WHY WE ARE STILL SEARCHING FOR SOLUTIONS TO CYBERBULLYING: AN ANALYSIS OF THE NORTH AMERICAN RESPONSES TO CYBERBULLYING UNDER THE THEORY OF SYSTEMIC DESENSITIZATION

Hannah E.Y. Choo

INTRODUCTION

Amanda Todd. Rehtaeh Parsons. Todd Loik. Rebecca Sedwick. Jamey Redeemer. Tyler Clementi. These names have recently dominated the headlines in North America as victims of cyberbullying. The increasing use of social media by young people have expanded the traditional form of bullying that took place on school grounds to virtually anywhere else they could go online. While some see it as a "widespread problem" and others go further by classifying it is a "digital epidemic," what is certain is that cyberbullying has now existed for more than a decade.[1]

One of the earliest cyberbullying victims in North America was Ryan Halligan, who died by suicide in 2003 after being tormented with homophobic instant messages.[2] Cyberbullying was soon described as an "emerging threat to young Canadians" – the "always on" generation.[3]

The sensationalization of cyberbullying incidents by the media led to the public cry for accountability, prompting different parental, educational and governmental responses.[4] But are the responses even helping? Why is there still an on-going search for solutions to cyberbullying? The growing number of cyberbullying victims dying by suicide, coupled with the fact that young people are now perceiving cyberbullying to be "routine, inevitable and an unfortunate feature of their online

---

[1] Larry Magid, "Cyberbullying: a serious problem, but not an epidemic" (13 September 2011), *Safe Kids* (blog), online: <http://www.safekids.com/2011/09/13/cyberbullying-is-a-problem-but-its-not-an-epidemic/>; Trevor Robb, "Mother of cyberbullied teen concerned with lack of accountability", *Edmonton Sun* (18 November 2013), online: Edmonton Sun <http://www.edmontonsun.com/2013/11/18/edmonton-mother-of-cyberbullied-teen-concerned-with-lack-of-accountability>.

[2] "Ryan's Story: In Memory of Ryan Patrick Halligan 1989 – 2003", online: Ryan's Story <http://www.ryanpatrickhalligan.org>.

[3] Bill Belsey, "Cyberbullying, an emerging threat to the 'always on' generation", online: *Cyberbullying* (blog) <http://www.cyberbullying.ca/pdf/Cyberbullying_Article_ by_Bill_Belsey.pdf>.

[4] Shaheen Shariff, "Cyberbullying Prevention and Response: Expert Perspectives", online: (2013) 15:154 New Media Society at 155 <http://nms.sagepub.com>.

interactions," raise concerns about the preventive and ameliorative efforts that have been put forward so far.[5]

The main responders to cyberbullying are parents, educators and the government, all who are continuously struggling for answers. Yet their struggles are not surprising, especially when looking at their responses under the framework of systematic desensitization. Organizing the parental, educational and governmental fears of cyberbullying into an anxiety hierarchy helps illustrate the gaps in their efforts.

The systematic desensitization framework reveals how most of the responses to cyberbullying to date are mere coping mechanisms, rather than effective mechanisms, allowing parents, educators and the government to control their fear of cyberbullying but not cyberbullying itself. In other words, their responses have succeeded in only reducing their anxieties about the issue, misleading them to think that they are equipped with the appropriate tools to fight. This raises major concerns not only because it continues to leave the core players with ineffective, short term and reactive responses, but also because it deflects their focus from effective, long term and proactive responses.

While systematic desensitization is a type of therapy that helps people overcome a phobia, cyberbullying is one phobia that must not be overcome by becoming desensitized to it, but rather, by getting to the root of the issue – through better education.

SYSTEMIC DESENSITIZATION THEORY

Systematic desensitization was first developed by psychiatrist Joseph Wolphe to help people overcome phobias.[6] The process involves constructing a hierarchy of anxiety-producing stimuli, from the least fearful to the most fearful. An example of an anxiety hierarchy for a patient with a fear of spiders can consist of a picture of a spider at the bottom of the hierarchy, to being in the same room with a spider, and finally, to holding a spider.

Coping mechanisms, such as meditation or breathing, are provided at each stage and are essential because they provide the patient with the means to control the fear.[7] The coping mechanisms help the patient progress towards the top of the hierarchy. Soon, the fear is unlearned and the anxiety gradually becomes extinguished.[8]

---

[5] Jo Bryce, "'It's Common Sense That It's Wrong': Young People's Perceptions and Experiences of Cyberbullying", online: (2013) 16 Cyberpsychology, Behaviour and Social Networking at 786 <http://online.libertpub.com>.

[6] Saul McLeod, "Systematic Desensitization" (2008), online: *Simply Psychology* <http://www.simplypsychology.org/Systematic-Desensitisation.html>.

[7] Greg DuBord, "Part 12 Systematic Desensitization", online: (2011) 57:11 Can Fam Physician <htttp://www.ncbi.nlm.nih.gov>.

[8] *Ibid*.

After becoming systematically desensitized, using the above example, the patient will no longer fear the spider. It must be noted that in the end, it is not the spider (the fear) that has been controlled, but the patient's reaction to the spider.

1. The Process of Systematic Desensitization through the Eyes of Parents

Parents play an important role in both educating and protecting children from cyberbullying. However, parents are often at loss and overwhelmed when faced with the issue. A 2010 survey found that 30% of parents fear bullying and cyberbullying over kidnapping, domestic terrorism, car accidents, suicide or any other incident.[9] Not much has changed since then, as recent studies found that cyberbullying continues to be their biggest worry.[10] Despite the ample amount of information, resources and tips available for parents, why does cyberbullying remain to be their biggest concern? Applying the theory of systematic desensitization to parental fears of and responses to cyberbullying provides a possible explanation.

The first step under the systematic desensitization framework consists of constructing an anxiety hierarchy. A hierarchy of typical fears from a parent's perspective, ranked from the least fearful at the bottom, to the most fearful at the top, can look like this:
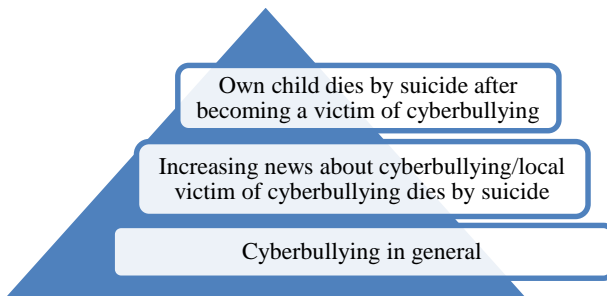
(A) Stage 1: Cyberbullying in General

Cyberbullying in general is ranked the lowest anxiety-producing stimuli because parents often feel far removed from the issue. A fleeting "what if" thought may cause parents to be anxious, but common coping mechanism at this stage include self-assurances that their child will not be involved in cyberbullying.

---

[9] "Parents' top fear for kids: bullying and cyberbullying" (21 October 2010), *Opposing Views*, online: <http://www.opposingviews.com/i/parents-top-fear-for-kids-bullying-and-cyberbullying>.

[10] "One in five parents 'shocked' by children's web activity" (25 October 2012), *CBR* online: <http://www.cbronline.com/news/social/61-of-parents-regularly-snoop-on-kids-online-activities-251013>.

Tricia Norman is the mother of Rebecca Sedwick, a twelve year-old girl from Florida who died by suicide after being cyberbullied.[11] During an interview with the *NY Times*, Ms. Norman stated that "you hear about [cyberbullying] all the time. ... I never, ever thought it would happen to me or my daughter".[12]

Ms. Norman's response is not surprising. A 2008 survey found that parents are not really aware of their child's online activity.[13] Nor did parents have a full understanding of their child as a victim of cyberbullying.[14] Not much has changed since then. A 2013 study found that parents continue to have an "inaccurate view of their children's online experiences".[15]

Rather than overestimating, parents often underestimate whether or not their child has been a victim of cyberbullying.[16] In fact, the study revealed that "thinking one's child is smarter than others while online...contribute to the increasing likelihood that parents underestimate risky online behaviours".[17] This was the case for Tera Murphy, who found out that her daughter had been cyberbullied for two years only after she attempted to die by suicide.[18]

Parents' inaccurate views also explain why there are often low turnout rates at online-safety workshops. One principal believes it is because the "attitude among parents is 'It's not going to happen here'".[19] Others say that the "rates of parental ignorance about bullying...may not be all that different from pre-internet times".[20] As a result, parents are easily overcoming the lowest level of the anxiety hierarchy through coping mechanisms that involve distancing themselves from the issue and by having imprecise views about their child's online activity.

