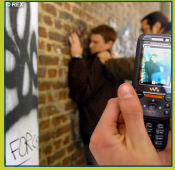


the PLIAN notebook

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PROVIDING NEWFOUNDLANDERS & LABRADORIANS WITH PUBLIC LEGAL EDUCATION AND INFORMATION SERVICES WITH THE INTENT OF INCREASING ACCESS TO JUSTICE.



PUBLIC LEGAL INFORMATION
Association of NL

BULLYING: It's Not Cool

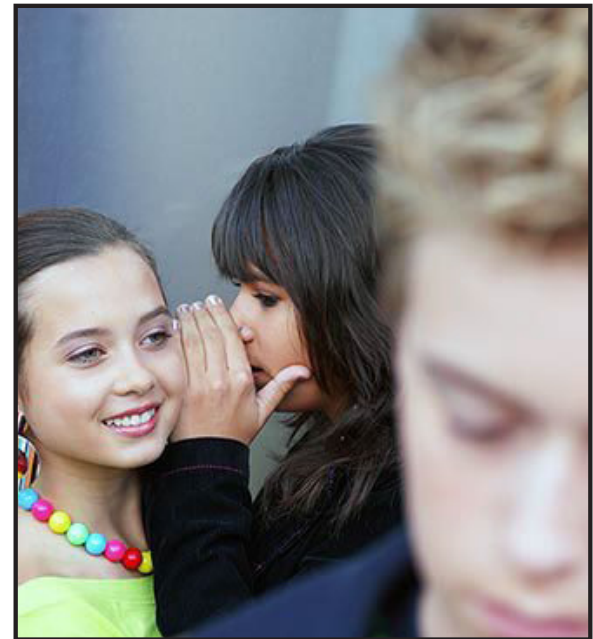
For many youth, school brings with it more than the usual anxiety about grades, dating and fitting in. For some, school is an unbearable environment of bullying. In the past, youth, parents, and sometimes even teachers viewed bullying as a normal part of growing up – today, this is the case less and less.

Parents and teachers are increasingly recognizing bullying for what it is – abusive situations which are often violent, and sometimes criminal. While many myths still exist – ‘a little bullying builds character’, ‘kids will be kids’, ‘sticks and stones will break your bones but names will never hurt you’ – education on bullying is becoming increasingly available. The provincial Department of Education has an entire division dedicated to ensuring a safe school experience (see ‘Safe and Caring Schools’ on page 4). The RCMP recognizes bullying as a serious trend, dedicating money and knowledge to combating the issue (the website www.deal.org is operated jointly by the RCMP, the Government of Canada,

and the RCMP Foundation, and offers information and resources on bullying, internet safety, and more).

With the ever-increasing spotlight on bullying, there is a positive shift in attitude, but much work remains. The Kids Help Phone reports that 6% of the requests they received for counselling in 2010 were in relation to bullying. That equates to over 13,500 counselling contacts (of the total 225,622). Considering that many acts of bullying still go unreported or kept quiet, the actual number is likely much higher.

The message in all bullying education remains the same – SPEAK UP! If you witness bullying, report it. If you are a bully, consider the lifelong effects not only on the person you’re bullying, but also on you (read ‘The Legal Implications of Bullying’ on page 2). If you’re a victim of bullying, speak to somebody you can trust – a parent, teacher, guidance counsellor, police, or a service such as Kids Help Phone (www.kidshelpphone.com).



Disclaimer: The information provided in this publication is general in nature and is not intended as legal advice. We strongly suggest you speak to a lawyer if you need legal advice.

BULLYING: The Legal Implications

Most people are aware that bullying is mean-spirited and considered wrong by most people. What many people don't know is that bullying is not only morally wrong, it can also be legally wrong.

Under the *Youth Criminal Justice Act*, a youth is considered legally responsible at the age of 12. That means that once a youth turns 12, s/he can be arrested, charged with a crime, and sentenced (punished) if found guilty.

Many people think that bullying is an issue that is limited to school, and that beyond punishment within the school, there are little or no consequences. While a school may exact its own form of punishment (which can range from relatively minor detention to much more serious suspension or expulsion), when an act of bullying crosses the line and becomes a crime, the justice system becomes involved.

