

A COMPARATIVE ANALYSIS OF BULLYING LAWS AND POLICIES IN PUBLIC
SCHOOLS IN THE UNITED STATES AND NIGERIA

by

MORADEKE ABIMBOLA ADERIBIGBE

(Under the Direction of John Dayton)

ABSTRACT

As clearly indicated by Abraham Lincoln, a former president of the United States, bullying has been in existence for a long time, and it is not limited to the United States. Rather, it is a global issue. In addition, it occurs in almost all places where there are human interactions. These include schools, homes, prisons, and workplaces. However, it has been found to be most prevalent, as a form of violence, among children, in schools. Bullying effects on such children are usually devastating and lasting. Bullying has been variously defined. A broad definition, in a Colorado statute, defines bullying as “Any written or verbal expression, or physical act or gesture, or a pattern thereof that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated school vehicle stop, or at school activities or sanctioned events.” Against these backgrounds and in recognition of the little attention that seems to be paid to the bullying phenomenon in school environments globally, particularly in the area of measures to curb it, this dissertation attempts a comparative analysis of bullying laws and policies in public schools in the United states and Nigeria. Based on their similar colonial antecedents, educational, and political systems, the two countries serve as useful representatives for identifying similarities and differences in the availability and implementation

of bullying laws and policies in their public schools. The dissertation employs a descriptive and comparative legal methodology with primary data derived from documents containing laws, policies, and ordinances from federal, state, and local government agencies in the United States and Nigeria. It also uses data from secondary sources such as information from scholarly works in books, journals, online articles, government documents, and other materials obtained from libraries and other sources of documents in the United States and Nigeria. Findings show that while there are laws and policies against bullying in virtually all the states in the United States, the same cannot be said of Nigeria, where there are no such specific laws and policies.

Recommendations for the United States include expanding and improving implementation of the existing laws and policies if they are to be effective in curbing bullying in public schools. For Nigeria, not only is there an urgent need for enactment of laws and policies against bullying in public schools, but also and more importantly, such laws and policies must be vigorously implemented. A sample model law for Nigeria is provided.

INDEX WORDS: Bullying, harassment, victimization, laws and policies, comparative analysis, school environment, enactment, implementation, recommendations

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DEDICATION

This dissertation is dedicated to:

GOD ALMIGHTY

for His faithfulness, and for being my source. It is His grace that has sustained me thus far. He has been my very present help in times of need. He is my Savior, Redeemer, Sustainer, Confidant, Counselor, Teacher, Advocate and my all in all. He is the Immortal and the Invisible God. He is the Omnipotent, Omniscient, Omnipotent God, and the Lion of the tribe of Judah. To Him be all glory, honor and adoration. He has done great things and it is marvelous in my eyes. The Amplified version of Psalm 34:8

says:

“O taste and see that the Lord [our God] is good! Blessed (happy, fortunate, to be envied) is the man who trusts and takes refuge in Him.”

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“What makes us human is the ability to think.”

“We cannot change things that we don't control.”

“There is no legitimate reason to treat people differently on the basis of race.”

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CHAPTER ONE INTRODUCTION

He will have to learn, I know, that all people are not just - that all men and women are not true. Teach him that for every scoundrel there is a hero; that for every enemy there is a friend. Let him learn early that the bullies are the easiest people to lick. Abraham Lincoln (Swearer, Espelage, & Napolitano, 2009, p. ix)

Statement of the Problem

The above quote by Abraham Lincoln demonstrates that bullying is not a recent phenomenon; it has been in existence since ages past. It is not, however, isolated to the United States. It is a global issue. It occurs in schools, at home, in prisons, and at the workplace. It is a form of violence that is most prevalent in schools. There are children all over the world that are bullied on a daily basis. Its effects are devastating and lasting. It is, however, unfortunate that until recently not much attention has been paid to this devastating phenomenon by lawmakers, school authorities, parents, and society at large. In some quarters, bullying is seen “as a rite of passage for children and youth” (Limber & Small, 2003, p. 445) while ignoring the fact that it could have a lasting negative effect on the persons bullied and harm the entire institution. For instance, an Arkansas model policy states that “Bullying is a destructive behavior that will erode the foundational principle on which a school is built” (Swearer et al., 2009, p. 46). It is also clearly stated in the Maine School Management Association’s sample policy on bullying:

Bullying is detrimental to student learning and achievement. It interferes with the mission of the schools to educate their students and disrupts the operations of the school. Bullying affects not only students who are targets but also those who participate and witness such behavior. (Swearer et al., 2009, p. 46)

These dynamics certainly informed the view of President Barack Obama on bullying, particularly with regards to problems associated with it in the school environment. He opined that its prevalence in schools should be of concern to everyone because all kids should have an opportunity to learn in a safe environment that is devoid of fear. Thus in his address at the White House Conference on Bullying Prevention on March 10, 2011 he stated: “We’ve got to dispel this myth that bullying is just a normal rite of passage -that it’s some inevitable part of growing up. It’s not. We have an obligation to ensure that our schools are safe for all of our kids” (Obama, 2011). In echoing this position, Dayton, Dupre, and Blankenship (2011) attest to the fact that “bullying causes untold human suffering that can reverberate from the direct victims to the entire community” (p. 2).

The attempt to properly articulate what bullying is, and address its resultant problems, has resulted in a broad diversity of definitions by state legislators, departments of education, and local school administrators, particularly in the United States. In a Colorado statute, bullying is defined as “Any written or verbal expression, or physical act or gesture, or a pattern thereof that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated school vehicle stop, or at school activities or sanctioned events.”

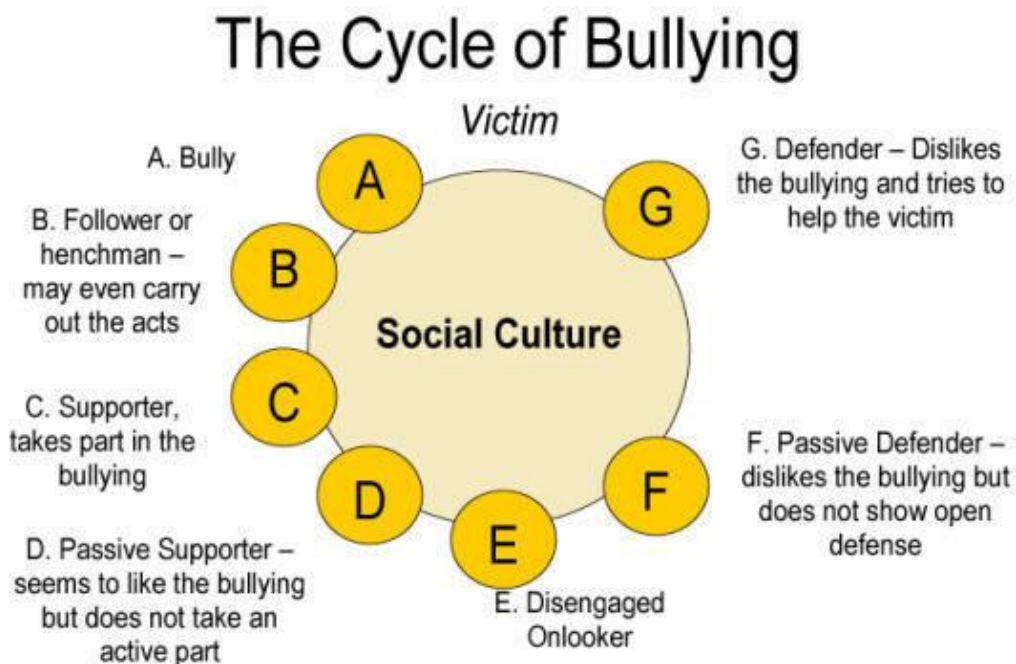
A Connecticut statute defines bullying as “Any overt acts by a student or a group of students directed against another student with the intent to ridicule, harass, humiliate, or intimidate the other student while on school grounds, at a school-sponsored activity or on a school bus, which acts are committed more than once against any student during the school year.”