Such coping mechanisms, however, are preventing them from taking effective and proactive steps towards the issue, such as learning about cyberbullying

---

[11] Julia Dahl, "Rebecca Sedwick case: Bullied girl and her tormentor both grew up in 'disturbing' family situations, says sheriff", *CBS News* (25 October 2013), online: CBS News <http://cbsnews.com>.

[12] Lizette Alvarez, "Girl's suicide points to rise in apps used by cyberbullies", *The New York Times* (13 September 2013) online: The New York Times <http://www.nytimes.com>.

[13] Francine Dehue, "Cyberbullying: Youngsters' Experience and Parental Perception", online: (2008) 11 Cyberpsychology & Behavior 219 <http://www.libertpubc.com>.

[14] *Ibid*.

[15] Sahara Byrne, "Peers, Predators and Porn: Predicting Parental Underestimation of Children's Risky Online Experiences", online: (2013) J of Computer Mediated Communication at 1 <http://www.wiley.com>.

[16] *Supra* note 15 at 12.

[17] *Ibid*.

[18] *Supra* note 1.

[19] Jeremy Thomas & Katy Murphy, "Cyberbullying: Parents, school officials both search for answers", *San Jose Mercury News* (2 May 2013), online: San Jose Mercury News <http://www.mercurynews.com>.

[20] "Think you know what your child's up to online? Think again", *Health Day* (31 October 2013), online: *Health Day* <http://www.healthday.com>.

and their child's online experiences, especially when "parents sometimes have no idea what their kids are doing online until it's too late. ... No child is above the risk, or too smart for risks".[21]

(B) Stage 2: Increasing News about Cyberbullying or Local Victim of Cyberbullying Dies by Suicide

The next level of the hierarchy involves parents increasingly hearing news reports about cyberbullying, or about a local victim of cyberbullying dying by suicide. This causes more anxiety because it narrows the scope of the issue, bringing it much closer to home and to their attention.

A common coping mechanism for parents at this stage is to look up tips on cyberbullying. As clinical social worker Devra Renner explains, for parents, "one of the things we tend to do is we either hop on the Internet and research everything we can, or we ask 5 million people what we should do".[22] While guidelines are arguably a proactive response to the issue, they end up as coping mechanisms primarily because of their shortcomings and inadequacies. Many of the guidelines that are readily available online fail to address the complexities of cyberbullying by simplifying or generalizing the issue. Some are also incomprehensive and outdated. As a result, these ineffective guidelines that parents turn to become another coping mechanism that merely helps them control their anxieties about cyberbullying.

For example, one of the first websites that pops up after searching a "parent's guide to cyberbullying" is stopcyberbullying.org.[23] The website provides a step-by-step process called a "Quick guide on the escalating levels of response to cyberbullying incident", making it seem as if each step will progress according to plan.[24] Guidelines like these are common, yet they fail to recognize that there is no "one-size-fits-all" approach, especially in light of the growing research that shows how differences in gender, age and ethnicity affect the way children deal with cyberbullying.[25] However, these types of guidelines seem to be rarely updated and end up generalizing the issue, thereby misleading parents to think that there is a monolithic cyberbullying experience.

Similarly, other guidelines generalize the issue by listing, under "warning signs of cyberbullying", factors such as a "child being visibly upset after internet use," "withdrawal from friends or activities," and "appearing depressed or sad".[26] These

---

[21] *Ibid*.

[22] Kelly Wallace, "Kids behaving badly: When old rules of discipline no longer apply", *Fox 13 News* (5 November 2013), online: Fox 13 News <htttp://www.fox13now.com>.

[23] Parry Aftab, *Stop Cyberbullying*, online : <http://www.stopcyberbullying.org>.

[24] *Ibid*.

[25] Maggie Price, "Prevalence and Internalizing Problems of Ethnoracially Diverse Victims of Traditional and Cyberbullying", online: (2013) 5:183-191 School Mental Health <http://www.springer.com>.

[26] "Cyberbully Help: Preventing Bullying in the Digital Age", online: Cyberbully Help <http://www.cyberbullyhelp.com>.

factors are applicable to cases like Jamey Rodemeyer, whose parents tried to talk to their son after he was displaying some of the warning signs.[27]

However, the factors do not fit as well to cases like Amanda Todd or Todd Loick. In Amanda's case, despite her earlier suicide attempts, her mother Carol recalled her daughter getting better, going out with friends and feeling like a "normal teenager again", days before her death.[28] As for Loick, a Saskatchewan teenager who also died by suicide after being cyberbullied, his mother noticed him being excited about taking the driver's test on his 16th birthday, only to find him dead a few days before.[29] Contrary to studies that found disparities between parents' perceptions of cyberbullying and their child's experience of cyberbullying, such guidelines fail to note that children are able to hide or control their feelings at home in ways that do not display the warning signs.[30]

Many guidelines also remind parents about their "digital immigrant" status, but fail to provide steps on how to apply some of the online protective measures that they advise.[31] One website, for example, advises parents to use direct protective factors: use anti-virus software, review sites your teen visits and monitor webcam use.[32] However, there is no explanation on how to actually follow, install and apply them, so the practicality of the guideline is easily lost.

Worse, there are guidelines that merely urge parents to monitor their child's online activities without further explaining what effective monitoring entails.[33] As a result, a study by Levine found that while parents claimed to supervise their children's online activities, nearly half of them did not have filters and software programs installed on the computers.[34]

---

[27] Scott Stump, "Teen's parents: after suicide, he's still being bullied", *Today* (9 September 2011), online: Today <http://www.today.com>.

[28] Gillian Shaw, "Amanda Todd's mother speaks out about her daughter, bullying", *Vancouver Sun* (3 March 2013), online: Vancouver Sun <http://www.vancouversun.com>.

[29] Chris Purdy, "Todd Loik, 15, committed suicide because students hounded him with 'nasty' messages, mother says", *National Post* (26 September 2013), online: National Post <http://www.nationalpost.com>.

[30] *Supra* note 13.

[31] O Zur & A Zur, *Immigrants and Digital Natives: How the Digital Divide Affects Families, Educational Institutions, and the Workplace*, 26 September 2013, Zur Institute, online: <http://www.zurinstitute.com/digital_divide.html>.

[32] Kids in the Know, *Protective Factors Checklist for Online Safety*, online: Kids in the Know <https://www.kidsintheknow.ca>.

[33] "Parenting Tips", (2007) online: Cyberbullying Info <http://www.cyberbullying.info>.

[34] Emily Levine, "A Study of Parental Understanding of and Intervention in Cyberbullying among children in Fourth through Eighth Grade" (Doctoral Dissertation, Indiana University of Pennsylvania, 2013) online: Indiana University of Pennsylvania <http://www.iup.edu>.

In addition, many guidelines are outdated, as they focus primarily on Facebook and fail to address other popular websites and apps.[35] This leads parents to think that being Facebook-literate is enough. For example, Rebecca Sedwick's mother thought she was doing everything to protect her daughter from cyberbullying by closing down her Facebook page.[36] Unfortunately, it was only after her daughter's death that she discovered that Rebecca was continuing to get tormented through "new" websites such as Ask.fm: "I had never heard of them. I did go through her phone, but didn't even know".[37]

The guidelines that focus on online supervision are coping mechanisms not only because they are incomprehensive or outdated, but also because they cause young people to become sneakier: "The more that parents try to control what their kids are doing online, the more sneaky kids get, and the less parents know what their kids are doing online".[38]

In addition, monitoring tips deflect the parents' attention away from sitting down with their child to talk about cyberbullying, for such guidelines lead parents to think they will address the issue when they catch it. Besides, parents cannot monitor their child's online activity 24/7: "Even the most well intentioned parents cannot police their kids' social networking habits around the clock".[39] As Byrne explains, "keeping the computer in public view in the home is generally recommended, but overall...parents need to up their game when it comes to communicating with their children about exactly what's transpiring when they go online".[40]

Most of the guidelines available online become mere coping mechanisms for parents at this stage. It allows parents to control their fear of cyberbullying by having something to turn to, making them feel that they are equipped with accurate and up to date information. In reality, however, many of the guidelines fall short in terms of comprehensiveness, relevance and detail, and risk taking parents' attention away from proactively discussing about the issue with their child.