For an act of bullying to be considered a crime, it must be an offence included in the *Criminal Code of Canada*. Some common offences that are committed by bullies include:

- **Common Assault** (section 265) occurs when a person intentionally applies force, attempts to apply force, or threatens to apply force (either directly or indirectly) to another person. Examples may include punching, slapping, kicking or spitting on somebody
- **Assault with a Weapon** (section 267) is the actual or threatened use of a weapon while committing an assault, or carrying a weapon while committing an assault. What is considered a weapon may surprise you. Many people assume

weapons are just things like guns and knives, but in fact, a weapon is any object used for the purpose of threatening or harming another individual. A book, a cell phone, or an apple can all be considered weapons.

- **Mischief** (section 430) is the intentional destruction of or damage to property, or the interference with a person's use, enjoyment of operation of their property. Examples of mischief include graffiti and other forms of property damage.

- **Uttering Threats** (section 264.1) occurs when a person threatens to cause death or bodily harm to another person, threatens to cause damage to their property, or threatens to harm their pet. An important fact to remember is that a person doesn't have to 'utter' (speak) the threat to be charged with this - threats posed through Facebook, Twitter and texting can all be considered criminal offences.

Exactly what happens to a person charged with bullying crimes depends on a number of factors such as the crime committed and the history of the bully. Often, a person will be arrested and charges laid by police. If a person pleads not guilty to charges, a trial will take place. If found guilty (or if the accused person pleads guilty), a judge will then decide what the appropriate sentence will be. Sentences can range from community service to custody.

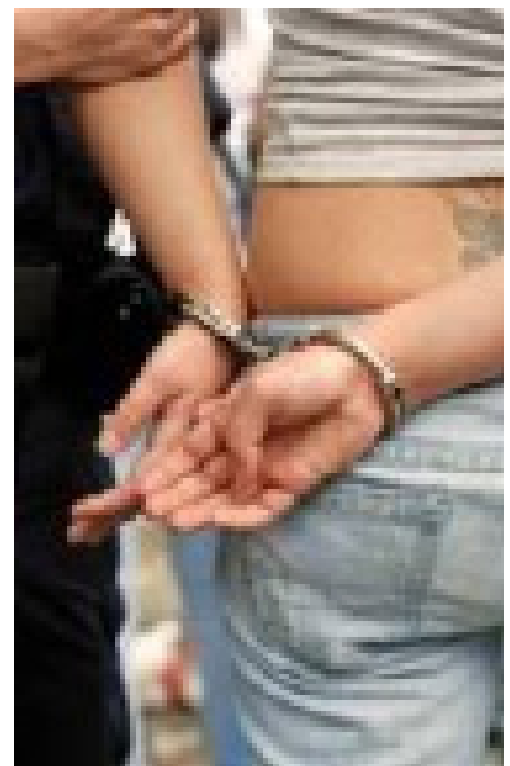
In addition to serving a sentence, a person found guilty of crimes in relation to an act of bullying will have a record of their crimes. People aged 12-18 will receive a **youth record**, which is a document containing details of the offence along with the date of conviction and is kept on file by the courts and police. This is a document that, under certain circumstances (such as the age of the offender at the time of conviction, and the length of the sentence) can last past

youth into adulthood. If a person with an existing youth record commits a crime, the youth record then becomes part of a person's **criminal record**, which is a more serious document. A person with a criminal record may find that the record impedes their ability to gain employment, volunteer experiences, and even inhibits travel outside of Canada.

One should note, however, that it is possible to gain a second chance. Should a youth not commit additional crimes, then the youth record will close after a period. And an adult with a criminal record can apply for a **pardon** through the Parole Board of Canada.

For more information on pardons, visit the website of the Parole Board of Canada at www.pbc-clcc.gc.ca

For more information on how a bully can face the legal system, contact PLIAN at 1-888-660-7788 or info@publiclegalinfo.com





Message from the Executive Director

Public Legal Information Association of Newfoundland and Labrador (PLIAN) is a registered charity, existing since 1984. PLIAN is dedicated to increasing access to justice by educating Newfoundlanders and Labradorians about the law and the legal system. PLIAN is the Newfoundland and Labrador member of Public Legal Education Association of Canada (PLEAC).

