Legal and Ethical Issues in Education: Focus on Bullying
• http://www.youtube.com/watch?v=8vxrEmxxGMM
• Should we take appropriate actions to prevent and address bullying because it is the right thing to do or because we are motivated by the threat of liability or litigation.
Whether you are a parent, student, educator, administrator, employer, or employee, consider the moral, ethical, and legal consequences associated with bullying and ask yourself whether you prefer to take action or to defend the cyberbully’s actions in court.
• Ethics are the means for determining what a society’s values ought to be.
Ethics is a set of standards, or a code, or value system, worked out from human reason and experience, by which free human actions are determined as ultimately right or wrong, good or evil. If acting agrees with these standards, it is ethical, otherwise unethical.
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Whether you are a parent, student, educator, administrator, employer, or employee, consider the moral, ethical, and legal consequences associated with bullying and ask yourself whether you prefer to take action or to defend the cyberbully’s actions in court.
Law is a code of conduct which the authority in power prescribes for society. It basically differs from ethics in its option to use force if and when necessary and by the fact that it is backed by power. Laws are, by and large, fair and moral. But it is not easy to accept that laws can be the foundations of ethics, or even that laws can ensure ethical behaviour.
There are many situations in life, where just following the law does not make one ethical.
• Ethics tells us what we should strive to develop in ourselves (high moral standards.)
Law tends to be more concerned with the consequences of the negative action - what punishment would follow, who is guilty and how shall justice be done.
The ultimate standards for deciding what we ought to do are ethical, not legal, ones.
Ethics: A group of moral principles or set of values that define or direct us to the right choice
THE CHILD PROTECTION POLICY OF THE DEPARTMENT OF EDUCATION
Mga Kahindik-hindik na Karanasan sa kamay ng mga Guro

- nung grade 3 ako, hindi ako magaling sa math, nagkaroon kami ng assignment, 0 nakuha ko, hindi naman ako tamad, hindi lang talaga ako magaling sa mga bagay na iyan. tapos, nagalit siya sa akin, pinahiya ako sa buong klase, sinigawan ako, pinagsabihan akong *****, kaya hanggang ngayon, dahil sa pangyayaring iyon, nawala na ang tiwala ko sa sarili ko, hindi ako makapagsalita sa harap ng maraming tao, trauma talaga yun.

kung saan man siya, sana wala siyang napahiyang estudyante, o sana, nasisante nalang siya, hindi siya nakakatulong sa pag-angat ng tao, kundi sagabal siya sa paglaki nila, lalo na pag bata pa sila.

kaya, para kay ms. ******, sana hindi rin ganyan ang pagtrato mo sa mga anak mo.
Mandate

Art. XV. Sec. 3(b). 1987 Philippine Constitution:
“the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development...”

Article XIV, Section 3, (b):
“alleeducationalinstitutions shall inculcate patriotism And nationalism,foster love of humanity, Respect for human rights...”
• “gives the school, its administrators and teachers, or the individual, entity or institution engaged in child care the special parental authority and responsibility over the minor child while under their supervision, instruction or custody”…..

• “Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or institution....”

**Article 218, 220, 233 of the Family Code of the Philippines and PD 603**
• Deped shall ensure that our schools are conducive to the education of children. The best interest of the child shall be the paramount consideration in all decisions and actions involving children. Teachers are their substitute parents and are expected to discharge their functions and duties with this in mind.

• DepED shall promulgate a zero tolerance policy for any act of child abuse, exploitation, violence, discrimination, bullying and other forms of abuse.
1. **Goal:**
effective implementation of a zero tolerance policy for any act of child abuse, exploitation, violence, discrimination, bullying and other forms of abuse.
2. PROHIBITED ACTS

1. Child abuse;
2. Discrimination against children;
3. Child Exploitation;
4. Violence Against Children in School;
5. Corporal Punishment;
6. Any analogous or similar acts; and
7. Bullying or Peer Abuse
[1] Many of the children who experience verbal abuse show anxiety, lack of concentration, thoughts of rejection, and low self-esteem among others, according to a 2006 study, “Parental Verbal Abuse: Culture-Specific Coping Behavior of College Students in the Philippines.”
2. A 2005 study by Save the Children showed that 85 percent of the children interviewed in cities of Caloocan and Cebu were being punished in the home, with spanking as the most common. Eighty-two percent said they were hit on different parts of the body.
According to a 2009 report of PLAN Philippines, a children’s organization, at least 5 out of 10 Filipino children in grades 1-3, 7 out of 10 in grades 4-6, and 6 out of 10 in high school have experienced some kind of violence in school.

