers, as well as those from justice areas – may all be needed to coordinate effective school-based initiatives to reduce youth cyberbullying. In Australia, this kind of whole-of-community messaging – or ecological framing – seems to pervade. For example, a recent report from a government-commissioned taskforce recommended that public media, funding agencies for research, governments, social media companies, community organisations, parents and carers, and the legal system inclusive of the police force, must all 'adjust their settings' to target more seamlessly the issue of youth cyberbullying (Queensland Anti-cyberbullying Taskforce, 2018). What is unclear however, is whether Australian schools want or need the involvement of outsiders, particularly such as those from the legal system, to help them in preventing and intervening in the cyberbullying of students. For example, Vandebosch's (2014) Belgian survey of school principals, IT staff, psychosocial staff, and teachers, found that more than forty percent did not think they *needed* to collaborate with external partners, such as the police, in the execution of their practices in handling the cyberbullying behaviours of students. Similarly, in recent

Australian studies, policy-level officials, and staff in secondary schools, espoused that educational approaches should be prioritized over legal ones (Pennell, Campbell, Tangen et al., 2020; Young et al., 2016). However, given that schools cannot escape the legal environment in which they must function, and Australian laws governing cyberbullying can be complex, school personnel may need to turn to those with legal expertise to help them. Gaining legal expertise from school-based police regarding cyberbullying may be difficult as such services are an opt-in service for schools in Australia. In a recent systematic review and meta-analysis comparing school-based traditional and school-based cyberbullying program elements it was found that schools who delivered their anti-cyberbullying programs with *the help of content experts* (e.g., technology-savvy outsiders) were more effective in reducing the cyberbullying of students (Ng et al., 2020). It could be argued, then, that legal content experts may also be needed to assist schools to reduce student cyberbullying. In this study, an understanding was sought for any collaborations that were currently occurring, or were needed, between schools and those within the legal system. It may be important determine the kinds of legal issues schools may face as they navigate their cyberbullying prevention and intervention measures within the Australian legal framework and what is needed in terms of legal expertise to overcome such issues to effectively reduce student cyberbullying.

Helping schools understand the law in relation to student cyberbullying

Although school-based policing is not commonplace in Australia, it is the role of community police to enforce the laws of the land. As such, the police may be able to help schools to understand the current law/s in relation to cyberbullying. There is little existing research in Australia about the collaborative role of police in schools to specifically impact cyberbullying. However, in a US study of school administrators,

it was suggested that tracking evidence of cyberbullying incidents occurring outside school hours, should perhaps be the domain of the police and not school staff, even though the administrators felt that this was an expectation of schools (Young, Tully et al., 2017). From in-depth interviews with Canadian police officers, who were either based in schools or who had had a recent case that prominently involved cyberbullying-like behaviours (e.g., harassment or threats online by youth), it was determined that police did not see that hard line legal approaches to youth cyberbullying were useful (Broll & Huey, 2015). This view is supported by other studies, where hard line policing has produced neutral and even negative effects on deterring the bullying of young people in schools (Espelage et al., 2020; Hinduja & Patchin, 2018). Instead, the school-based police officers in the Broll and Huey (2015) study perceived that engaging with schools in delivering online safety and positive relationships education would be a far more effective way for them to address student cyberbullying. However, the study did not elucidate the extent the police collaborated with schools to do so. The involvement of the police appeared more likely to involve *reacting* to calls by school principals who only called when they thought the cyberbullying of students was a serious legal matter. Also, the police participants said they were usually only invited to give presentations and talks to students after problematic cyberbullying instances had already occurred (Broll & Huey, 2015).

In an Australian discussion paper, Sarre and Langos (2013) proposed that although police tend to be seen as 'crime fighters', it may be warranted that they take a leading role in the wellbeing objectives of Australian schools in order to reduce youth issues which may later become offences (Sarre & Langos, 2013). It was uncertain to Sarre and Langos (2013) whether the police service in Australia was aligned to such a

remedy – and whether their training includes how to engage with school communities about cyberbullying. Thus, it could be argued that there is a great deal to learn about the role of police in the anti-cyberbullying measures of Australian schools. It is uncertain whether Australian schools are reaching out to the police when/if legal remedies are warranted, or whether other legal advice channels are sought to meet the needs, if there are any, of Australian schools in the legal management of cyberbullying in schools.

Purpose of the study

According to Campbell (2017), the role of the legal profession in addressing cyberbullying in Australia needs to be influenced by rigorous research. Thus, the purpose of this study was to gather the views of various school-role-stakeholders about how they saw legal remedies fitting with the work they do in resolving student cyberbullying. More specifically, the aim of the study was to discover, from the perspective of schools, what ways if any, the educational and legal systems are working together, and what ways they can to more effectively reduce student cyberbullying behaviour.

Method

Participants

Participants were drawn from two large independent secondary schools (named North High and South High), who were nested within a larger Australian mixed methods study about school responses to cyberbullying. From each school, community members considered having a key role in school prevention and intervention of cyberbullying, were purposively recruited. Roles sought were school leaders, counsellors, ICT staff, parents with leadership roles in the Parent and Friends' Association of the school, teachers and students of Year 9. The Year 9

school year was targeted because research indicates that reports of victimization rise during this school year (i.e., 13-15 years of age) (Cross et al., 2009). Interviews were conducted at North High with the principal, a deputy principal, an ICT staff member, and a parent president of the Parent and Friend's association. Two student focus groups were conducted at North High with groups of eight and three Year 9 students respectively, along with one teacher focus group of nine teachers. At South High, interviews were conducted with the deputy principal, a middle school coordinator, a school counsellor, and the leader of a parent group of the school. Two focus groups were conducted at South High, with one group of four- and a second group of nine students. South High's teacher focus group consisted of four teachers. In total, there were 42 secondary school community participants.

Protocol

A protocol was developed to gather the perspectives of participants. Semi-structured interview questions were formulated to understand participants' perceptions about the role of collaboration between schools and the legal system to reduce cyberbullying. There were five questions: What do you think is still needed, or is necessary for schools/students/leaders/parents/those in your role to help reduce/understand/handle/prevent cyberbullying? How do you think legal remedies fit, if at all, with your school's practices? Within which system – education or legal – do you think cyberbullying incidents should be addressed and why? In what ways, if any, does the legal system currently support your school's policies and strategies to reduce cyberbullying? In what ways, if any, should it/can it?

Procedure

Information, consent, and recruitment materials/methods were developed and approved by a university ethics committee. Interviewees were invited, with the help

of a school-assigned research liaison person, to be interviewed at the school at times of mutual convenience. Students' volunteered for focus groups after a presentation at assembly, with participation requiring written parental consent. Student focus groups occurred during non-teaching times in quiet school spaces. Teacher focus group participants were recruited via Year 9 teacher email lists. North High's teacher focus group was conducted at a usual staff meeting time. South High's teacher group was conducted before school. All participants participated voluntarily after reading study information and having the opportunity to ask questions. An audio-recorder was used to record participant responses, which were later transcribed verbatim.

Data analysis

Fourteen transcripts resulted from interviews and focus groups. Textual data was subject to an inductive thematic analysis, using the six-step process described by Braun and Clarke (2006). This analytical approach flexibly allows a rich, detailed, and complex account of the data, where themes are grounded in the data (Braun & Clarke, 2006). Briefly, the process involved reading all the transcripts to get a sense of the whole. In subsequent readings the data was considered in light of the variety of voices contributing their views, using a method of constant comparison. During initial and subsequent readings, semantic and open codes were generated until saturation. Codes were then reduced and sorted into higher level categories based on recurrent patterns as well as range of responses. Through discussion and consensus agreement between the authors, the themes were further recategorized and named, until the scope of the data was accurately captured and the "story" of the research (i.e., new learning in relation to our study's purpose) became clear. Three themes were decided upon which best represented the available data: What schools can and cannot do to reduce cyberbullying; the current and future role of police in school-

based cyberbullying management; and, the need for education and legal inter-systemic collaborations to meet school-identified challenges in addressing student cyberbullying.

Results

When asked within which system – education or legal – should cyberbullying be dealt with, both schools' leaders hoped 'that the majority (of incidents) would be addressed within the school' and not the legal system [South High: Leader]. Schools' leaders perceived their schools' efforts were successful in keeping schools and young people from requiring legal remedies to keep cyberbullying at bay:

> "I certainly don't have a lot of dealings at my level with students with ongoing bullying … 90% of the time students understand that they have hurt somebody" [North High: Leader]

Also, the data revealed that schools do not wish to act as society's legal insurance policy should cyberbullying arise amongst students and the themes uncovered in the data help to explain why they held such opinions.

Theme 1: What schools can and cannot do to reduce student cyberbullying

While staff participants accepted that they have a moral and a civil law duty of care responsibility to provide learning environments which were free from bullying experiences, in the case of cyberbullying this was difficult for schools to achieve in practice. Although 'new policies and procedures' to prevent cyberbullying had been instituted, these were considered only 'part of the fix' [North High: Leader]. Two sub-themes emerged as to why school settings have limited capacity to fully address student cyberbullying: 1) schools have limited knowledge of student incidents; and 2) schools themselves are relied-upon to define - and resource - their own anti-cyberbullying practices.

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Sub-theme 1: Limited knowledge of incidents occurring amongst students

The data revealed that teachers did not believe it was their 'remit' to intrude into the private online world of their students to identify cyberbullying, seen in the following North High teacher exchange:

Teacher 6: I don't think it's really our jurisdiction to have any impact - beyond trying to teach (students) to be nice people in general - so that they might apply that to the context of cyber communication

Teacher 1: But we *can* teach them to behave correctly in cyberspace…and make them understand the legal implications…the moral implications…and how we best behave and speak ourselves. But how can we get involved in that world? I don't think that's part of our remit…"

Thus, the data reveals that student experiences of cyberbullying may be occurring in schools without staff knowledge. Exacerbating this, students from both schools said they were reluctant to report cyberbullying through school-created channels. Proactively, schools suggested that cybervictimisation be disclosed to school counsellors, but students recognised that counsellors were obligated to inform their parents which was not 'confidential' reporting. And, even though telling a 'trusted teacher' came with promises that reports would be taken seriously, students remained suspicious that experiences that were intricately involved within their peer groups would improve. Students reported they relied on friends when they were cyberbullied, but the data indicated that this sometimes 'backfired'. Some so-called 'friends' alerted perpetrators, and those who were 'real friends' reported becoming emotionally weighed down by their role as the silent supporter. Therefore, the data revealed how difficult it is for adults in schools to detect student incidents. Also indicated by the data was how easy the cost to those cyber-victimised or bystanding

can amount to negative student effects. While the data pointed at sound school intent, eradicating cyberbullying could not be guaranteed:

> "If a student is cyberbullied and they don't speak up, there's little we can
>
> do…" [North High: Deputy Principal]

Thus, the data suggested that the position of schools in relation to the student cyberbullying issue was sometimes misunderstood, and as one school principal indicated, a broader frontline than that of only schools must be adopted:

> "It's not one or the other (that is, education *or* legal systems). It's actually a
>
> societal thing…the legal systems…the schools, yes…but also a parental
>
> responsibility, and it's a responsibility of many other agencies…It's not a
>
> matter of we'll deal with it at school, we'll deal with it legally, it's something
>
> that happens across the board. And, it's not limited to young people…it's in
>
> the workforce. It's a societal thing" [North High: Principal]

Based on the data gained from the school experience, it seems that good communication between systems may be necessary to avoid legal problems for schools, and for coordinating initiatives for creating better mechanisms of reporting of the cybervictimisation of young people.

Sub-theme 2: Schools are relied-upon to define – and resource – their own anti-cyberbullying practices.

In effectively dealing with student cyberbullying on school campuses, the study schools recognised they would like to improve their practices – but it appeared they struggled to do so. For example, school leaders indicated that school legal obligations around reporting cyberbullying were unclear:

> "there are occasions where we do report things to the authorities. We do that
>
> because we have been given guidelines and legal obligations" [North High]

"What I will say is it's really hard for schools to know the legal perspective on these things … (what) is unacceptable and the (student) legal violation" [South High]

As such, vagaries seemed to cloud school responsibilities for how best to act in relation to cyberbullying. As an example, South High's deputy principal said there was no external motivation or funding for improving their practices. There were no set standards that schools needed to attain for them to know what *is* effective management of student cyberbullying. Instead, there was an expectation that a school's own moral compass should direct their actions. Even though both study schools thought they could do an even better job in reducing student cyberbullying, their effectiveness seemed to be frustrated by the schools' own human-, time-, and financial limitations:

"We need more time to work with the students… I think we do a good job, but in an ideal world you'd do most of these things more thoroughly…In an ideal world, we'd offer more education to parents…but we're not resourced to do that. Schools aren't designed to be really educating parents but that is part of the solution…There should be more time for our school counsellor to develop programmes, time for us as a teaching staff…around cyberbullying education" [South High: Deputy Principal]

Although it could be argued that both schools in this study were well-funded and motivated schools, it is clear from the data that there are costs to be borne to address cyberbullying well. While North High had recently employed a dedicated staff person to develop the school's cyberbullying policies and procedures, South High drew on their counsellor's 'contacts' to 'talk through (school) issues':

"…we definitely use all of those (i.e., staff member's contacts), and we put into that too (financially) ... But, in terms of expense, it's something the government could put a bit more into…" [South High: Leader]

Thus, the data indicated that where schools openly indicate they are limited in defining, standardising, and resourcing their own anti-cyberbullying practices, and they remain unsupported to address these deficiencies, they should not have to fear legal remedies which might accrue to them (e.g., being sued) given their efforts with students.

Theme 2: Current and future role of police in school-based cyberbullying management

The concept of 'legal remedies' – which to those in the legal professions would mean using legal means to gain compensation for harm done to a victim of cyberbullying – was not specified to the participants of the study. When participants were asked about how legal remedies were perceived 'fitting' with what schools are currently doing to respond to cyberbullying, it was substantially the police who were mentioned. In North High, law enforcement 'units' which were *specifically* created to interact with schools seemed to be highly valued conduits for understanding Australia's legal framework:

"Well, the police - in particular, the child protection units – are excellent. We have 'adopt-a-cops', so they're fantastic…If I were to ring and say, 'Look, we're having an issue with kids in general with Facebook bullying', the (police) will happily come out and run sessions with students on the law…"

[North High: Deputy Principal]

Students also described the police in this way. For example, on a special event-day at North High, a 'policeman' had been invited to speak about the law in relation to

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gender-based cyberbullying. It seems there had been an undercurrent of this type of cyberbullying amongst the student cohort, despite the school's best efforts in previous weeks to intervene. The police, it seemed, had collaborated with the school to buoy the school's own intervention strategies. Thus, in the minds of staff and students, when the police cooperated with schools to resolve a particular school issue, this was perceived as 'legal remedy' that fitted effectively with the current practices of schools.

Students at North High also referred to the 'adopt-a-cop' program, seeing this program as a great policing prototype which could potentially be extended to assist with student cyberbullying. The 'adopt-a-cop' program is an elementary school opt-in State-run policing program emphasising informal community partnerships with schools (Queensland Police, 2021). Schools adopt a police officer, or a police liaison officer, who is a volunteer of the program. Adopt-a-cops see their role as providers of legal resources and specialist knowledge which schools indicate they need. Adopt-a-cops attend school functions (e.g., fetes, graduations, school camps and excursions) and pop-in during school breaks to engage informally with students. Their role on campus includes delivering presentations to staff, students, or parents at the behest and in partnerships with school staff. In addition, they facilitate the identification and resolution of police related issues for schools. Although this service was recognised to be only available for younger students, one student thought having this type of a school-based police officer on secondary school campuses could be beneficial, particularly for student reporting of incidents. This appeared to be based on the experience of having a 'trusted' school-engaged police officer 'at a previous school':

"…it was really good, we knew who she was, and that we could go to her"

[North High: Student 4]

However, student views seemed counter to the view of South High's leader who considered that police-roles in schools would only be useful in certain *types* of schools (e.g., lower socio-economic communities):

"I'd say in our school context, I wouldn't be necessarily for it … but I think it would be a different story in a different community, with a different socio-economic background, different clientele…"

This was a view reinforced by the parent representative at the school:

"In *some* schools they might need legal remedies and for the kids to know that this kind of offence is a legal matter…" [South High: Parent]

Clearly a difference in perspective about the potential role of school-based police to assist with cyberbullying existed between adults and students.

Cyber-legal deterrence strategies, however, were being outsourced at times to police, which students thought was '…to raise awareness' about how easily police could detect what they put on their 'Facebook profiles' [South High: Students from Focus Groups 1 and 2]. Teachers thought it was beneficial when police were cognisant and engaged with the major issues at play amongst students, and school leaders said they need a police service who are knowledgeable and equipped to share responsibility for the real-world cyberbullying issues faced by schools:

"The authorities *now* are more *streetwise* around what's really happening. That's a good thing [there was a pause, as if to communicate: 'that needs to be the case']. But they (i.e., the police currently) are very dependent on what we do as a school" [North High: Leader]

One staff member pointed out that the police could be as unclear as schools in how to legally approach the cyberbullying of young people:

> "The law is so confusing I think even police have a hard time of dealing with some of the things (happening in schools) …" [South High: Key Role]

> To 'be in tandem with' the work of schools, school leaders thought that legal 'authorities' must work 'behind the scenes' in preventative ways [North High: Leader], and, if and when they are called upon by schools to intervene in student issues, they should work cooperatively with schools to support, rather than punish young people who – perpetrators and targets alike - are grappling with growing up in a technologically-connected world, described aptly by one young man:

> "…out of all the embarrassing stuff I've done in my life, at least half of it has been on the Internet…and the person doing the typing can be affected too … really scarred from it…You can really regret (cyberbullying) but you can't find a way, without losing (your) dignity to say sorry to a person you've hurt" [North High: Student 2 – Student Focus Group 1]

This data demonstrates that any discussion of responses – education or legal - to youth cyberbullying must include listening to the voices of young people.