(C) Stage 3: Own Child Dies by Suicide after Becoming a Victim of Cyberbullying

The last level of the hierarchy consists of parents dealing with their own child's involvement in cyberbullying. At this stage, some type of legal intervention seems to

---

[35] Patti Fitzgerald, "18 Tips to Stop Cyberbullying", *Parents,* online: Parents <http://www.parents.com/kids/problems/bullying/18-tips-to-stop-cyberbullying/>.

[36] Kelly Wallace, "Parents, beware of bullying on sites you've never seen", *CNN* (16 October 2013), online: CNN <http://www.cnn.com>.

[37] *Ibid*.

[38] Bill Briggs, "Busting parents won't stop cyberbullies, experts say", *NBC News* (19 October 2013), online: NBC News <http://www.nbcnew.com>.

[39] *Ibid*.

[40] *Supra* note 20.

be a common response by parents, who are increasingly turning to law enforcement first, over schools, friends and relatives, when their child is involved with cyberbullying.[41] Parents seek justice – justice through criminal charges against the tormentors and stricter laws against cyberbullying.

For example, Glen Canning, father of Rehtaeh Parsons, a Haligonian teenager who died by suicide after being a victim of cyberbullying, stated that "you have to be a little more forceful on this kind of an issue because the issue is deadly".[42] Rehateh's death led to the introduction of the *Cyber Safety Act* in Nova Scotia, which was welcomed by parents in other provinces who had lost their child to cyberbullying.[43]

After her son's death, Todd Loik's mother asked for cyberbullying laws to be applied equally across the country, and wished for criminal charges to be laid against her son's tormentors.[44] A similar pattern can also be seen in south of the border: when Amanda Cummings died by suicide in 2011 after being abused online, her parents' immediate response was to push local and state leaders to enact tougher cyberbullying laws.[45]

Why is justice sought by parents through law? Is it because society's idea of justice stems from the law? Parents at this stage of the hierarchy often do not describe cyberbullying as a social issue, but a "faceless crime".[46] Yet while the law may appear to be an effective mechanism that controls the issue, legal and social experts have voiced their doubts their effectiveness.

For example, *Nova Scotia's Task Force Report on Cyberbullying* put forward 85 recommendations, none of which included stricter laws.[47] Psychologist Dr. Gottheil warned about unintended consequences of new cyberbullying laws, in that cyberbullies "may want to be even more secretive, which pushes them further into anonymity".[48] In fact, Dr. Gottheil further explained that using the law as a warning to cyberbullies reinforced the invulnerability fable:

---

[41] "Parents turn to law enforcement when children face cyberbullying, says new Thomson Reuters survey" *Thomson Reuters* (24 October 2013), online: Thomson Reuters <http://thomsonreuters.com>.

[42] Francis Willick, "Baillie promises judicial inquiry in Rehtaeh case", *The Chronicle Herald* (21 September 2013), online: The Chronicle Herald <http:// www.thechronicleherald.com>.

[43] "Cyberbullying law inspired by Rehtaeh Parsons takes effect in N.S.", *CTV News* (7 August 2013) online: CTV News <http://ctvnews.ca>.

[44] *Supra* note 29.

[45] Howie Heshorn, "Touch cyberbully law inspired by Amanda Cummins suicide", *Kiwi Commons* (11 January 2013), online: Kiwi Commons <http://www.kiwicommons.ca>.

[46] *Supra* note 1.

[47] Wayne Mackay, The Report of the Nova Scotia Task Force on Bullying and Cyberbullying, *Respectful and Responsible Relationships: There's No App for That* (Nova Scotia: 2012).

[48] Erika Tucker, "Double-edged sword: who the new cyberbullying law will help and hurt", *Global News* (8 August 2013), online: Global News <http://globalnews.ca>.
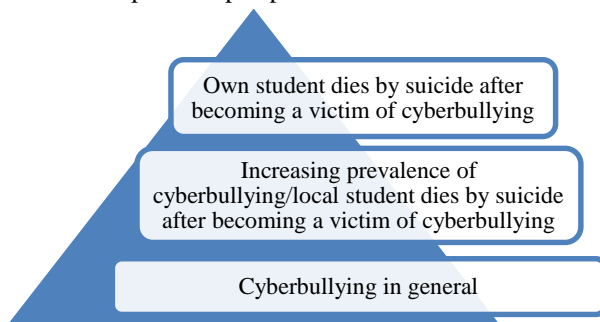
> [T]hat bad things happen to other people, but not to me. ... [T]hat will limit the effectiveness of the [new cyberbullying law], as it has limited the effectiveness of many other laws, because most kids think, 'I'm not going to be the one who gets caught.[49]

Similarly, cyberbullying researchers have voiced concerns that cyberbullying laws will actually prevent victims from coming forward: "One of the reasons kids don't like to tell [on people who are bullying them] is they don't want to make it a deal. ... And [the law] will make it a big deal".[50] Criminalizing cyberbullying is not the most effective response either, as it would "unnecessary punish students who are still in the throes of learning about appropriate behaviour, online and off".[51] As Brenner and Rehberg explain, if parents feel the harm rising to the level of "necessitating some intervention in the legal system, [they] can always fall back on the gap-filler tort of intentional infliction of emotional distress".[52]

Turning to the law becomes another coping mechanism for parents, as they are using the law to control their fear of cyberbullying. They believe that stricter laws will let them sleep better at night, believing that other families will not have to go through the tragedy of losing a child to cyberbullying. Yet stricter laws will only reduce their anxiety but not the anxiety-causing source – that is, cyberbullying. As pointed out by experts who question the effectiveness cyberbullying laws or criminalizing cyberbullying, stronger action does not always mean stricter laws.

2. The Process of Systematic Desensitization through the Eyes of Educators

Educators are the other adult-figures in students' lives who have a considerable influence on them. Like parents, they play an important role in preventing cyberbullying. How have educators been responding to the issue? The hierarchy below illustrates a possible perspective from educators:

Own student dies by suicide after becoming a victim of cyberbullying

Increasing prevalence of cyberbullying/local student dies by suicide after becoming a victim of cyberbullying

Cyberbullying in general

---

[49] *Ibid*.

[50] *Ibid*.

[51] Susan Brenner & Megan Rehberg, "Kiddie Crime? The Utility of Criminal Law in Controlling Cyberbullying" (2009) 8 First Amendment Law Review 1 at 55.

[52] *Ibid*.

(A) Stage 1: Cyberbullying in General

Like parents, cyberbullying in general is ranked the lowest in the hierarchy. A common coping mechanism at this stage is to have school policies that broadly address negative behaviour, generally address bullying, or specifically address cyberbullying.

In the United States, almost every state requires school districts to have a bullying policy in place, but they vary in scope and detail.[53] For example, while Pennsylvania requires schools to develop policies prohibiting bullying (including through electronic means), it does not require, like California and West Virginia, to have policies on investigation processes.[54]

In Canada, while the Canadian Teachers' Federation developed a policy on cyberbullying, provinces and territories have different requirements for schools. For example, school boards in Quebec must create policies that address bullying (which includes cyberbullying), whereas in New Brunswick, Parent School Support Committees are set up to work closely with principals to address cyberbullying issues.[55] Bill 18 recently became law in Manitoba, requiring schools to report and act on cyberbullying incidents, and expanded policies on internet use on school property.[56]

While policies on cyberbullying are definitely a step towards the right direction, they do not guarantee that such incidents will not happen. What they guarantee instead, are the means to control the fear of cyberbullying, rather than cyberbullying itself. This is because policies are often hollow and limited, and authoritative only on paper. The policies therefore, become one type of coping mechanism at this stage. As Pepler and Milton's Report stated:

> It may be appropriate to create an overarching policy on bullying and cyberbullying, stating that such behaviour will never be tolerated among students, by adults towards students, or by supervisors towards subordinates. But laws, polices and policies can only do so much. They do not guarantee good relationships.[57]

Pepler and Milton's report, which was an external review of Halifax Regional School Board's support for Rehtaeh Parsons, revealed the shortcomings of school policies. The report found that in the span of seven months, Rehtaeh attended four different high schools in the district.[58] The report, however, concluded that "the application of

---

[53] Cyberbullying Research Centre, "Information about cyberbullying laws" (July 2013), online: Cyberbullying Research Centre <http://cyberbullying.us>.