This fall found PLIAN busy with new and continuing projects. Our continuing French project aimed at increasing access to justice for Francophone Newfoundlanders and Labradorians by delivering presentations on the law in French. Our new project

“Reaching out to Victims of Violence: Using Webinars to Provide Legal Information to Service Providers,” will create and deliver webinars to disseminate legal information to service providers working with victims of crime. Both of these projects are funded by Canada. Our new project, “Law and Justice Camps for Youth,” is funded by the Community Foundation of Newfoundland and Labrador. Through seminars on the justice system, including the legal consequences of bullying, this project aims at awareness, prevention and intervention. In this issue of our newsletter, you will find information on bullying. We hope you find this newsletter informative.

Best regards,

Maria Kyriacou

Bullying: It's Not Child's Play

Many people associate bullying with youth. The fact is, any unwanted, repeated, abusive behaviour is bullying, regardless of the age of the victim. Bullying can and does happen at post-secondary school, in the workplace, and during adult's recreational activities.

There are steps an adult can take if s/he is being bullied. If the bullying happens at **work**, the victim's first step should be to tell the bully to stop (it may be useful to have a supervisor present). Victims of bullying are also encouraged to keep a journal of events and record the date, time and details of what happened along with the names of any witnesses. The harassment should then be reported to a supervisor or manager. Proceed to higher management if your complaint is not taken seriously.

If you are an employer, you should consider implementing a **violence prevention program** in your workplace.

If a person is being bullied at **school**, the same steps should be followed. Confronting the bully may be enough to halt the harassment. If not, the behaviour should be reported to the school dean/principal and campus enforcement. Many schools have policies in place to deal with harassment; check your school's policy manual to familiarize yourself with their plan.

Bullying during one's **spare time** is a little harder to report, but should not be ignored nevertheless. As with at school or work, the bully should first be told to stop. Someone in a su-

pervisory position, such as a coach or instructor, should be informed of the situation. Since recreational activities may not have policies in place to deal with harassment, it may be necessary to involve police should the behaviour become criminal.

For more information on bullying in the workplace, visit the Canadian Centre for Occupational Health and Safety's website at www.ccohs.ca



DOES YOUR SCHOOL NEED A BULLYING PRESENTATION?

Back in 2007, PLIAN developed a presentation called 'The Legal Implications of Bullying'. Since then, we have delivered the presentation to close to 2000 students in elementary and junior high school.

If you would like PLIAN to visit your school or workplace to deliver this presentation free of charge, please contact us!

1-888-660-7788 or
projects@publiclegalinfo.com

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“HERE & THERE”

New Acting Executive Director Joins PLIAN

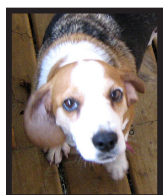
The summer has been a whirlwind here at PLIAN!

First, we bid farewell to Executive Director, Kristen O’Keefe, who has stepped down from PLIAN’s helm for a one year leave of absence. Kristen has been at the center of PLIAN’s operations for more than six years, and during her time here has made invaluable contributions. Whether she was creating innovative new projects or engaging in the community, Kristen has been hands-on and an amazing asset to PLIAN. We wish her much luck and happiness in her new endeavours!

With the departure of PLIAN’s ED comes the arrival of our new Executive Director (Acting) – Maria Kyriacou. Maria joins PLIAN fresh from an articling position with Stewart McKelvey. Maria holds an LL.B from the University of London. She received her accreditation in Canada from the University of Toronto. She also holds a B.A. from the University of Toronto, an M.A. from Columbia University, and an LL.M from the University of Edinburgh. She received graduate certificates in International Human Rights Law and Creative Writing from the University of Oxford. Maria will be called to the NL Bar on October 7th, 2011. We look forward to getting to know Maria and working with her as head of the PLIAN team in the coming months.