Theme 3: Education and legal inter-systemic collaborations needed to meet school-identified challenges in addressing student cyberbullying

The data indicated schools do need the support of legal system actors – perhaps lawyers *and* police – to collaborate with them about the legalities of cyberbullying on school campuses. As can be seen in the following excerpts, specific staff members had been assigned roles – in both study schools - requiring them to span educational and legal knowledge in order to lead the practices of their schools in relation to cyberbullying:

"The school counsellor would deal with… the normal policies of law, (for example) if there's abuse of some sort…So our school counsellor has to have a list of those (laws) in context…where it might be a police matter…" [South High: Leader]

"I think legal implications…would be key (to my role). I don't know that there is enough knowledge from myself about copyright laws, let alone the harassing of students online, and how that evidence (which may be part of my role to gather) can be used. I think legal has to be part of it (i.e., being able to perform my role)" [North High: ICT Staff]

Clearly the data indicates that these staff members had inadequate knowledge of the law to inform, in particular, school follow-up of cyberbullying incidents, such as knowing when student cyberbullying crossed into legal domains, how evidence should be collected by the schools, and at what point schools should appropriately engage with law enforcement services "…for the benefit of the child or the school" [South High: Leader].

Also, the data indicated that while schools focus much of their work towards prevention of cyberbullying to avoid the need for legal remedies, they still need to, at times, apprise their communities about the legalities of cyberbullying:

"…while I'm a firm believer in prevention trumping reaction…I do think we need to (know) what the reality is, what the legal implications are" [North High: ICT staff member]

In the current study, it appeared that schools stepped away from taking any role in contentious cyberbullying issues that may warrant a legal remedy, expecting parents to inform themselves:

"…we also hope that parents could seek any avenue that they felt necessary…we would recommend that…" [South High: Middle School Leader]

Perhaps this occurred because legal cases involving schools and young people was knowledge considered currently *unavailable* to school stakeholders, yet as South High's counsellor suggested, would be useful:

"I think having PD (professional development) every year with maybe a police officer… who can actually give us case studies of what's going on and how schools handle it, and what students need to stay on the right side of the law, that would be helpful…"

Students in North High and teachers in South High proposed that targeted school-specific instructive legal guides, especially those outlining victim processes, were unavailable yet should be on hand:

"There's not a strict guideline for you to follow what to do. For the law, they should have a guideline for what to do" [North High: Student 2 – Student Focus Group 2]

"Well, cyberbullying is probably going to stop, but if it doesn't, then what do I do? There probably needs to be general steps…a guide that anyone can use…it's there for your advice if you need it" [North High: Student 3 – Student Focus Group 1]

"…we need some kind of checklist, tick the box - 'I've spoken to a parent here, the police were involved here'" [South High: Teacher 4 – Teacher Focus Group]

The data suggested that the point at which student cyberbullying could and should be reported by schools or victims lacked clarity. For example, teachers seemed at a loss when they themselves felt cybervictimised in emails sent by parents 'late at night when they've had a drink or two' [North High – Teacher Focus Group Participant]. Students indicated that even considering that a student cyberbullying experience *could* be illegal was a 'vague' concept for young people, unlike high profile crimes such as 'murder' or 'bikey gangs' [South High: Student 2 – Student Focus Group 1]. In addition, school leaders indicated they are unsure of 'the merits' of student cases which are a 'legal violation' that might require schools to act hand-in-hand with the legal system [South High: Leader].

Discussion

Finding links between the anti-cyberbullying actions motivations and needs of schools with systems beyond schools where support may be sourced, such as the legal system, may be a useful strategy in reducing the problem of student cyberbullying (Thomas et al., 2018). It was apparent in this study that the school system - alone – was limited in its capacity to fully counter the cyberbullying of students. While school leaders favoured prevention and saw their efforts were successful, many incidents were, by participants' own admission, undetectable and under-reported, to which schools did not think they could or should be held to legal account. It is impossible for schools to address incidents of which they are unaware, therefore one implication of this study may be to recognise that schools are likely to be better at preventing, rather than intervening in, student cyberbullying incidents. This is a salient point for improving school practices, that is, more resources must be developed by education policy developers to help schools detect student issues that do not require students to self-disclose. This might include developing confidential

student surveys for schools to use to uncover student issues. It may also include mandating how regularly they should be conducted and what school action might be taken with the information uncovered. This kind of accumulated data may be paramount for judges to rule in any legal actions brought against schools in relation to youth cyberbullying. A second implication is to appreciate the necessity to include wider system responses which shift a focus on what schools are expected to do, but cannot, to what the wider community - together with schools - *can* do to reduce the problem (Queensland Anti-cyberbullying Taskforce, 2018). It was clear in the current study that there may be salient ways the police service could better equip schools by understanding the legal implications of cyberbullying for youth and communicating this to schools and youth. This may ensure police personnel can respond flexibly to specific cyberbullying issues occurring amongst students which schools struggled to address. A police presence on campus was considered by students another way they could report and discuss their cyberbullying experiences with people other than their teachers. By continuing to learn about the challenges of managing student cyberbullying from those closest to the problem, new ways should open for the wider community to act in support, rather than in critique, of schools (Queensland Anti-cyberbullying Taskforce, 2018; Young, Tully et al., 2017).

While the schools in this study recognised they were unable to guarantee a response to all cases of student cyberbullying, it was certainly their intent to act as competently as possible to prevent the problem in the first instance. However, the schools perceived they derived this standard of competence based upon school-level motivations and priorities. Based on the findings of this research, schools responded to cyberbullying as they saw fit and as best they were able. This may be a noteworthy finding if applied to schools where anti-bullying motivations are less

acute than the schools in this study, and access to financial resources less available. This has salient implications for education departments and their educo-legal policy advisers to furnish schools with minimum standards of preventative action to which they should attain. Also, education departments need to provide schools with the resources they need – both human and financial - to reach those standards.

This study also identified that schools must continue improving their protective and effective responses to those who *are* willing to speak up (Price & Dalgleish, 2010), given the unlikely reporting of victimization noted in this study. Implications for school responses include ensuring that *any* reported bullying is followed up so that the costs to students who do choose to report are minimized (Rigby, 2017; Shaw et al., 2019). Schools may need more specific guidance about what is 'adequate' follow up. This may require education departments to seek out the evidence for what this must entail to ensure reported incidents of cyberbullying stop and do not create greater problems for those reporting (Shaw et al. 2019). The valuable research in this regard will be that which is informed by the voices of students. As suggested by Walsh and colleagues, we must allow young people to teach adults about their cyberbullying reporting experiences. In the current study, it was learned from students that they lacked knowledge about the *legal* reporting processes, hence their view of student cyberbullying registered as only 'vaguely' illegal. In the UK, the boundaries between what is bullying and a criminal act have been clarified on a new website launched by the Metropolitan Police service, which is specifically aimed at students aged between 11- 16 years (Myers, 2018). Such information may be warranted and could be developed by police services in Australia, given the findings of this study. As well, assisting schools to understand the legal position of students in cases of cyberbullying should be made clearer via

professional development opportunities, which clarifies for schools the policing of the cyberbullying behaviour of young people (Myers, 2018). Again, such findings support the role of police as school-specific legal educators. A suite of school-focused legal professional development modules might be developed and made available to schools. It will be important not to see these as stand-alone resources but as the stimulus for school stakeholders to ask their own more complex context-related questions.. As previous research indicates, there are likely to be many cyber-legal issues in schools. Some examples, according to Walsh and colleagues (2020) include sexual abuse, harassment, violence, grooming, exploitation and cyberbullying. Knowing how to respond to each of these issues appropriately within the law is vital for those in schools. Balancing legal guidance within the context of cyberbullying among youth is a worrying proposition for schools which may be alleviated with more knowledge (Hinduja & Patchin, 2018).

The young people in this study asked directly for legal guides to inform them about what to do if they could not get their cyberbullying to stop. Clearly, too, such guides are needed by those in key school positions tasked with advice-giving in the school community. Thus, the provision of written legal guides targeted specially to school communities is a practice implication which arises. The guides, perhaps written by lawyers and distributed to schools (and police services), should cover the existing laws in such a way so those inside schools understand what can and cannot be done in terms of the policing of student bullying and cyberbullying. The guides should include clear processes for legal protections for victims and outcomes for young perpetrators. At minimum, ensuring that key players in schools have such pamphlets so they can provide some basic cyber legal advice to their community seems elemental, but was not found in the current study.

While the stakeholders of this research considered that young people involved in cyberbullying are best supported by educators, it must also be argued from the findings that inter-systemic collaborations with those who have legal expertise are needed to assist schools in coordinating their anti-cyberbullying responses (Vandebosch, 2014). Those with educo-legal leadership roles in schools can struggle with complex networks of policies and laws applying to cyberbullying and it was clear that the secondary schools in this study were already drawing from law enforcement services to fill this void. But while outside actors, like the police, can bring specific skills into the school to strengthen the schools' anti-bullying practice (Thompson & Smith, 2017), the data revealed that for the system of law and education to successfully work together they must share a common value system of support of young people. Thus, for police to be effective school responders in cases of youth cyberbullying, they must understand the needs of those who are victimised, but also for those who bully and for the role schools must play in supporting both (Myers, 2018). This may require community police officers to be more specifically trained to appreciate the complex nature of the cyberbullying involvement of young people in school settings.

The features most appreciated from law enforcement services to the schools in this study included those which were local, responsive to school needs, and adaptable to school contexts. Community police who interact with schools must be more knowledgeable about laws pertaining to cyberbullying so they can equip schools to avoid legal pitfalls for schools and young people. The data appeared to indicate that the Australian police service had not fully evolved in this regard. The schools in this study indicated an already developed pathway of school-based policing services (e.g., child protection units, adopt-a-cop services) which had an

'excellent' reputation because they were specifically designed with the needs of schools in mind. These could be further developed by aligning police knowledge to school-identified needs and then marketed to schools in higher in socio-economic suburbs where cyberbullying also occurs. The implication arising for existing secondary school-based police services was that they were negatively perceived as services schools would not reach out to except if they were schools in suburbs where student crime or delinquency may be present. The school-identified cyberbullying-related needs found in this study included learning about how police handle reports of cyberbullying, knowing more about legal processes and cases involving schools and young people, helping schools with their cyberbullying policies, assisting schools when students fail to report cyberbullying, clarifying reporting obligations, assisting schools with ways to collect and investigate evidence, and communicating to students in legally-authoritative ways about issues schools have struggled to address. Therefore, as identified by Sarre and Langos (2013), the findings of this study support the idea that school police units go beyond responding to school-based offences and apportion police training and development toward preventative cyberbullying work, which would align them even more substantially with the work of schools.

Strengths and Limitations

The strength of the current study lies in its unique exploration of legal system support for schools to improve their capacity to reduce student cyberbullying. It proposes the need for building inter-systemic – education and legal – collaborative responses to youth cyberbullying. There are two limitations to be noted. The study is qualitative, and while rigorous, relies upon the biases and interpretation of the researchers. Additionally, the size of the study is small, drawn from only two school

communities, unlikely to represent the wider education view. Notwithstanding, the study addresses a gap in the literature by proposing targeted ways for the legal system to operate in more complementary ways with secondary schools to reduce student cyberbullying.

Conclusion

While those in secondary schools consider that it is the education - and not the legal – system where cyberbullying incidents should be handled, this study reinforced that schools cannot always effectively manage this youth problem alone and must reach out for information or support deriving from actors within the legal system. This study informed recommendations that a collaborative approach is needed between schools and lawyers, police services, education policy developers, and school-based researchers. Lawyers are needed to collaboratively write legal guides designed specifically for those in school communities. These guides must not only include vagaries about the laws governing cyberbullying, but where school community members, including students, can gain legal advice, report their cyberbullying to authorities, and to know what the steps are for enacting legal protections from cyberbullying. Education-legal policy makers must invest more resources for improving school practices, focusing less on prevention resources, and more toward equipping schools to develop and provide student reporting mechanisms which do not require personal disclosure, and for resourcing schools with how they must legally respond and intervene in incidents. To better resource schools to meet requisite legal responses to youth cyberbullying, a set of standards to which schools must attain may need to be developed. The police service, based on the results of this study, could act as useful collaborators to reduce student cyberbullying if they were to develop their school-based services to incorporate cyberbullying. This will likely

involve new or extended services which are informal, preventative but also responsive to particular school needs following incidents. Other services likely to assist youth could include developing a police website geared to inform them about what cyberbullying is and is not an offence with links to report that which is. School staff professional development modules, developed through consultations with staff by the police service, could also assist schools with the cyber-legal knowledge that is needed to inform school practices. Informing both school and legal practitioners toward reducing youth cyberbullying, will be school-based bullying researchers who elevate the voices of students with experiences of cyberbullying, allowing them to teach us about barriers and solutions both in and beyond schools that may require collaborative responses to this difficult problem. Future research should also consider including legal stakeholders as participants of a similar study to determine their views about whether they see collaborative roles for educators or students for working together to reduce the cyberbullying of youth.

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We have no known conflicts of interest to disclose.

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Chapter 8: Discussion

Chapter 8 provides a synthesis of the findings reported in each of the papers that were presented in the preceding three results chapters (i.e., Chapters 5, 6 and 7). This discussion chapter begins (in Section 8.1) with a brief recap of the theoretical framing of this research to remind the reader that the key findings and implications arising from this study are not only useful for informing the improved actions of schools but of wider society, in particular how those who are part of the legal system might most effectively engage, from the perspective of schools, with the issue of youth cyberbullying. In Section 8.2, the key learnings are arranged according to each of the three focus areas of interest of this study, namely what schools are doing about cyberbullying (section 8.2.1), what schools think about a new cyberbullying law for reducing the cyberbullying of youth (section 8.2.2), and what are the roles of the legal system most likely to connect with school capacities and the needs of young people for addressing the issue of cyberbullying (section 8.2.3). The new learnings are anchored in the extant literature and the implications consider what schools can do to improve their responses to student cyberbullying. Attention is then turned (in section 8.3) to a discussion of the new learnings which give rise to implications for the legal system in particular, but also some of the other hidden influences of youth cyberbullying uncovered in this study – those which are beyond the scope of schools. A range of recommended responses are proposed for consideration (sections 8.3.1 – 8.3.8) to more effectively target the cyberbullying of youth using multi-systemic avenues of action. Following this, the strengths (Section 8.4) and the limitations (Section 8.5) of the research are discussed. The chapter closes with suggestions for future research (Section 8.6) and a brief concluding statement (Section 8.7).

8.1 Revisiting the theoretical framing of the purpose of this research

The theoretical framing of this research was a social-ecological one (Bronfenbrenner, 1977) which takes the position that the problem of cyberbullying must be understood more completely than studies which focus *only* inwardly on the actions of schools – or maybe families of young people or young people themselves - to reduce the problem. While schools are highly influential settings in the lives of students, the problem of cyberbullying in this study was also seen as an issue which was likely to be mediated by wider responses to it, such as through society's laws. The actions of schools were conceptualised in the centre of a model framing the problem of youth cyberbullying (see the model in Chapter 3), with society's laws likely to have impact on the nested school community within, with the influence of the legal environment ultimately impacting the cyberbullying of young people. The express purpose of this theoretical framing was to generate not only an up close look at the problem from the perspective of those inside of schools (resulting in school-problematised solutions), but by taking an outward view, up and away from schools to their influential environments (e.g., society's laws, the legal response to cyberbullying), the study aimed to generate solutions other than those only bound within schools or the close settings and relationships of young people (e.g., at home, or in the peer group).

Thus, as a reminder, the purpose of this research was two-fold:

1) to determine what legal solutions, if any, are perceived by secondary school stakeholders currently contributing - or are needed - to support the work schools do to prevent and intervene in student cyberbullying, and

2) to determine the contribution the voice and experience of those within schools can make to the ways legal solutions are considered, so that they can best meet the challenges of schools to prevent and intervene in student cyberbullying.

8.2 Key learnings from the school communities represented in this research

The research described in thesis began with exploring how those inside secondary schools see their own actions toward - and success in acting - to prevent and intervene in the issue of student cyberbullying. This was deemed a necessary and important starting point given the lack of rich perspective data about the youth cyberbullying issue from inside secondary schools (Mitchell & Borg, 2013); a lack of specific anti-cyberbullying instructions for schools other than those based upon broad well-being frameworks which schools are free but not obligated to draw upon (Australian Government Department of Education and Training, 2018); and the survey research which constrains the evidence to be mostly about what schools are *not* doing with little understanding about *why* this may be so (Vandebosch, 2014). Given the fundamental roles schools are seen to be playing to address this rather serious youth issue (Katz, 2014), it was argued that a better understanding of what, how and why schools were acting to reduce the cyberbullying problem of youth must be foundational to any school-case-study research seeking the 'school perspective'. Further to this, it was contended there were certain contextual issues of concern framing this study, namely a media-fuelled public feeling, given headlines such as 'Online evil rife in schools' (Bita, 2018), that schools may be acting complacently or that we should have uncertainties about their ability to handle the online (mis)behaviours of youth. Thus, as an impetus for the first phase of this research, it was argued that an evidenced-based understanding of the school response was needed before seeking views about a legal one.