[54] *Ibid*.

[55] Media Smarts, *Canada's Centre for Digital and Media Literacy*, online: Media Smarts <http://mediasmarts.ca>.

[56] *Ibid*.

[57] Debra Pepler & Penny Milton, External Review of the Halifax Regional School Board's Support of Rehtaeh Parsons, (Nova Scotia, 14 June 2013) at 12.

[58] S*upra* note 57 at 11.

a number of other [Halifax Regional School Board] policies to the Parson case is limited by Rehtaeh's sparse attendance at school", despite stating that "attendance is critical and absences may be a first indicator of the need for interventions" by schools.[59] In other words, there were loopholes in the policies that rendered them inapplicable.

The shortcomings of policies have also been seen in the United States. Even though a high school in Greenwich, Connecticut had a "strict cyberbullying policy in place" that could "result in suspension or even expulsion", that seemed to have no effect on 15-year-old Bart Palosz from taking his life on the first day of school in 2013 after being cyberbullied for years.[60]

The inapplicability of policies is further heightened by the fact that they do not guarantee that educators will know what to do when the problem arises.[61] A 2011 Canadian study found that while "teachers were concerned about the rise in cyberbullying incidents, and could identify cyberbullying behaviours, less than half knew what to do when an incident occurred".[62] In fact, despite having school policies on cyberbullying, the "educators' concerns about cyberbullying seemed to be general, about young people in general, rather than a focused concern about identifiable problems at their school".[63]

Similarly, an American study that looked at "digital-wise" teachers found that while these teachers had confidence about their ability to define cyberbullying, they did not have the same confidence when it came to effectively handling the problem.[64] As a result, school policies on cyberbullying are coping mechanisms because they are authoritative only on paper but not in reality. They become illusory especially when they are not accompanied by the ability of the school staff to identify the issue at their schools and apply it when the situation arises. Like the many guidelines to cyberbullying for parents, school policies mislead educators into thinking they have the situation under control at this stage.

Another common coping mechanism at this stage is anti-bullying programs at schools. Before the prevalence of cyberbullying, it was the traditional form of bullying that took place on school property. As a result, most schools have anti-

---

[59] *Ibid.*

[60] Karen Lee, "Students take aim at bullying after teen's suicide", *Eyewitness News (*29 August 2013), online: Eyewitness News <http://www.wfsb.com>.

[61] Karen Brown, Wanda Cassidy & Margaret Jackson, "Under the Radar: Educators and Cyberbullying in Schools", online: (2012) 33:5 School Psychology International at 520 <http://www.safepub.com>.

[62] *Ibid* at 521.

[63] *Ibid* at 524.

[64] Tiffany Graves, *Bridging the Divide: A Case Study Investigating Digitally-wise Teacher Perceptions of Middle School Cyberbullying* (EdD Dissertation, Liberty University, 2013), online: Digital Commons @ Liberty University at 3 <http:// digitalcommons.liberty.edu/cgi/viewcontent.cgi?article=1737&context=doctoral>.

bullying programs. In Ontario, the Upper Canada District School Board implemented one, called Link Crew, which pairs up incoming grade 9s with Grade 12s.[65] To date, Link Crew has been adopted by over 2,500 high schools in North America.[66]

While anti-bullying programs have always been viewed as positive and effective, a recent study suggested that anti-bullying programs may actually worsen the problem. The authors of the study found that students who attended schools with anti-bullying programs were in fact, more likely to experience bullying than students who attended schools without one.[67] A possible reason for this unintended, ironic effect is that "students who are victimizing their peers have learned the language from these anti-bullying programs".[68] This raises the possibility that anti-bullying programs have also become mere coping mechanisms for schools, especially because since "cyberbullying is a relatively new phenomenon, school administrators may be tempted to simply implement an existing anti-bullying program".[69]

Yet educators have not only relied on anti-bullying programs for years, but have also developed hollow school policies as coping mechanisms to control their fear of cyberbullying. These types of controlling mechanisms are shifting the educators' focus away from questioning, revisiting and updating policies and programs at the school, so that they directly and effectively, rather than conceptually, address cyberbullying.

(B) Stage 2: Increasing Prevalence of Cyberbullying or Local Student Dies by Suicide after Becoming a Victim of Cyberbullying

The next level of the hierarchy narrows the scope of the issue: an increasing prevalence of cyberbullying or a local student dying by suicide after becoming a victim of cyberbullying. A possible coping mechanism at this stage consists of teachers discussing about cyberbullying with students more directly.

However, because cyberbullying is relatively new, teachers who have been in the job since the pre-cyberbullying era would not have had any exposure to the issue. At best, these teachers will be provided with seminars and training on cyberbullying. At worst, they will be left with online sources for teaching modules, and whether they are directed towards a particular module or not, there are hundreds available for them to choose from.

---

[65] Caroline Alphonso, Tim McKenna & Kevin Van Paassen, "Student Aid: How one school board is defeating bullying, one friendship at a time", *The Globe and Mail* (11 June 2013) online: The Globe and Mail <http://www.theglobeandmail.com>.

[66] *Ibid*.

[67] Christopher Ferguson, "Anti-bullying programs could be a waste of time", *Time* (10 October 2013) online: Time <http://www.time.com>.

[68] Natalie Gross, "Research shows anti-bullying campaigns can create more bullies", Lubbock Avalanche Journal (29 October 2013), online: Lubbock Avalanche Journal <http://www.lubbockonline.com>.

[69] Sterling Stauffer et al, "High school teachers' perceptions of cyberbullying prevention and intervention strategies", online: (2012) 49:4 Psychology in the Schools <http://www.onlinelibrary.wiley.com>.

Similar problems with the parental guidelines on cyberbullying, however, can be found in many of the teaching resources. While the vast majority of the online teaching modules are directed toward different age groups, they too, generalize the issue by failing to address differences in gender and ethnic perceptions of cyberbullying. Most of them do not take the issue seriously or are outdated – in language and in information.[70] For example, some lessons use games to teach students about cyberbullying.

The problem with this approach is that while it engage students with the lesson, it does not engage the students with the seriousness of the issue, as it almost appears to trivialize cyberbullying as a problem that can be easily dealt with "yes" or "no" answers, or that it is simply a social game, rather than a social issue.[71]

In addition, like many of the guidelines available to parents, there is a heavy emphasis on Facebook, failing to realize there are other websites that students are frequenting (such as Ask.fm) and new apps (such as Snapchat) that students are downloading on a daily basis.[72] Such outdated resources are continuously causing educators, the "digital immigrants," to be one step behind students, "the digital citizens".[73] They are misleading the teachers to think that they have the situation under control by discussing the matter more directly with their students, without realizing that they are using too general, outdated or inapplicable resources that have limited impact.

An additional concern arises if teachers are left to their own initiative to teach students about cyberbullying. A recent study that looked at teachers' understanding of cyberbullying revealed another coping mechanism that educators rely on at this stage of the hierarchy. The study found that while teachers felt that teaching students about cyberbullying was an effective prevention method, "they did not perceive classroom lessons or assemblies as helpful".[74] The study further noted that it is possible that teachers see "addressing cyberbullying as 'not my responsibility,' but as a responsibility of school administrators and parents".[75] As Shariff explains, "Mike Donlin's chapter, 'You Mean We Gotta Teach That, too?' is reflective of the response that emerging laws targeting cyberbullying Canada have received from schools".[76]

Such perception is also implicitly seen in Pepler and Milton's report, for it found that Rehtaeh's high school took "no further action" after hearing allegations of

---

[70] Wayne Mackay, *Coursepack: Education Law*, (Faculty of Law, Schulich School of Law, 2013) at 227.