Also new to PLIAN is Avril Dymond. Avril joined the PLIAN team in August and will be responsible for the Francophone Project. Avril holds a B.A. from Memorial University and an LL.B from the University of New Brunswick, where she had the privilege of serving as Editor-in-Chief for the UNB Law Journal. She acceded to the bar in Newfoundland and Labrador earlier this year after completing her articles with the NL Legal Aid Commission. With her commitment to providing access to justice for Newfoundlanders and Labradorians, she is excited to be working for PLIAN as a project coordinator.

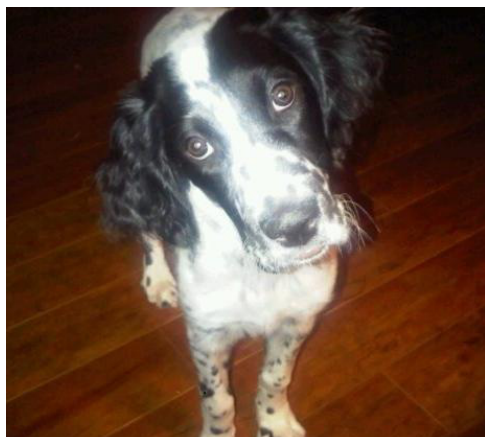
Finally, there are some congrats in order! PLIAN staffer (and former Board member) Meaghan Lake, along with her husband Barry, welcomed their third child on August 6th. William weighed in at 7lbs 2oz, and has already won the hearts of his older brother and sister (and Mom and Dad, too!). In other good news, long-time PLIAN volunteer Megan Sheppard has gained acceptance into the University of New Brunswick’s Faculty of Law. Best of luck with your studies, Megan!



LEGAL BEAGLE Puzzlers from PLIAN

Hi folks!

It’s Molly the ‘Legal Beagle’ back to puzzle you again. You may remember my friend Lucy, that cute English Setter from our winter edition. This time, Lucy’s little sister Daisy is joining us. Cute family eh?



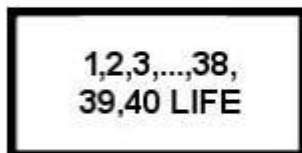
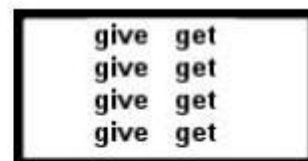
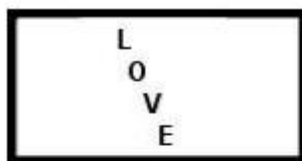
This edition, we thought we’d mix it up a little with some Rebus puzzles. They’re picture representations of common words or phrases.

For example,
Get it?

**HEAD
HEELS**

means ‘Head Over Heels’.

Now, you try. The answers are on page 6, but don’t peek!



CYBER BULLYING

Online Acts & Offline Effects

What is cyberbullying?

“Cyberbullying” is when a child, preteen or teen is tormented, threatened, harassed, humiliated, embarrassed or otherwise targeted by another child, preteen or teen using the



Internet, interactive and digital technologies or mobile phones. It has to have a minor on both sides, or at least have been instigated by a minor against another minor. Once adults become involved, it is plain and simple cyber-harassment or cyberstalking.

The methods used are limited only by the child’s imagination and access to technology.

How cyberbullying works

There are two kinds of cyberbullying, **direct attacks** (messages sent directly) and cyberbullying **by proxy** (using others to help cyberbully the victim, either with or without the accomplice’s knowledge). Take for example the rapid spread of images on the internet, thanks to high tech gadgets at kids’ disposal. Just a click of a button enables the posting and sharing of photos or videos that exploit or embarrasses a person. This can often involve very damaging and serious consequences for both the bullied and the bullies.

Cyberattacks can wound a child easily and have a lasting effect. These attacks follow them into your otherwise safe home and wherever they go online. And when up to 700 million accomplices can be recruited to help target or humiliate your child, the risk of emotional pain is very real, and very serious.

Understanding and preventing cyberbullying

Cyberbullying is different from traditional schoolyard bullying because the bully’s tactics are so different and so far-reaching. These bullies are often a different demographic than typical bullies. Educating young people about the consequences of cyberbullying (losing their internet access, instant message accounts, social media accounts, smart phones, laptops) can help. Teaching them to respect others and to take a stand against bullying of all kinds helps too.