It was discovered that violence – whether physical, verbal, or sexual – usually results in low self-esteem, fear, anger, and helplessness among children.
[3] A recent data of Plan Philippines showed that 500 to 800 child abuses each year are committed by teachers.

In 2006, CAPPI reported that half of the perpetrators in schools were teachers. A small percentage also included janitors, bus drivers, and other school personnel.
Bullying is a serious, insidious, and pervasive problem. It undermines the teaching and learning environment, increases mental health and behavior problems, diminishes school connectedness, and violates the right of students to receive equal educational opportunities in a safe environment.
Schools have an ethical and legal responsibility to prevent bullying of any kind to ensure school safety and promote positive behavior.
AN ACT DEFINING AND PENALIZING THE CRIME OF BULLYING AND CYBER-BULLYING

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SEC. 1. Title. This Act shall be known as the "ANTI-BULLYING ACT OF 2010."
Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
18th City Council

57th Regular Session

ORDINANCE NO. SP- 2157, S-2012

AN ORDINANCE PREVENTING ACTS OF BULLYING COMMITTED AMONG STUDENTS IN QUEZON CITY.
The Sangguniang Panlalawigan (SP) approved recently Provincial Ordinance No. 2012-06 entitled “Ordinansang Sinasawata ang Pag-iral ng Pananakot at Panduduro o ‘Bullying’ at anumang Kahalintulad nito sa lahat ng mga Paaralan, Pribado o Publiko man, sa Lalawigan ng Bulacan” (Ordinance Restricting the Prevalence of Harassment and Finger-pointing or ‘Bullying’ and the like in all Schools, either Private or Public, in the Province of Bulacan).
BULLYING
Bully (Amazing Animation)
BULLY

Big Ugly

Loner Losers

earning attention
14-year-old high school student in Batangas dies after being punched by schoolmate

Published: Aug 6, 2012 - 9:58am

ABS-CBNNews.com reports that Patrick Sayas—a 14-year-old student of the Fernando Air Base National High School in Lipa City, Batangas—"died after he was allegedly punched by an older schoolmate." According to the report, Sayas was reportedly "punched in the head by the 17-year-old suspect, whose identity is being withheld, last Wednesday, August 1."

After being punched, Sayas slipped into a coma because "a portion of his brain swelled." The report revealed: "He eventually died at the N.L. Villa Memorial Medical Center on Thursday, August 2." Sayas' father, John, says the school should be held responsible for his son's death as the incident happened on school premises. The report added that one of Sayas' classmates has said that the suspect had been bullying Sayas.
• 56% of students have personally felt some sort of bullying at school. Between 4th and 8th grade in particular, 90% of students are victims of bullying.
The most common reason cited for being harassed is a student's appearance or body size. 2 out of 5 teens feel that they are bullied because of the way that they look.
• 9 out of 10 LGBT youth reported being verbally harassed at school in the past year because of their sexual orientation.
1 in 4 teachers see nothing wrong with bullying and will only intervene 4% percent of the time.
A victim of bullying is twice as likely to take his or her own life compared to someone who is not a victim.
• One out of 10 students drop out of school because they are bullied.
• Physical bullying peak in middle school and declines in high school. Verbal abuse rates remain constant from elementary to high school.
Researchers feel that bullying should not be treated as part of growing up (with the attitude “kids will be kids”).
41% of principals say they have programs designed to create a safe environment for LGBT students, but only 1/3 of principals say that LGBT students would feel safe at their school.
• 57% of students who experience harassment in school never report the incident to the school. 10% of those who do not report stay quiet because they do not believe that teachers or staff can do anything. As a result, more than a quarter of students feel that school is an unsafe place to be.
• Schools with easily understood rules of conduct, smaller class sizes and fair discipline practices report less violence than those without such features.

Sources:  NASP
Make Beats, Not Beat Downs
“... the most deadly of all possible sins is the mutilation of a child’s spirit.” - Erik Erickson
Bullying is defined as an act of repeated aggressive behavior in order to intentionally hurt another person, physically or mentally. Bullying is characterized by an individual behaving in a certain way to gain power over another person.
1. Physical bullying
- when someone hits, shoves, kicks, spits, or beats up another person
- when someone damages or steals another student’s property
2. Verbal bullying
- name-calling, mocking, hurtful teasing
- humiliating or threatening someone
- making people do things they don’t want to do
Don’t laugh at me
3. Social bullying
- excluding others from the group
- spreading gossip or rumours about others
- making others look foolish
- making sure others do not spend time with a certain student
- mobbing, scapegoating, excluding from a group, humiliating others
Social bullying includes behaviours such as: rolling your eyes or turning away from someone, excluding others from the group, gossiping or spreading rumours, setting others up to look foolish, and damaging friendships.
Cyber bullying
• Cyber bullying can involve:
  • Sending mean, vulgar, or threatening messages or images;
  • Posting sensitive, private information about another person;
  • Pretending to be someone else in order to make that person look bad;
  • Intentionally excluding someone from an online group (Willard, 2005).
The effects of bullying can be serious and even fatal.
• The link between bullying and school violence has attracted increasing attention since the 1999 rampage at Colorado's Columbine High School.
The National Conference of State Legislatures said:

