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## **The Legal Obligations of Schools in Addressing Bullying**

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### **ABSTRACT**

This research delves into the crucial topic of schools' legal obligations in addressing bullying. By examining existing laws, regulations, and case studies, this study aims to shed light on the legal framework that guides schools in creating safe and inclusive student environments. The analysis explores the responsibilities of educational institutions in preventing and addressing bullying incidents, including the duty to investigate, report, and implement appropriate disciplinary measures. Schools can proactively implement policies and procedures that protect students from bullying by understanding these legal obligations. The researcher used coding to determine the themes of this study. This research delves into the crucial topic of schools' legal obligations in addressing bullying. By examining existing laws, regulations, and case studies, this study aims to shed light on the legal framework that guides schools in creating safe and inclusive student environments. The analysis explores the responsibilities of educational institutions in preventing and addressing bullying incidents, including the duty to investigate, report, and implement appropriate disciplinary measures. Schools can proactively implement policies and procedures that protect students from bullying by understanding these legal obligations. The researcher used coding to determine the themes of this study. These themes are Bullying in Schools, Laws and regulations governing bullying in schools, Developing anti-bullying policies and procedures, Implementing effective prevention and intervention strategies, Reporting and investigating bullying incidents, Supporting victims and addressing the needs of bullies.

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Keywords: bullying, cyberbullying, obligations of school, bullying laws

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### **1. Introduction**

Researchers in the areas of medicine and social science have recognized bullying. A significant cause of conflict, if not trauma, in classrooms during the first ten-year period in the twenty-first century adversely affects the victim, the bully, or both (Sansait et al., 2023). Many parents and the society at large are greatly relieved by the Anti-Bullying Act of 2013, which provides a legal framework for several youth-related unwanted behaviours that had previously been primarily disregarded. "Bullying" is characterized as any severe or repeated use of a written, verbal, electronic, physical act or gesture, or any combination of them, directed at another pupil that has the effect of actually causing or putting the latter in reasonable fear of emotional or physical harm or damage to his property; creating a threatening school environment for the other student; violating the rights of another pupil at school; or mat (Anti-Bullying Act of 2013). All elementary and secondary schools are required by the law to create anti-bullying policies for their institutions. The DepEd has supported the law and orders each public and private school to deliver a copy of its anti-bullying or child protection policy to the division office. In addition to the conditions for an application for a permit to operate as specified by the Department's current rules, the same must be submitted to the Regional Director. The Rule IV of DO 55 s. Two thousand thirteen states that every educational stakeholder and staff member must be involved in a comprehensive, multimodal bullying prevention program in schools. Schools must create intervention plans to improve the psychological, emotional, and psychosocial well-being of bullies, victims, and other parties the bullying incident may impact. These plans should include counselling, life skills instruction, education, and other activities.

This meta-analysis seeks to systematically investigate and synthesize existing research on schools' legal obligations in addressing bullying. The primary objective is to comprehensively assess the worldwide legal frameworks, policies, and regulations governing schools' responses to bullying incidents. Specifically, the meta-analysis aims to:

1. Identify and analyze the legal obligations imposed on schools in terms of
  - 1.1 prevention,
  - 1.2 intervention,
  - 1.3 management of bullying behaviours.
2. Explore legal frameworks across different national, state/provincial, and local jurisdictions.
3. Examine the effectiveness of legal mandates and policies in reducing the prevalence and impact of bullying within school environments.

Bullying is defined as repeated, intentional aggression in which the bully and victim are at different power levels. Bullying's harmful impact on a person's physical and mental health is significant and consistent with other major kinds of child maltreatment (Rettew & Pawlowski, 2016). Bullying can happen in kindergarten through high school and even in post-secondary institutions. Family support is essential for the recovery of any bullied child, according to Soimah, Hamid, and Daulima (2019). Children who experienced peer bullying more frequently tended to show poorer results. Chronic bullying victims are more likely to experience maladjustment than infrequent victims or children who are not bullied, which could drive them to bully others or harm themselves (Pengpid & Peltzer, 2019). Bullying is a complicated and pervasive public health problem that affects both children and adults of all ages. Being bullied as a youngster has been perceived for a long time as an unpleasant but mostly innocuous rite of passage with minimal long-term repercussions.