[71] "The Big Help: Are you Cyber Bully Savvy?", online: Nickelodeon Games <http://www.nick.com>.

[72] *Supra* note 57.

[73] *Supra* note 31.

[74] *Supra* note 69 at 366.

[75] *Ibid*.

[76] *Supra* note 4 at 155.

sexual assault and the existence of a related photograph from police officers.[77] As a result, shifting the responsibility to other adult figures in the students' lives, such as parents and principals, or even the police, become another way for teachers to control their fear of cyberbullying. But at the same time, they are not only passing on the responsibility, but are also missing out on the crucial opportunity to teach students about a social issue that is very much alive in the school environment, including their own classrooms and hallways.

In some cases, an additional coping mechanism at this stage of the anxiety hierarchy is to come up with innovative, tech-savvy ways to respond to cyberbullying. In 2011, Ann Arbor schools no longer offered wireless access to students in hopes that it would reduce the chances of cyberbullying.[78] More recently, a school district in Southern California contracted with Geo Listening, a tech-company that will monitor and keep track of various things that students say, post and share online.[79] Similarly, a school district in Centreville, Maryland has launched a new texting program called Text-A-Tip4Schools. [80] This program allows students to have a "two-way text conversations with school administrators and provide them with more details about [cyberbullying incidents]".[81]

However, while getting rid of wireless access at schools, monitoring the students' online activity, and launching a new communication channel allow educators to control their fear of cyberbullying, it does not stop students from engaging in cyberbullying behaviour in the first place, as these new projects are reactive responses. They give educators and other adults the power to monitor cyberbullying without first ensuring that they understand the complexities of the issue. As Brown points out, a school's focus on technological responses to cyberbullying "does not necessarily lead to educating teachers about its use or misuse" about technology.[82] In fact, one study found that there was no difference in the rates of cyberbullying between schools that banned cell phones on school property and schools that had not banned them.[83]

These tech-savvy responses fail to recognize that students can still use their data plans on their smartphones to go online at school without wireless access. Students can also personally message or text one another, rather than on a public forum

---

[77] *Supra* note 57 at 11.

[78] Kyle Feldscher, "Ann Arbor schools cut off wireless access for students using their own smart phones, other devices", *The Ann Arbor News* (21 May 2011), online: The Ann Arbor News <http://www.annarbor.com>.

[79] David Knowles, "California school district begins monitoring all students' social media activity", *New York Daily News* (27 August 2013), online: New York Daily News <http://www.nydailynews.com>.

[80] Nicole Jones, "Queen Anne's County schools launches anti-bullying program", *ABC 2 News* (29 October 2013), online: ABC 2 News: <http://www.abc2news.com>.

[81] *Ibid*.

[82] *Supra* note 61 at 524.

[83] Sheri Bauman, Donna Cross & Jenny Walker, *Principles of Cyberbullying Research: Definitions, Measures and Methodology* (New York: Routledge, 2013) at 269.

to avoid getting caught. Molly Mulshine also highlights that such responses "[sound] like a great way to get all the students in your school to hate and distrust the entire faculty and staff", which would negatively affect the relationship between teachers and students.[84]

While the effectiveness of these responses is yet to be seen, they have the potential to become coping mechanisms, as they are reactive, rather than proactive. Educators resort to these mechanisms after a cyberbullying incident has taken place. They are teaching students what not to say in public or which sites to avoid, rather than teaching them to be respectful of one another, whether they are being supervised online in a public website or unsupervised through a personal message.

A variety of coping mechanisms have been explored at this stage, including using inadequate teaching resources, shifting the responsibility to address the issue to others, and implementing tech-savvy responses. However, they all become mere ways to control the fear of cyberbullying rather than addressing the issue head on – effectively.

(C) Stage 3: Own Student Dies by Suicide after Becoming a Victim of Cyberbullying

The last level of the hierarchy involves an incident where one of the school's own student dies by suicide after becoming a victim of cyberbullying. The immediate response after such tragedy is first and foremost offering counselling to the students and staff at the school.[85] The next common response consists of launching an anti-cyberbullying campaign and revisiting their school policies.[86]

There has not been much research and follow-up on schools that have experienced the death of a cyberbullying victim or the effectiveness of a school's individual responses since the death. However, because anti-cyberbullying campaigns have been one of the most common responses, a word of caution comes from recent research, as such campaigns may actually "teach students different bullying techniques – and even educate about new ways to bully through social media and texting".[87] It may teach the existing, uncaught cyberbullies what to avoid, in terms of sites and language.

Other studies on anti-bullying programs found that a "zero-tolerance" approach to bullying by schools can cultivate a culture of victimhood, which can already be heightened by the fact that the school already had a student die by suicide

---

[84] Molly Mulshine, "Schools are now paying corporations to spy on teens' social media activity", *Beta Beat* (29 October 2013), online: Beta Beat <http://www.betabeat.com>.
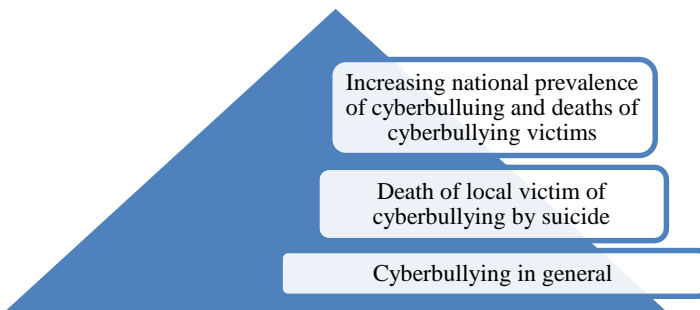
[85] *Supra* note 60.

[86] *Ibid*.

[87] Lynne Forrest, "Recent research says anti-bully programs do not work", *The Reality Formula* (21 October 2013), online: The Reality Formula <http:// www.realityformula.com>.

after becoming a victim of cyberbullying.[88] Educators must therefore be cautious to not let anti-cyberbullying campaigns at this stage of the hierarchy to become another way to control their fear of cyberbullying.

3. The Process of Systematic Desensitization through the Eyes of the Government

The Canadian and American governments have already taken steps to address cyberbullying. But is this top-down response effective? Why do government officials, from the provincial and federal levels in Canada, as well as the state and federal levels in the United States, continue to struggle and promise better responses? One possible explanation is that "culture is changing rapidly, and the bureaucrats and administrators who are tasked with implementing solutions are way too out of touch with youth culture".[89] Organizing the government's view on cyberbullying in an anxiety hierarchy, and its responses so far, provide an additional explanation as to the ineffectiveness of their approach:

Increasing national prevalence of cyberbulluing and deaths of cyberbullying victims

Death of local victim of cyberbullying by suicide

Cyberbullying in general

(A) Stage 1: Cyberbullying in General

Like the parents' and educators' anxiety hierarchies, cyberbullying in general is ranked the lowest for the government. Since cyberbullying is a subset of bullying, an incident that traditionally took place on school grounds, it is an issue that is seen to be dealt primarily by educators and parents, leaving the government out of the picture.[90] As Donegan explains, "unfortunately, it has taken a number of cases to force lawmakers

---

[88] Helene Guldberg, "Anti-bullying campaigns: doing more harm than good?", *Spiked Online* (24 November 2011), online: Spiked Online <http://spiked-online.com>.

[89] "Rape culture: learning from Steubenville, Rehtaeh Parsons and frosh chants", *Metro News* (21 October 2013), online: Metro News <http://www.metronews.ca>.

