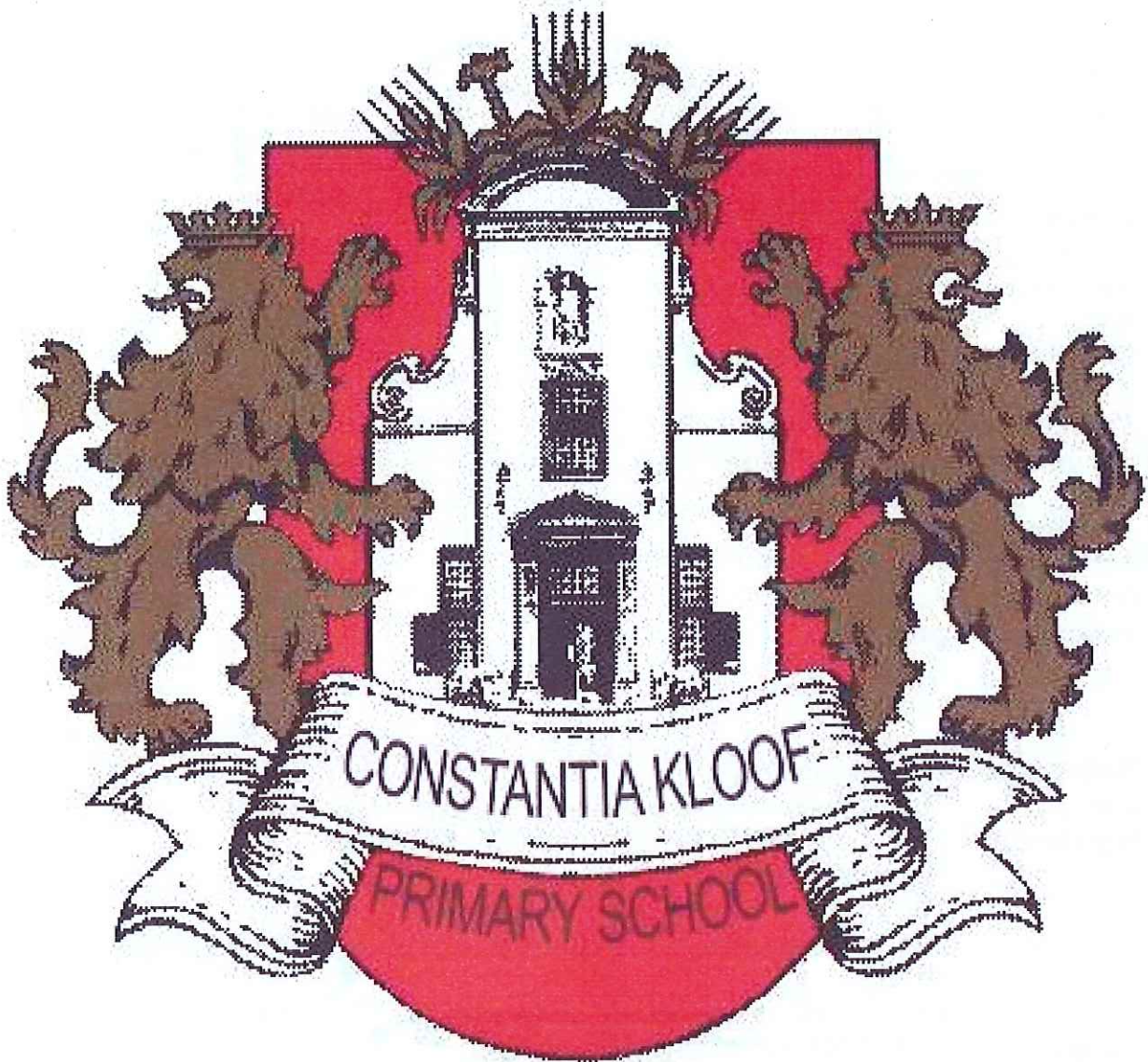




BULLYING AND CYBERBULLYING POLICY

Date approved	15 August 2024	Date policy will take effect:	16 August 2024	Date of next review:	
Developed by:	SMT and School Governing Body (SGB)				
Approved by:	School Governing Body				
Responsible body:	School Governing Body				
Supporting documents, procedures and forms for this policy:	Legislation (see below) Constantia Kloof Primary School – Social Media Policy Appendix A Appendix B Appendix C Appendix I Appendix J Appendix M Appendix N				
References and legislation:	Main legislation: The Constitution of the Republic of South Africa (1996) The South African Schools Act (Act 84 of 1996) National Education Policy Act (Act 27 of 1996) The Protection from Harassment Act (Act 17 of 2011) The Criminal Law (Sexual Offences and Related Matters) Amendment Act (2007) United Nations Convention on the Rights of the Child (1989)				
Scope:	SGB, SMT, Educator Staff, Learners				
Expiry date of the policy:	This policy remains in force until replaced by a policy revised and approved by the SMT and the SGB.				