Bully victims are invariably portrayed as tenacious and victorious in depictions of bullying in innumerable writings and films, whereas the bully ultimately receives justice. However, in the actual world, certain high-profile suicides and an expanding body of literature have tempered such an optimistic viewpoint, shocking many with the severity and breadth of bullying's aftereffects. Some general guidelines might direct individual-level interventions in the workplace after bullying is suspected or confirmed. While bearing in mind that all types of bullying have the potential to be detrimental, clinicians may find it helpful to distinguish between lower levels of bullying (name-calling and teasing) and higher ones (overt threats, physical violence, and intimidation). Less information is available on how to spot bullies and how to deal with them one-on-one. Some young people may benefit from additional assessment and treatment, keeping in mind that many kids who bully themselves have histories of abuse and associated psychopathology. Although it shouldn't be assumed that bullies always come from dysfunctional homes, warning parents about bullying behaviour and providing behavioural advice to parents can be helpful. Group therapy, "zero bullying," and other interventions are among those that, according to stopbullying.gov, are not particularly helpful. Suspension or expulsion measures, bullying victim-bully mediation sessions, or other "tolerance" strategies.

Sen. Sherwin Gatchalian stated during a Senate hearing on the implementation of the anti-bullying law that at least seven out of ten pupils in Philippine public schools have experienced bullying, placing the nation #1 among 70 nations with the issue. The Senate's essential education committee's chair, Gatchalian, termed the frequency of bullying as concerning because Republic Act 10627, also known as the Anti-Bullying Act of 2013, was designed to curb it. (Felipe, 2023)

In recent years, bullying has continued to be an issue in many schools across the Philippines and the rest of the world. The school administration guides teachers, students, and parents on the policy, particularly about bullying. A mechanism like this aids the school in mediating disputes involving bullying. But in practice, disputes inevitably develop, testing school leaders' will to stand before the parties involved and devise a choice, a course of action, and a clear policy. Bullying has been an issue for generations, but with the rise of social media and technology, it has become an even more significant concern. Schools play a crucial role in addressing and preventing bullying, as they are responsible for providing a safe learning environment for students. With this responsibility comes a legal obligation to take action against bullying. (Chen & Cheng, 2013)

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## 2. Methods

This research uses qualitative methods and using the meta-analysis approach. A rigorous secondary qualitative study of initial qualitative data is attempted through qualitative meta-analysis. Its goal is discussed, which is to give a more thorough explanation of a phenomenon and an evaluation of how the inquiry approach affected the results. Using the coding process, the researcher found various themes that address the problems of this study.

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## 3. Results and Discussion

### *Bullying in Schools*

Rettew and Pawlowski state that the issue of bullying in schools has become a growing concern in recent years. It is a problem that affects not only students' immediate well-being but also long-term effects on their mental health, academic performance, and overall development. Bullying can take various forms, including physical, verbal, and cyberbullying, and it can occur in different settings such as classrooms, hallways, playgrounds, and even online platforms. The impact of bullying on victims is profound, often leading to feelings of fear, anxiety, and low self-esteem. In severe cases, it can even result in depression and suicidal thoughts. It is crucial that schools take this issue seriously and proactively address it to create a safe and nurturing environment for all students. Schools must have clear policies and procedures to prevent and respond to bullying incidents. These policies should outline what constitutes bullying behaviour, the consequences for perpetrators, and the support mechanisms available for victims. Schools need to communicate these policies effectively to students, staff, and parents, ensuring everyone knows their rights and responsibilities in addressing bullying. In addition to policies, schools must also prioritize instruction and cognition programs to promote a culture of respect, empathy, and inclusivity. Teaching students about the consequences of bullying, fostering empathy towards others, and encouraging bystander intervention are crucial steps in preventing bullying from occurring in the first place. When bullying incidents do occur, schools must take swift and appropriate action. This may involve conducting thorough investigations, supporting victims, and implementing disciplinary measures for perpetrators. Schools should also collaborate with external agencies, such as law enforcement or mental health professionals, when necessary to ensure the safety and well-being of all students involved. By fulfilling their legal obligations and actively addressing the issue of bullying, schools play a vital role in protecting the future of their students. Through collective efforts involving schools, parents, students, and the wider community, we can create a safe and inclusive educational environment where bullying is not tolerated, and every child can thrive and reach their full potential.