[90] Richard Donegan, "Bullying and Cyberbullying: History, Statistic, Law, Prevention and Analysis", online: (2012) 3:1 The Elon J of Undergraduate Research in Communications at 37 <http://www.elon.edu>.

to come to terms with the harsh reality of the situation and attempt to mold laws to deal with such issues".[91]

At most, a governmental response at this stage is to amend the province or state's relevant education legislation to include cyberbullying, often giving more powers to school authorities to investigate cyberbullying incidents, thereby handing over the responsibility to them. For example, as aforementioned, Manitoba recently passed a cyberbullying bill that requires teachers to report incidents to the principal.[92] Similarly, Florida's new cyberbullying law give schools more authority to investigate cyberbullying that takes place outside of school.[93]

Yet entrusting the matter to others by giving their more investigative authority is a coping mechanism for the government. As seen in Florida, the expanded authority for schools made little difference when Rebecca Sedwick died by suicide, for the school was not able to investigate sooner without knowing that cyberbullying incidents were taking place: "The Florida cyberbullying law...only goes so far. That seems to be where things sort of fell through in this particular instance. We've got to know".[94] As a result, a common coping mechanism at this stage is passing the responsibility to educators by giving them more authority, but without further guidance or support.[95]

(B) Stage 2: Death of Local Victim of Cyberbullying by Suicide

It is only after a public uproar, especially led by parents of the victims, that governmental responses will be brought forward. At the second stage of the hierarchy, the provincial and state levels of government will respond through various means. One of the most common coping mechanisms for the government at this stage is to introduce a new bill or legislation.

In Canada, Nova Scotia provides an example of how the provincial government responded in such ways. After the deaths of three teenagers, Jenna Bowers-Bryanton, Courtney Brown and Emily McNamara in 2011, the provincial government created a task force to look into the prevalence of cyberbullying.[96] The task force report was released a year later and provided 85 recommendations to tackle cyberbullying, all of which engaged different members of the community, including the province's minister of justice, police, internet service providers, teachers and

---

[91] *Ibid*.

[92] Shane Gibson, "Update: Anti-bullying Bill 18 proclaimed as law in Manitoba", *Metro News* (10 October 2013), online: Metro News <http://www.metronews.ca>.

[93] Keighly Chambers, "Who's responsible for stopping cyberbullying?", *Wuft* (20 October 2013), online: Wuft <http://www.wuft.org>.

[94] *Ibid*.

[95] *Supra* note 4.

[96] "Nova Scotia announces task force to examine prevalence of cyberbullying", *The Globe and Mail* (06 April 2011), online: The Globe and Mail <http:// www.theglobeandmail.com>.

parents.[97] Yet after the release of the report, little had been done to implement the recommendations, let alone consider the growing research on cyberbullying.[98] Shortly after the report, the province was shaken again by the suicide of Rehtaeh Parsons. This time, the Nova Scotia government responded by hastily introducing the *Cyber Safety Act,* dubbed "Rehtaeh's Law", in August 2013.[99]

In the United States, similar coping mechanisms can be seen by the government of Maryland. In Maryland, where its anti-bullying legislation previously did not include cyberbullying, a bill was introduced and named "Grace's Law" in honour of a teenager who died by suicide after being bullied online.[100] The cyberbullying bill received the Senate's approval in October 2013, and was hailed as "landmark legislation" like Nova Scotia's *Cyber Safety Act.*[101] Now, cyberbullying someone under the age of eighteen is a misdemeanor offence in Maryland, resulting in a fine up to $500, up to one year in prison or both.[102] When the new cyberbullying law was introduced, Maryland also launched a new project with Facebook, whereby schools will have a direct channel to the social media giant to report any offensive online activity of their students.[103] The project will allow schools to police their students' activity on Facebook and take down any comments that school officials "consider hurtful and lacking in 'redeeming societal value'".[104]

While it is too early to see the effectiveness of the new cyberbullying laws, they have already been garnering much criticism, both before and after its enactment. First, the new cyberbullying laws in Nova Scotia and Maryland fail to recognize the major finding of the Task Force Report, as well as other research on cyberbullying: there is no easy solution to the issue.[105] Responding by legislating is a quick fix, and one that must be avoided. As Kids Help Phone explains, "Criminalization of bullying and cyberbullying will not put an end to it. What we really have to do is foster an

---

[97] *Supra* note 47.

[98] Wayne Mackay, "Nova Scotia has a plan to fight cyberbullies. It's time to put that in place", *The Globe and Mail* (23 April 2013), online: The Globe and Mail <http://www.theglobeandmail.com>.

[99] *Supra* note 43.

[100] Blair Ames, "Grace's Law, a cyberbullying bill, called 'landmark legislation'", *The Baltimore Sun* (11 April 2013) online: The Baltimore Sun <http:// www.baltimoresun.com>.

[101] *Ibid.*

[102] *Ibid.*

[103] Liz Bowie, "Facebook and Md. schools partner to combat bullying", *The Baltimore Sun* (03 October 2013), online: The Baltimore Sun <http://www.baltimoresun.com>.

[104] "Maryland tops off awful cyberbullying law with direct line to Facebook to remove content 'without societal value'", (11 October 2013), *Above the Law* (blog), online: Above the Law <http://abovethelaw.com/2013/10/maryland-tops-off-awful-cyberbullying-law-with-direct-line-to-facebook-to-remove-content-without-societal-value>.

[105] *Supra* note 47 at 1.

atmosphere of caring, so all vulnerable youths can learn and live in safe and encouraging environment".[106]

The fact that these laws "might put some minds at ease" reinforces the idea that they are mere coping mechanisms.[107] Because "good legislation seldom comes in the heat of emotion, in the high passion surrounding some public, and often tragic event", the cyberbullying laws of Nova Scotia and Maryland will arguably become another ameliorative attempt at the issue, rather than having an ameliorative effect.[108]

Besides the criticism that Nova Scotia's *Cyber Safety Act* is too broad, the biggest concern is that they are not proactive, and thus, do not get to the core of the issue. While the Task Force Report did suggest that legislative response can be "one part of a campaign to expose bullying as behaviour that, to use common parlance, is definitely not cool," the Act is not based on the principles that the Task Force recommended – that is, principles of restorative justice and education.[109] There is not a single provision in the Act that focuses on education. Instead, the Act allows victims to apply for a protections order, to sue a cyberbully, to hold the cyberbully's parents responsible and to contact the CyberScan Unit to file a complaint.[110]

These are reactive provisions. They become available and applicable only after an alleged cyberbullying incident has already taken place. While it can be effective in stopping the incident from continuing, can it be effective in stopping cyberbullying from happening in the first place? Justice Minister Ross Landry claimed that the Act sends a clear message: "Cyberbullying is a serious act with serious consequences. Think before you text".[111] Think about what will happen to you, the perpetrator, after you send a text, or think about what will happen to the victim, how the victim will feel, after you send a malicious text? While the Act purports to better protect young people, it erroneously shifts the attention to the repercussions of being a cyberbully, rather than on the education that will foster respectful relationships and will teach one not to become a cyberbully in the first place.

In addition, by holding parents liable if the cyberbully is a minor, the Act fails to understand that cyberbullying must be dealt by all members in the community, and to not just shift the responsibility solely on the parents. Putting all the responsibility on the parents can also worsen the situation, as legal sanctions could "pit the child against the parents" for "the child will be in trouble even further, perhaps for getting

---

[106] "PREVNet Partner Kids Help Phone: No Quick Fix to Bullying & Cyberbullying", (October 25th 2013) *PREVNet* online: <http://www.prevnet.ca>.

[107] *Ibid*.

[108] Marq de Villers, "Laudable Aim, Questionable Law", (22 August 2013), *PEN* (blog), online: PEN <http://www.pencanada.ca>.

[109] *Supra* note 47 at 49.

[110] *Supra* note 47 at 62.

[111] Justice/Education and Early Childhood Development, News Release, "Province Offers More Protection for Cyberbullying Victims" (7 August 2013), online: Nova Scotia <http://www.novascotia.ca>.

the parent into trouble".[112] Imposing liability on parents thus becomes another coping mechanism, one that is deflecting the government's attention away from turning to more proactive, effective mechanisms: "While parents need to understand that the technology they give to their children can be used to break the law can inflict harm, this type of law isn't the way to go about enforcing the understanding".[113]

As a result, while it is much too early to tell the impact the *Cyber Safety Act* has on cyberbullying, because the Act ignores the research by experts, even by its own provincial Task Force that emphasized cyberbullying as a social issue that is best approached through educational means with the involvement of the whole community, it is heading towards the direction of becoming yet another coping mechanism for the government.