8.2.1 School prevention and intervention of cyberbullying

Findings (i.e., those presented in Chapter 5/Paper 1) stood as a challenge to the notion that schools were doing little to respond to youth cyberbullying or that they were somehow complicit in allowing 'online evil' to run rife amongst students. School participants shared fairly sober views of cyberbullying, that is, as a harmful problem experienced by young people, and an issue not to be side-stepped or skirted by schools. This is a finding not dissimilar to other research involving school staff participants who appreciate the dimensions of the problem and the apt role of schools in addressing it (DeSmet et al., 2015; Vandebosch, 2014). However, unlike the conclusion that schools may still need to be *motivated* to prioritise anti-cyberbullying actions as found by Vandebosch (2014), or that schools may not be effective because parents and educators have lingering doubts about the actual need for anti-*cyber*bullying programs found by Stauffer and colleagues (2012), it was clear the schools participating in this study approached the prevention of cyber forms of bullying with some rigour. Both schools had implemented new cyberbullying policies and were taking an all-encompassing wide-fronted whole-school approach to the prevention of the issue amongst students. One school had written its own cyberbullying curriculum (in the absence of anything commercially available they thought was suitable for their cohort), and they were curating a school-created website purely devoted to educating parents about the digital world of their children. Both schools used their faith-base as a weekly instructive impetus for discussing student expectations of behaviours both in on- and offline environments as well as other social emotional pastoral type issues arising in the schools. The schools were active in educating the wider school community about cyberbullying, despite both schools feeling they had some limits to their resources and found it difficult at times

to meet their own self-imposed (in the absence of externally (e.g., legally) imposed, or funded-) standards of excellence to do so. Specific staff had been employed, or specifically *de*ployed, to manage the new technological learning and cyber safety responsibilities of schools, and where there were self-perceived gaps in effective school practice, outside expertise, although reportedly poor in some cases, had been deliberately sourced (from the communities of experts who make themselves commercially-available to schools) and utilised. While neither purpose nor the methodological design of this study was to quantify or measure the reduction of student bullying in the school as a product of particular prevention and intervention practices, it was clear that evidence-based practices such as those described by Bhat (2017) and Nickerson (2019) could be 'checked off' in the stakeholder's descriptions of their measures. On any given continuum of schools who have sound anti-cyberbullying motivations and practices, and those which may not, these schools displayed exemplary practices for which they were understandably proud.

Confounding staff in both the study schools then was cyberbullying's continued presence in the school, despite most participants' views that preventative actions were approached in an ongoing, conscientious, and deliberate way. What appeared to be critically lacking was not *what more* the schools could do - reminiscent of much of the conclusions of the extant school bullying research (Thompson & Smith, 2017) – but another type of analysis of their measures that might offer some answers and a way forward in improving the reduction of student cyberbullying in the schools. The theoretical driver of this research offered a way to consider the schools' quandary, helping to shine a light on the complex and broad array of factors - *outside the bounds of schools* - that were hidden influences of both schools' actions and results.

Identifying the wider social conditions (i.e., the schools' exosystem and macrosystem factors) - found interwoven within various role-voices, role-impacts, and role-responses in the schools as they described their school's actions - was an important finding of this research. External factors were identified in the schools' governance, guidance and support networks, people groups, documents, and in broader cultural references made by the stakeholders. All of these factors were housing – and shaping – the schools' anti-cyberbullying practices. This insight created a much sharper view of how and why schools chose, or favoured, one measure or approach over another and how this decision-making, in hidden and subtle ways, impacted school effectiveness to reduce the cyberbullying of their students. Dynamically and bi-directionally moving between described impacts and responses (afforded by the theoretical framework) helped to uncover that society and community were quite influential in the study schools' actions, helping to explain why schools may have *over-done* certain aspects of their approaches – even seemingly good ones (e.g., lots of technology teaching) - and why they may have down-played or *de-prioritised* others – including those appearing on the surface somewhat unnecessary to the schools (e.g., conducting confidential surveys). Yet, it was these aspects of school practice which were shown to be important in the study because they may have been contributing to less effective reduction of the cyberbullying of students. Paper 1 demonstrated that the following influences were all external (or macrosystemic) factors negatively shaping the policies, preventative education, reporting mechanisms, and intervention responses the schools had enacted:

- the portrayal of cyberbullying in society's media (i.e., a pervading sense that cyberbullying must always be viewed or spoken of and feared in terms of life and death outcomes for young people)

- the pressures on schools to adopt and adapt to our technological culture (i.e., a pressure that quality schools must teach using online tools because it prepares young people for study and work); and

- a complex and confusing array of laws affecting the role of schools in relation to cyberbullying (e.g., privacy laws to copyright laws, communications laws to child protection laws, and so forth)

Exacerbating this, the communities around schools from which they might draw support and/or share legal and moral responsibility (i.e., the community of parents, local suburban police, professional conference organisers, commercially available experts and visiting groups from which schools might draw expertise, and the schools' very own organisational bodies) were also impacted - or even complicit in - such pressures, and offered little in the way of alleviating school responsibilities or in building school capacity to respond. The weighty responsibility on schools for keeping themselves and their students safe from any and all misuse of technology 24/7, any and all of the resultant psychological harm of this exposure to young people, and holding perceptions that the law might be enacted, at any moment, to unfavourably judge their schools' actions as a breach of the standard of duty of care owed to students – overshadowed many of the actions of the schools in the current study. Additionally, the data revealed there was little acknowledgement of the weight of these pressures on schools because standardised procedures and/or delineated clarification of legal responsibilities– including the funding needed to demonstrate to the schools the school-level of importance of acting optimally and

effectively - were not available. Schools felt they were alone and inequitably legally and morally responsible for the actions of the cyberbullying of young people and the negative consequences of those actions. As alluded to by other researchers such as Schubert and Wurf (2014), teachers felt they had the greatest burden of responsibility for cyberbullying prevention and response than any of the other school stakeholder participants of the study.

Perhaps of greatest import in this first phase of the research, was the greater understanding gained of the impact a confusing legal system had on the schools' ability to embed their practices and to communicate the legal implications of cyberbullying to their community members - and what few resources schools had at their disposal to remedy this. As well, there was a new understanding gained that weighty external influences had a greater power to modify school anti-cyberbullying actions than did the voice, ideas, and influence of students about their own cyberbullying involvement. Similar to the findings of Farrell and colleagues (2015), the students in this study wanted to develop, problem-solve, and practice strategies to effectively deal with their real-world encounters with bullying and cyberbullying. However, because the schools were generally unaware of the hidden societal or community pressures that were shaping their measures, the adults in the school were not cognisant that they were subtly diminishing school capacity to act responsively to student-derived contributions. As such, the schools were actively engaged in reducing cyberbullying, but missing opportunities for targeted solutions based on student needs.

8.2.2 The usefulness of a new and specific law to counter youth cyberbullying

Paper two (Chapter 6) represents the findings of the second phase of this research and is an important contribution to a significant gap in the research literature – an exploration about how school stakeholders perceived the benefit of a cyberbullying specific law to address student cyberbullying. With the exception of another doctoral thesis where US Catholic teachers' legal understandings in relation to cyberbullying was sought using surveys (Boyer, 2015), and a study with departmental and legal officials in Australia who considered the role a new law might play in helping them to inform schools in their educational jurisdictions how best to address cyberbullying (Young et al., 2016), there are no other publications dealing with this topic. Apart from this paucity of research, the findings from the first phase of the research (i.e., the scoping of the schools' anti-cyberbullying practices) also provided an additional impetus for the importance of investigating the role of a cyberbullying-specific law for perhaps resolving some of the legal uncertainty that was permeating the prevention and intervention measures of schools. While the extant literature already shows that the law and its legal implications for schools can be difficult to know and understand when it comes to cyberbullying (Campbell et al., 2008; Goff, 2011; Katz et al., 2014; Tan & Pedic, 2014), the first phase of the research showed that this uncertainty was fear-inducing *and* practice-impacting and was likely hindering more effective school practices to reduce student cyberbullying.

There were several examples of negative practice impact. One example was that school staff stakeholders tried to reflect the law/s that might encapsulate cyberbullying into their anti-cyberbullying policies, tending to use legal, rather than

behavioural, terms to describe cyberbullying that may have been confusing for those inside the school who are reliant on school policy, such as parents, students and teachers. Policies were also cluttered with the overlap of these laws which seemed to impact not only cyberbullying policies but technology use and student behaviour related policies as well (e.g., cyberbullying sits at the nexus of privacy, child protection, and communication laws, to name just a few found in the study schools' policies). The legally confusing law perceived by stakeholders to pertain to cyberbullying resulted in anti-cyberbullying policies which were ineffectively written and inadequately serving the schools' community (i.e., they were not deemed necessary to read – they were just obligatory school 'legal' documents). Again, while numerous studies have also noted this anti-bullying policy state of affairs (Butler et al., 2011; Campbell, 2012; Nickerson et al., 2013; Schubert & Wurf, 2014), it appeared in this study that the legal framework may never be unravelled sufficiently enough by the school stakeholders to overcome this problem unless better support derived from the legal system could be provided to schools.

Also uncovered in participant descriptions of the negative influence of the existing law were hastily enacted interventions which neglected to consider student or parent goals for reporting incidents (i.e., overriding the type of school assistance that was wanted by those reporting, in favour of following rigid school steps and processes that were believed to be more legally defensible). Again, this finding can be anchored in the extant research that shows a failure to *respond appropriately* to reported incidents can reduce future reporting (Connolly et al., 2014). This was certainly an identified problem in the current study with students saying they often did not report their victimisation for fear of things being made worse by the school, and parents saying their child did not want them to contact the school about their

victimisation. As well, the uncertain legal standards of duty of care toward students specifically in relation to cyberbullying was an impetus for leaders and key role staff in keeping a tight lid on student relational issues that perhaps might have best been brought to light – certainly teachers thought so - to better extinguish the breeding grounds of negativity that can fuel bullying in schools (Dorio et al., 2019).

Given such evidential impetus, the second wave of this research program followed up much more directly with the participants about the need of a new law in relation to cyberbullying. An argument could be made that a new, simpler, and school/student focussed cyberbullying-specific law might be favoured by those within schools – particularly for school leaders who must keep school actions within the law and legally ill-informed young people out of it when it comes to some of the legal implications for them in relation to cyberbullying. In North America, the enactment of cyberbullying specific laws has been portrayed as somewhat *empowering* for schools so that they can better respond to cyberbullying, clarifying, for example, the legal definition of cyberbullying and how and what schools can respond to if cyberbullying occurs off campus (Yang & Grinshteyn, 2016). As well, new and specific cyberbullying legislation has contributed to the construct of model school anti-bullying policies that are now standard and regulated (Terry, 2018). One might argue creating similar cyberbullying-specific legislation for assisting Australian schools with their work to reduce youth cyberbullying, might be warranted for resolving some of the school issues that had been identified.

The discussion with the participants of this study about the need - and perhaps parameters for - a new law to reduce student cyberbullying or to assist schools in their anti-cyberbullying work, however, was quite interesting. First, there were a number of stimulus questions posed to school stakeholders that they appeared

reluctant to deeply consider, such as, if a new law was introduced for whom might it apply?, or, what could/should a new law do exactly (e.g., criminally sanction, provide financial redress, empower schools, make parent more responsible, etc.)? These questions provided wide scope and opportunity for those in schools to expand on their views found in the first investigation (see Paper 1/Chapter 5), that new laws, for example, might hold parents to better legal account given the perceived uneven weight of legal responsibility expressed in Paper 1 on teachers versus parents. Alternatively, that civil litigation against school authorities (e.g., the fear of 'parents with solicitors' reported by teachers in Paper 1) should *not* be part of the legal toolkit of young cyberbullying victims, but instead newly drafted laws could, as just an example, provide better recompense such as access to services such as counselling. However, these stimuli did not trigger a deep debate, and sometimes were not even entertained. The hypothesised views did *not* come to the fore, as they did in the research with senior departmental educational and legal policy officials in the Australian study conducted by Young and colleagues (2016).

In considering an explanation for such findings, perhaps it was that most of the secondary school community members either did not know enough about the existing law/s in Australia in relation to cyberbullying and young people to adequately appreciate that the current framework is a criminal one likely to have detrimental outcomes should it be enacted for the cyberbullying of young people. This would be similar to the findings of Tan and Pedic (2014). Conversely, perhaps school staff were overly-sensitive about the role the law currently plays out, in their view, as a punishment for schools. This viewpoint would align with Srivastava and colleagues (2013) who recognised that in our current legal framework it may well be schools – or financial school authorities - who are more likely to furnish victims with monetary

recompense for harm. Perhaps the school stakeholders simply did not want to

consider - to any degree - yet another law that might impact school policy and action,

even one discussed in a research project which afforded the freedom to fantasise

about the perfect legal solution for *youth* cyberbullying which prioritised the role of

schools and diminished the legal outcomes which might harm the futures of young

people. School stakeholder viewpoints, it seemed, were mediated by either a fearful

mistrust of the law as a support for schools, or a lack of legal knowledge sufficient to

discuss the legal implications of youth cyberbullying. Either conclusion has

implications for improving school practice, as this area of law has the capacity to

substantially impact schools and young people and about which they should be given

enough information to discuss it, with some accuracy, and without a sense of

entrapment.

In yet another alternative view - and the tone in the findings of the second

paper - it may be that those in schools act far less emotionally about youth

cyberbullying than the wider public, because they are more familiar with its

occurrence amongst young people in the school setting and believe more strongly in

the capacity of schools to educationally respond to it. In line with Myers (2017),

perhaps the school community members in this study were confident in their

rejection of new legislation, because they recognise more sharply that laws are

applied on fact, and not emotion (i.e., that young perpetrators are not monsters as

discussed by Horton (2016)) and thus application of a law, particularly a criminal

one, can yield rigid and harmful impacts with little benefit if applied to young

people.

While keeping each of these possible explanations in mind, the most important

finding of this study was that school participants saw the most merit in an

educational and flexible approach to the cyber-wrongdoing of young people. Young people themselves, although certainly tempted by a legal solution when fellow students act poorly in cyberspace, do not think criminalisation, for example, is an option to which they could proscribe (e.g., detention is one thing, 'friends' going to gaol another). Unfortunately, many of these young people did not seem to realise that it is the Australian *Criminal Code Act 1995* (Cth) which holds the most adequate provisions for encompassing the broad range of behaviours collectively known as cyberbullying. 'Using a carriage service to menace, harass or cause offence' (Section 474.17) is a gaolable offence, with the potential for criminal responsibility to accrue to those as young as 10 years of age, certainly encompassing the students in this study who were in their teens and anti-gaol in their sensibilities (Legal and Constitutional Affairs Committee, 2018). The implications of these findings for schools and those who govern them is just as Meyers & Cowie (2019) have proposed, that legal awareness training must be better embedded in the curriculum to overcome the challenging lack of knowledge about the law in relation to cyberbullying in school communities. The legal consequences of cyberbullying must be dealt with from an early age, as soon as children and young people are able to understand the implications of what they are doing (Myers & Cowie, 2019) –in Australia that must be at least a little before age 10.

Even though a *new* law was not wanted by any one of the participants in this study, one finding of this study indicated that schools still see that a legal response to cyberbullying as an important and needed component of a whole-of-society approach to the problem, but a distal and remote action from where schools sit as a part of the solution. Use of the law was considered a final solution that might be warranted if the work of schools radically failed to successfully address the cyberbullying issues

of young people before they become adults. Failure was further described as when cyber perpetrators persist and schools have exhausted their strongest measures to curb behaviour, which in secondary schools is expulsion. To be noted, no such cases were identified in either of the study schools nor were they perceived likely 'in this school'. So although an important new understanding gained from this discussion about the role of schools and the role of law was for the potential of school age perpetrators to fall between the cracks of both systems, this understanding would be strengthened by gathering the opinions of school stakeholders in schools where cyber perpetration amongst students is more prevalent.

Young people who persistently perpetrate cyberbullying are usually expelled in order for schools to protect those victimised, but then perpetrators - who may themselves have issues (Myers, 2017) - have no further school level options for remediation. While disciplining bullying, like suspending or expelling students, is an approach broadly utilised and favoured by schools (Rigby & Johnson, 2016), and teachers also have been found to like the idea of 'demanding obedience to authority and focussing on externally enforced control' (Burger, 2015, p. 197), in the current study, school leaders wondered more about whether a continuum of *remediation* options could be legally established to follow on from what schools might usually do. As King (2010) describes it, while educational measures and school disciplinary actions may be generally viewed as the most effective way to generally respond to cyberbullying, these measures may sometimes fall short because they lack the stronger deterrent effect that legally authorised sanctions/options might hold, such as those that are derived from the legal system. However, in this regard, it was perceived by the study schools that they had little back-up of their disciplinary measures with resistant school-age perpetrators, measures which could easily be

questioned by parents. Between the work of schools and the existing Australian cyberbullying-encompassing laws, it seemed to schools there was only harsh legal sanctions that were a far leap from, and are substantially at odds with, the restorative aims and approaches of schools.

One practice implication arising from suggestions found within the data, was for an educo-legal body to be instituted to administer certain 'steps and processes' (as proposed by school leaders) which restoratively aligns but extends school discipline (i.e., this body would act more constructively than simply expelling students). Suggested measures which might be made available under the purvey of such an authority might include, as suggested by study participants, enforced specialist counselling sessions with counsellors skilled in dealing with bullying motivations, youth community service options, and legally imposed online supervision such as a revoking of online rights with earn back options. Given that young people in secondary schools sometimes express pessimism about anyone ever really stopping perpetrators (Smith et al., 2008), perhaps developing the law, or some type of legal provision aimed at perpetrators, might make for a good middle ground as a legal solution, particularly one that connects into schools but extends stronger legally authorised and administered disciplinary actions. It was certainly deemed by school leaders in this study, an inter-systemic space worthy of consideration.

There were other unmet 'legal' spaces found within schools when discussing legal solutions for youth cyberbullying. First, it was found that schools needed much more accessible avenues to find legal information and support, particularly in helping to unravel real world situations arising in the school. A few circumstances were described where multiple and perceived conflicting laws made charting school actions difficult (e.g., privacy laws and the use of secretly obtained and offered

cyberbullying evidence). Also, a number of school stakeholders thought that schools housed within communities that were better informed about cyberbullying related laws and their implications had the potential to support the roles and decisions taken by schools to respond to incidents. Media campaigns were suggested to promote the illegality of cyberbullying to the wider community and the important roles schools play would be one way to reduce parental critique and questioning of school actions when schools intervene in their children's incidents. Another finding was that weak enforcement of existing legislation in wider society weakened the capacities of schools to prevent cyberbullying amongst young people, particularly when high-profile figures admired by young people were seen engaging in bullying or cyberbullying without consequence. Along similar lines, the young people in this study noted, similar to other researchers (Robinson & Darley, 2004; Tan & Pedic, 2014), there seemed to be little knowledge or impact of the current laws on cyberbullying. Students said there was a need to 'put the law out there' (i.e., advertising the law and what it means if you break it) as the first step in seeing if the law acts as an effective deterrent (as opposed to making a brand new law) – and, as added by school leaders, not just as a legal deterrent to youth, but also a society wide one.