Find out more at <http://www.stopcyberbullying.org>

SPOTLIGHT:

In this edition, we are pleased to highlight the following initiatives:



Safe and Caring Schools

Department of Education

The Department of Education is a partner in the [Violence Prevention Initiative \(VPI\)](#) of the Government of Newfoundland and Labrador.

In support of this initiative, the [Student Support Services Division of the Department of Education](#) has established a Safe and Caring Schools Initiative to promote safe and caring learning environments and to be pro-active/preventative in addressing violence issues.

For more information, please visit the Safe and Caring Schools webpage at:

<http://www.ed.gov.nl.ca/edu/k12/safeandcaring/index.html>

For more information on the VPI, visit :

<http://www.gov.nl.ca/vpi/>



Bully Help Initiatives

[Bully Help Initiatives](#) is an international organization focused on developing and implementing new, creative ways to address the issue of bullying.

Perhaps the most recognizable of their campaigns is ‘[International STAND UP To Bullying Day](#)’. International STAND UP to Bullying Day is a special bi-annual event in which people across the world who have signed a special “pledge shirt” join together in wearing them to send a loud, non-confrontational message of resistance to bullies, identify themselves to victims as a source of support willing to help and draw attention to the effects of bullying, and stimulate passive bystanders into action.

To learn more about Bully Help Initiatives and International STAND UP To Bullying Day, visit:

<http://www.bullyhelpinitiatives.com>

Questions & Answers

Bullying

Q. What is bullying?

Bullying is the repeated, systematic abuse of a group or individual. Bullying can be perpetrated by an individual or group. Bullying falls into two distinct categories - physical, and non-physical. Physical bullying is perhaps the form of bullying that most people automatically think about - it can include hitting, pushing, kicking or spitting. It may also include such actions as locking people in a locker, or throwing snowballs or spitballs at somebody. Non-physical bullying may include spreading rumours, teasing or taunting, alienating or isolating, or excluding somebody.

Q. Is bullying a crime?

'Bullying' is not defined as an offence in the *Criminal Code of Canada*, but many of the actions and behaviours that bullies use to abuse the victim *are* included in the *Code*. Common assault (such as hitting), assault with a weapon (such as throwing snowballs) and uttering threats (such as posting 'You're dead' on a Facebook wall) are all criminal offences that bullies could be charged with. It's best to think of bullying as a word to describe behaviours, and the behaviours themselves are what can potentially be criminal offences.

Q. Where does bullying occur?

While many people associate bullying with school, bullying can happen anywhere. While many acts of bullying happen at school (in class, on the playground, during recess and lunch, and during extra-curricular activities), bullying also occurs in the workplace, and during sports. There is no set location in which bullying can or cannot take place - an act of bullying can occur anywhere.

Q. I'm getting picked on at home. Can a family member be a bully?

Anybody can be a bully, and anybody can be a victim of bullying. People can get bullied at home - a child by a parent, a child by a sibling, and even a parent by a child. If you are the victim of bullying, speak to somebody - a counselor at school, a friend's parent, a friend you can trust. If you feel you are in danger, contact your local police and report the behaviour.

Q. What are the characteristics of a bullied person?

People who are bullied may be sensitive, socially withdrawn, anxious, passive or prone to depression. If a youth is being bullied, s/he may not want to go to school, may have lower than usual performance at school and may have trouble sleeping, including possibly experiencing nightmares or bedwetting. For more information on what to look for to tell if a person is being bullied, as well as how to talk about bullying, visit the RCMP/Government of Canada website www.deal.org/parents/bullying



PUBLIC LEGAL INFORMATION
Association of NL

1-888-660-7788 / (709) 722-2643
9 a.m.-12 p.m., Monday-Friday
info@publiclegalinfo.com

Legal Beagle Puzzle Answers (clockwise from top left)

- Falling in love
- Forgive and forget
- Red in the face
- Trail mix
- Split level
- Life begins at 40