INDEX

	Page
Introduction	3
Definitions	3
Application	5
Prohibited Activities or Behaviour	6
Cyber Bullying, Cyber Misconduct, Harassment and/or any Form of Intimidation	6
Reporting	8
Policy Amendments	9

BULLYING AND CYBERBULLYING POLICY

1. INTRODUCTION

This document is the bullying and cyberbullying policy of Constantia Kloof Primary School, as approved by the school governing body. The policy has been drafted in accordance with the provisions of the Constitution of South Africa, 1996; the South African Schools Act 84 of 1996 ('SASA'); the National Education Policy Act 27 of 1996; applicable provincial legislation on school education; the Protection from Harassment Act 17 of 2011; the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, and the United Nations Convention on the Rights of the Child, 1989.

All learners have the right to attend a public school that is a safe and secure learning environment. It is the intent of Constantia Kloof Primary to provide all learners with an equitable opportunity to learn. To that end, the school has a significant interest in providing a safe, orderly and respectful school environment, which is conducive to teaching and learning.

Bullying is detrimental to the school environment and to learners' learning, achievement and well-being. It interferes with the mission of the school to educate learners, and disrupts school operations. Bullying affects not only learners who are targets, but also those who participate in and witness such behaviour. It must be addressed to ensure learner safety and an inclusive learning environment.

This policy must be read in conjunction with the school's Code of Conduct for Learners, of which it forms an integral part.

2. DEFINITIONS

Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more learners, educators, non-educators or visitors to the school premises. It is further defined as unwanted and repeated written, verbal or physical behaviour, including any threatening, insulting or dehumanising gesture, by a learner or adult, which is severe or pervasive enough to create an intimidating, hostile or offensive educational environment, cause discomfort or humiliation, or unreasonably interfere with the learner's school performance or participation, and may involve, but is not limited to:

- i. teasing;
- ii. social exclusion;
- iii. threat;
- iv. intimidation;
- v. stalking;
- vi. physical violence;
- vii. theft;
- viii. sexual, religious or racial harassment;
- ix. public humiliation; and
- x. destruction of property.

Crimen iniuria means the unlawful, intentional and serious violation of the dignity or privacy of another person.

Criminal defamation means the unlawful and intentional publication of a matter concerning another, which tends to seriously injure his or her reputation.

Cyberbullying means bullying through the use of technology or any electronic communication, including, but not limited to, the transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted by the use of any electronic device, including, but not limited to, a computer, telephone, cellular telephone, text messaging device and personal digital assistant.

Examples of conduct that may constitute cyberbullying include, but are not limited to:

- i. posting slurs or rumours or displaying any defamatory, inaccurate, disparaging, violent, abusive, profane or sexually oriented material about a learner or member of staff on a website or other online application;
- ii. posting misleading or fake photographs or digital video footage of a learner or member of staff on websites, or creating fake websites or social networking profiles in the guise of posing as the target;
- iii. impersonating or representing another learner or member of staff through use of that other learner's or member of staff's electronic device or account to send e-mail, text messages and instant messages (IMs) or make phone calls;
- iv. sending e-mail, text messages and IMs or leaving voicemail messages that are mean or threatening, or so numerous as to bombard the target's e-mail account, IM account or cell phone; and
- v. using a camera phone or digital video camera to take and/or send embarrassing or 'sexting' photographs of other learners.

Electronic communication means any communication through an electronic device, including, but not limited to, a telephone, cellular phone, computer or tablet, which communication includes, but is not limited to, e-mail, instant messaging, text messages, blogs, mobile phones, pagers, online games and websites.

Extortion means when a person unlawfully and intentionally obtains some advantage, which may be of either a patrimonial or non-patrimonial nature, from another by subjecting the latter to pressure, which induces him or her to hand over the advantage.