Another important understanding gained from student viewpoints in this research was the degree of frustration over the Australian government's perceived legal inability to reign in unscrupulous social media big business. Students were confounded as to why they may be seen as a target of a new law when so little, in a legal sense, had been done to target social media services (e.g., failing to police their terms and conditions regarding age restrictions; failing to adequately communicate their terms and conditions in any kind of way that young people would actually read

and respond to; and failing to adequately address the inappropriate cyber material published regularly on their platforms). Therefore, an implication arising from this research is that schools see a helpful legal solution in the regulation of social media companies who provide services to young people and over whom school executives cannot keep up with and have little control. The newly instituted *Online Safety Bill 2021* (Cth) may go some way toward addressing the concerns found amongst the stakeholders in this study. The reason for this is because the focus of the legislation is not on schools or youth, but largely on online service providers, expecting them to be more proactively accountable for the safety of their end-users. Additionally, the Bill applies to a much broader range of services where youth cyberbullying is likely to occur. Thus, arguably, the Office of the eSafety Commissioner may be able to help more youth who complain of cyber-victimisation or school bodies that may need to report it. The eSafety Commissioner can issue removal (i.e., take down) notices wherever online harms occur and expect a response from a service within a shorter timeframe than the previous legislation (i.e., from 48 to 24 hours). The range of online services covered by the Bill include social media- (e.g., Tik Tok, Instagram, Facebook), electronic communication- (e.g., Gmail, WhatsApp, Xbox), specially designated- (e.g., Google, Internet Explorer), internet carriage (e.g., SMS, Messenger), and app distribution service providers (e.g., Apple (IOS Apple Store), Google Play Store) (Fai et al., 2021). This legislative approach seems in line with the findings - and theoretical position - of the current study because it engages the wider community to take more responsibility for counteracting online harm. Whether the Bill is perceived a legal solution to youth cyberbullying may depend on how well the government communicates its new legislation to the wider public, including schools, and whether it is seen to be enforced.

It may also be the case, given the views found in this study, that the new *Online Safety Bill 2021* (Cth) did not do enough to empower schools as they work to curb the cyberbullying behaviours of students. For example, the new Bill still relies upon victim complaints but does little to curb youth who bully following such complaints, such as banning access to social media, enforcing perpetrators to undergo counselling, or doing community service or other types of developmentally appropriate and educative recompense (Katz et al., 2014). It could be said that dissuading the communication of abhorrent acts of terrorism (e.g., the recent Christchurch Mosque attacks) may be the motivating influences behind such legal responses, and not necessarily, the role or struggle of schools to reduce the cyberbullying conduct of youth. There appears to be little change in clarity for the legal responsibility of schools for preventing and intervening in the cyberbullying of young people in the current Bill.

8.2.3 The need for education and legal inter-systemic collaboration to more effectively assist schools to reduce student cyberbullying

Given the findings reported in Paper 1 (i.e., that a lack of clarity about the existing legal framework around cyberbullying exerts a negative influence on anti-cyberbullying school practices) and Paper 2 (i.e., that a new law which might potentially simplify this framework and specify school actions in relation to student cyberbullying, was not wanted by schools), the third and final phase of the research aimed to uncover if there were any ways to help schools to better enact their anti-cyberbullying policies and actions within the existing and influential legal framework. Following on from the findings of Paper 2 that there were 'unmet legal spaces' for schools, it seemed important to gain a more detailed understanding of what further legal needs schools might have, and how - and whether - these needs

were being currently met through the legal system, or its affiliated agents or services. Again, the theoretical underpinning of this phase of the study took the view that schools acting alone to reduce student cyberbullying are likely to be less effective than schools which receive help from, or are embedded in, multiple community wide systems of support for their actions. Such an underpinning proposes improving cross-disciplinary and multi-systemic prevention and intervention efforts to enhance school responses (Nickerson, 2019). Therefore, school stakeholders were asked about where they were challenged, what was still needed, and how they see legal remedies or solutions fitting within their existing policies and actions to meet those challenges.

One challenge not met for the study schools, was getting the help required for turning the current confusing array of laws around cyberbullying into effective day-to-day, role-by-role legally defensible school practices and responses. One very important finding of this study was that schools need those with legal expertise to work with them in very practical and hands-on school-contextual ways to address this need. Upon reflection of this finding, the extant research indicates that this may be a more universal legal need in school anti-bullying practices than is currently recognised or responded to. For example, even in the US, where new and specific laws have been instituted *with the role of schools in mind*, research has shown that school administrators (i.e., those equivalent to educational policy leaders) can still struggle to operationalise school anti-cyberbullying legal obligations into practices for staff (e.g., how do school staff get the skills and time to investigate online incidents, and what will happen to them legally if they fail in this regard) (Young, Tully et al., 2017).

Also troubling to school stakeholders were the perceived legal obligations on schools for cyberbullying prevention and intervention – viewed as an undefined,

unfunded standard of response - in light of what they believed a school can actually

do - and cannot do - to supervise, detect, and thus respond to cyberbullying and be

legally accountable for. Like other studies have found, this was seen as very difficult

and a legally confusing grey area for the schools (Goff, 2011; Young, Tully et al.,

2017). For example, although teachers were marked in schools' policies as the main

personnel who should identify and report cyberbullying (and thus perceiving

themselves legally accountable), teachers simply could not see student cyberbullying

(i.e., it was either covert and/or occurring off campus). Other studies too have found

that teachers question their role in identifying and responding to cyberbullying in

schools, given its hidden nature and the perceived weighty legal obligations on them

for addressing it (Boyer, 2015; Cunningham et al., 2016). In some studies, teachers

have even proposed that students must be told to report their cybervictimisation to

any adult (not necessarily a teacher), be taught ways to appropriately stand up for

themselves, and to seek support from friends, seeing these as more effective

strategies for young people who are victimised than relying solely on the supervisory

role and thus response of teachers (Rosen et al., 2017). Despite both students and

teachers reporting in this study they had good relationships with each other, students

admittedly did not report their cyber-victimisation to teachers, and teachers did not

pry into the private worlds of students to try and detect instances of cyberbullying.

Like the teachers in Huang and Chou's (2012) study, teachers were ready and willing

to act if they became aware of incidents, but unlike those studies that report that

teachers perform badly because they have insufficient guidance about what to do

(Cunningham, 2016; DeSmet et al., 2015; Huang & Chou, 2012; Vandebosch, 2014),

the teachers in this study knew the reporting, recording and response processes

within their schools for dealing with incidents. Despite these findings, much of the

extant research negatively critiques teacher roles, responses and knowledge of cyberbullying (Bell & Willis, 2016; Rigby, 2018; Yoon & Bauman, 2014), rather than seeing this as a limited capacity and a legally vulnerable aspect of a school's response. A key challenge for schools in improving their anti-cyberbullying practices is filling what Shariff (2009) described a decade ago as a policy vacuum for schools regarding what it is that law expects, and what it is that schools can reasonably do about supervising the online interactions of students. Discussing, addressing, and standardising some of these legal and practical school response details is certainly a research-to-practice implication gap that may require the sharing of knowledge and expertise of both educators and legal professionals.

There were other legal challenges identified by the school stakeholders in this study. For example, those tasked with leading their schools' actions in relation to student cyberbullying (referred to in this study as key role stakeholders), seemed to require both legal and educational knowledge in order to adequately perform their roles, which they admitted they did not have. Missing legal knowledge included understanding what laws applied in cyberbullying and how to prioritise them over other overlapping laws impacting school practices; understanding what triggers a youth cyberbullying legal offense, and how to collect the necessary evidence that might stand up to a legal challenge. Also lacking clarity for schools was when and to whom to report cyberbullying that might amount to an offence under law to authorities. While from a legal standpoint Forde, as far back as 2010, wrote that it is prudent for Australian schools to be familiar with the legislation applying in their state or territory to identify what sort of offences give rise to a school's positive obligation to report bullying to the police, schools had no adequate way of achieving this knowledge. This paucity of legal knowledge had flow on effects because

students and teachers also did not think that their schools had furnished them with adequate legal resources and guides. School-friendly legal guides, if they were made available, could be passed on to members of the school community if/when it was appropriate to do so. Two instances were uncovered in the study data where such guides might be useful, such as when schools were unable to provide services (e.g., cyberbullying happening on school holidays to which schools could not attend), or if effective school solutions were not realised (i.e., from a student perspective: 'what do we do if the cyberbullying does not stop?').

Perhaps the more important finding, however, was the gained understanding that getting the right legal knowledge to assist with school processes was a troubling proposition for key stakeholders tasked with the role. Participants also noted some of this sort of knowledge should be common knowledge in the wider community as well, with implications once again that government sponsored public media campaigns which explain what to do if cyberbullying becomes a serious issue should be considered. However, in terms of equipping school stakeholders with key roles in directing the responses of schools, the formats typically sought out for improving school capacities, such as staff professional development (PD), or educational conferences, did not include the educo-legal cyberbullying topics that were needed by the schools. For example, one key role staff member suggested that regular updates from police about cyberbullying cases involving schools or students, would be an example of the type of contextual legal knowledge which would help schools extrapolate from the existing network of law/s what it was that was needed to substantially impact their practices with students to protect schools from legal reprisals.

When those in the schools were asked about legal remedies and solutions 'fitting' with school policy and action challenges, the police service was spoken of most frequently as a conduit of 'the law' in schools. In a positive sense, a number of police services were already supporting school actions. Similar to that found in Broll and Huey's police study (2014), local police came to deliver preventative educational presentations on various topics to talk through instances of cyberbullying which had already occurred in the school. Also, child protection units, those that might normally have been sought in cases of suspected child abuse - were appreciated by schools as conduits for understanding school legal obligations. The Adopt-a-Cop program, as well as community preventative policing programs were also held in high regard, because they were seen as parallel services which – in a multi-systemic sense - shared the preventative roles of schools with youth. Therefore, it could be argued that the most highly valued aspect of police services to schools appeared to be those specifically designed to interface with the work of schools (i.e., they derived from the legal system yet had shared and mutual goals with schools, that is, they aimed to complement and equip the protective work and role of schools with young people). Such services were seen as legal remedies that were professionally respectful, responsive, and most importantly, available to schools (i.e., they could be 'phoned' whenever assistance was needed in regard to school legal obligations).

However, in a negative sense, it was learned in this research that these kinds of services were not always considered adequate in relation to assisting schools with student cyberbullying. Given what is known about the international experience of school-based policing of cyberbullying described in the literature, this may be because the police have not been adequately equipped to work effectively with schools in a relational manner (Broll & Howells, 2019) or in more roles than just that

responding to schools when cyberbullying might amount to a legal offense (Espelage et al., 2020). It was interesting in this study, that students proposed a similar role for police to that proposed by Vandebosch and colleagues (2012), that is, to help to prevent cyberbullying, by informing students, parents, and schools about the issue; by playing a role in the detection of cyberbullying; by creating better reporting systems (apart from those offered at the school); and for providing assistance to victims in handling cyberbullying cases. Students in this study could see these roles being carried out by on-campus police officers, seeing their presence as one effective legal solution to assist them to counter their cybervictimisation. The specific ideas of students included having on-campus police able to hear and take down reports of their issues, for assisting schools to better investigate and track the truth of their incidents (something perceived by students to be a skill of police and something poorly performed by school staff), for acting as a presence which might more strongly deter perpetrators, and for providing students with clearer insight about what, of their specific experiences of cyberbullying, might be considered illegal and what help they might get. So not dissimilarly to the pupils aged between 12 -16 years who were surveyed in Spain (Giménez-Gualdo et al., 2018), students in the current study saw reporting their cyberbullying abuse to the police as a potentially positive legal strategy to further address student cyberbullying.

However, school staff and parents did not agree about the idea of on-campus police. First, they had negative connotations of a reduced school reputation if schools needed the ongoing presence of police on campus to control cyberbullying. From a school leadership perspective, involving the law, namely police, was a matter to be tightly controlled because a mutually beneficial relationship with the law might not result. For example, involving the law (i.e., police partnerships) could legally

expose school vulnerabilities in supervising, investigating, and responding to incidents; serve as an advertisement to the parent community to prioritise vexatious legal solutions over educational ones; and law enforcers might over-focus their attention on a perpetrator's actions, neglecting to adequately acknowledge a young person's likely role as a victim too, or the extenuating circumstances leading to poor cyber choices. While this research shows that schools may wish to act accountably within the existing legal framework of cyberbullying, without help derived from the legal system, they are likely to continue struggling given the complexity of the existing legal framework for schools and young people with regards to cyberbullying. It is an implication arising out these findings that school systems must find ways to leverage greater legal support and resources for their anti-cyberbullying work amongst young people by fostering opportunities for improved inter-systemic communication and understanding between schools and potentially the police service. What appears to be needed is an improved inter-systemic relationship that fosters opportunities for increased communication between schools (and what it that challenges them), and police (as conduits of legal information regarding cyberbullying for schools) to enhance the capacities of schools to better respond to student cyberbullying. As Myers (2017, p.34) puts it, there is no need for '...more prosecution or criminalisation, but that more best practice is shared'. However, what is importantly learned from this research is that while schools may want to continue tightly controlling what is considered a mutually beneficial relationship with the law, this might stand in the way of more careful consideration of the ideas, views and needs of students in relation to positive school roles for police, and may lead to the under-utilisation of police services as a potential avenue, if improved and targeted to school needs, for addressing the lack of cyberbullying

legal knowledge found generally challenging the anti-cyberbullying work of schools

(Broll & Howells, 2019; Myers & Cowie, 2019).

8.3 Implications and recommendations for practices beyond schools

While some findings arising from this research have implications for schools,

this research proposed that there are new frontiers - beyond the work of schools –

that might be forged to help address this problematic youth issue. This thesis rests on

its findings which show the more distal contexts of influence found within the

society and communities of schools. What follows are the implications arising from

this research which involve recommendations for improving practices within these

uncovered spheres, those which were shown in this research to house the work of

schools and influence how students respond. The following sections consist of

implications for the legal system, that is, police engagement with schools (Section

8.3.1), use of the law (Section 8.3.2), legal reporting processes (Section 8.3.3), and

regulatory frameworks for social media services (Section 8.3.4). Following this are

implications for governments in relation to the media around cyberbullying:

journalistic guidelines (Section 8.3.5); and public media campaigns to lift legal

knowledge (Section 8.3.6). Finally included, are implications for those serving

schools: organisational school bodies/authorities (Section 8.3.7) and the commercial

operators of cyberbullying expert services to schools (Section 8.3.8). As recently

summed in the OECD's latest publication 'Education in the Digital Age' (OECD,

2020), supporting children to thrive in a digital age requires a greater focus on

developing the inter-connections and intersections between schools and other

partners who have overlapping responsibilities. These partnerships from other

disciplines are not always clearly delineated, nor necessarily aligned with schools. It

is the aim of the following sections to inform this relationship by assembling what

schools would like their potential partners to know. School responsibility and legal accountability for the safety of students from cyberbullying must be forged in strong mutually beneficial partnerships involving communication between schools and a diversity of actors.

8.3.1 Improving police engagement with secondary schools around student cyberbullying

In this study, of all legal agents, the police were mentioned most often as the conduit of legal knowledge for schools in handling cyberbullying cases. This echoes the position of Vandebosch and colleagues (2012) who also identify police actions as a complementary service that can (a) help inform school communities about the issue from a law enforcement perspective; (b) create reporting systems for schools to use in cases of cyberbullying; and to assist with legal processes for victims and perpetrators in serious cyberbullying cases.

The current study, however, revealed a number of implications for local police services if they are to adequately meet the needs of schools. First, the police must know more about the law in relation to schools and cyberbullying than educators, but in equal proportions they must understand the 'on the ground' cyber involvement of young people, and know how to sensitively address some of the complex issues school leaders must navigate in addressing it. Second, students in this study suggested there is great need for 'cyberbullying trained' police to be on call to help schools with areas they struggle, such as investigating incidents, and evidence collecting. Third, there are learnings to be drawn from the existing roles of police in schools. Staff said that police units specifically designed to respond to schools (e.g., child protection units) were well equipped to inform about suspected child abuse but were less clear with issues relating to cyberbullying. The Adopt-a-Cop format, as a

prototype, worked well in younger age groups but not was not a service for lower secondary schools where student cyberbullying is more likely to be prevalent and where the police, according to the students in this study, could act as a school or student resource for the reporting and investigating of incidents. While it is recognised that school-based campus police are already available to schools in Australia as an opt-in service (Queensland Government Education, 2019), according to school leaders and parents, the idea of having a regular police presence on campus had negative connotations of reducing the reputation of the school and that mostly schools in lower socio economic areas would have need of them. In reviewing the list of schools where a police on-campus presence is maintained in Queensland, this may be the case. An implication for police practice then is to further develop its marketing of school based policing so that all schools regardless of their clientele or location will see them as a legally informed and school supportive prevention as well as intervention service, able to adapt to the needs of all schools. To begin this process, police services should consider leveraging the appreciated roles they were found to be already playing in the study schools, such as being available to schools at their request, fitting in with school measures (e.g., coming in on special days), backing schools up when students are persistently or resistantly skating close to the edge of the law in relation to cyberbullying. Based on the understanding gained from this research, whenever police enter schools, they should be prepared for the types of legal knowledge needed by schools. As Espelage and colleagues (2020) see it, the police must be trained to be educators of educators. Based on this study, this is likely to include answering school questions about which section of law applies to any particular school/student/cyberbullying incident, offering legally defensible school actions and policy to assure schools they are acting wisely, as well as ensuring

everyone in the school community becomes informed about how cyberbullying is policed and reported, and to help students or their families (or teachers for that matter) to enact legal protections if required. To be effective for such a role, law enforcement policy-makers and trainers might need to consider redirecting a portion of police resources away from practises that are purely 'crime fighting' (Sarre & Langos, 2013) so that they can extend their existing legal services into helping schools with their identified legal challenges with youth cyberbullying, even those thought of by school leaders as having good reputations. As Dodge and Spencer (2017) have noted the digital world appears to be as much a new frontline for police work, as it is for schools, and recommendations such as these are likely to significantly challenge traditional forms of policing. These challenges, like those of schools, are likely to be best addressed if the police service also looks for ways to create more inter-systemic avenues of communication and collaboration with the school community, to inform and improve existing services so they are more responsive to school-based legal needs and challenges in relation to youth cyberbullying. One example to draw upon is the interesting work being conducted in South Australia with the 'Out of Bounds Application', a collaboration between the Law Society of South Australia and the University of Adelaide (The Law Society of South Australia, n.d.). The application is drawn upon by South Australian police in their cyber-safety presentations to help explain the confusing or any new legal implications of cyberbullying and sexting to young people. The application is currently being considered as a mandatory tool for South Australian public schools. More research may need to be conducted about police perspectives and attitudes, about their willingness and challenges in helping schools with cyberbullying, as this is a fairly new and relatively under-researched area that warrants attention (Patchin et

al., 2020). Patchin and colleagues (2020) propose that for the police service too, there are likely to be uncertainties about the proper balance of responsibility for preventing and addressing cyberbullying across all the relevant parties (i.e. parents, schools, law enforcement and others).