The same criticisms can be found in Maryland's new cyberbullying law and partnership with Facebook. Senate Allan Kittleman stated that he "expects the law to be a proactive tool for law enforcement" and that "once someone is confronted with the possible charges by law enforcement, they will end their bullying".[114] Again, the Senator fails to note that "Grace's Law" is a reactive tool for law enforcement. Studies show that law does not have such deterrent effect, for "potential offenders often do not know of the legal rules. Even if they do, they frequently are unable to bring this knowledge to bear in guiding their conduct, due to a variety of situational or social factors".[115]

What better description applies to the adolescents and young teenagers hiding behind their smartphones and sending off messages without realizing not only the social implications, but also legal ones? What about the situational and social factors that are applicable to young people, such as peer pressure, acceptance and revenge? Would such factors not have an effect even though they may be aware of the law, and the legal ramifications?

In regards to Maryland's partnership with Facebook, it too is a reactive approach. With new apps being developed on a daily basis, monitoring the students' online activity only on Facebook will teach them which sites to avoid, rather than dissuading them from engaging in cyberbullying behaviour. As Slovak explains, "bullies constantly find new sites to use", making it impossible to keep up with the shifting popularity of social media sites and apps. [116] Maryland's responses to cyberbullying are thus heading towards the same direction as Nova Scotia. This raises

---

[112] *Supra* note 38.

[113] Elizabeth Eaton, "Parents should not be held liable for cyberbullying", *Daily Wildcat* (5 November 2013), online: Daily Wildcat <http://www.wildcat.arizona.edu>.

[114] *Supra* note 100.

[115] Paul Robinson & John Darley, "Does Criminal Law Deter? A Behavioural Science Investigation", online: (2004) 24:2 Oxford J Legal Studies at 1 <http:// www.oxfordjournals.org>.

[116] Kelly Byer, "Bullies lurk on new, little-known sites", *Canton Rep* (16 November 2013), online: Canton Rep <http://www.cantonrep.com>.

a major concern because the government is responding in ways that not only control their own fear of cyberbullying, but also alleviate the public's fear of cyberbullying, rather than effectively addressing the social issue.

(C) Stage 3: Increasing National Prevalence of Cyberbullying and Deaths of Cyberbullying Victims

The last level of the hierarchy for the government consists of a growing prevalence of cyberbullying in the country, as well as the number of cyberbullying victims dying by suicide. At this stage, cyberbullying becomes a national issue and thus, engages the federal government. Common coping mechanisms at this stage involve enforcing stricter laws and sanctions. In Canada, the Harper Government addressed cyberbullying in 2013 after Rehtaeh's death:

> I think we've got to stop using just the term bullying to describe these things. Bullying to me has a connotation of kind of kids misbehaving. What we are dealing with in some of these circumstances is simply criminal activity.[117]

The federal government's involvement soon led to proposals to amend the *Criminal Code*.[118] Another task force was created that was inspired by Rehtaeh's story, this time involving the federal, provincial and territorial governments on cyberbullying and the non-consensual distribution of intimate images. [119] The Report concluded that "existing *Criminal Code* offences generally cover most serious bullying behaviour and a new specific *Criminal Code* offence of bullying or cyberbullying is not required", but recommended a new offence prohibiting the non-consensual distribution of intimate images, with a maximum penalty of five years imprisonment on indictment and six months imprisonment on summary conviction.[120] As a result, in November 2013, Bill C-13, also known as the Protecting Canadians from Online Crime Acts, was introduced.[121]

While Bill C-13 was introduced as a national cyberbullying legislation, and does give the police more expansive powers to access to online information, it is nevertheless another coping mechanism when it comes to cyberbullying. This is because the title and scope of the legislation merely claims to focus on cyberbullying. A closer look reveals that cyberbullying is a small part, and there is greater focus on "unrelated things all under the banner of [cyberbullying]".[122] As seen with Nova

---

[117] "Stephen Harper 'sickened' by Rehtaeh Parsons story", *CBC News* (11 April 2013), online: CBC <http://www.cbc.ca>.

[118] Bill C-273, *An Act to amend the* Criminal Code (Cyberbullying), 1st sess, 41st Parl, 2013.

[119] CCSO Cybercime Working Group, *Cyberbullying and Non-consensual Distribution of Intimate Images*, (2013) at 2.

[120] *Supra* note 119 at 2 and 20.

[121] Bill C-13, *Protecting Canadians from Online Crime Act*, 2nd sess, 41st Parl, 2013.

[122] Andre Mayer, "New cyberbullying law has 'larger agenda", *CBC* (21 November 2013), online: CBC <http://www.cbc.ca>.

Scotia's *Cyber Safety Act*, the new bill shifts the attention away from effective responses to the cyberbullying, for it "focuses on criminal and punitive measures instead of attitudes and actions of cyberbullies themselves".[123]

Other critics are skeptical about responding to a "social dysfunction" through criminal law.[124] Lidsky and Garcia contend that "reflexive criminalization in response to tragic bullying incidents has led law-makers to conflate cyberbullying as a social problem with cyberbullying as a criminal problem with pernicious consequences".[125] As a result, relying on criminal law becomes another coping mechanism, for it is "ineffective" and a "blunt instrument with which to respond to this social problem".[126] Criminalizing cyberbullying is especially prone to blocking more effective reforms, thereby misleading the government into thinking that they have the issue under control.

Despite the government's attempt to "close the gaps" in the law by creating a new offence, they fail to address another gap, one that exists between the offence and the perpetrators, as young people think that "nobody outside of their circle of friends will see [their online activity]".[127] The chief policy adviser at UNICEF Canada urges that "we need to recognize that a good number of cyberbullies are really children or young people themselves, and that when they carry out this kind of behaviour in many instances they don't understand the impact of what they are doing".[128] Similarly, criminologist Nadine Connell stresses that "if history is any indication, the use of the criminal justice system as a punishment for bullying might not be beneficial to either victim or aggressor, especially because the youngest offenders fare poorly in our overburdened system".[129]

While it is, again, too early to see the effectiveness of responding through criminal law, what is clear is that it is another way to shift to focus away from the social factors that produces cyberbullying. It is equipping the law enforcement with more investigative tools, rather than equipping members of the public, especially young people, with better knowledge and understanding of cyberbullying. It is yet another reactive, rather than a proactive solution, and thus, a coping mechanism.

---

[123] Andre Mayer, "Cyberbullying bill won't stop online taunts, critics say", *CBC* (27 November 2013), online: CBC <http://www.cbc.ca>.

[124] Lyrissa Lidsy & Andrea Garcia, "How Not to Criminalize Cyberbullying", online: (2012) Missouri Law Review at 693 <http://www.ssrn.com>.

[125] *Supra* note 124 at 697.

[126] Marco Oved, "Rape Culture: What do Steubenville, Rehtaeh Parsons and frosh chants have in common?", *The Star* (19 October 2013), online: The Star <http:// www.thestar.com>.

[127] Christian Dem, "Why I believe the names of Rebecca Sedwick's bullies need to be published", *Daily Kos* (18 October 2013), online: Daily Kos <http:// www.dailykos.com>.

[128] Janet Davidson, "Can cyberbullying laws really work?", *CBC* (12 August 2013), online: CBC <http://www.cbc.ca>.

[129] Mike Riggs, "Criminalizing cyberbullying could ruin more lives than it'll save", *The Atlantic Cities* (25 October 2013), online: The Atlantic Cities <http:// www.theatlanticcities.com>.

Because of the United States' heavier and earlier involvement in anti-bullying legislation, President Obama spoke on cyberbullying in 2011, recognizing that "this isn't an issue that makes headlines every day, but it affects every single young person in our country".[130] With their own share of cyberbullying victims, and the state governments have been more active in responding the situation than the federal government. Currently, there has been no federal response to cyberbullying or a national legislation of offence that addresses the issue, but there has been public cry for the federal government's involvement, especially in the wake of Rebecca Sedwick's death. Senator Bill Nelson is currently in the process of pushing a federal bill on cyberbullying.[131] While Canada is a step ahead in addressing cyberbullying on a national scale, the United States must be cautious not to implement laws that become a mere coping mechanisms to the issue.

4. "Better Education" – What Does That Look Like?