Bullying, as defined in a Georgia statute, means “An act which occurs on the school property, on school vehicles, at designated school bus stops, or at school related functions or activities, or by use of data or software that is assessed through a computer, computer system, computer network, or other

electronic technology of a local school system.” Bullying, according to the statute also means, “Any willful attempt or threat to inflict injury on another person...or any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm... or has the effect of substantially disrupting the orderly operation of the school.”

Also, quite a number of scholars have defined bullying from its negative consequences. Barbara Coloroso (2003) for instance defines bullying as “A conscious, willful and deliberate hostile activity intended to harm, induce fear through the threat of further aggression, and create terror” (p.13). For Dodge and Coie (1987), bullying is: “A form of proactive aggression, in which the bully is unprovoked and initiates the bullying behavior” (as cited in Swearer et al., 2009, p. 2).

Also defining bullying, Omotesho (2010) in her study on the bullying problem in the Nigerian school system summarized the concept of bullying as consisting imbalance of power between the bully and the bullied. It is a situation in which the most powerful dominate the less powerful.



Source: Definitions and Characteristics of Bullying. <http://www.ksde.org/Default.aspx? Tabid+3913>

Various types of Bullying

Another problem significantly associated with bullying has to do with the various types that have been identified. These include examples such as verbal bullying. Verbal bullying actually belies the popular adage that “sticks and stones may break my bones, but words will never hurt” as words may even do more damage than stick and stones. Verbal bullying can cause emotional instability/distress. Until recently, students and teachers used verbal bullying more often. Though it cannot easily be detected, it is harmful, hurtful, and demoralizing. Verbal bullying involves behaviors such as name calling, taunting, labeling, mocking, belittling, tale-telling, cruel criticism, personal defamation, and sexually suggestive or sexually abusive remarks.

There is also physical bullying. This is usually visible and can easily be identified. It includes pushing and bumping (on purpose or seemingly accidentally), hitting, kicking, tripping, biting, spitting, punching, throwing objects like stone or stick, hair pulling, stealing, destroying, or defacing property. Another form of bullying is relational bullying, which is generally considered to be highly dehumanizing and destructive. Unfortunately, it is very difficult to detect from the outside. This form of bullying involves gestures such as aggressive stares and rolling of eyes. Frowns and hostile body language are also signs of relational bullying. It also includes behaviors such as gossiping, spreading false rumors, exclusion, ostracizing an individual from a group, breaking victim’s relationship with loved ones, ruining a reputation, and threatening to end a relationship.

The most recent and fastest growing form of bullying is cyber bullying, which has caused the death of students like Megan Meier and Ryan Halligan through suicide. Cyber bullying, also referred to as ebullying, electronic bullying, or cyber violence. has been defined by Ybarra and Mitchell (2004b) as “Intentional and overt act of aggression toward another person online” (as cited in Swearer et al., 2009, p.109). Rivers (2009) defines cyber bullying as “The abuse of Internet chat rooms, e-mail, cell phone,

and text-messaging with the intention of embarrassing or otherwise hurting another person” (p.10). It is often done through electronic devices such as Internet, cell phones, and instant messaging (IM). Rumor and derogatory text messages about the victim are sent to third party in order to humiliate or disgrace the victim.

In the view of Myer and Carper (2008), cyber bullying is not restricted to the classroom or school, but continues after school and happens outside the school. The perpetrator continues his/her act of bullying on his/her victim anytime anywhere. According to them, “Cyber bullying reaches beyond the schoolyard as technology affords the bully a veil of anonymity with instantaneous 24/7 access to the victim before an unlimited Internet based audience of bystanders and supporters. The victim cannot escape the electronic message delivered by the tormentor” (as cited in Dayton et al., 2011 p. 5).

Perhaps the most prominent problem associated with bullying, and which constitutes the focus of this dissertation, revolves around intervention dynamics to grapple with the prevalence of bullying in the school environment. Essentially, these dynamics are located not only in the enactment, but also in the execution of laws and policies to address the problem. The enactment and execution of these laws and policies are very crucial particularly against the background of attitudes of those who could be regarded as “persons of interest” with regard to the problem of bullying in schools in the two countries used as subjects of analysis in this dissertation - the United States and Nigeria.

A common feature, which should be the hallmark of the school environment in the United States and Nigeria – (indeed of all schools environments wherever they are located), is that when children are in the school, the educational personnel are expected to perform the role of the parents – watch over them, protect them, make sure the environment is conducive to learning, and prevent the occurrence of any type of injury to the child. This is a legal concept called *in loco parentis*. Unfortunately, the

educational personnel, particularly in Nigeria, who are charged with the responsibilities of taking care of the children under their care during the school hours, have too often failed in their duties. They have failed to take necessary action, they are indifferent and nonchalant to the feelings of students under their care during school hours and during school-sponsored activities (this, however, may not be deliberate). This has led to some students taking drastic actions either by killing themselves or killing others or both as was the case with the 1999 shootings at Columbine High School in which Eric Harris and Dylan Klebold killed 13 people and later killed themselves. Also on January 14, 2010, a high school student in Massachusetts, Phoebe Prince, killed herself because she could no longer stand being harassed at school.

There have also been various lawsuits (particularly in the United States) against some school authorities for negligence. Parents have expressed concern in seeing their children commit suicide over situations that could easily have been prevented by the school. Parents are now crying out for help. Students, community leaders, law enforcement agencies, and legislatures are also demanding proactive strategies to contain the situation. This is also the case in Nigeria, where such sensibilities, though recent, are gaining wide spread and persistent attention and call for intervention. It is in response to these realities that intervention in bullying activities in schools through laws and policies becomes imperative.

The United States of America and Nigeria have some similarities in political and educational dynamics. For example, both nations were colonized by the British and today practice the same presidential form of government with an executive president and federal and states legislatures. The only difference is at the state levels. Whereas the states in the United States have both Houses and Senates, states in Nigeria have only Houses of Assembly. There are three levels of governance in both countries. In the United States, they are the federal, the states, and the local counties or parishes. In Nigeria, they

are the federal, the states, and the local governments. In the schooling systems, the two countries share broad categories of elementary, secondary, and post-secondary format. In Nigeria, the school system is made up of:

- 6 years of Elementary
- 3 years of Junior Secondary
- 3 years of Senior Secondary
- 4/5 years University

In the United States, the school system is predominantly made up of:

- 6 years of Elementary
- 3 years of Middle School
- 4 years of High School
- 4/5 years of College

With regard to laws and policies on bullying in schools, there is an obvious and significant disparity. In the United States, by 2003, according to Limber and Small (2003), “15 states have passed laws addressing bullying among school children” (p. 446). The states include California, Colorado, Connecticut, Georgia, Illinois, Louisiana, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Rhode Island, Vermont, Washington and West Virginia. However, because of the growing awareness of the devastating effects of bullying on children and in an attempt to protect the safety of students in schools, by July 2008, anti-bullying laws have been implemented in 33 states and at least 10 others are contemplating doing the same. As of December 2011, all the states, except Montana and South Dakota, have had state legislation on bullying/harassment. South Dakota’s law was signed by Governor Dennis

Daugaard on March 19, 2012 thus making Montana the only state without bullying/harassment legislation. However, Montana has state model policies on bullying/harassment. Some states also have legislation on cyber bullying and hazing.

The situation in Nigeria is quite different. Indeed, not only have studies on the bullying problem in Nigerian schools system been limited, but more unfortunately, there seems to be no attention paid in terms of laws and policies to address it. The dearth of studies and practically absence of government laws and policies on bullying in Nigeria do not in any way reflect the prevalence of the problem in Nigerian schools. Bullying is a daily occurrence at different levels of schooling in Nigeria and it has consequently attracted the interest and concerns of the Nigerian public, who are now demanding that governments and school authorities pay urgent and deserved attention to the problems.