Until then, the specific recommendations for police sourced from within this study's data are:

a) know the law/s about cyberbullying in the context of schools and young people

b) assist in creating more inter-systemic avenues of communication and collaboration with the school community, to develop existing services that are responsive to their legal needs and challenges in relation to youth cyberbullying

c) work towards communicating about the legal implications of cyberbullying in ways that schools can readily access (e.g., police run professional development (PD) sessions for schools; host educational-legal conferences; cover educo-legal topics of most interest to schools). Present information in ways schools can action in their policies and practices.

c) develop school prevention talks that empower students, particularly in their reporting of incidents. Ensure these presentations do not inflate fear, demonise or focus too heavily on technology, or include shaming or embarrassing young people (e.g., prying into and publicising their Facebook profiles in front of peers)

d) if there are stronger consequences available under the purvey of the law (e.g., community service, enforced counselling, restricting access to online platforms) communicate these to schools, with processes to enact them made clear. If there are not, lobby for the need of these alongside educators as needed in-between steps between schools and invoking laws with harmful legal consequences which might damage the future of young people

e) be willing to act to invoke the law in cases where it is appropriate to do so.

This type of legal approach, according to those in this study, is more likely to help schools address the cyberbullying of young people than instigating a new law, and will help to forge inter-systemic responsibilities for the reduction of youth cyberbullying between the police and schools. Building the role of police to act in aligned ways with and in schools may also act as a key to cyberbullying crime prevention in both the short term (youth offending) and long-term (adult offending) (Sarre & Langos, 2013). Again, as Espelage and colleagues (2020) note from the North American experience, it is imperative that police be trained properly, in order to build their knowledge and skills for working with/in schools, and amongst young people, as well as other community stake holders of youth cyberbullying. While the literature suggests police may mutually and already share these kinds of objectives (Broll & Huey, 2014), creating training opportunities for police to first and foremost learn about the major issues at play in cyberbullying behaviour of young people and how best to engage with those in schools already working to address these issues, may be the starting point of successful inter-systemic school-police strategies.

8.3.2 Observing use of Australia's current law/s in relation to cyberbullying

This research drew attention to the untenable position of schools to enact their practices within a societal culture that appears to accept cyberbullying from its citizens (i.e., there doesn't appear to be much of a demonstration of a legal response to cyberbullying), yet it is expected that schools must address it (i.e., it is unacceptable for young people but not for wider society). While the education system needs to act to improve its own community's legal knowledge, perhaps with

better support of the police as avenues of improved legal knowledge for school staff, school parents and school students, without the consistent application and knowledge that law enforcement is taking place against actions which are in direct violation of the law in relation to cyberbullying behaviours in wider society (e.g., harassment, threats, stalking), laws will not serve to aid the work of schools or reduce cyberbullying of young people. In the media on any given night of the week high profile figures at the highest level are seen to perpetrate cyber misdeeds without any moral or legal restraint (e.g., the trolling online behaviour of the President of the United States). In this study, the inappropriate texting behaviour of a cricketing personality was an example proffered, as well as perceptions of bullying occurring workplaces, not to mention the cyberbullying of teachers by parents. This societal culture seems completely at odds with expectations placed on schools to stop the negative behaviours of young people, and any calls for stronger or more targeted laws to be created which might bear inequitably on either schools or young people. As per the findings of young people in Evans and colleagues (2016) study, participants in this study eluded that enforcement of the existing law/s in relation to cyberbullying did not seem to be taken very seriously.

Lievens (2014) says it is important that any applicable legislative provisions within a jurisdiction are enforced and applied in cyberbullying cases where it is appropriate to do so. This is echoed in the UNICEF (2017) global status report, which suggests that weak enforcement of existing legislation and policy, is a key challenge in the protection of young people, and for the accountability of schools to address bullying. As Campbell and Završnik (2013) explain, the use of the law can be instructive for informing and sharpening school policy and action. When the law is demonstrable about cyberbullying in wider society (i.e., where laws are seen to be

enacted) this creates an atmosphere which spurs school efforts and helps them define, within the context of schools and young people, what is likely to be a legal offense and what aspects of preventing or handling cyberbullying schools must be accountable for.

More generally, in terms of legal solutions, there must be a shift away from the idea of only legal reproach for young people or for schools, towards greater evidence of legal reproach for *anyone* who breaks the law in relation to cyberbullying. This is not currently evident in media portrayals with headlines such as 'The plan to make it easier for bullying victims to *sue the school*' (Cook, 2019) and "*Parents sue elite college* over 'gang bash' expulsions in sexting scandal – 'no better than a state school'" (Carson, 2020). The findings in the current research, supports the view of Lievens (2014) that effective legal solutions must be comprehensive, and they must *truly* have young people at the centre in a manner which empowers them. Legal system responses that will help schools, as uncovered in this research, are those which increase awareness that there are *already* laws concerning cyberbullying, that breaching these laws may have serious consequences, and that the law is not to be taken lightly, by schools, by students, and perhaps most importantly, by any Australian citizen. As well, young people and schools must not always feel they are targeted by the law. They must also be afforded whatever protections might be currently available to them under this law. In the case of those cyber victimised – in schools and elsewhere – they must be provided with functional and effective tools that enable them to report their harm, and they must have clarity about when it is necessary and appropriate to use the law to do so (Lievens, 2014). Cases involving legal protections afforded *to* schools or afforded *to* young people in relation to bullying and cyberbullying were not known to those in the study schools. Therefore,

a more effective use of the existing legal framework would include communicating more publicly about the use of the law when it captures serious adult cyber offending, and certainly steering away from proposing it as just a 'big stick' menacingly hovering only over the behaviour of young people.

8.3.3 Creating pathways to legal advice and protective processes when appropriate

It is important to bear in mind that some types of harassing or threatening online communications occurring in schools could be a criminal offence (Myers, 2017). While a good portion of the research suggests it is not desirable or may not be necessary to enact harsh criminal laws in the case of young people (Campbell & Završnik, 2013), being clear about what is -and what is not - an illegal cyberbullying offence is important for those in the school community to understand and know how to report (Myers, 2017).

In this study, young people said they did not know any of the legal processes of protection if their cyberbullying did not stop. This a finding consistent in the wider Australian research with young people aged between 8- and 17-years-old who can be unaware that they can actually seek help from authorities if it is needed. In one study, while 71 percent of young people had had a negative online experience, only 24 percent sought formal help (Office of the eSafety Commissioner, 2018). The current study also indicated that victim processes may also be poorly understood by teachers, who had also been cyber victimised in the school context by parents.

Additionally, school leaders and those in key roles leading the schools anti-cyberbullying actions were really lacking clarity about when it was appropriate to report instances of cyberbullying to the legal authorities. One of the key stakeholders was uncertain what evidence would be needed in reporting

cyberbullying amounting to a legal offence. There were other reporting issues raised in this research, such as where parents could get help with cyberbullying incidents over school holiday breaks when schools were reluctant to respond because they could not consult with alleged student victims, perpetrators or bystanders about the incident. One school leader said that some parents were not wholly satisfied with a school's response and actually wanted legal advice on an issue. Students in the study said they were reluctant to report via the school's reporting mechanisms because they did not feel it was very confidential or they did not feel they could be in control about resulting actions following their report.

Presently, schools distance themselves from any such legal advisory reporting functions because they do not seem to have even the most elemental knowledge. As well, this research indicated that schools may be more likely to avoid the law (and its agents) rather than to seek help from it in relation to legal knowledge about cyberbullying, therefore informing school community members about how to legally report incidents, is a problem area that may fail to ever be addressed by schools. Clearly explaining to students the role the law might play to stop their cyberbullying, and how to report incidents using legal processes, may help to overcome the sentiment of pessimism they share about stopping perpetrators (Smith et al., 2008). Again, this has implications for better inter-systemic collaboration between the law (i.e., those with legal expertise who can inform) and schools (i.e., those needing information to support their anti-cyberbullying practices). How to legally report victimisation must be communicated and made known to those in schools who direct a school's anti-cyberbullying responses, so that this knowledge can be disseminated in school policies and embedded in school prevention and intervention activities.

8.3.4 Regulatory frameworks for social media companies

While not denying that schools may need some extra guidance about appropriately educating students about the perils of the social media platforms they specifically use (eSafety Commissioner, 2020), findings from this research suggest that legal solutions targeting social networking service providers should top legal, government and public lobby agendas for further regulation, rather than considering new laws to curb the (in)actions of schools or the cyber-misbehaviour of young people. Given that social media platforms attract an extraordinary number of teenage users (Livingstone, 2012), discourse about the use and obligations of social media services must be considered to a much greater extent in relation to youth cyberbullying than only what schools may do in their regard (e.g., warn and inform against aspects of their use; ask parents to better parent their children's online lives). Schools in this study felt as if they were swimming against a cultural tide of social media uptake, acceptance and everyday use to – in any solo systemic way - effectively reduce the modelled - and inbuilt functionality for - cyberbullying on these platforms. Social media ecologies were found in this research an influential environment wherein schools were legally obligated to work to protect students from cyberbullying, but over which they had next to no means to supervise or control, including counting on the support of parents to guide well the emerging digital life of their children. Anonymity, fake age accounts, bullying content distributed without redress, and those creating completely inappropriate apps that were perceived as deliberately marketed for use by young people, were social networking service provider issues exposed essentially by students in this study. Students considered these issues were matters for the law. These *student* perceptions are important

details when considering legal solutions that will work to reduce *student* cyberbullying.

According to Meriläinen and colleagues (2020), while laws can have a major influence on the daily lives of young people, the role young people play in informing legal processes has been less studied. Therefore, this small contribution from the voices of young people informing legal remedies for cyberbullying should be noted. And, according to the young people in this study, legal solutions are to be found in framing a strong legislative agenda to target the role of social media companies in hosting cyberbullying and the freedom misusers have of their services currently to continue unabated. Kraft and Wang (2009) found in their study with students that the most effective sanction would be to block an offender's access to technology. These student perceptions are important details when considering regulations that might work to reduce student cyberbullying occurring on social media platforms.

Based on this study's findings, and concurring with Leivens (2014), without social networking service regulations and appropriate enforcement of them, social media services fail to invest in user safety, and do not respond to cyberbullying on their platforms in an acceptable, suitable, or timely manner. In a recent paper, van der Nagel (2020) found that it is both technologically and procedurally possible for social media companies to implement identity verification of accounts that may be a small but helpful component of the struggle reported in this study by students regarding fake or anonymous accounts. Van der Nagel (2020) also proposed that as the regulation of the internet in a general sense falls under the purvey of the federal government under the Constitution of Australia, a national legal focus is needed to not only advance the issue but to ensure that telecommunication firms actually act to deny service to any companies not legally compliant.

Like all aspects of considering how the law might specifically work (Campbell & Završnik, 2013), regulating the social media industry so that it targets youth cyberbullying will be a difficult area to legislate. Just in the case of anonymity that was raised by students in this study as a potential area social media service law should constrain, researchers have found that anonymity does not only serve wicked purposes, but useful ones too (e.g., people are more likely to make nice comments online if they can anonymously do so, and anonymous apps allow for greater authenticity for some users) (Barnes, 2018; O'Leary & Murphy, 2019). However, a report recently handed to the Queensland government to act upon, echoes and lends strength to what the participants in this study have said, that social media companies and platforms must play their part by showing a level of responsibility for the safety and wellbeing of their users (Queensland Anti-cyberbullying Taskforce, 2018).

Aligning with the evidence presented in this study, the new *Online Safety Bill 2021* (Cth) has as its *central focus* the regulation of the technology industry. The Act will not come into effect until January 2022 and there is much work to be done to ensure the establishment of its key tenets which are:

- **an adult cyber abuse scheme**, enabling the eSafety Commissioner to require the removal of adult cyber abuse posted with the likely intention of causing serious harm

- **an enhanced cyberbullying scheme for Australian children**, enabling the eSafety Commissioner to require the removal of material from the full range of online services, not just social media sites

- **a strengthened image-based abuse scheme**, enabling the eSafety Commissioner to more rapidly address the non-consensual sharing of intimate images

- **stronger information-gathering powers** for the eSafety Commissioner, including the ability to obtain identity information from anonymous accounts

- **a modernised Online Content Scheme**, so that action can be taken against seriously harmful online content, such as child sexual abuse material and pro-terror content no matter where it is hosted

- **a regime for the development of new industry codes and standards**, to guide industry on compliance with their legal obligations under the new Act, backed by civil penalties for non-compliance with any reporting obligations.

- **a framework for Basic Online Safety Expectations for the technology industry**, to help ensure that online products and services are safe to use with greater transparency around their safety features, policies and practices (eSafety Commissioner, n.d.)

Hopefully, such legislative measures can act in restraining the influence of the unregulated technology industry that was noted in this study. Future research is warranted to determine how this new legal solution is perceived by those in schools for reducing the problem of *student* cyberbullying.

8.3.5 Moderation/Regulation of journalism and media in relation to reporting cyberbullying

While the media was found in Paper 1 to be a source of influential knowledge about the seriousness of youth experiences of cyberbullying, this study and other research has found that media portrayals of cyberbullying that are only about the most negative aspects of the dangers of cyberbullying can contribute to a skewed impression that is far from fact (Ross, Paton, & Blanchard, 2020). Parents in this study were reported by school staff as being a particularly media-influenced group

who demanded that schools act hastily against reports of perpetration (i.e., not allowing schools time to speak first to students involved in incidents) and that they sometimes wanted to involve the law when in the view of school staff this was not warranted (i.e., incidents did not involve thousands of people but a small group of students at the school). Smith (2014) purports that when factual knowledge about school bullying is lacking, inflated reports of prevalence and its associated publicity can do more harm than good, acting as a poor conduit of crucial awareness raising to the community. Commercially-available cyber experts and visiting groups had flourished around the schools in this study offering relief from a media-induced fear of suicide-related cyberbullying or demonising the technology which produces it, but as found in this research, these support services were expensively purchased and, according to students, didn't actually assist with the issues related to their school-based cyberbullying (e.g., how do I ask a perpetrator (a fellow classmate or friend) to stop cyberbullying me; at what point is my bystanding silence too great a burden to bear alone?; what can I do legally if the school cannot address my cyberbullying?).

Given the influential and impactful role the media appeared to play in the schools in this study, new guidelines like those released recently by Mindframe for the safe reporting of mental health as part of the Australian government's national suicide prevention program (https://mindframe.org.au/industry-hubs/for-media), is a prototype which, with some adaptation, could also encompass the responsible and more empowering reporting of issues relating to cyberbullying. For example, it would be of benefit to hear and read person-first language that does not portray young perpetrators as monsters, or victims as hopelessly stuck and slipping into darkness, hopeless parents who cannot intervene in the technological worlds of their children, or schools as careless institutions allowing online evil to run rife.

Requiring the media to abide by some guidelines might ensure they include at least some of the relevant contextual complexities of the cyberbullying issue for young people, for families, and for schools. Also, media journalism which even occasionally challenges the public stereotypes (e.g., that young people are monsters, the online world is to be feared, that schools are letting society down and legal solutions are what is needed) could really improve the capacities and confidence of schools to respond.

The schools in this study were places of reinvention and were adapting to the new phenomenon of cyberbullying using all the resources available to them. While being cautious about suggesting that this study portrays the wider school case, it is unfortunate that media reports rarely show schools in such positive light (Young, Subramanian et al., 2017). Further, this study also showed that student voices are likely to contribute strong and vibrant ideas toward reducing cyberbullying, yet in one recent media campaign children are portrayed in dark rooms requesting only that adults 'stand by them' through the hopelessness of ever really stopping cyberbullying [see, for example, https://www.adnews.com.au/campaigns/queensland-government-launches-cyberbullying-campaign-via-publicis-worldwide]. The impactful role of the portrayal of cyberbullying found in this study warrants some consideration for creating guidelines around how cyberbullying is reported in the media.

8.3.6 Harnessing the role of media to more positively address youth cyberbullying

There is some evidence that adolescents can, in a developmental sense, reject the anti-bullying content delivered by teachers in schools, because those in schools who deliver it can be perceived as authority figures (Yeager et al., 2015). Nickerson (2019) proposes the consideration of interventions which focus on and have the

potential to shift social norms, such as media campaigns, may hold some promise. Given the findings in this study of the negative influence of the media on school actions, it is certainly conceivable the media could be more positively harnessed to support school actions. For example, as one young participant suggested, there is a need to 'put the law out there'. The law is an effective solution only if it is known (Robinson & Darley, 2004). The evidence found in this study suggests that it is not known well enough by those in schools to inform and empower their practices, or to communicate it as a deterrent, or as a protection for young people.