### *Laws and regulations governing bullying in schools*

Understanding the legal landscape is important when it comes to addressing the rising cases of bullying in schools. Schools are legally obligated to provide their students with a safe and conducive learning environment, including taking measures to prevent and address bullying incidents. In the Philippines, the Anti-Bullying Act of 2013 is a law that protects children from bullying, and it is supported by the DepED Order 55 s. 2013. Schools should also regularly review and update their policies and procedures to align with any changes in the legal landscape. By understanding the legal obligations and taking proactive measures, schools can create a safe and inclusive environment where students feel protected from bullying. This protects the well-being of individual students and contributes to the overall positive school culture and the academic success of all students.

Regarding bullying situations, educational institutions are legally obligated to guarantee the security and welfare of their pupils. Schools are required to take prompt and appropriate action when bullying incidents occur. This includes conducting thorough investigations to gather evidence and determine the facts of the case. Schools should also provide support and resources for both the victim and the bully, as addressing the underlying issues and promoting positive behaviour is crucial.

Furthermore, schools must monitor and supervise students to prevent bullying from happening in the first place. This may involve implementing surveillance systems, increasing staff presence in common areas, and promoting a positive and inclusive school culture. By taking proactive measures, schools can foster an environment in which bullying is less common. It is crucial to remember that schools that neglect to fulfil their legal responsibilities to address bullying incidents may find themselves in legal hot water. These consequences may include lawsuits from victims or their families, financial penalties, and damage to the school's reputation. Therefore, schools should prioritize compliance with their legal obligations and take proactive measures to prevent and address bullying effectively.

### *Developing anti-bullying policies and procedures*

Creating a safe environment within schools is crucial in addressing the rising cases of bullying (Nikolaou, 2017). One of the most effective ways to achieve this is by developing comprehensive anti-bullying policies and procedures. These policies serve as a guideline for students and staff members on identifying, preventing, and responding to bullying incidents. They outline the school's commitment to fostering a safe and inclusive environment for all students, where bullying is unacceptable. When developing these policies, it is essential to involve various stakeholders, including teachers, administrators, parents, and students. This collaborative approach ensures that the policies reflect the needs and concerns of everyone involved. Anti-bullying policies should clearly define what constitutes bullying behaviour, including verbal, physical, and cyberbullying. They should also outline the consequences of engaging in such behaviour and the procedures for reporting and investigating incidents.

Additionally, these policies should address the issue of retaliation and provide support mechanisms for victims. It is important to hold frequent training and awareness campaigns to make sure that everyone in the school community is aware of the rules and regulations that are in place. In an environment where bullying is not accepted, and students feel safe and supported, this promotes respect and empathy in the classroom. By developing and implementing robust anti-bullying policies and procedures, schools can take a proactive approach to creating a safe environment for their students, ensuring their emotional well-being and protecting their future.

### *Implementing effective prevention and intervention strategies*

Implementing effective prevention and intervention strategies is crucial in addressing the rising cases of bullying in schools (Eleni, 2013). It is not enough to simply react to incidents after they occur; schools must take assertive steps to create a safe and inclusive environment for all students. One of the most effective prevention strategies is establishing comprehensive anti-bullying policies. These policies should outline what constitutes bullying behaviour, the consequences for engaging in such behaviour, and the reporting procedures for students and staff. Schools can set a strong foundation for preventing bullying by clearly defining expectations and consequences. In addition to policies, schools should invest in education and awareness programs. These programs can help students understand the impact of bullying, develop empathy and respect for others, and learn practical conflict-resolution skills. Students are more likely to intervene and report bullying incidents by fostering a positive and inclusive school culture. Another important aspect of prevention is creating a supportive and nurturing school environment. This can be achieved by implementing social-emotional learning programs, fostering positive relationships between students and staff, and promoting a sense of belonging among all students. When students feel connected and supported, they are less likely to engage in or tolerate bullying behaviour. Intervention strategies are equally crucial in addressing bullying incidents when they do occur. Schools should have procedures in place to promptly investigate and address reported incidents. This may involve disciplinary actions for the perpetrators, providing support and resources for the victims, and implementing restorative justice practices to heal relationships and prevent future incidents. Collaboration with parents, community organizations, and law enforcement can also enhance the effectiveness of prevention and intervention efforts. By working together, schools can access additional resources, share best practices, and ensure a comprehensive approach to addressing bullying (Le Menestrel, 2020).