Education as the most effective response to cyberbullying has been suggested many times. However, as much as it is important to educate the young people about the harms of cyberbullying, it is equally crucial to educate the adults who are going to educate them: the parents, the teachers and the government. Hinduja and Patchin identify the following as one of the biggest challenges in the fight to stop cyberbullying:

> Parents often say that they don't have the technical skills to keep up with their kids' online behaviour; teachers are afraid to intervene in behaviours that often occur away from school; and law enforcement is hesitant to get involved unless there is clear evidence of a crime or significant threat to someone's physical safety. As a result, cyberbullying incidents often slip through the cracks.[132]

It is only after the adults are equipped with the proper, effective tools that a fight with cyberbullying can begin. These tools can be put together by addressing the gaps in the coping mechanisms that have been revealed by the anxiety hierarchies, and must be supplemented by education. However, it is not just education, but better education, focused primarily on proactive participation and long term goals that address the root of the problem. This is because short term goals are often illusory victories. In fact, the *Report of the Nova Scotia Task Force on Bullying and Cyberbullying* recommends many proactive solutions that can be adopted by other provinces and even the states, where appropriate.

(A) For Parents: Be Literate in Technology and Cyberbullying Issues in Order to Have Meaningful Discussions with the Child

---

[130] Zachary Sniderman, "President Obama Fights Bullying on Facebook", (9 March 2011), *Mashable* (blog), online: Mashable <http://mashable.com/2011/03/09/president-obama-cyber-bullying>.

[131] "Senator Bill Nelson pushing for federal crackdown on cyberbullying", *Click Orlando* (20 September 2013), online: Click Orlando <http://www.clickorlando.com>.

[132] Cyberbullying Research Centre, "Cyberbullying Laws", *supra* note 53.

Better education for parents means first and foremost sitting down with their child and having a serious conversation about cyberbullying, regardless of whether they believe their child would never be involved in cyberbullying incidents, and regardless of whether their child is displaying any of the warning signs. Recent media coverage of the deaths of cyberbullying victims can be a starting point of the discussion.

But in order for parents to be able to carry out a meaningful discussion with their child, they must first be educated about the issue. They must stop using their "digital immigrant" status as an excuse and understand the ways their child interacts online. If the cyberbullying guidelines they have been provided with seem too simple or general, parents must seek clarity as soon as possible, rather than waiting for an incident to arise that forces them to ask questions. Parents must take initiative in asking for additional guidance in understanding cyberbullying, as they are best positioned to identify the gaps in the information that is readily available online. It is urgent for parents to be fully and properly equipped with the most current and effective resources, for recent studies found that young people are increasingly reaching out to family members after being bullied online.[133]

Most importantly, maintaining an open communication with the child is key, for it allows and encourages parents to address the social issue with social responses, such as fostering stronger relationships and trust with their own child.

(B) For Educators: Have Effective School Policies and Lessons That Address Cyberbullying In Relation To Its Own School, Rather Than Cyberbullying as a Broader Issue

For teachers, effective education about cyberbullying must start during their teaching degree.[134] Courses must be offered that focus solely on bullying and cyberbullying, in order to emphasize the significance of the issue. Teachers who have been in the field long before the emergence of cyberbullying must continue to receive training, not just to be informed about cyberbullying, but to also draw their attention to bullying as a whole. Existing teaching modules and lesson plans on cyberbullying must be frequently updated to get rid of outmoded language and outdated information. Rather than merely teaching students about what cyberbullying is and what it looks like, lessons must engage students with the issue.

School administrators must also revisit policies on cyberbullying, not only to make sure that teachers know how to apply them, but also to augment them to include or emphasize the educative side of the issue. In addition, cyberbullying must be dealt by everyone in the school, and not just teachers and principals. As Nigum explains, in order for cyberbullying policies to be effective, it is crucial that "educators must stand

---

[133] "More young people reporting cyberbullying to parents", *CBC News* (24 October 2013), online: CBC News <http://www.cbc.ca>.

[134] *Supra* note 47 at 93-94.

firm and remain consistent," including the "entire staff, facility managers, secretaries and para-professionals".[135]

Schools must also recognize that succumbing to scare tactics, such as monitoring the students' online activities and designing policies that address disciplinary procedures to cyberbullying, can only do so much. Rather than spending funding on online monitoring services or researching cyberbullying in general, it should be spent on new findings and updating current knowledge on the issue. The full effect of utilizing the new information can only be realized if schools focus on its own students, parents and staff to find out the gaps.

Effective education will consist of concentrating on the gaps in existing policies, and building responses that are specifically tailored to them as soon as they are known. It will avoid feeding repetitive information, and will also avoid focusing solely on reactive measures. For each school, what "better education" entails will be different.

(C) For the Government: Educative Response Before Legislative Response

For the government, there must be no more time and money wasted on creating more task forces releasing government reports. As Professor Mackay urges, "the time for reviews and studies has passed. No more young students should die before the government acts".[136] In fact, the Pepler and Milton report shows that reviews often result in repetitive recommendations, as its report did not particularly add anything new to the current knowledge of the issue, as its recommendations are essentially the same as the ones that the Task Force released a year before.[137]

Instead, a proactive response that takes form in better education involves the government seriously considering the existing reports and research. The government must educate itself on cyberbullying before developing laws and policies. Policymakers need to "have better understanding of how people, especially teenagers, view and use social media sites".[138] This also means that young people, who will be the people primarily be affected by any new laws, must be involved and consulted. In order for any new cyberbullying law to have teeth, the government must fully understand the complexities of the issue before drafting any new legislation.

A proactive, educational response from the government can also come in the form of funding. While the Canadian government's recent pledge of $100,000 to cyberbullying in honour of Price George's birth is definitely a step towards the right direction, the funding must be not be spent on issues that have already been identified,

---

[135] Hemanshu Nigam, "Choosing the right anti-bullying program", *Huffington Post* (29 August 2013), online: Huffington Post <http://www.huffingtonpost.com>.

[136] *Supra* note 98.

[137] *Supra* note 57.

[138] *Supra* note 123.

but on checking the efficacy of the anti-cyberbullying mechanisms that have been implemented so far, and on new issues that have emerged in order to educate society as a whole.[139] The effects of anti-cyberbullying campaigns must in particular be researched in light of the recent finding questioning its effectiveness.[140]

Most importantly, because the government is best positioned to coordinate the efforts of the parents and the educators, it must dispel the popular public's misconception that stricter laws get to the core of the issue. Using the law to raise awareness of the issue is no longer needed, as there is evidence there is a growing awareness.[141] While as elected representatives they have a duty to listen to the public's views, they also have a duty better protect the public. They must stop exploiting the issue as a political mandate, but rather, approach it as a social, educational and national mandate, one that will arguably yield proactive results and lessen the search for solutions to cyberbullying.

CONCLUSION

Every news report on the death of a cyberbullying victim is followed by more questions than answers. Where were the parents? The school? The government? Why is this still happening? But viewing the parental, educational and governmental responses as coping mechanisms under a systematic desensitization framework help illustrate why young people are continuing to fall through the cracks.

While there has been progress in raising awareness of the issue, many of the responses so far have merely been coping mechanisms because they are inadequate, incomprehensive, outdated and reactive. They are Band-Aid solutions that do not address the core of the issue. These responses are increasingly misleading the parents, educators and the government into thinking they are appropriately handling the issue as it worsens, all the while deflecting their focus from proactive and educational responses.

Responses to cyberbullying must now deal with the very reasons why they are or have become coping mechanisms. Furthermore, it cannot be stressed enough that cyberbullying is a relational and social issue that must proactively involve all members of the community. Cyberbullying must not be dealt with by coping mechanisms that provide momentary and illusory relief, but by effective education to empower parents, educators and the government, who will in turn, provide effective education to empower their child, students and young citizens.

---

[139] "Harper government pledges $100K in Prince George's name to fight cyberbullying", *The Winnipeg Sun* (20 November 2013), online: The Winnipeg Sun <http:// www.winnipegsun.com>.

[140] Margaret Wente, "Are bullying laws even helping?", *The Globe and Mail* (29 October 2013), online: The Globe and Mail <http://www.thegloebandmail.com>.

[141] *Supra* note 133.