Harassment means directly or indirectly engaging in conduct that the perpetrator knows or ought to know:

- i. causes harm or inspires the reasonable belief that harm may be caused to the complainant or a related person by unreasonably;
- ii. following, watching, pursuing or accosting of the complainant or a related person, or loitering outside or near the building or place where the complainant or a related person resides, works, carries on business, studies or happens to be;
- iii. engaging in verbal, electronic or any other communication aimed at the complainant or a related person, by any means, whether or not conversation ensues; or
- iv. sending, delivering or causing the delivery of letters, notes, packages, photo's, electronic mail or other objects to the complainant or a related person, or leaving them where they will be found by, given to or brought to the attention of the complainant or a related person; or
- v. amounts to sexual harassment of the complainant or a related person.

Retaliation means an act or gesture against a person for asserting or alleging an act of bullying. 'Retaliation' also includes reporting an act of bullying when it is not made in good faith.

Sexting means sending and sharing nude or semi-nude photos or videos and/or sexually suggestive messages via mobile phone texting or instant messaging to and from other learners.

3. APPLICATION

- 3.1 This policy applies to any learner, educator and non-educator employed at the school as well as any visitor or volunteer who engages in conduct that constitutes bullying, cyberbullying or retaliation, all of whom have the responsibility to comply with this policy.
- 3.2 This policy applies to bullying that:
 - 3.2.1 takes place at the school or on school grounds, meaning a school building; on property on which a school building or facility is located, and in/on property that is owned, leased or used by a school for a school-sponsored activity, function, programme, instruction or training, with 'school grounds' also including vehicles used for school-related transport;
 - 3.2.2 takes place while learners are being transported to or from schools or school-sponsored events;
 - 3.2.3 takes place at any school-sponsored event, activity, function, programme, instruction or training;
 - 3.2.4 takes place through the use of data, telephone, computer software or technology that is accessed through a computer, computer system or computer network of the school; or
 - 3.2.5 takes place elsewhere, but only if the bullying also infringes on the rights of the learner at school, or if the school itself is in any way involved or implicated.

4. PROHIBITED ACTIVITIES OR BEHAVIOUR

- 4.1 The following behaviour is prohibited:
 - 4.1.1 Bullying;
 - 4.1.2 Cyberbullying;
 - 4.1.3 Harassment;
 - 4.1.4 Retaliation against those reporting such defined behaviour;
 - 4.1.5 False accusations of bullying behaviour;
 - 4.1.6 Defamation of the school's good name.

Any person who engages in any of these prohibited behaviour shall be subject to consequences as stated in the Code of Conduct.
- 4.2 With regard to cyberbullying, the following acts as well as harassment and sexting constitute criminal offences, and shall therefore also be regarded as misconduct in terms of the school's code of conduct:
 - Crimen iniuria – Any act that violates the dignity of another person, which may also be committed by communicating to somebody else a message containing, expressly

or implicitly, an invitation to, or a suggestion of, sexual immorality or impropriety, or by sending indecent photos.

- Criminal defamation – Defamatory remarks in chat rooms, on social networking sites, or in e-mails, text messages or instant messages to third parties are some methods of committing cyberbullying.
- Extortion – Where a person intentionally and unlawfully threatens to electronically distribute information or compromising images about another person.

5. CYBER BULLYING, CYBER MISCONDUCT, HARASSMENT AND/OR ANY FORM OF INTIMIDATION

- i. By adopting this policy on the use of social media sites on school premises, the school protects itself from accusations of complicity in any cyber bullying through the provision of access.
- ii. Parents should be clearly be made aware of the school's policy of access to social networking sites.
- iii. Where a disclosure of cyber bullying and other forms of intimidation/harassment is made, the school has the duty to investigate and protect, even where the content/post originated from outside the school.
- iv. Once a disclosure is made, investigation will have to involve all parties involved and their families. This will be dealt with in accordance with the school's anti-bullying/cyberbullying/harassment policies.
- v. If parent(s) / guardian(s) refuse to engage and bullying continues, it can be referred to the police as harassment by the school or parents can be advised to engage legal counsel.
- vi. The following acts of 'cyber-misconduct' are prohibited:
 - 'Cyber-loafing' and the abuse of the employer's resources: Educators, non-educators and learners are prohibited from using the school's resources, e.g. computers, telephones, etc., for private purposes during or outside school time, thereby abusing the employment relationship.
 - Creating disharmony and distributing offensive or abusive material: Educators, non-educators and learners may not circulate information that is racist, defamatory, sexist or pornographic. This constitutes gross misconduct.
 - Derogatory statements: Educators, non-educators and learners may not post or distribute derogatory and offensive messages about the school, its staff or the learners. An offender may be found guilty of bringing the school into disrepute, which could lead to disciplinary action or legal action for defamation.
 - In the context of this policy, placing a once-off offensive or hurtful public message, image or statement on a social network site or other public forum where that message, image or statement can be viewed and/or repeated by other people will be regarded as cyberbullying/intimidation/harassment/ derogatory behaviour.
 - Breach of trust: Educators, non-educators and learners may not use the school's information, information systems or social media platforms in a way that breaches the school's trust.
 - Other negative behaviour by learners using social media that does not meet the definition of cyber bullying but will be dealt with in accordance with the school's code of conduct.
 - Learners, parents or staff sharing, liking or commenting on content on social networking websites or joining, subscribing, or following online sources of content intended to humiliate or harm individuals of the school community will also be