A search for specific laws and policies on bullying in Nigeria has not produced any result from both the federal and state governments in the past. This position is further collaborated by the Federal Government of Nigeria document on the report on violence against children in 2004. The statement states: “At the time of this study there is no existing legislation provision that explicitly prohibits bullying, hazing and sexual harassment in Nigeria” (p. 6). This is practically the state of affairs today, about a decade later. Currently, the federal and states’ laws that are available and could be referred to as having a semblance of addressing the problem are legislation against the problem of child abuse in general in conformity with the International Human Rights instruments in respect to violence against children, rather than the specific problem of bullying in the schools.

This dissertation therefore explores the status of laws and policies on bullying in public schools in the United States and Nigeria through a comparative analysis. Discussions are centered on the availability and effective implementation of the laws and policies in the two countries.

Research Questions

1. What are the laws and policies governing bullying in the United States and Nigeria?
2. Based on a thorough review and comparison of these laws and policies, what recommendations can be made to improve bullying laws and policies in the United States and Nigeria?

Procedures

This dissertation focuses on a descriptive and comparative analysis of the laws and policies on bullying in public schools in the United States and Nigeria. The primary data for the dissertation are derived from documents containing laws, policies, and ordinances from federal, state, and local governing agencies in the United States and Nigeria. The substantive contents and procedural implementations of the laws and policies are then analyzed and compared. The data used for the dissertation also includes information from scholarly works in books, journals, online articles, government documents, and other materials obtained from libraries and other sources of documents in the United States and Nigeria.

Chapter two presents a review of literature focusing on:

1. History of education and educational policies in Nigeria.
2. Theoretical, research studies, legal, and policy perspectives on bullying in Nigeria and few other African countries.
3. Laws and policies as well as court cases on bullying that are available in the United States and Nigeria.

Chapter three comparatively analyzes laws and policies on bullying in the United States and Nigeria so as to reveal areas of congruence and disparity.

Chapter four summarizes and discusses the findings in chapters two and three. It also presents conclusions and recommendations for improving existing laws and policies and their implementations in the United States and Nigeria.

Limitation of the Study

The focus of this study is primarily limited to the comparative analysis of bullying laws and policies and their implementation in the United States and Nigeria. This is further limited to the situation in the context of the public schools in the two countries. Also, the methodology is analytical; consequently, the data used are limited to documental sources rather than field work.

The scope of the work is also limited to the consideration of the dynamics of bullying and the laws on it in the United States and Nigeria as obtained in public schools in the two countries with the ultimate focus of how the laws can impact the problem of child bullying in educational institutions.

Significance of the Study

The overall significance of this study as a comparative analysis of bullying laws and policies in public schools in the United States and Nigeria is realized in drawing attention to the problem of bullying in public schools as a life and death issue with its devastating impact. The study also draws attention to the urgent need of not only providing laws and policies to tackle the problem, particularly in Nigeria where they seem non-existent, but also their effective implementation in the United States that already has laws and policies.

CHAPTER TWO

LITERATURE REVIEW

Bullies rely on an imbalance in power between the bully and the victim. Laws and institutional policies have the ability to shift the balance of power against would-be bullies, by systematically rallying the authority of the law, the resources of the common government, and the opinions of the community against the malicious practice of bullying and in support of greater safety, civility, and achievement in schools. (Dayton, Dupre, & Blankenship, 2011, p. 3)

Introduction

In conjunction with the above quotation, this chapter reviews relevant historical background, theoretical studies, and existing laws and policies on bullying in public schools in the United States and Nigeria. The first section summarizes the history of education and educational policies in Nigeria in relation to bullying in Nigerian schools.

The second section highlights the existing theories on bullying behaviors, legal and policy perspectives, and research studies on bullying in Nigeria.

The third and final section concentrates on the laws and policies available on bullying in the United States and Nigeria, focusing on history, legislative contents and states of implementation of the laws and policies such as court cases in both countries.

History of Education and Educational Policies in Nigeria

It is important to briefly review the history of Nigeria with the establishment and managements of its educational institutions so as to put the problem of bullying in its public schools in better perspective. This even becomes more germane in the sense that while people are quite familiar with these issues in the United States, the situation is not the same in Nigeria.

Nigeria gained independence from Britain in 1960, and became a Federal Republic in 1963. In pre and post-independence history, Nigeria has always been broadly divided into three major regions- the Northern Region, the Eastern Region and the Western Region. The colonial master, Britain, first administered Nigeria as two protectorates (North and South), but it later became three regions. The nation maintained this structure at independence until the 1966 crisis when it was first divided into 12 states. Currently, Nigeria has a 36- state structure with Abuja, its capital, as federal territory. Even with these states' structure, the three regional divides of North, East and West have remained the geo-political and demographic regional umbrella for the states.

Currently, ownership and management of educational institutions in Nigeria are shared among federal, state, and local governments as well as religious/private organizations and individuals. The issue of education in Nigeria is so important that it is embedded in the 1979 constitution of the country where the primary responsibility for educating Nigerian children is placed on the three levels of governance- the federal, the state, and the local governments. The country runs a formal system made up of:

- 6 years of primary schooling
- 3 years of junior secondary schooling
- 3 years of senior secondary schooling
- 4 years of university education

The history of education and its administration in Nigeria has gradually developed over the decades into what is now referred to as the 6-3-3-4 system promulgated in 1982 as seen above. However, this development has been characterized by different dynamics and logistics in the three geo-political regions of Nigeria –the North, the East and the West, which have now been divided into 36 states and Abuja Federal Capital Territory.

Before the advent of the missionaries - both Christian and Muslim and later the British colonialist - the form of educational system prevailing in the areas now known as Nigeria was indigenous. The introduction of formal or schooling education could be almost exclusively credited to Christian missionaries. It was later that the British colonial administration intervened to supplement and regulate the system. The missionaries' establishment and management of schools in different parts of the country, followed by the British, and finally by the various governments of Independent Nigeria culminated in the formation of school boards, which are essentially located in the following chronological pattern.

Southern Nigeria, which was later divided into Western and Eastern Regions, became the first area where formal schooling was introduced by the missionaries. The missionaries took the lead because until 1882, the colonial government did not consider education a priority (Fafunwa, 1974, p. 92). Thus, the first school in Nigeria was established by 'the Church Missionary Society' (CMS) in Badagry in 1845 (Ikejiani, 1964, p. 41). However, due to oppositions from the local community, the school was moved to Lagos in 1852, where it became accepted and permanent. A secondary school was also opened in Lagos in 1859. The CMS as well as the Wesleyans also established schools in different parts of Yoruba land.

In the Eastern Region, the first missionary institution to open schools was the Presbyterian Church of Scotland. A Duke Town school was established in Calabar by Reverend Hope Waddell in 1851. Also, the CMS expanded its mission activities to Onitsha, in the heart of Ibo land, where they established their first station and school (Ikejiani, 1964, p. 41). Records also show that the Catholic mission also joined other Christian missions to establish schools in the East by building schools in Obosi, Aguleri, and other interior parts of the region.

In the Northern regional area of Nigeria, it took a long time for formal schooling to be established. This was due to the fact that Christian missionaries were not able to make headway in the North, which was predominantly Muslim, as they did in the West and the East. Islam was firmly established in the North, so also was the Quranic education. The establishment of schools by the Christian missionaries was regarded as purely conversion-oriented and was therefore vehemently resisted. Indeed the best form of schooling that the CMS was able to establish was called “Home Schools” in 1903, even when there had been the presence of Christian missionaries in the North as far back as 1841. In addition, all the efforts made by Dr. W. R. S. Miller of the CMS to entice the mallams and the children of emirs by establishing what he called “secular school” in Bida did not succeed, and later the establishment of the first real formal school was opened by the colonial government in Kano in 1909 (Fafunwa, 1974, p.107).