"In 2002, a report released by the U.S. Secret Service concluded that bullying played a significant role in many school shootings and that efforts should be made to eliminate bullying behavior."
Suicide

There is a strong link between bullying and suicide.

Bullying leads to several suicides every year.
Suicide project
<table>
<thead>
<tr>
<th>Syndrome reported</th>
<th>Number</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of confidence</td>
<td>10</td>
<td>Psychological</td>
</tr>
<tr>
<td>Loss of self-esteem</td>
<td>10</td>
<td>Psychological</td>
</tr>
<tr>
<td>Sleep problems</td>
<td>10</td>
<td>Behavioural</td>
</tr>
<tr>
<td>Stress</td>
<td>9</td>
<td>Psychological</td>
</tr>
<tr>
<td>Moodiness</td>
<td>8</td>
<td>Behavioural</td>
</tr>
<tr>
<td>Anxiety</td>
<td>6</td>
<td>Psychological</td>
</tr>
<tr>
<td>Lack of motivation</td>
<td>6</td>
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</tr>
<tr>
<td>Depression</td>
<td>5</td>
<td>Psychological</td>
</tr>
<tr>
<td>Tearfulness</td>
<td>5</td>
<td>Psychological</td>
</tr>
<tr>
<td>Lack of concentration</td>
<td>5</td>
<td>Psychological</td>
</tr>
<tr>
<td>Tension headaches</td>
<td>5</td>
<td>Physiological</td>
</tr>
<tr>
<td>Fatigue</td>
<td>5</td>
<td>Physiological</td>
</tr>
<tr>
<td>Stomach problems</td>
<td>5</td>
<td>Physiological</td>
</tr>
<tr>
<td>Impoverished sociability</td>
<td>5</td>
<td>Behavioural</td>
</tr>
<tr>
<td>Nausea</td>
<td>4</td>
<td>Physiological</td>
</tr>
<tr>
<td>Neck or shoulder aches</td>
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<tr>
<td>Aggression/anger</td>
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<tr>
<td>Tearfulness</td>
<td>2</td>
<td>Physiological</td>
</tr>
<tr>
<td>Minor infections – colds, sore throat</td>
<td>2</td>
<td>Physiological</td>
</tr>
</tbody>
</table>

Table IV. Health effects of bullying as perceived by the interviewees (n = 10)

Note: Respondents ticked multiple types of syndromes
Stop Cyber bullying
• Children today are more aggressive.
• Marriages today are weak.
• Children today are angry.
• Children today are being bullied by parents.

http://www.oprah.com/relationships/How-to-Handle-Bullies
Some Facts about Bullying:

People Who Bully:
May do it because they are
Angry
Frustrated

People Who Are Bulled:
May keep to themselves,
This makes them easier targets than people who are
surrounded by friends.
If people who bully think someone is weaker, they
may target that person.
Or, they may target someone they are jealous of.

Bullying Can Happen:
At a school or
on the school bus
At a park or playground
At home
In “cyberspace”
Why Should I learn about Bullying?

It’s a serious problem. It can lead to a lot of lasting pain and unhappiness.
How do Children become Bullies?
Figure 1 The Bully-Development Model

CULTURE
  ↓
COMMUNITY
  ↓
FAMILY DEMOGRAPHICS
  
CHILD'S PERSONALITY TRAITS
  ↓
DISRUPTED FAMILY MANAGEMENT
  ↓
WEAK CONVENTIONAL BONDING
  ↓
CHILD

HOSTILE PARENT/CHILD INTERACTION
  ↓
INCONSISTENT PARENTING
  ↓
TEMPERAMENT
  ↓
COGNITIVE ABILITY
  ↓
BULLYING BEHAVIORS
  ↓
REINFORCED BY PEERS
  ↓
IGNORED/SANCTIONED BY TEACHERS

Figure 5
The Bullying Circle
Students’ Modes of Reaction/Roles in Acute Bullying Situation