### *Reporting and investigating bullying incidents*

Reporting and investigating bullying incidents is a fundamental responsibility that schools must undertake to protect their students and uphold their legal obligations. This is consistent with the findings of Brown et al. in 2012. When a bullying incident occurs, schools need to establish precise reporting mechanisms that encourage students, parents, and staff to come forward with information. This can be done through anonymous reporting systems or trusted staff members who can be approached for support. By ensuring that reporting is accessible, confidential, and free from fear of retaliation, schools can encourage individuals to share their concerns and contribute to preventing and resolving bullying incidents. Once a bullying incident is reported, schools must initiate a prompt and thorough investigation. This involves gathering relevant information, interviewing all parties

involved, and documenting the details of the incident. Schools must handle these investigations with sensitivity and impartiality, ensuring that all individuals are heard and the facts are objectively assessed. During the investigation process, schools should support the individuals affected by bullying, including the victim, the alleged perpetrator, and any witnesses. This may involve offering counselling services, implementing safety measures, or providing resources to address the emotional and psychological impact of bullying.

Furthermore, schools need to maintain accurate records of reported incidents and the steps taken to address them. These records can serve as evidence of the school's commitment to addressing bullying and can be valuable in demonstrating compliance with legal obligations and informing future prevention strategies. By taking a proactive approach to reporting and investigating bullying incidents, schools can create a culture of accountability and ensure appropriate actions are taken to address the issue. This not only protects students' well-being but also upholds schools' legal obligations in safeguarding the future of education and nurturing a safe and inclusive learning environment.

#### *Supporting victims and addressing the needs of bullies*

Soimah et al. state that supporting victims and addressing the needs of bullies is crucial in creating a safe and inclusive learning environment within schools. While the focus should always be on protecting the victims of bullying, it is equally important to understand that bullies themselves may be dealing with their own set of underlying issues. One practical approach to addressing the needs of both victims and bullies is through implementing comprehensive support systems. It is paramount to provide victims with a safe space to share their experiences and seek guidance. This can be achieved through counselling services, peer support groups, or anonymous reporting systems. By offering these resources, schools can empower victims to speak up, fostering a culture of trust and support.

Equally important is addressing the needs of bullies. It is essential to recognize that their behaviour is often a manifestation of deeper emotional or psychological issues. Instead of solely focusing on punishment, schools should implement preventive measures by offering counselling services, anger management programs, or access to mentors who can help bullies understand the consequences of their actions. By providing them with the necessary support, schools can help bullies address their underlying issues, ultimately reducing bullying incidents. In addition to individual support, schools can also promote a positive and inclusive school climate. This can be done through awareness campaigns, educational programs, and fostering a sense of empathy among students. By incorporating anti-bullying initiatives into the curriculum, schools can educate students about the impact of bullying and encourage them to be proactive bystanders. Creating a culture of kindness and acceptance will not only support victims but also help bullies understand the importance of empathy and respect. Addressing the needs of both victims and bullies is a complex but necessary aspect of tackling the rising cases of bullying. Schools can create an environment where every student feels safe, respected, and supported by providing comprehensive support systems, promoting empathy, and addressing underlying issues. This protects the well-being of individual students and contributes to the overall growth and development of our future generations.

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## 4. Conclusion

The battle against bullying in schools requires more than a one-time intervention or an occasional awareness campaign. It demands consistent and ongoing monitoring and evaluation of anti-bullying efforts. By doing this, educational institutions may evaluate the success of their plans, pinpoint areas in need of development, and guarantee that the security and welfare of their pupils always come first. Monitoring and evaluation involve collecting data and information about bullying incidents, the effectiveness of prevention programs, and the overall climate within the school. This can be done through various methods such as surveys, interviews, focus groups, and analysis of disciplinary records. By gathering this data, schools can gain valuable insights into the prevalence and nature of bullying and the impact of their interventions. Regularly assessing the effectiveness of anti-bullying efforts allows schools to make informed decisions and implement targeted interventions. It enables them to identify patterns or trends in bullying behaviour, understand the root causes, and tailor prevention initiatives accordingly. For example, if data reveals that cyberbullying is on the rise, schools can prioritize digital safety education or implement stricter policies regarding online behaviour.

Moreover, ongoing monitoring and evaluation help schools hold themselves accountable and demonstrate their commitment to addressing bullying. It shows students, parents, and the broader community that the school takes the issue seriously and is actively working towards creating a safe and inclusive environment. This, in turn, fosters trust and confidence in the school's ability to effectively combat bullying. Schools must establish a culture of continuous improvement by regularly reviewing and analyzing the data collected. By doing so, they can identify gaps or weaknesses in their anti-bullying strategies and take appropriate actions to address them. This might involve revising policies, providing additional training to staff, or implementing new prevention programs.

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