The disparity of the establishment of schools in the Southern and Northern areas of Nigeria in pre-independent Nigeria is vividly demonstrated by Babs Fafunwa, (1974), when he wrote:

The north had no secondary schools in 1914 while the south had eleven.

The primary school population in the south in 1913 was 35,716 as compared with 1,131 in the north for the same period. Of course the north had over 140,000 children in its Qur’anic schools as compared with 50,000 in the south. (p. 110)

It is important to mention here that the main objective of the missionaries in establishing schools in Nigeria was mainly for conversion purposes. Consequently in spite of different approaches, the missionaries agreed on the strategy that literary education constituted a fundamental part of their mission. They were also of the view that it should be employed for the conversion of children, and their parents indirectly, to Christianity (Fajana, 1958, p. 25). Indeed, this is vividly spelled out in the position of Pope Pius XI on educational policies of Christian missions. Pope Pius stated:

It is therefore an extremely important matter to make no mistake in this question of education; as important, in fact, as it is to make no mistake in regard to man's final destiny for it is to this that the entire work of education is directed. For the whole purpose of education is so to shape man in this life that he will be able to reach the last end for which his Creator has destined him. It is plain that there can be no true education which is not totally directed to that last end. Moreover, since God has revealed himself in His only-begotten Son who alone is "way, truth and life," it is equally plain that in the present order of Providence which God has instituted there can be no complete and perfect education other than that which is called Christian education. (Pope Pius XI Encyclical, as cited in Ikejiani, 1964, p. 47)

Ultimately, the contents of curricula of education adopted by the mission schools were tailored towards achieving this objective. Usually referred to as the four Rs: "Reading, Writing, (A) Rithmetic and Religion" (Fafunwa, 1974, p. 88), it was intended to "create a society in which the village teacher was also the evangelist" (Fajana, 1956, p. 25).

Educational Laws and Policies in Nigeria under the British

The history of school administration, policies, and the bodies responsible for implementing them in Nigeria actually commenced when the British colonial government developed an interest in education in its various colonies. It therefore began not only to establish schools at different levels, but also to promulgate different ordinances in succession, which provided for policies, bodies, finances, and other regulations to centralize and standardize the educational system. These were modified and built upon since Nigeria became independent in 1960. A brief sequence of these developments both under the British Administration and the independent Nigerian state is presented here.

When the colonial administrators became interested in education in Nigeria, they adopted the British form of education. This was made up of primary, secondary, sixth form (this consists of two years post-secondary school to prepare students for college), and higher education systems. However, when Nigeria attained independence in 1960, it discovered that this form of education did not and could not serve the educational development of the country. It then introduced a succession of modifications, which eventually produced the current 6-3-3-4 Educational Policy of 1977. It was designed as technology-based education, capable of sustaining Nigeria's economy. In terms of administration, the colonial administrators promulgated about six education ordinances and education codes before Nigeria's independence. These were in 1882, 1887, 1916, 1926, 1946, and 1952. These codes and ordinances served not just as guidelines to administer education in the colony, but also as the basis for the modern day educational policies, education laws, and techniques of educational administration in Nigeria.

The 1882 Education Ordinance was the first of its kind by the British colonial government. It was promulgated for the whole of British West African territories comprising of Lagos, Gold Coast (now Ghana), Sierra Leone, and Gambia. The ordinance prescribed the criteria for awarding grants,

organization, and discipline with the objective of attaining high standard of general excellence for the existing and new schools. More importantly, it created a general board of education with the power to establish local boards to administer schools. The 1887 Education Ordinance resulted from the separation of Lagos colony from the Gold Coast in 1886. Thus it became necessary that a purely Nigerian education ordinance be enacted. The ordinance created an education board and also stipulated rates and conditions for the award of grants, standard of examination, classification of teachers' certificates, and the power of the board to grant scholarship for secondary education.

This was followed by the Education Ordinance and Code of 1916. This was the direct result of Lord Lugard's, then colonial governor of Nigeria, commitment to ensure that content of education was based on good character and other components that would make education useful to both the individual and the community. The ordinance was consequently centered on matters of discipline, organization, and moral instruction. This ordinance was amended in 1919 to give more powers to the education board in administering the schools through school inspectors. The next education ordinance under the British was that of 1926. It was intended to be a means of implementing British colonial education policy in British Tropical Africa. The ordinance constituted a landmark in the development of education in Nigeria. It was an outcome of the recommendations of the 1920 Phelps – Stoke Commission.

In 1948, the colonial administration promulgated another education ordinance. It was at the instance of the Director of Education, who was appointed in 1944 to review the ten years educational plan of the colonial government. The major significance of this ordinance was that it decentralized educational administration. It put in place a central board of education and then created four regional boards, that is, those of East, West, Lagos and North. In addition, it recommended the establishment of local education committees and local education authorities.

Another education ordinance came into effect in 1952. This ordinance was promulgated principally to enable each of the three newly created (Eastern, Western and Northern) regions to develop its educational policies and systems. The ordinance became an education law for the country. Through it, the membership of the central board and the regional boards were modified, and the colonial board was abolished. In addition, the ordinance stipulated that all schools, whether public or private, were to be subjected to inspection by the Regional Director or his representatives and the Inspector General or his representatives. In 1954, Nigeria, by the adoption of a new constitution, became a federation of three regions (i.e. Eastern, Western and Northern) and the Federal Territory of Lagos, which was the federal capital. Each region then had the power of making laws for its territory and citizens. The constitution included three lists. These are:

- (i) Exclusive legislative list, which contained items upon which only the federal legislature or parliament could legislate, i.e. make laws.
- (ii) Concurrent legislative list, which consisted of items upon which both the federal and regional legislatures could make laws.
- (iii) Residual legislative list, which comprised items which were within the exclusive legislative competence of the regions.

Legislation on education was in the concurrent list. Consequently, regional governments took advantage of the constitutional provision to make educational laws for their regions. For example, the Western region enacted its educational law in 1955 and the North followed suit with its own in 1956. Lagos Federal Territory had its own educational ordinance in 1957.

Educational Laws and Policies in Independent Nigeria (1966-2004)

The stage for educational administration through laws and policies from independence to today was set with the constitution of the Ashby commission (led by Sir Eric Ashby, comprising three Nigerians, three Americans and three Britons) and its report in 1959. The commission addressed every aspects of the Nigerian educational system from primary to tertiary, stipulating the strategies to meet the country's educational needs for a period of 20 years (1960-1980). However, in 1967, due to the political crisis in the country, as mentioned in the segment on regional history, the existing regions were divided into twelve states with Lagos still remaining as the federal capital. This action necessitated new educational laws for the nation. Consequently, educational edicts were promulgated by each of the states for the regulation of its educational system.

In 1976, the states were increased to nineteen, thus making the legislative bodies to be twenty. Each state again promulgated an edict for the regulation of education and its provision and management. Examples of such edicts were East Central States Public Education Edict No. 5 of 1970, Lagos State's Education Law (Amendment) Edict/No. 11 of 1970, South Eastern State's Education (School's Board) Edict/No. 20 of 1971 and Mid-Western State's Education Edict, No. 5 of 1973. Each state amended its education law when necessary. All the edicts had common features, such as state take-over of schools from individuals and voluntary agencies, establishment of school management boards, and a unified teaching service.

At the end of the first military rule in 1979 and the inauguration of the second republic, a new constitution known as the 1979 Constitution with Presidential System of Government, became legal basis of education in the period. The constitutional provision on education put education in the concurrent legislative list. This implies that responsibilities and authority in the provision of education

were to be shared among the three tiers of government, that is, federal, state, and local governments. Chapter 11 of the constitution gave the federal government more powers than the states in the areas of post primary, professional, technical, and university education under its control.