- **A**: The bully/bullies
- **B**: Follower/henchmen
- **C**: Supporter/passive bully/bullies
- **D**: Passsive supporter/possible bully
- **E**: Disengaged onlooker
- **F**: Possible defender
- **G**: Defender of the victim

- **A**: Start the bullying and take an active part
- **B**: Take an active part but do not start the bullying
- **C**: Support the bullying but do not take an active part
- **D**: Like the bullying but do not display open support
- **E**: Watch what happens, is none of my business, don't take a stand
- **F**: Dislike the bullying and think they ought to help (but don't do it)
- **G**: Dislike the bullying and help or try to help the one who is exposed, the victim
Factors for bullying behaviors

- Rejected or perceived negatively
- Lack of nurturing and emotional support

- Poor bonding
- Parental disharmony and conflict

- Harsh physical punishment to coerce or control the child
Passive Victim

Provocative victim

Vicarious victim
The Impact of Victimization on Psycho-Social Development

**Academic Problems:** a decrease in school performance, absenteeism, truancy, dropping out, lowered academic risk taking

**Peer Problems:** peer rejection, fear and avoidance of social situations, feelings of alienation, trouble making friends

**Health Problems:** inability to sleep, illness, bed-wetting, depression, stomach aches, headaches, nervousness, loss of appetite, frequent trips to nurse, stress

**Adjustment Problems:** withdrawn, loneliness, low morale, poor self-confidence, low self-esteem, suicidal ideation and attempts, and in extreme cases, homicidal ideation and attempts
Barriers to intervention within schools
WHAT CAN SCHOOLS DO TO COUNTERACT BULLYING?
• Never show fear before the bully.
• Make it clear to the bully that you will report her.
• Report the bully.
• Don't bully back
• Parents need to follow-up.

Solutions to Help Children Deal with Bullies
http://www.oprah.com/relationships/How-to-Handle-Bullies
Social skills bullying
Solutions to bullying which focus on punishment, and not for instance, holistic and comprehensive education, put a band-aid on the underlying problem.

Zero-tolerance approaches exacerbate the problem. Furthermore, initiatives that focus solely on reprimanding perpetrators without acknowledging or investigating the experiences of other victims of bullying, also fail.

Confronting Cyberbullying: Defining the Lines between Ethical Choices and Jail Terms by Shaheen Shariff, Ph.D. and Courtney Retter
BULLYING: THE FACTS

Bullying, in some form, occurs in EVERY school. It is important that the signs are recognised early so appropriate and effective action can be taken.

**FORMS OF BULLYING**
- Intimidation and threats
- Name-calling
- Spreading nasty rumours
- Stealing money or belongings
- Blackmail
- Physical violence

- Damaging personal belongings
- Telling lies to people in authority to cause trouble
- Sending notes, e-mails, text messages etc.

**WHY DO THEY BULLY?**
There are many reasons why people become bullies:
- difficult home life
- jealousy of their target
- insecurity

Bullies are the weak ones, not their targets.

**WHAT THEY LOOK FOR**
- weight
- looks
- colour
- religion
- hard workers
- wearing glasses
- family
- disability

Bullies usually target someone who won’t stand up to them.

**Remember: TELL SOMEONE!**
- You MUST tell someone straight away if you are being bullied.
- Friends, teachers and parents can all help.
- Bullies can be cunning and are good at getting away with it. They will make you believe that telling someone will make things worse. This is NOT true.
Bully-Proofing Your School

OUTCOME

Bullies
- Lose power position
- Fewer behavioral problems
- Change in thinking errors
- May stay out of criminal justice system later in life
- Some become positive leaders in peer group

School Environment
- Overall sense of caring
- Safety and protection
- Respect for diversity
- Shared responsibility—everyone contributes to maintain "no-bullying" values

Victims
- Decreased vulnerability
- Greater self-esteem
- More friends
- Protected by teachers and other school staff
- Decreased self-blame
- Less risk of repeated victimization

Teachers and Other Staff
- Fewer behavioral management problems
- Shared responsibility
- Increased awareness of peer conflict versus bully-victim incidents
- Stronger conflict resolution skills
- Knowledge of own conflict styles

Caring Majority of Students
- Recognition given for altruistic behavior
- Empowered to affect change
- Increased moral development and reasoning
- More empathy and compassion for others

Parental Community
- Sense of security concerning their child at school
- Responsiveness from the school
- Mutuality in reinforcing good values
- Sense of community within the school

Figure 2
Bully-Proofing Your School
A comprehensive approach
Strategies to prevent bullying:

- Open the door
- Tell and ask for help
- http://www.cyberbullyingprotection.net/
- http://www.colorado.edu/cspv/blueprints/modelprograms/BPP.html