considered cyberbullying/harassment and/or inappropriate behaviour and will be dealt with in accordance with the school's code of behaviour or the parent's code of conduct or any other steps the school may take.

vii. Cyber bullying includes acts involving bullying and harassment through the use of electronic devices or technology. Cyber bullying is perpetrated through the following methods:

- Text messages.
- Picture/video clips (via mobile phones).
- Mobile phone calls.
- Emails.
- Chat rooms.
- Instant messages.
- Website and blogs.
- Social networking sites (such as Facebook, WhatsApp, twitter, snapchat, Instagram, tinder, twitter).
- Internet gaming sites.

viii. Legal Consequences of cyber bullying may have the result that the perpetrator may be criminally charged with the following offences by the school or another person who is affected:

- Crimen injuria – consists of the unlawful, intentional and serious violation of dignity or privacy of another person.
- Assault – any unlawful and intentional act or omission which results in another person's bodily integrity being directly or indirectly impaired or which inspires a belief or fear in another person that such impairment will be carried out.
- Criminal defamation – is the unlawful and intentional publication of a matter concerning another, which tends to seriously injure his or her reputation. This includes both verbal and written defamation.
- Extortion – is committed when a person unlawfully and intentionally obtains some advantage, which may be of either a patrimonial or non-patrimonial nature, from another, by subjecting the latter to pressure, which induces him or her to hand over the advantage.

6. REPORTING

- 6.1 Bullying, suspected bullying or any other prohibited action mentioned under paragraph 4.1 above is reportable in person or in writing (including anonymously) to school staff. Any person aware of any bullying, suspected bullying or any other prohibited action mentioned under paragraph 4.1 is required to report incidents to the school principal or other school staff designated by the principal.
- 6.2 Parents and other adults who are aware of incidents of bullying are encouraged to report this behaviour to a staff member.
- 6.3 All other members of the school community, including learners, parents/legal guardians, volunteers and visitors, are encouraged to report any act that may be a violation of this policy anonymously or in person to the principal or principal's designee.
- 6.4 Acts of reprisal or retaliation against any person who reports an incident of bullying are prohibited. If it is determined that a learner has falsely accused another of bullying, such learner shall be subject to disciplinary consequences.
- 6.5 In terms of section 54 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, any person who knows that a sexual offence has been

committed against a child must report such knowledge immediately to a police official. Failure to report such information is an offence. Therefore, any person involved in sexting or sexual harassment, or who has knowledge of such acts, is obliged to report such knowledge.

- 6.6 In case of a violation of any provision prescribed in this policy, the disciplinary procedure as set out in the school's code of conduct is to be followed.

Alternative disciplinary measures include, but are not limited to:

- i. meeting with the learner and the learner's parents;
- ii. reflective activities, such as requiring the learner to write an essay about the learner's misbehaviour;
- iii. counselling;
- iv. anger management;
- v. health counselling or intervention;
- vi. mental health counselling;
- vii. participation in skills-building and dispute resolution activities, such as social-emotional cognitive skills building, dispute resolution circles and restorative conferencing;
- viii. community service; and
- ix. in-school detention or suspension, which may take place during lunchtime, after school or on weekends.

7. APPROVAL

The school governing body may from time to time amend, supplement, modify or alter this policy.

APPROVED BY	NAME & SURNAME	SIGNATURE	DATE
SGB Chairperson:	Karen Gusti		15/8/2024
SGB Secretary:	Joline Smuts		15/8/2024
Principal:	Karen Bergsma		15/08/2024

RATIFIED BY GDE	NAME & SURNAME	SIGNATURE	DATE
District Official:			