Between 1983 and 1999, Nigeria again came under military rule. As a result, several decrees were promulgated by the Federal Military Government to guide and regulate the conduct of education. Such include Decree No. 16 of 1985, which was promulgated on National Minimum Standards, and Establishment of Institutions' Decree No. 20 of 1986, which changed the school calendar, which was January to December to October to September. Upon returning to civil rule in 1999 with a new constitution, Section 18 of the constitution re-stated the objectives of education in Nigeria as contained in the 1979 Constitution of Nigeria and the third edition of the National Policy on Education (FRG, 1998). Education continued to remain on the concurrent list, thus sharing control of educational responsibilities among the three levels of government, the federal, the states, and the local governments. The laws and the bodies controlling schools, particularly the primary and secondary, reflect this arrangement. This is the situation currently operative.

Schools Boards and Bullying in Nigerian Schools

There is need to go through the discourse above in order to establish the paths to creation of the bodies responsible for administering educational laws and policies in Nigerian schools, which is inclusive of addressing the bullying problem in the schools. Based on this historical survey of educational administration in Nigeria, it is quite obvious that such a body may be referred to as school board (sometimes with different names depending on level of school system). It is also deducible that they are creations of both the federal and states governments. In addition, the bodies across the states are uniform both in structures and in functions. Furthermore, they are generally agencies of both the federal

and states' ministries of education. In cases of primary and secondary schools, which are subject to these bodies, the structure follows this representative pattern(s):

All public and private primary schools in the country are under the jurisdiction of the Federal Ministry of Education. However, they are run through the Primary Education Boards in all the states which also has local government branches known as Local Government Education Boards.

Public and private secondary schools, except those owned by the Federal government, are under the control of their respective state Ministry of Education. However, the administration of these schools in the state is usually under the direct control of various post-primary schools boards, with different nomenclatures across the states. For example in Kaduna State (north), it is called Kaduna State Teacher Service Board. In Osun State (west) it is known as Post- Primary Teaching Service Board.

On the specific issue of school boards and bullying policies, it is important to state that the laws and policies of both the federal and state governments on education and schools, which the various boards administer, have no specific provisions on the phenomenon of bullying in both primary and secondary levels of schooling in the country. This has been largely credited to a number of speculative reasons. One of such is the notion that the problem of bullying in schools is considered to be part of general disciplinary issues to be dealt with by individual school administrators and teachers. Another is the pragmatic reality that acts of bullying are generally regarded as necessary behaviors of a "stage," which children in schools have to go through as part of "maturing" process and which has a dynamics of "turn by turn."

It is in very recent years that the problem has begun to gain the attention of the legislative arm of governance in Nigeria. Even so it is treated as part of the larger issue of abuses, victimization, and violence in the society generally. For example, the Lagos state in 2010 enacted a law banning the use of

caning as a form of punishment in schools in the state. The government of the state regards this form of corporal punishment as child abuse. Also, there are those who believe this situation of not attaching importance to the issue of bullying has arisen because of the few number of studies on the phenomenon in Nigeria generally and government policies on it in particular. For example, Ehindero (2010) stated, "Research on the prevalence of peer victimization in Nigeria is sparse" (p. 54). Also, Aluede (2011) opined, "Furthermore, there are no available statistical facts to show the actual number of students that are bullied or victims in Nigerian schools" (p. 141). Egbochuku (2007) also supported the notion by stating that "In Nigeria, there seems to be the absence of research on the extent and nature of bullying in schools" (p. 65).

Having stated the above, it is important to emphasize that, as stated in the introduction, the phenomenon of bullying is very much alive in Nigerian schools. It has been generally defined in a number of ways. For instance, Aluede (2011) defined bullying as "a form of aggression, a particular kind of violence, to which students are exposed" (p. 139). He said further that, "it is a form of social interaction in which a more dominant individual (the bully) exhibits aggressive behavior intended to cause distress to the less dominant individual (the victim)" (p. 139). Omoteso (2010), quoting Lumsden, said "bullying occurs when a person willfully and repeatedly exercises power over another with hostile or malicious intent" (p. 498). Based on these understandings, it should be noted that bullying exists both in public and private and at both the primary and secondary school levels of schooling in Nigeria. Indeed, according to Egbochuku (2007), public interest in the phenomenon of bullying in Nigerian schools became headlines of the media about a decade ago. Thus, in his words, "schools, parents and children alike started demanding investigation and intervention to conquer this seemingly large and serious problem" (p. 65). The reality and magnitude of the problem in the Nigerian schools are vividly

demonstrated in the study carried out on bullying by Egbochuku (2007) in schools in Benin City, capital of Edo State of Nigeria. On the question of the extent of bullying in the schools, he came up with the following findings:

Almost four in every five participants (78%) reported being bullied to some degree and 85% of the children admitted to bullying others at least once.

Further analysis examined 'moderate' bullying and 'severe bullying' (moderate incorporated all the responses by participants who ticked the boxes 'No', 'only once or twice', 'sometimes'; whereas severe bullying incorporated the final two categories only i.e. 'once a week', and 'several times a week.') Using moderate bullying criteria, more than half of the children (62%) were being bullied and 30% bullied others. For severe bullying, 5% and 3% said they were bullied or bullied others respectively. (Egbochuku, 2007, p. 66)

A further indication of the occurrences of bullying in the Nigerian school system is attested to by the Nigerian Federal Ministry of Education document (2007) that states that physical violence and psychological violence as forms of bullying accounted for 85% and 50% of such incidences respectively in schools across Nigeria.

In highlighting the reality of bullying in Nigerian school system, some attempts have been made to identify the types of bullying, where it takes place and attitudes of students to it. For example, the types of bullying common in the schools are physical (fighting, punching, pushing, strangling, beating, kicking and hitting) and psychological (threats of beating, teasing, hurtful name-calling, emotional intimidation, gossip and racist remarks, and refusal to talk to the victim (Popoola, 2005; Egbochuku, 2007; Ehindero, 2010; Aluede, 2011). The most common places where bullying is prevalent in the

schools, according to Egbochuku (2007), are the playgrounds, classrooms, and on the way home after school (p. 67). The responses of students to bullying are varied. These range from intent to bully others, helping those being bullied to reporting the incident to teachers.

A very noticeable attempt to grapple with the problem of bullying in the Nigerian schools is making the engagement of school counselors' mandatory particularly in all the secondary schools (both public and private) in Nigeria. This, perhaps, is the most significant step taken by various school boards as agencies of both federal and state governments to address the bullying problems in schools in the country. It is hoped that with the counselors in place in the schools they would be able to enforce what can be considered the only available form of federal government policy on bullying. This general and "universal" policy on bullying in Nigerian schools was actually designed as interventions to reduce its prevalence. According to Aluede (2011), in 2007, the Federal Ministry of Education's *The national strategic framework for violence free basic education in Nigeria* provided some interventions towards the reduction of bullying. It states as follows:

- Deliberate efforts at establishing/strengthening counseling services in schools must be initiated with a view to protecting children from violence. Therefore, pre-service and in-service capacity of guidance counselors and school psychologists must be prioritized. In addition, issues on violence, especially physical violence (bullying) against children must be incorporated into guidance and counseling curriculum (p.143).
- Violence -free consciousness must be promoted among students, teachers and other members of the communities including parents. Therefore, school counselors and psychologists should on regular basis organize seminars on violence prevention and also publications to educate students and teachers on acceptable non-violence behaviours (p. 143).

- School counselors should as a matter of priority endeavour to ensure the promotion of life skills to prevent violence against students in schools. Where appropriate, co-curricular activities in school clubs focusing on violence prevention should be encouraged (p. 144).