School leaders in this study also promulgated that legal attention be diverted away from schools and young people and more substantially be applied to wider society who appear, from the perspective of young people, to be allowed to engage bullying behaviours (e.g., high profile figures). This finding appears to align with recommendation four of the report following the Australian Senate committee's review of the adequacy of Australia's criminal offences to capture cyberbullying. This recommendation suggested the need for the general public to have a clearer awareness of the criminal offences which can apply to cyberbullying behaviours, how law enforcers will respond to investigate and prosecute such incidents under state or Commonwealth legislation, and making these laws and their processes clearer to victims (Legal and Constitutional Affairs References Committee, 2018). In wider society, bullying behaviours can easily masquerade as a 'normal' or an 'acceptable' part of life (Meyers & Cowie, 2019). Thus, harnessing media campaigns that promote an Australia-wide strong anti-cyberbullying stance – perhaps via its laws - may help not only schools who are embedded in such a culture to address bullying, but it might also help to bring wider society in line with the anti-cyberbullying motivations and legal responsibilities of schools.

Media campaigns that promote support for, or elevate the role of schools as society's spearhead for addressing cyberbullying would be one recommendation that might provide a better public environment wherein school operations might be enhanced rather than challenged, provided schools are not pinned as the only environments where cyberbullying is encountered or must be addressed. And, while such a recommendation might be a cost for governments to bear, longer term the investment may help to yield reduced mental health and other societal costs that stem from the problem of bullying (Alannah and Madeline Foundation, 2018) and may reduce the need for the existing law to be invoked to deal with cyberbullying issues if it is effectively harnessed as a deterrent. A number of other Australian studies have also suggested the need for media campaigns to elevate knowledge about cyberbullying and its legal implications (Katz et al., 2017; Anti-cyberbullying Task Force, 2018).

Drawing upon the issues expounded by schools in this study, some suggestions for the content of media campaigns might include:

a) disseminating societal norms/expectations about communicating online and cyberbullying

b) providing factual knowledge about what cyberbullying is, and isn't

c) promoting the important work of schools in society's response to the issue

d) publicising Australian law and implications of its breach in relation to cyberbullying

e) outlining victim and bystander reporting processes (e.g., the role and services of the e-Safety commissioner; role of police; phone lines for victim support; reporting processes for enacting legal protections from cyberbullying involvement).

8.3.7 State, Catholic and Private Educational Governing Bodies

A few research-to-practice implications arose from this research that might apply to education systems within which schools are administered and within which schools must enact their prevention and intervention measures. Schools naturally want to avoid the appearance of indifference by demonstrating to legal third parties through their policy documents that they are anticipating the foreseeable danger of cyberbullying and to have documented steps and processes that indicate reasonable care should incidents arise (Hinduja & Patchin, 2011). However, when the foreseeable dangers encompass too wide a scope for schools it is likely, as found in this research, that policies are an 'appearance' of having something there if the law comes calling. This should not be allowed to stand in the stead of well written, well disseminated, and well known practical school guides specifically addressing cyberbullying and its legal implications (Butler et al., 2011). While schools appreciate the problem of youth cyberbullying and are willing to act, their actions are likely to be improved with more support and review from their regulating education authorities in this regard. While a range of legislation and policies surround education systems (see for example, https://bullyingnoway.gov.au/responding-to-bullying/legislation-and-policy) and these are packaged for schools via policy directives, templates and action guidelines (Vaill, 2021), it may be incumbent on organisational bodies to check and review that the schools in their jurisdictions can interpret these sufficiently and have any of their questions answered when it comes to informing their anti-cyberbullying policy and action.

Another implication for educational authorities is indicated by the amount of concern that parents had about the online world of their children, and the way the school stakeholders in this study felt they were influenced to market their school as a

safe haven from cyberbullying. While eLearning and eSafety are necessary and appropriate curriculum inclusions as a result of accepting and using information technologies, internet and associated devices in the learning environment (Anghel et al., 2020), negative aspects of their use must not be used sub-consciously in the marketing of school services. This predisposes schools to overstate the problem of technology (and underplay cyberbullying incidents that occur in all schools, even private ones), so that schools can arise as saviours of the dreadful technological age. While this builds school reputational marketing, in the current study the focus on technology was a guise for dealing with cyberbullying which pleased parents, but in effect it detracted from student interest, and did not adequately address for students how to handle and practice responses to their real world encounters with cyberbullying. It may be an idea for educational governing bodies to apportion for schools some additional IT resources devoted specifically to parent-specific concerns (on-call to them during school hours), to free more space in the eSafety curriculum to be focussed on the social-emotional, relational, and behavioural aspects of cyberbullying that concern students. While perhaps not fulfilling the definition of cyberbullying, it should be noted that all students in this research said they had had a personal experience of negative online interactions within their peer cohorts. It is not really appropriate for schools to feel they must market their measures as guarantees of safety.

Many of the implications for educational body practices raised in this study, could be addressed by incorporating evidenced based whole-school anti-bullying programs, aligning with the suggestions of other Australian researchers that greater investment and uptake of evidence-based intervention programs are necessary for schools (Jadambaa, 2019). Education authorities in this way could standardise the

specific work and responsibilities of schools to prevent and intervene in cyberbullying. This would mean investing financially in the programs and ensuring that school staff are well-trained to deliver them with fidelity, ensuring their regular review and updating the programs on behalf of schools to ensure they get the latest iterations of such programs in line with the emerging research informing them. Some of these programs, such as the Australian Cyber Friendly Schools (Cross, Barnes et al., 2018; Cross, Runions et al.), include all of the aspects which challenged the schools in this study, such as the legal aspects of anti-cyberbullying policy construction, the technological/eSafety aspects of cyberbullying (wanted by parents), and the social behavioural aspects of cyberbullying, including practice responses to their victimisation, which the students were seeking. The program involves all stakeholders in a school's community, including teachers and families.

This departmental-level practice recommendation may go some way in helping those in schools to navigate some of the wider influences that were hampering them from knowing what to do – and not overdo - to be effective. Governing bodies must assure schools that in adopting their guidance they are adequately meeting their legal standard of care which in law is often based on the wider body of expert knowledge in the field of preventing and attending to student cyberbullying. Further, if adopting such evidence-based programs that specifically deal with cyberbullying, and inviting parents to be part of it, it may be a better way to communicate more truthfully about the fact that cyberbullying occurs in all schools, not just those in certain socio-economic areas.

As a recommendation, educational authorities should also think about:

a) offering on-call access to school leaders of their departmental legal advisory

services or agents. If this is already available to school principals, then they should

be further promoted.

b) negotiating on the behalf of schools more professional development (PD)

opportunities (e.g., from police) which will address challenges for schools about

cyberbullying and its legal implications for schools and young people

c) hosting inter-disciplinary conferences which can support those with educo-legal

roles in schools with legal knowledge, expertise and inter-systemic partnerships.

d) work with those with legal expertise to get school-friendly legal guides for school

communities that are inclusive of how young people can access legal resources if

necessary and appropriate.

8.3.8 Improved commercially available school resources and cyber-expert support

Financially available anti-cyberbullying experts, groups and packaged

resources were a market force found operating in the schools in this study. However,

these services appeared to be limited, costly and repetitive service offerings found to

demonise technology or the Internet that created frustrations for students and fear but

not skills amongst parents. Students did not find these presentations useful in

handling their cyberbullying concerns which amounted to incidents occurring

amongst the school peer group which they found difficult to navigate in the closed

school environment. As found in other research (Vandebosch, 2014) cyberbullying

presentations to the school communities in the present study were also inextricably

interwoven within eSafety presentations. The key problem with this was that the

content was focussed, according to students, too heavily on the predatory role of

adults, the ease of breaching digital privacy, or on reputational damage that can

accrue to schools and/or students if they fail to see the online potential for harm. Presentations by visiting experts and discussions about cyber safety were seen by students in this study as over done to the point of sensationalism, boredom, and irrelevance. Content was not useful in preparing students to navigate the social emotional flummox of cyberbullying involvement occurring within existing, known, and captive ongoing relationships at school. While cyberbullying amongst peer groups is well established in the existing school-based research (Mishna et al., 2010), this seems to be overlooked by the commercial offerings of visiting cyber experts/groups to the schools.

This is an important finding with implications for practice standards for those claiming 'expert' status and for guiding school decision-making in selecting them as conduits for cyberbullying preventative education. A recent Australian research report - based on the contributions of one thousand young people aged between 14 – 25 years of age (ReachOut.com, 2020) - concluded that young people can find it difficult to label their experiences as 'bullying' when it most frequently comes from a 'friend' because this not well-communicated when there is a focus on adults. This was echoed in by the school leaders and key role stakeholders in this study who downplayed bullying experiences as peer group squabbles, and not bullying.

Therefore, a key research to practice implication arising from this study contends that expert presentations that *say* they promote both cybersafety and cyberbullying, must ensure that they do not always present 'the bully' as a stranger, always as an adult, or always anonymously outside of the known peer group. Cyberbullying presentations which do not include social emotional skills that inform students ways of handling difficult relationships at school cannot be claimed as cyberbullying prevention instruction. Lievens (2014) notes that while in the recent

past, protecting children online has focussed substantially on grooming or inappropriate contact between adults and minors, it is timely to now shift the focus towards talking about risks arising within the known peer group. It is promising to note that the eSafety Commissioner is currently working on a 'best practice framework for online safety education' (eSafety Commissioner, 2020) which will hopefully ensure that schools have guidance about what is likely to be effective to include in their preventative education. Although still under construction, it appears to promote a positive approach, avoiding the scare tactics or confrontational strategies that demonise technology and amplify uncommon dangers, similar to those reported on favourably by parents and some school staff in this study, but negatively so by students in regards with helping them with cyberbullying. Hopefully such evidenced-based guidelines will help to improve and widen the content offerings of the anti-bullying commercial services currently available to secondary schools. While they may currently raise awareness of some online potentials for harm, such services need to be developed to deal more specifically with the issues faced by young people involved in cyberbullying.

8.4 Strengths

This study afforded a great opportunity to learn from a deep array of members found within two exceptional school communities about their wide ranging anti-cyberbullying measures. To be able to draw upon such uniquely informed views about legal solutions as a societal answer to the problem of youth cyberbullying and the likely impacts of such an approach, has provided some missing evidence that has furthered a better understanding about this topic. A further strength of this research was that other wider societal solutions and supports for schools which go beyond new laws was also found. Gaining a small glimpse of the planning, execution,

development, teaching, monitoring, disciplining, counselling, and student experiences of youth cyberbullying occurring within the context of the two exceptional secondary schools in this study – was a gift given from which to learn - and is a great strength of this work.

8.5 Limitations

While gaining school perspectives from two quite remarkable secondary schools (i.e., , in terms of responsiveness to student cyberbullying) was an asset to this study, it may also be considered a limitation. While small qualitative research studies do not intend to yield the type of results that are necessarily generalisable, this particular limitation may be exacerbated in the current study as the data informing it could be considered drawn from schools which were quite alike and somewhat, I suspect, 'over-achievers'. The schools were alike in that they were both independent, large, faith-based, higher socio-economic schools in urban environments. They were both schools already voluntarily participating as case study schools in a larger project, perhaps indicating they were motivated schools with already sound measures in place. The schools had no qualms about sharing their insights and established actions for reducing cyberbullying (i.e., they were confident in their anti-cyberbullying approaches at the outset). Second, the schools had just introduced one-to-one technologies and were keen to learn more about countering cyberbullying through their actions, suggesting again the sound motivations of the schools informing this case study. This 'alikeness' may help to explain the similarities in perspectives found across both sets of school stakeholders. Also, the schools were privately funded schools in middle class suburbs and might be better resourced than other schools. As was found in paper three, schools are not precisely directed by their governing bodies in their day-to-day actions to reduce

cyberbullying. It is the individual school which is relied upon to derive their own motivations, standards of practice, and commit their own human and financial resources toward countering the cyberbullying issue on their campuses. Thus the positive findings found in this study regarding school actions may be a product of the affluence and independence of the schools and therefore non-representative of the wider nor state school situation. Therefore, one limitation of this research is that a broader array of school campuses were not included (e.g., schools in the state system, schools from a mix of socio-economic demographies).

The data informing this research was drawn from an existing data set, from schools which had participated in larger project called: 'An investigation of cyberbullying and the law in Australian schools' (Approval no.: 1100000936). This project concluded its data collection in 2014, so the age of the data informing this research may be called into question and considered by some a limitation of this research. Indeed, the age of the data had to be addressed during the ethics approval process prior to conducting this PhD study (I refer the reader again to Appendix A for further reading about how this was resolved).

One might consider the data out of date because new apps and platforms have continued to emerge since the data was collected and new social media platforms have become more popular which the data may not capture (e.g., Facebook versus today's Tik Tok). However, participants identified numerous social media platforms in the current data which were problematic vehicles for cyberbullying (e.g., Facebook, Instagram, AskFM, iMessage, SMS). These platforms offer a similar range of anonymous, textual and video-imaging functionalities that overlay most of today's newcomers. Therefore, this cannot be seen as a substantial limitation. Additionally, those researching in the bullying field have come to recognise that it is

less about technology's role (i.e., advancing technology or changing apps) in cyberbullying, rather that technology's place is secondary to the behaviour, relationships and attitudes behind it. One supportive indication of this is that the prevalence of cyberbullying has not significantly increased since 2014 which would suggest that new apps to the market has not necessarily meant there is more cyberbullying. Therefore, it can easily be argued that the data informing this research still has much merit and value in the way that it has been used in this thesis: to consider how those in schools see legal solutions to the problem.

However, it must be acknowledged that the role and office of the eSafety Commissioner was only established in 2015, so any insights to be gained from the participants in relation to this legislation as a solution for student cyberbullying was not in included in this study. To note, however, this piece of legislation does not clarify the legal definition of cyberbullying. It does not reduce Australia's numerous criminal offences or civil laws which might apply in any given case of cyberbullying. It does not direct schools what to do in terms of their legal role for reporting or responding to cyberbullying. It does not punish youth perpetration which was one of the key problematic contextual setting events for undertaking this PhD study. Finally, despite this new legislation being added into Australia's mix of existing laws, the public have continued to call for the law to do more. Clearly, the public have not seen the *Enhancing Online Safety Act 2015* as the tough legal solution that seems so often called for in media portrayals following cyberbullying involved youth suicide. The premise for undertaking the study therefore remains relevant and unchanged, as is the use of the 2014 data informing it.

In summary, despite the obvious age of the data, since it was collected the prevalence of cyberbullying has not changed, the legal status of cyberbullying has

not changed, the criminal law as it pertains to cyberbullying in Australia has not changed, the potential use of the civil/common law to sue schools has not been addressed, calls in the public sphere for the law to take a stronger role with regards to cyberbullying perpetrators seems to be a persistent public chorus over time (even despite the introduction of the *Enhancing Online Safety Act 2015*), and schools are still grappling with how to best to prevent and intervene to reduce student cyberbullying without any more detailed legal guidance from their departments. While schools may have a departmental-level mandate to have policies in place and to enact anti-cyberbullying measures and to more broadly work to keep students safe while they learn, the legal details remain the responsibilities of individual schools. While the data used to inform this study may be perceived limited by its age, this study still makes a very valuable research contribution given that, prior to this work, there are no other studies which have considered the perspectives of those on the inside of secondary schools regarding Australian legal solutions to student cyberbullying. Consequently, the publications produced as a result of this study are very valuable and novel research contributions which not only address a gap in the existing research but are those which might be built upon by others.

8.6 Future research implications

While bullying has been extensively studied as a problem behaviour of individual personality traits, or something which can be mediated substantially through the practices of schools or classrooms, broadening this view to conceptualizing the broader ecologies housing the problem, as studied in this thesis, is an important move forward in understanding and approaching solutions to youth cyberbullying. While continuing investigations of the actual prevention and intervention program components are needed to tweak the effectiveness of schools to

respond to student cyberbullying, as a research field the greater under-researched area is the role of the wider societal context in which school-based programs take place. Society and community must also be the future topics and contexts of research investigations to reduce student cyberbullying (Smith, 2016).

Long term sustainable change in youth cyberbullying is likely to succeed when all the contexts within which cyberbullying occurs, *not just in* schools, are addressed in research studies. Future research which helps to inform how each system can work together in their corners of responsibility towards bullying reduction in equal measure is warranted. Future research endeavours which inform adjusting and aligning each system to the other and driving cultural and behavioural change across the whole community is needed. One very important factor in aligning multi-systemic approaches to counter the cyberbullying problem will be to 'privilege' the voices of young people (Berry, 2017), not only to understand more about cyberbullying as a social construct, but to target effective cooperative approaches that connect with the truth of cyberbullying as it is experienced by students, rather than reported on or imagined by those outside of the experience (i.e., public opinion).

Future school-based cyberbullying research must inform the inter-disciplinary knowledge base of fields outside of education that overlap cyberbullying, particularly where other systems' actors might overlap with mutual goals or specific expertise which could assist schools in reducing cyberbullying. Research which can contribute to ensuring that schools remain being seen as agencies of the public good in addressing cyberbullying is certainly warranted, given other loud voices which might seek to destabilise views about their effectiveness and important role in working with youth. This is especially important given the intense media focus on

the problem and the ongoing portrayals suggesting that legal responses are needed.

While the problem of cyberbullying is likely to be bigger than what schools can do to resolve the issues, schools must be allowed some agency with - and remain respected in - new partnerships with the diversity of actors likely to have a role to play alongside schools. Those from non-educational disciplines (e.g., police services) will have different goals and ways of seeing things, yet all may be needed to contribute and work together toward solutions to youth cyberbullying (OECD, 2020). Establishing inter-systemic networks that foster mutually respectful dialogue between research and school practice, educational systems and non-educational systems, external cyberbullying actors and educational stakeholders, is an area that warrants greater understanding and progress and would therefore benefit from further research. Certainly, conducting cyberbullying research with police has been called for (Patchin et al., 2020) and would be supported to build on the findings of this research which indicated greater roles for police services in schools.

For future researchers interested in working with schools on topics at the nexus of the law, schools and youth cyberbullying, they should begin by ensuring a wider school typology than that included in this study. There is great need to conduct research in a broad cross-section of schools other than those solely in the independent school sector. Although it seems it is these schools that are most accessible to researchers, it is important to gain a wider understanding of the issues for all types of schools and in all corners and contexts of Australian society so that our research findings are not skewed.