All school boards overseeing both primary and secondary schools (public and private) were expected to ensure that schools under their control mandatorily execute this policy.

Regional and Related Demographic Influences on Occurrences of Bullying in Schools

A very pertinent question about bullying in the Nigerian school system is the determination of how far regional and related demographic factors can be held accountable for its occurrences. There is a general opinion that regional demography and factors related to it have little or no influences on occurrences of bullying in Nigerian schools and that the phenomenon, just as in schools in other parts of the world, can be located within the “universal” dynamics of human relationships in collective environments – such as schools. For example, Ehindero (2010), quoting Berkowitz (1963), wrote: “human beings by their nature are biologically, psychologically and socially prone to aggressive impulses to which they respond” (p.54).

However, there have been dissenting views, which insist that demographic elements of geographical location, religion, sex, ethnic group, and social status can be of immense influences on both the bullies and their victims. I subscribe to this view, particularly in the Nigerian situation. As stated in the introduction and first segment of this paper, though Nigeria is now structured in 36 states and a federal territory political units, its geographical demographic reality has always been a three regional (North, East and West) umbrella. These regional compartments have been characterized by significant differences in religious practices, educational opportunities and other social practices, which I believe do have some degree of influences on the bullying phenomena in the different regions of the country.

It is interesting to note that some studies that have been done for example Aluede (2011) seem to indicate that on a regional basis bullying is more prevalent in the southern regions than in the northern regions. In specific terms, he stated, "Across region, physical violence in schools is higher in southern Nigeria (90%) than in the northern region (79%). So is the case of psychological violence, which is 61% in southern Nigeria and only 38.7% in northern Nigeria" (pp. 141-142). Quite a number of reasons may be responsible for this statistic. The most obvious is, of course, dealing with aggregates in terms of numbers of schools in the regions. There is also the social dynamics which are quite different in the respective regions. However, it might be instructive to examine particular regional demographic and related factors, which influence bullying in schools in the different regions.

Northern Region

Northern Nigeria is predominantly populated by Muslim communities and as clearly shown in the discussion on the history of establishments of schools in Nigeria, the Western or formal system of education was not easily accepted in the region as in the Eastern and Western regions. Another feature of the states in the Northern region has to do with the predominant form of occupation in the area. Majority of the people of the region are Hausa/Fulani and are nomadic farmers, which means that their children, particularly at the primary school level, have to attend special schools known as the Nomadic schools, set up under the federal government of Nigeria "Nomadic Educational policy."

A study carried out by Usman and reported in the McGill Journal of Education (2006), using the Nomadic Fulbe boys as a case study, indicates how the combination of religion, occupation, rural living, and minority status could be significant demographic factors on the prevalence of bullying in schools in northern states of Nigeria.

In reporting on the culture of bullying in the multiethnic primary schools attended by the Fulbe boys, Usman (2006) findings clearly suggest the followings as influencing factors:

- Their physical appearance (traditional clothing, tattoos, hairstyles and accessories)
- Their culture of silence in peer play (keeping to themselves in school)
- Their being forbidden by culture to engage in unreasonable confrontations
- Unprepared exposure different from their rural setting.
- Their status as minority ethnic group
- Existing tension between the parents of nomadic and farmer settlers' children in the school.
- The northern and Islamic culture of the strict and stereotypes of gender public contacts with regards to female teachers on not interfering in bullying situations (pp. 164-165).

However, we must point out that though this stands as a fair and general representation of demographic factors influencing occurrences of bullying in northern Nigeria, the current social, economic, and political upward mobility are having substantial effects on the population of states located in the region. There are now numerous schools at different levels and many urban centers in cities such as Kano, Kaduna, Zaria, and the federal capital, Abuja. Consequently, it is quite reasonable to argue that for these locations, the regional and related demographic factors influencing bullying in schools are similar to those of the southern states located in the original Eastern and Western regions of Nigeria, given the literature I have examined.

Southern Nigeria (Eastern and Western Regions)

As earlier discussed, the Eastern and Western regions that constitute the southern area of Nigeria eagerly embraced Western education through the efforts of the Christian missionaries. Consequently, schools at different levels were established all over the area. In addition, it is noteworthy that the number

of educational institutions in the states of original Eastern and Western regions respectively has continued to far surpass those in the North. Also, the urban, economic, and social complexities of the population of the states in these regions have shaped the demographic realities, which are largely different from their Northern counterpart. These dynamics have definitely impacted the regional and related demographic factors influencing the prevalence of bullying in schools in the areas.

In the main, such demographic factors are identified in:

- Location (rural/urban)
- Gender (male/ female)
- Ethnic (minority/ majority)
- Types of school (public/private)

It is important to point out that these demographic factors in the southern regions are neither arbitrary nor speculative. This is because though there have been very limited studies on the phenomenon of bullying in Nigerian schools, the few that are available have articulated these factors and have actually provided some statistical figures to support their findings.

In terms of location, the rural/urban demographic influences on bullying in schools have been examined. This is consequent on the fact that though significant portions of the southern regions have urban populations, there is still substantial number of communities living in the rural areas. Interestingly, if one is to go by the findings of a survey conducted by the Federal Ministry of Education as reported by Aluede (2011), physical bullying occurs more in rural areas. In statistical percentage, the survey indicates that “Across school location, physical violence was more prevalent in rural (90%) than urban areas (80%)” (p. 141).

Gender demographic influences have also been cited as relevant to students' bullying behaviors in the regions. One of the major reasons that this becomes significant is that most schools in the southern regions are co-educational, whereas there are more of single-gender schools in the northern region. This constitutes a part of the findings of Egbochuku (2007) in the study he conducted on bullying in schools in Benin City, southern Nigeria. The study confirmed the opinions of Sundermann et al., 1966; Olweus, 1991; and Whitney and Smith, 1993 that "boys engage in bullying behavior and are victims of bullies more frequently than girls" (p. 65). Omoteso (2010) also supported this view (p. 500).

Another regional demographic factor of influence on bullying prevalence in schools in these areas is that of minority vs. majority ethnic component. In the southern regions of Nigeria, the predominant ethnic groups are the Ibo in the east and Yoruba in the west, but there are many other sub-ethnic groups in the regions whose children may become victims of bullying by the children of the major ethnic groups.

One other form of demographic reality influencing bullying in schools has to do with the type of schools – public or private. Again, the educational reality existing among the states located in the three regions of Nigeria is that the southern regions have significant numbers of private schools at all levels – primary, secondary, and university, more than the northern region which depends almost exclusively on public schools established by federal and state governments. Consequently, the type of schools becomes relevant in considering the prevalence of bullying among the children in the different types of schools. Findings of available studies on this have shown that there is more prevalence of bullying in public schools than in their private counterparts (Egbochuku, 2007; Ehindero, 2010; Aluede, 2011).

Theoretical, Legal and Policy Perspectives, and Research Studies on Bullying in Nigeria

Nigeria is part of the African continent. The African continent is vast and is diverse in almost every aspects of life. However, the country, just like the continent, is bonded together with a people rich in a heritage of unique cultural and religious traditions. Nigeria also shared in the continent's history marked with experiences of ancient kingdoms and civilization; slave trades (Trans- Sahara and Trans-Atlantic), which subjected the people of the continent to significant inhuman degradations; and colonialism, which for almost two centuries subjugated the political and economic freedoms of her people. Perhaps one of the positive benefits of colonialism and introduction of foreign religions, especially Christianity, is the introduction of formal schooling, within the preview of which the problem of bullying is examined in this thesis.

There is no doubt that the problem of bullying is found in schools across Nigeria just as in other parts of Africa. The attempt in this segment of the literature review is to explore the relevant literature on bullying in public schools in Nigeria. However, this cannot be done in isolation without paying some attention to Africa as a continent. Also, the review of such literature needs to take into consideration three very salient strategies. These are associated with questions on first, the available perspective that may be used to understand bullying particularly in the school environment; second, the legal and public policy perspective that have attended the problem; and third, the research studies that have attempted to grapple with these two issues and other dynamics of the problem of bullying in public schools.