In conducting legal type research in schools, future researchers should ensure that there is a requisite level of understanding of the law amongst school stakeholders, particularly students, given the poor knowledge about legal issues and

cyberbullying encountered in this study which may have hampered gaining richer results. This was a shortcoming in the current work and one which would strengthen future studies of this nature. Further research is also warranted to determine what legal knowledge is provided to those in schools from departmental levels and to those in services, such as the police, to determine whether this is sufficient for performing their roles in relation to youth cyberbullying. Future research should also consider whether those outside of schools (e.g., police, as shown in Paper 3) also see value in inter-systemic collaborations with schools to reduce the problem youth cyberbullying. Finally, future research which considers, from the perspectives of those in schools, the effectiveness of the Enhancing Online Safety Act 2015 (or the new Online Safety Bill likely soon to be passed into law) for specifically acting toward the reduction of *student* cyberbullying, would also make a useful contribution toward our understanding of effective legal solutions to cyberbullying.

8.7 Conclusion

This thesis explored the topic of secondary school stakeholders' views of legal solutions to address student cyberbullying. Cyberbullying occurs using an electronic device to intentionally harm another in an ongoing way and where the imbalance of power between a perpetrator and their target makes the cyber victimisation difficult to stop (Olweus, 1993; Smith et al., 2008). Cyberbullying is a behaviour that is prevalent during early adolescence (Katz et al., 2014), therefore schools most often deal with it. It is thought that around one in five students are victims of cyberbullying, with cyberbullying roughly half as prevalent as traditional forms of bullying. Despite the reduced prevalence of cyber forms of bullying there is evidence that society is more worried about cyberbullying, mostly arising from its well-publicised association with youth suicide. Societal concern has shown itself in

calls for new or tougher laws to deal with youth cyberbullying (e.g., 'Online bullies must face the full force of the law' headline from The Weekend Australian, January 13-14, 2018); 'Act faster on cyber-bullies' headline from The Tasmanian Mercury, March 10, 2018). While new laws or sweeping legal reforms have not happened in Australia in answer to such calls, there has been substantial consideration of legal solutions for youth who cyberbully.

Prior to this thesis, little was known about what those inside secondary schools think about legal responses to address cyberbullying, despite schools being the most likely places where cyberbullying occurs, and where prevention and intervention efforts are substantially targeted to reduce the problem amongst youth. The purpose of this research was to problematise cyberbullying by those in schools in light of current and future legal system solutions. This study uncovered how staff, students and parents at two large independent secondary schools perceived the problem of cyberbullying amongst young people, how they enacted their prevention and intervention of cyberbullying successfully or with challenge, and whether they saw legal solutions – and what kinds of legal solutions - supporting and strengthening their existing actions to keep students safe when it comes to cyberbullying.

Data for the study was collected using focus groups with teachers and students, and conducting interviews with parents, school leaders and specialist staff in key anti-cyberbullying school roles. Schools' anti-cyberbullying policies were also collected. Three data sets were delineated from the data collected to inform three focus areas of research interest and three subsequent research papers. Results for each paper were gained through thematical analyses of the transcript data (Braun & Clarke, 2006) and a research-derived content checklist which was used to overview policy documents (Butler et al., 2011; Chalmers et al., 2016). Results and

subsequent findings were interpreted through Bronfenbrenner's (1977) social-ecological framework which, in this thesis, was used to posit that it is not always just the actions of schools that can reduce the cyberbullying behaviour of young people. The role of the legal system, such as new law to address cyberbullying (a societal macrosystem), could also be considered as having some role to play in reducing student cyberbullying and for supporting those in schools with their responsibilities for preventing and intervening in the issue (the school mesosytem).

This research contributes a number of new learnings about the topic of legal solutions to cyberbullying from the perspective of those in schools. First, the network of Australian laws, deemed encompassing of aspects of cyberbullying, child protection, and other aspects of the technological world that schools must now embrace, is a complex external factor about which schools can do little but try to understand and incorporate in their practices. Such an influential legal environment was found bearing upon even the conscientious schools in this study, as they targeted the reduction of youth cyberbullying on their campuses through their prevention and intervention measures. The complex and confusing legislation covering cyberbullying influenced the decision-making and actions of schools, including being a barrier to more effective policy writing, prevention activities, mechanisms of reporting, investigating, and responding to student incidents.

While a lack of legal clarity might be addressed by a single cyberbullying-specific law that more sharply defines the illegality of cyberbullying and additionally the legal obligations on schools to address it, a new cyberbullying law, although given some consideration in the public arena beyond school bounds, was not wanted by those inside schools dealing with the issue amongst youth. Educators in this study were shown to hold strongly to the value of a responsive educational approach over a

rigidly legal one for dealing with young people, and they did not see that a 'cyberbullying' law would help them to deliver better school policies or actions.

Instead, school stakeholders were quick to divert the legal focus away from schools and young people toward their perceptions of several unmet legal spaces which were challenges to school practice effectiveness (i.e., the legal system seemed to be inadequately playing its important societal role alongside that of schools to reduce cyberbullying). Unmet legal needs were found by this research as including insufficient help to schools for negotiating their path through the current complex law pertaining to school anti-bullying practices and school-level responsibilities; a legal failure to as yet adequately regulate the social media industry who provide services to a young people; allowing public ignorance of the legal status of cyberbullying to pervade by failing to adopt media campaigns and for demonstrating that even public infamous cyberbullies appear to go untouched by the law; and failing to recognise that student-aged perpetrators are currently not well served by either school suspension practices or the legal system's offering of a criminal law, leaving schools without adequate legal processes and options (e.g., specialist counselling) that connects more inter-systemically with what schools do to remediate rather than simply punish.

This research also importantly furnished a greater understanding of the considerable gap that exists between what the system of education says it can offer as a societal response to the issue of youth cyberbullying, and what might be legally or societally expected of them. Schools were found in this research to have limited capacities for responding to student cyberbullying incidents when they were under-reported, could not be adequately investigated, or were hidden. To breach these school-recognised practice shortcomings, there was little school help to be found.

First, improving their own prevention and intervention practices were limited by a lack of standards to which schools should attain (e.g., evidenced-based), and even if the schools strove toward such standards themselves, they were limited by their own financial and human motivation and resourcing. Typical expertise-building school options, such as conferences or professional development sessions (PD), failed to address contextually relevant legal knowledge and understanding which sits at the nexus of school actions and responses and encountered issues in youth cyberbullying.

Local police emerged in this research as the main conduits of the law in schools. While certain types of police services were interfacing well with schools for some child protection issues such as abuse and neglect, this research found that cyberbullying specific legal knowledge must be better incorporated into police services delivered in schools. Finding ways to increase the inter-systemic conversation between schools and the law (in this study, the police) was therefore an important practice implication of this research. Schools need access to knowledge about the existing law around cyberbullying, but not just general knowledge but how to apply it in the very specific context of the work of schools and in the case of students; they need external services deriving from the legal system, such as police units, which can act more centrally in a schools' prevention and intervention activities (e.g., participating in policy writing, giving talks to students). If police can offer such services to schools, they must lift their marketing beyond being crime fights so that more school communities can benefit from their cyberbullying legal expertise, and not just those perceived reputationally as having law-breaking cohorts. And finally, there were opportunities to flexibly respond to school issues with legal information and implications about specific cyberbullying instances that might arise

amongst students (e.g., a school undercurrent of gender-based cyberbullying), thus

assisting schools to stop bullying and serving an educo-legal mutual goal of

preventing later offending. This study also shows that schools desperately need to

better grasp their own legal reporting obligations to protect themselves *from the law*,

and they must be further equipped with the legal knowledge for playing their role in

advising their communities about the cyberbullying reporting and protection

processes available to them *under the law*.

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Appendices

Appendix A: Justification for drawing on case study data from ARC project

The ARC project "A legally-informed intervention for schools to prevent and intervene in cases of cyber bullying" (ID LP110200330)" from which this study's data was drawn was contended to be a useful source of data for informing this PhD by publication study. There were numerous reasons for this. Foremost, the candidate had substantial involvement in the ARC project's design and construction and conduct from its start to finish, including the development of information and consent materials and the writing of the ethics application used to gain University Human Research Ethics Committee approvals, the writing of a data collection manual for use by the chief investigators of the project across Australia, she independently and personally recruited the case study schools informing this project, and recruited the school community participants who inform this PhD by publication thesis. The candidate gathered all the data (i.e., she conducted the interviews and focus groups independently) and was the transcriber of all of the audio data from all six of the ARC project schools, including the audio data gathered from participants of School 1 and School 2 which inform the current study. While the much larger historic ARC project and this smaller current PhD study unavoidably share some overlap in terms of (i) topic/subject (ii) case study design (iii) participants (iv) protocols, and (v) methods, it should be clearly noted the work undertaken to produce the current study in this thesis is conceptually independent of the larger project – that is, it was driven by the research interests of the PhD student. The following paragraphs expand upon this.

First, the ARC project focus was to inform and develop a legal intervention regarding cyberbullying for use *in schools*, therefore while there is a degree of

overlap in the topic of legal solutions for cyberbullying, the current study's purpose was not to target interventions to be carried out by schools alone but to better inform the role of schools as part of a wider societal solution which may include the law.

Second, the research sites from which the ARC project was collected were also viewed as apt locations to learn about youth cyberbullying from the perspectives of those in schools. That is, the school case study sites offered many within-school perspectives based upon a variety of roles who had knowledge about the management of cyberbullying in schools (e.g., including specialist roles like ICT managers and school counsellors). The schools had already volunteered to be case study sites in the ARC research because they were interested in preventing cyberbullying amongst students. Thus, it was contended that the members of the school community who were the participants of the ARC project might not only have good knowledge about the work of schools, an interest in communicating and reflecting on this, but also may have, at heart, a desire for more effective solutions other than schools acting alone on the youth cyberbullying problem. Secondary school sites are considered important in the theory chapter of this thesis because they are the proximal environments of young people (Bronfenbrenner, 1977) and thus they are important to the current study because they have been shown to play a vital role in addressing cyberbullying involvement amongst adolescents (Vandebosch, 2014). Those with secondary school stakeholding roles – those canvassed in the larger ARC project - are proposed of value to this research because they are likely to be the 'informed experts' (i.e., the needed participants, namely those with the most experience but are yet still the under-represented informants) of addressing student cyberbullying and in articulating views about the implications of legal solutions for student cyberbullying.

Third, participants of the ARC project were purposefully recruited and maximally sampled (Creswell, 2014), meaning the participants represented a deep array of within school stakeholders, such as those sought in the current study. The current study was looking for perspectives of those for whom the management and/or experience of the issue of cyberbullying inside schools among young people was likely to constitute part of their role/experience. The participants' roles purposefully selected in the ARC project were school principals, school deputies, those with school-nominated key roles such as ICT managers and school counsellors, as well as parent leaders who had roles in the school as Parents and Friends Association presidents, who may be likely to host cyberbullying training of parents of the schools. In addition, students in Year nine were also targeted for inclusion in the ARC project because of the research suggesting bullying involvement is likely to peak at this timepoint in an adolescent's school journey (Cross et al., 2009). Teachers were also included because of their substantial and important but sometimes difficult roles in being agents of a schools anti-cyberbullying measures at the classroom level (Burger et al., 2015; Yoon & Bauman, 2014; Yoon, Sulkowski, & Bauman, 2016). The range of participants sampled in the ARC project - for whom there was already available perception data which had not been looked at by project staff – more than adequately met the objectives of the current proposal which wanted an array of voices of those *inside schools* about school and legal solutions cyberbullying.

Fourth, the interview and focus group methods as well as the questions that were developed for use in the ARC project were relevant for supplying the necessary data to address the research questions stemming from the areas of interest of the researcher. Table Appendix A below indicates the ARC project's interview and focus group range and scope of questions and shows how these are appropriate to the

current PhD study's design and purpose to address three focus areas of interest to the candidate.

Table Appendix A

ARC Project Interview and Focus Group Items that address Research Focus Areas

Focus area 1:
How are secondary schools addressing the prevention and intervention of student cyberbullying?
Range of interview/focus group questions:
How is cyberbullying defined and recognised?
Do you distinguish cyberbullying from bullying or do you treat them the same?
What changes has the school had to make with the emergence of cyberbullying?
Do the strategies to prevent bullying also work for cyberbullying?
Is there a policy, what does it contain? What should it contain?
Does it include cyberbullying?
What do you suggest should be included in a good school policy?
Is the school policy accessible? How do staff & students access it? How is it disseminated?
Have you ever referred to it? Do you refer to it? What are you told to do/what do you advise staff to do in relation to prevent and respond to bullying and cyberbullying?
Can you provide examples of type/nature of incidents/past or ongoing cyberbullying incidents in the school?
What preventative strategies are in place?
Reporting procedures?
Who is responsible for the prevention and intervention of cyberbullying in your school?
What role/specialties contribute?
What do you do within your classrooms?
What works (successful strategies)/what doesn't (unsuccessful strategies)?
Focus area 2:
How do schools view the creation of a cyberbullying- specific law?
Range of interview/focus group questions:
Should there be a distinct law against student cyberbullying?
If yes, what types of behaviours exactly should it address?

Should the law concern perpetrators, or help targets, or both?
What exactly should the law do?
If no, why not?
Focus area 3:   How might the legal system and the education system work together to address student cyberbullying?
Range of interview/focus group questions: What works well for the school in preventing and intervening in cyberbullying, and what doesn't? [Paper 1 findings]   Is a cyberbullying-specific law desirable? [Paper 2 findings]   What does the school want/what do you think is needed /what resources are still necessary to reduce or help you reduce cyberbullying? (e.g., resources, policy, people, lessons)   What do teachers/staff need?   What do students need/should have to help them understand, handle, and prevent cyberbullying?   What does the school still need to do to reduce bullying and cyberbullying?   How do you think legal remedies would fit in, if at all, with what you have described?   Within which system – the education or legal system – do you think cyberbullying incidents should be addressed?   In what ways, if any, can, or does, the legal system support your school's policies?

Further, the current PhD study aimed to meet a gap in the school stakeholder perception studies which have substantially forced school voices to address prescribed items on a survey, where they must make judgements about their own personal- or school performance against research standards. This thesis rests upon learning from a freer conversation for schools about the topic, where within-school stakeholders are front and centre. As already proposed, semi-structured interviews and focus groups adopting open-ended questioning techniques were those considered most applicable to the purposes of this study and, as indicated in Table 4.3 below and in Appendix B, these were the types of methods used to collect the ARC project's data. The purpose of the current study was to empower school voice on an emerging

topic where there has been an under-representation. Therefore, the interview and focus group methodologies used to collect the ARC project data were deemed suitable methods for providing scope for participants to add their own unique voice and perspective (Creswell, 2014; Patton et al., 2017). For all of these reasons just outlined, selecting the data already collected by the ARC project for use in in meeting the objectives of this study was deemed by the researcher justifiable.

In summary, the data set informing this research was thus an available source of data. It had already been collected by the researcher in her role as a research assistant on a large ARC project. The data subset drawn upon from the schools to inform this study included school anti-bullying policy document data and transcript data which had come from interviews - conducted with school leaders, parent leaders and key staff members - and transcripts of focus groups - conducted with year nine students and their teachers.

Staff/Parent Protocol/Role Questions

Selection criteria

School Principal:

> School executive leader. Preferably not just the Head of the Middle School if at all possible, but please work with whatever the school offers.

Deputy Principal:

> Deputy of the secondary school, again, not the Deputy of Middle School if possible, but work with whatever schools can offer.

Key staff member:

> Any of the following: Guidance/School Counsellor, School Sergeant (in charge of disciplinary matters), ICT/IT/e-Learning person at the school (someone with a specific role in CB, such as, counselling students, hearing reports, organising school prevention or intervention measures, investigating or tracking or assembling online evidence of incidents)

President of Parents & Friends Association:

> Or equivalent Head of Parent organisation/parent with a leading or liaison or representative role in the school.

Interview Procedure

1. Organise conducting the staff interviews
    a. Consult with research contact person to arrange relevant staff and decide when and where interviews can be held. Try to organise across one visit to the school. Supply the Information Statement and Consent materials to the research contact person to assist them with their recruitment of staff.
    b. Email any involved staff members to confirm arrangements if required.
    c. Send them an Information Statement and Consent Form attached to the email for their perusal prior to meeting. This may have already been done through your research contact person.
2. Conduct staff interviews at arranged place and time:
    a. Ask staff and P& F President if they would mind sharing some demographic information (see Demographic Information Form). This is not to be audio recorded, and should only be collected if staff

are willing. This is to assist with rapport building as well as gaining useful information about the participant you are about to interview.

b. Prepare audio recorder to record discussion. Read script, including outline and consent for recording.

c. Have printed the Participant Information Sheets and Consent Forms for each of the Staff interviews and interview with P&F President as they may be unlikely to have brought their consent with them to the interview.

d. If staff have not come with their consent, have copies ready and gain written consent at the time of the interview, during introduction, and verbal consent to audio record.

e. Refer to Staff Interview Script for introduction and questions

f. Continue with questions as per protocol script
   i. Interview: School Principal
   ii. Interview: Deputy Principals
   iii. Interview: IT Staff
   iv. Interview: President of school Parents and Friends Association

g. Thank the participant and explain the project a little more if they are interested.

Demographic Questions for Interviews

1. What is your title and role in the school?
2. How long have you been at the school?
3. And what did you do prior to your time at this school? Could you briefly outline your professional experience?
4. And your highest qualification?
5. What age bracket do you fall in?

Under 25   25-35   35-45   45-55   >55

6. Have you played any role in terms of bullying policies within the school (e.g., have you reviewed them, read them, taught them, communicated them to parents, had to enact them, helped to develop them, etc?)

Interview Script prior to staff interviews

We would like to ask you some questions about the school bullying policies, with a particular focus on cyberbullying and the law. Before we start if you could take your time to read over the information sheet and when you are ready and if you agree to continue with the interview, please sign the sheet to provide consent. Just to reiterate the information in the sheet:

- The school will be anonymous and identifying information will not be reported in research results.