Theories

Many theories have been proposed as keys to understanding the acts of bullying in public schools not just in Nigeria and Africa, but indeed, globally. Two of such theories are briefly examined here:

i. Ecological Theory

Ecology, as a psychological concept, is loosely described as “the relationships that interlink people around a problem” (Cole, 1991, as cited in Timm & Eskill-Blokland, 2011, p. 339). The American Heritage Dictionary defines ecology as “the science of the relationships between organisms and their environments” (p. 437). The home, where the child comes from, which consists of the parents and other siblings, plays an important role in the life of the child in regard to the kind of behavior the child exhibits. If the child is not well monitored at home by the parents, is being molested, or exposed to violent behaviors by either or both of the parents, it will affect the child’s behavior at school. Also, the relationship of the child with other siblings in the home can either positively or negatively impact the child’s behavior.

The conduct of adults that surround the child at home can greatly influence the child. This is reflected in the interviews Timm and Eskill-Blokland (2011) conducted with people that surrounded Kgosana home front, which were the mother, grandmother, and aunt. None of them had any good relationship with him and they had nothing positive to say about him. He was not on good terms with his father and grandfather. He did not even have good relationship with neighbors. Such a home environment can definitely encourage a child to be violent at school since the child’s behavior is oftentimes a reflection of the community.

The school environment, in particular the teachers, contribute to the way the child behaves. It is unfortunate that some teachers that are supposed to protect children from violence also engage in bullying students in Africa. A lot of teachers engage in verbal bullying forgetting that words can sometimes hurt more than physical bullying. Teachers devote more of their time to teaching without paying much attention to the emotional feelings of the students, forgetting the fact that the school is

obligated to provide an environment that is safe and conducive to learning for the kids. Research has revealed that children that are bullied prefer to discuss with their peers rather than the adults around them. Such children believe that their friends or peers can help them out of their predicament better than the adults – teachers and even parents. In the case of Kgosana, all the adults around him saw nothing good in him except his favorite teacher who commented that he was a wonderful boy (Timm & Eskell-Blokland, 2011, p.346).

ii Biological and Psychological Theory

Ehinderer (2010) explained that: “A child who was nurtured in an aggressive home environment cannot think of other alternatives to solving problems than to fall back on aggression and violence which dominated his/her upbringing” (p. 55). What happens in a child’s environment regularly dominates his/her inner thought. Children easily learn, imitate, and subsequently adopt the behaviors they witness in their environment (either positive or negative). Such behaviors could be through their parents, teachers, and other adults in the community, and even through their peers at adolescence. It could also be learned through the media. A child who witnesses violence at home either through the parents or the mass media such as television movies, magazines, newspapers, and books will be affected psychologically. It is this mindset of violent behavior from the environment/home that is brought into the school, which eventually results in bullying other students.

The environment in which the child lives significantly influences his/her thinking. A child that is exposed to violence has the tendency to become violent while a child that lives in an environment devoid of violence is most likely to be non-violent. Bullies at times are victims. Children naturally treat others the way they are treated. A child that is treated badly at home will treat others at school badly as well. If parents, who are supposed to be the child’s role models are too harsh on the child, do not show

affection to the child, or often neglect the child, it will affect the child's social life negatively. A frustrated child is most likely to exhibit aggressive behavior. Ehindero (2010) stated that "frustration facilitates the performance of aggressive behavior" (p. 55).

Bandura's social learning theory acknowledges that "the biological structures and prevailing environmental conditions can set limits on the types of aggressive responses that can be learned" (p. 55). Besides the environmental influence on the behavior of a child, the behavior can be inherited from either of the parents. An aggressive parent will produce an aggressive child. If the parent's aggressiveness works for him/her, then the child would assume it would work for him/her too. According to Bandura's social theory, "human beings adapt, learn and maintain behavior patterns that have worked in the past even if they worked occasionally" (as cited in Ehindero, 2010, p. 55). Also, a child from a low socio-economic background may bully in order to make him/her feel good. They sometimes bully to cover up their inferiority complex.

Legal and Public Policy Perspective

From the examination of available literature, there seems to be an obvious deficiency if not complete absence of legal and public policy on bullying in Africa in general and Nigeria in particular. This is very much unlike the United States and Europe. This is in spite of the fact that bullying is as rampant in schools in Nigeria and across African countries, just as it is in the United States and Europe. The situation can be located in a speculative hypothesis derived from some or all of the following factors:

- Considering the problem of bullying in schools as part of general disciplinary issues to be dealt with by individual school administrators and teachers.

- Submission on claimed pragmatic reality that acts of bullying should be generally regarded as necessary behaviors of a “stage” which children in schools have to pass through as part of “maturing” process and which has a dynamics of “turn by turn.”
- Also, in the Nigerian situation, the purely legislative speculation is justified by submitting that the general provisions of the 1999 Nigerian Constitution on various forms of violence are adequate as legal provisions on not just general violence against children but also the specific acts of bullying in Nigerian schools. These provisions as contained in Section 17(3) of the 1999 Constitution state that the Federal and States shall direct their policies towards ensuring among other things that:

All citizens of Nigeria (including children) have opportunity for securing adequate means of livelihood as well as opportunity to secure suitable employment; have conditions that are just and humane at work with corresponding adequate facilities for leisure, social, religious and cultural life; and that children and young person are protected against any form of exploitation whatsoever, and against any moral and material neglect. (Federal Ministry of Women Affairs, 2004, p .5)

The reasons given for the huge lack of literature on legislative perspective on bullying in schools, particularly in Nigeria, are derivable from the fact that such legislative policies are virtually nonexistent. These, from our perspective are needed to be addressed and therefore constitute the urgent need and significant benefit of this thesis- comparison of the laws and policies on bullying in public schools in the United States and Nigeria.

Research Studies-Based Perspective

It is gratifying that though there is an obvious dearth of literature on laws and policies on bullying in Nigeria and other parts of Africa, quite a number of studies have been done on bullying in Africa just as in the United States, focusing on different segments of the problem in schools. Some of such studies are reviewed here as representatives of such efforts. The ones presented here are taken from three different regions of Africa- East, South and West Africa, with particular focus on Nigeria, which is being compared with the United States in this study.

Ndetei, Ongecha, Khasakhala, Syanda, Mutiso, Othieno, Odhiambo, and Kokonya (2007) carried out a study on bullying in public secondary schools in Nairobi, Kenya. They identified bullying as the most common form of violence in schools. This is not peculiar to Kenyan schools only, but to other schools in Africa, and schools all over the world. As pointed out by Ndetei et al. (2007), despite the fact that bullying is a worldwide problem, there is little research on it in developing countries. They mentioned further that there is more literature on the phenomenon in South Africa than in Nigeria and Ghana. They, however, agreed that there has been very little research done on bullying in Africa generally. Two types of bullying are identified – direct and indirect bullying. While boys engage more in direct bullying, girls are more into indirect bullying. Direct bullying behaviors include teasing, taunting, threatening, hitting, and stealing. Indirect include actions such as spreading of rumors and enforcing social isolation. Boys often bully both boys and girls, but girls bully girls. According to them, victims of bullying confide in friends more often than their teachers. They therefore prefer to report to their friends who they believe would help them out of their predicament than reporting to their teachers or other adults who they believe would not pay attention to their problem.