- Your participation is voluntary, and you have the right to withdraw from the interview from any time or not answer any questions you do not feel comfortable answering.
- Your identity will remain anonymous throughout the research analysis.

The interview will take approximately half an hour to complete. So the interview can be transcribed, the interview will be tape recorded. Do you consent to the recording?

If you could withhold from mentioning your name throughout the interview to ensure that you remain anonymous that would be much appreciated, otherwise we will remove it when it is transcribed.

The purpose of your participation in this interview is to:
- Explore the views of various schools towards legal solutions, sanctions and policies on bullying and cyberbullying.
- Obtain information to help inform the development of a bullying intervention

Interview questions: Principal

1.	Please tell me how your school defines bullying and cyberbullying?
2.	Does it distinguish between the two or treat them as the same?
3.	What are you advising staff in your schools/department in relation to intervening to prevent and respond to bullying and cyberbullying behaviour?
4.	Can you please describe any previous bullying and cyberbullying incidents that the school has experienced?
5.	Can you please describe any ongoing or current bullying and cyberbullying issues?
6.	a) Can you please describe the preventative strategies you have in place for bullying and cyberbullying? b) What is your school procedure if a student reports bullying or cyberbullying?
7.	What works well for the school in preventing and intervening in bullying and cyberbullying incidents?
8.	What does the school still need to do to reduce bullying and cyberbullying?
9.	What resources do you think your school needs to prevent and intervene regarding cyberbullying?
10.	Has the school changed any policies or procedures with the emergence of cyberbullying?
11.	a. Do you have a template or guidelines for policies that address bullying and cyberbullying that is provided to staff and students? b. How do staff and students access these template/guidelines?
12.	What does your school suggest a good school policy should address to reduce bullying behaviour?

13. In what ways (if any) does/can the legal system support your school's policies (e.g., civil law for school duty of care/criminal law for kids)
14. Within which system - the education or legal system - do you think cyberbullying incidents should be addressed?
15. In your opinion, should there be a distinct law against cyberbullying? *(If answer yes)*   a. What types of behaviours exactly should it address?   b. Should the law concern perpetrators or help targets or both?   c. What exactly should the law do?   *(If answer no)*   a. Why not?
16. Is there anything else that we've missed on bullying and cyberbullying that you would like to add?

Interview questions: Deputy Principal

1. Please tell me how your school defines bullying and cyberbullying?
2. Does it distinguish between the two or treat them as the same?
3. What are you advising staff in your schools/department in relation to intervening to prevent and respond to bullying and cyberbullying behaviour? (encourage a focus on cyberbullying)
4. Can you please describe any previous cyberbullying incidents that the school has experienced?
5. Can you please describe any ongoing or current cyberbullying issues?
6. Can you please describe the preventative strategies you have in place? (focus on cyberbullying)
7. Can you please describe the strategies that the school has implemented that haven't worked so well?
8. a) What changes have needed to be made with the emergence of cyberbullying?   b) Do the preventative strategies for bullying also cater for cyberbullying?
9. a) Do you have a template or guidelines for policies that address bullying and cyberbullying that is provided to staff and students?   b) How do staff and students access these template/guidelines?
10. What does your school suggest a good school policy should address to reduce bullying behaviour?
11. In what ways (if any) does/can the legal system support your school's policies (prompt civil law/criminal law for kids)
12. Within which system - the education or legal system - do you think cyberbullying incidents should be addressed?

13. In your opinion, should there be a distinct law against cyberbullying?
(If answer yes)
a. What types of behaviours exactly should it address?
b. Should the law concern perpetrators or help targets or both?
c. What exactly should the law do?
(If answer no)
a. Why not?
14. What resources do you think your school needs to prevent and intervene regarding cyberbullying?
15. Is there anything else that we've missed on bullying and cyberbullying that you would like to add?

Interview questions: Key Role Staff

1.	Can you please describe any cyberbullying incidents that the school has experienced?
2.	Who is mainly responsible in your school for the prevention and intervention in cyberbullying? What does your speciality contribute?
3.	What cyberbullying prevention and intervention strategies has the school implemented that have worked well?
4.	What strategies have not worked so well?
5.	What do you need to help prevent and intervene in cyberbullying within the school? (resources, lessons, policy, people?)
6.	How do you think legal remedies would fit in with what you have described?
7.	In your opinion, should there be a distinct law against cyberbullying? *(If answer yes)* a. What types of behaviours exactly should it address? b. Should the law concern perpetrators or help targets or both? c. What exactly should the law do? *(If answer no)* a. Why not?
8.	Is there anything else that we've missed that you would like to add about bullying and cyberbullying?

Interview questions: Parent Association Representative

1.   Please describe any bullying or cyberbullying incidents that the school has experienced that your association is aware of?
2.   What role do you think the parents in general can play in the prevention and intervention of cyberbullying?
3.   What role does the association play in these issues?
4.   What does your school do well in relation to the prevention and intervention of bullying and cyberbullying?
5.   Do you know if your school has a bullying policy? Where can you find it? Is cyberbullying included? Do you think students know the policy and use it? Is it helpful to parents?
6.   What strategies have the school implemented that have not worked so well?
7.   a) What could the school have done better when the strategy did not appear to work well?   b) What (resources) would the school need in order to improve their response?
8.   How do you think legal remedies would fit in with what you have described?
9.   In your opinion, should there be a distinct law against cyberbullying?   *(If answer yes)* a. What types of behaviours exactly should it address? b. Should the law concern perpetrators or help targets or both? c. What exactly should the law do? *(If answer no)* *a.* Why not?
10. Is there anything else that we've missed on bullying and cyberbullying that you would like to add?

Teacher Focus Group Protocol/Questions

Procedure

1. Organise conducting the Teacher Focus Groups:
   a. Participation/selection criteria: Approximately 6-8 staff, must be Year 9 teachers, must be able to commit up to 1 hour of their time
   b. Consult with school research contact and decide when and where Focus Groups can be held and how to recruit staff participants (i.e., if research contact will recruit, or if researcher will address staff during staff meeting, or other means...)
   c. Email Information and Consent materials to staff participants
   d. Ensure staff are informed of Focus Group time and place
   e. Collect consent forms at the time of the Focus Group if not collected prior. Take additional forms if teachers forget to bring in.
   f. Not completely necessary, but if you think it may help, prepare any prompt or group materials (sticky name labels, laminated definition cards/PP slide of our project definitions, etc)
2. Conduct Focus Groups at arranged place and time:
   a. Give out sticky label name tags and collect consent forms
   b. Complete Description of Focus Group Form
   c. Prepare audio-recorder to record discussion
   d. Prepare for notetaking during discussion, if more than one facilitator
   e. Introduce the project and focus group purpose
      i. Refer to Staff focus group script for introduction
      ii. Discussion is free flowing, not necessarily turns around the group unless this indicated by the nature of the group (e.g., some people not getting a go)
   f. Ensure you have gathered written Consent prior to start
   g. Continue with questions as per script

Script – Teacher Focus Groups

Set up **audio recorder**:

(Introduction)

Welcome everyone, thank you for coming! My name is Donna Pennell. I work at QUT as a research project manager for a research project called: An investigation of cyberbullying and the law in Australian schools. The reason you've been invited to this Focus Group is because [name of school] is helping us collect information for this research project.

(Provide the following info if you think staff would like to know more)

[It's a large ARC linkage project we means we have industry-linked partners like Queensland Guidance and Counselling Association, Queensland Teachers' Union, Queensland Independent Education Union, Macrossans Lawyers, Australian and New Zealand Education Law Association Queensland Chapter (ANZELA), and Emil Ford & Co - Lawyers. The data for this project is being gathered from 3 States of Australia, in 6 secondary schools. It has 6 investigators, across 5 universities. It's a bit of big deal (jokingly)]

(Otherwise continue from here)

Today's discussion will be about face-to-face bullying and cyberbullying. The reason we have asked for you to participate in this focus group is because, firstly, you are a teacher at this school, and you have Year 9 students in at least some of your classes. Much of our other data collection in your school is focussed on the Year 9 year. We are interested in:

- Exploring staff perceptions of face-to-face bullying and cyberbullying.
- Obtain information to help inform the development of school resources and strategies for intervening and preventing cyberbullying.

Before we start, I'm going to get you to confirm one by one that you have read over the information sheet and you have provided consent to be involved in today's focus group. Just to reiterate the information in the sheet:

- Your identity will not be reported in research results and no one outside this group will be able to link you to your comments.
- If you say anything that identifies you, your school, or others, we will remove this when we transcribe the audio recording.
- Your participation is voluntary, and you have the right to withdraw from this focus group at any time or not answer any questions you do not feel comfortable answering. Best to do this prior to the recording when it will be impossible to remove your voice from amongst others.
- The focus group will take approximately one hour to complete.
- The discussion will be audio recorded so that we can transcribe it and look at your comments later.

If you are happy with this, would you introduce yourself by saying, e.g., I'm John and I consent to being part of this group. That will assure us that you are consenting and will help the transcriber to distinguish the different voices making comments.

Thanks, that was great – just some guidelines before I throw you the first question:
- Speak loudly and clearly so that audio can hear you
- Listen without interruption if you can
- And it would be good to hear contributions from everyone
- What is said in this room is confidential and should perhaps not be discussed elsewhere

Say "yes" if you can agree to these guidelines *(pause for response).*

Right, first question:

1. Please tell me how your school defines bullying and cyberbullying? (i.e., what are some examples of the kind of scenarios that would be called bullying and cyberbullying, and what kinds of things would not be bullying and cyberbullying?)

(Refer to "Project Definitions of Bullying" and ask staff to consider these, if their definitions or ideas differ. Be mindful that cyberbullying is not the same as cyber safety – don't let them get side-tracked on this topic during the discussion that follows.)

2. Please describe any bullying and cyberbullying issues that you know of that have happened in the school?

3. What does the school do to try to prevent bullying and cyberbullying? Describe some of the kinds of things the school does?

4. What do you do within your classrooms to prevent/intervene in student bullying and cyberbullying?

5. Are there any things that you, or the school, has done re: (cyber)bullying that you think *have worked well*?

6. Are there any things that you or the school have done about bullying and cyberbullying that you think *have not worked* so well?

7. Do you know what is in the school policy? Is cyberbullying included? Is workplace bullying included? How is the policy disseminated? Is it a useful document, have you read it? Do you personally refer to it?

8. What information and resources do you think that staff need/should have to help them understand, handle, and prevent, cyberbullying? (ask questions separately)

9. Do you think that a law on cyberbullying would be useful?

   (If answer yes)

   a. What types of behaviours exactly should it address?
   b. Should the law concern perpetrators or help victims, or both?
   c. What exactly should the law do?

   (If answer no)
   a. Why not?

10. Is there anything you'd like to add in relation to prevention and intervention in bullying and cyberbullying or the law that I haven't asked about?

That's all the questions that we have for you, thank you very much for your time and providing us with this valuable information.
   (End)

Student Focus Group Protocol/Questions

Procedure

1. Organise conducting the Student Focus Groups:
   a. Participation: 6- 8 Year 9 students per group, for 1 hour, boys and girls
   b. Consult with research contact person and decide when and where Focus Groups can be held and how to recruit student participants (i.e., if teachers will recruit, or if researcher will address students in home group, or on assembly etc.)
   c. Recruit students as arranged, use email drafts if helpful
   d. Distribute Information Statement for Student Focus Group and gain consent
   e. Ensure students are informed of Focus Group time and place
   f. You may wish to prepare sticky name tags (students could use a false name if they wish), laminated 'definitions of bullying' sheet/PowerPoint slide of definitions, a prompt card that says:"I'm [name], I consent to be part of this group, and [something about you]". These could also be used in Staff Focus Group.
2. Conduct Focus Groups at arranged place and time:
   a. Set up semi-circle of chairs and any materials you've brought to complement the FG
   b. Prepare audio-recorder to record discussion
   c. Prepare for notetaking during discussion (this may not be possible with only 1 facilitator)
   d. Collect student consent forms as they enter
   e. Give students name tag so that you can refer to them by name (this is useful during the focus group to refer to the different voices e.g., thanks for your comment John, what do you think Kate, etc. – because it may assist transcription – again, they can use a false name if they wish)
   f. Introduce the project and focus group purpose
      i. Refer to Student focus group script for introduction
      ii. Discussion is free flowing, no need to take structured turns around the group but can be an option if some participants are dominated by others,
   g. Continue with questions as per script below

Script – Student Focus Groups

Set up audio recorder:

(Introduction)

Welcome Year 9! My name is Donna. I work at QUT as a research project manager for a research project called: An investigation of cyberbullying and the law in Australian schools. The reason I'm here talking to you is because your school is helping us collect information for the research project. It's a big project that is running in 3 States of Australia, and in 6 high schools.

We are here today because this part of the research is a Student Focus Group. A focus group is like a discussion around a topic. Today's discussion will be about face-to-face bullying and cyberbullying.

The reason we have asked for you to participate in this focus group is because we are interested in:
- Exploring student perceptions (i.e., opinions, ideas, what you know about) in relation to face-to-face bullying and cyberbullying.
- Obtain information to help inform the development of school resources and strategies for intervening and preventing cyberbullying.

Before we start, I'm going to get you to confirm one by one that you have read over the information sheet and you have provided consent to be involved in today's focus group. Just to reiterate the information in the sheet:

- Your identity will not be reported in research results and no one outside this group will be able to link you to your comments.
- If you say anything that identifies you, your school, or others, we will remove this when we transcribe (write out) the discussion.
- Your participation is voluntary, and you have the right to withdraw from this focus group at any time or not answer any questions you do not feel comfortable answering. It's best to do this before we start recording, otherwise it will be hard to leave you out of things.
- The focus group will take approximately one hour to complete.
- The discussion will be audio recorded so that we can transcribe it and look at your comments later.

If you are happy with this, would you introduce yourself by saying, e.g., I'm John and I consent to being part of this group - and tell me your favourite colour/what you did on the weekend/your favourite sport/something about yourself. That will help us distinguish your voice from others in the group when you talk about the more important things.

> *(do this)*

Thanks, that was great – just some guidelines before I throw you the first question:

- Speak loudly and clearly so that audio can hear you

- Listen to each person who is speaking, without interrupting them
- Let's try and give everyone the chance to contribute
- What is said in this room is confidential and should not be discussed elsewhere

Say "yes" if you can agree to these guidelines *(pause for response)*.
Right, first question:

---

1. Please tell me how your school defines bullying and cyberbullying? (i.e., what are some examples of the kind of scenarios that would be called cyberbullying, and what kinds of things would not be cyberbullying?)

(Refer to "Project Definitions of Bullying" and ask students to consider these if their definitions or ideas differ. Be mindful that cyberbullying is not the same as cyber safety – try not to let them get side-tracked on this topic during the discussion that follows.)

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2. Can you please describe any cyberbullying issues that you know of that have happened in the school?

3. What does the school do to try to prevent bullying and cyberbullying? Describe some of the kinds of things the school does? Are there any things that the school has done that you think *have worked* to reduce bullying and cyberbullying

4. Are there any things that the school has done in relation to bullying and cyberbullying that you think *have not worked* so well?

5. Do you know if your school has a bullying policy? Where can you find it? Is cyberbullying included? Do you think students know the policy and use it? Is it helpful?

6. What information and resources do you think that students need/should have to help them understand, handle, and prevent, cyberbullying? (ask questions separately)

7. Do you think that a law against cyberbullying would be useful?

   (If answer yes)
   a. What types of behaviours exactly should it address?
   b. Should the law concern perpetrators or help victims, or both?
   c. What exactly should the law do?

   (If answer no)
   a. Why not?

That's all the questions that we have for you, is there anything else you'd like to add?
Thank you very much for your time and providing us with this valuable information.
(End)

Appendix C: Sample Completed Anti-bullying Policy Checklist.

Focus on CB

School Ref/Title of Policy: *Q1/ Anti-Harassment and Anti-Bullying Policy* ; *Q2/ Bullying Policy*

Component	Q01 Tick or Comment	Q02 Tick or Comment
1. Bullying as well as cyberbullying is clearly stated as unacceptable (i.e., is the policy is a school position statement that might unite school values and actions?)	✓ *'Bullying or harassment in any form...'*	✓ *Stance re: Bullying only* X, *No CB in 'Bullying Policy'*
2. Definition is included for bullying and cyberbullying and are these clear and well defined (i.e., are there three pillars, are there examples included?)	*Included* ✓ *Well-defined* X *Harassment = Bullying*	*No CB defn* X (2) *repeated / deliberate.*
3. Practise and procedures by which various members of school community may report bullying behaviour and to whom (i.e., are roles specified?)	X *School + staff* ✓ *Students* ✓ *class box* *Parents.* *Roles but not person/steps*	X *NB in a separate general 'Formal Complaints' Policy*
4. Process and practices by which complaints will be handled: investigated, handled with sensitivity, properly documented (i.e., is the document a practical document)	*Staff act to protect + stop B.* X	X. *'Documented' recorded in 'Discipline system'*
5. Potential sanctions are stipulated, including the possibility of police involvement (i.e., is there are consistent and clear message and process for decision-making?)	✓ *(police for 'serious' CB; obscene calls)* *-Suspension -reconcillatN.*	✓ *No police mentioned* *Sanctions for B:* *NB. Discip. sys. -counselling -suspension. -parent meetings -exclusion*
6. Plan for how policies should be consistently reinforced in the minds of students and the broader school community, not merely left on school websites (i.e., does the document provide for education?)	✓ *You can do it Friendly Schools finished ed Surveys Values edN 'Pro-active'*	*Mentions instructN to students* *No plan.*

Notes:

Focus on security
 Well-being <br> safety <br> rights <br> rights to safety

QO1 'Student Acceptance Use Policy'

QO2 and QO1 as well

QO2 — Supporting docs
Formal Complaints (Bullying)
Code of Conduct. (Harm)
Disciplinary System (Bullying)
Child ProtectN (Bullying/Harassment)
. Acceptance Use Policy (Examples)