To understand why bullying behaviors are more prevalent in some schools than in others, they explained how the school system in Kenya is organized. After spending eight years in primary school, the children would do a qualifying examination to enter secondary schools. Based on a quota system, those who are high performers will be selected from schools all over the country to attend the national schools. Those who could not be admitted to the national schools within the city of Nairobi will go to provincial schools within the Nairobi province. Based on this academic structure, they submitted that bullying is prevalent in national schools than provincial schools because the national schools consist of students drawn from all over the country with different ethnic and socio-economic backgrounds. The provincial schools, on the other hand, consist of students from within Nairobi. The study was limited to public secondary schools in Nairobi, and as such could not represent the Kenyan schools in general, but the writers believed that the prevalence of bullying incidents in Kenya is “similar to that suggested by de Wet in the Free State, South Africa where “84% of students and 95% of teachers thought bullying was a problem” (p. 52).

- They offered some solutions that could help solve bullying problems. Such solutions include:
Development and implementation of school bullying policies
- “Teachers to work with students at the class level to develop rules on bullying and find ways to create a school climate where bullying is not tolerated”
Sjostrom & Stein, 1996; Salmivalli, 1999, as cited in Ndeti et al., 2007, p. 47).
- Also, as suggested by Olweus (1993) there should be anti-bullying programs that will allow interventions for both the bullies and their victims. All the stakeholders in the school community should take part in the intervention plan. This will include parents, students, and school staff. Increased adult supervision is also encouraged.

Some of their findings are related to other findings outside Africa. For instance, Ahmad and Smith (1994), Batsche and Knoff (1994), and Olweus (1993) also reported that boys tended to bully more than girls. Also, Ahmad and Smith (1994) found that girls were more likely to be involved in indirect rather than direct bullying. They, however, concluded that the problem of bullying would be better addressed if adequate data on its prevalence is available. Unfortunately, data on bullying is not available in Kenya.

Owusu, Hart, Oliver, and Kang (2011), writing on the association between bullying and psychological health among senior high school students in Ghana, West Africa, stated that bullying could have negative effect on both the perpetrators and the victims. It could also affect their health and development. Using the Global School-based Student Health Survey (GSHS), they said that there is variation in the occurrence of bullying across African countries that participated in GSHS. They reported prevalence rates as follows: Zambia 65%, Ghana 59%, Kenya 57%, Botswana 52%, Namibia 52%, Uganda 46%, Mauritius 40%, and Tanzania 28% (p. 5).

The demographic variables used were gender, age, and grade level, and four psychological health items - loneliness, being worried, signs of depression, and suicide ideation were used as outcome variables. At the end of the study, they found that bullying is negatively associated with students' psychological health and those students who are bullied in schools "are more likely to report adverse psychological health" (p. 15). Also, they discovered that younger students are more exposed to bullying than older peers at any grade level. They concluded that grade level can be used to determine the occurrence of bullying among senior high school (SHS) students in Ghana. Moreover, gender wise, males are more likely to report being physically bullied than females among SHS students in Ghana.

They concluded by suggesting that school health professionals should take into consideration the findings when making policy, planning program, developing curriculum and when evaluating existing

anti-bullying programs. Also, anti-bullying programs should be designed for different grade levels in order to meet their individual needs. Finally, they suggested that:

Policy makers in conjunction with regional, district, and local school health officials should consider helping schools establish safe and confidential modes of reporting bullying... School health professionals in conjunction with the Ministry of Education should explore feasible ways of integrating anti-bullying education into teacher preparation programs. (Owusu et al., 2011, p. 17)

De Wet (2006) confirmed what other writers have said when she mentioned that “Although... numerous publications on bullying have appeared, little has been published on the subject in South Africa” (p. 61). She, however, stated further that South Africa’s interest in the subject has increased since the beginning of the 21st century. She discussed generally the concept of bullying in Free State schools and how educators and learners perceived it differently. She, however, took a different approach from other previously discussed authors by discussing extensively educator- targeted bullying.

After defining bullying, she identified common types of bullying, which include physical, verbal, relational, emotional, and sexual bullying. She said that since people defined the concept differently, they also viewed it differently, which accounted for the different perceptions of bullying by learners and educators. This also accounted for the disparities in the reports by educators, primary school principals, second-level principals, and learners in Ireland’s report of bullying in various studies (p. 63). Educators in South Africa, according to her are involved in the three levels of bullying- as witnesses, as victims, and as perpetrators. The focus of the writer is however on educators as victims of bullying. Educator-targeted bullying includes the following:

- Persistent, intentional, vigorous abuse of the educator
- Swearing and/or mocking the educator
- Knowingly ignoring the educator
- Making personal comments about the educator
- Damaging the educator's property (Pervin & Turner, 1998, as cited in De Wet, 2006, p. 63).

Pervin and Turner (1998) found that “91% of the educators had at some stage in their teaching career suffered from educator-targeted bullying” (as cited in De Wet, p. 63). Though some educators are victims of bullying, some of them are also bullies. Educators are “legally and morally obliged to maintain discipline and to protect the safety of their learners,” (p. 69) but unfortunately some educators have failed in their responsibilities. Despite the fact that there is little evidence of educators bullying learners, there is evidence that the South African educational authorities have a code of conduct for its educators. In the South African Council of Educators (SACE) (s.a.:2) Code of Conducts, educators should:

- (1) Exercise authority with compassion;
- (2) Avoid any form of humiliation;
- (3) Refrain from any form of abuse – physical and psychological; and
- (4) Refrain from any form of sexual harassment (physical or otherwise) of learners (p. 64).

This means that under no circumstances should an educator victimize a learner, but unfortunately, it does occur. For example, the direct verbal bullying that learners often use to bully their educators is what the educators use to victimize their learners. Educator-targeted bullying usually has negative effects on the educators as well as on the learners in the class where the bully is. As Pervin and Turner (as cited in De Wet, 2006, p. 70) observed, victims of educator-targeted bullying usually have lower

expectations, which affects the effectiveness and productivity of their teaching. This will eventually affect the learners negatively. It is, however, unfortunate that educators found it difficult to tell their colleagues that their learners were bullying them. Pervin and Turner (as cited in De Wet, 2006, p. 70) recommended that educators that are victims of learner bullying should be supported through mentoring system by their colleagues and principal. There should also be the awareness that educator-targeted bullying does exist.

To reduce bullying in Free State schools, De Wet counseled that there should be anti-bullying policy in every school. She also suggested that educators should be educated on how to intervene in bullying incidents “and to work together with therapists and school psychologists to deal with the symptoms of bullying and victimization” (p. 71).

Aluede (2011) credited earliest works on bullying to Dan Olweus. He said the school is a place where the student is supposed to learn and to acquire knowledge, but violence has overtaken this in schools in the past few years. He said further that “the school is also expected to be a place where students should feel safe and secure and where they can count on being treated with respect” (p. 138). Bullying, in his view is, “a complex social problem that can have severe negative consequences for both bullies and victims” (Hymel, Rocke-Hederson & Bananno, 2005, as cited in Aluede, 2011, p. 139). In a study of bullying at boarding school in Zimbabwe by Zindi (1994), it was revealed that “16% of the sampled students were bullied now and then, and 185 were bullied weekly or more often” (as cited in Aluede, 2011, p. 141). No attention is given to the phenomenon in Nigeria. Though cases of it had been reported, statistical facts to show the actual figure of victims is not available.

Egbochukwu (2007) study on some Nigerian students in Benin City revealed that “almost four in every five participants (78%) reported being bullied and 85% admitted to bullying others at least once”

(as cited in Aluede, 2011, p. 141). Other studies by Aluede and Fajoju confirmed this. In a survey on school violence conducted by the Federal Ministry of Education (2007), physical and psychological violence was on top of the list. Across school location, physical violence was more in the rural areas than in the urban areas. Across region, physical was more prevalent in Southern Nigeria than in Northern Nigeria. Psychological violence was also more prevalent in Southern Nigeria than in Northern Nigeria (Aluede, 2011, pp. 141-142). Students don't report being victimized because they feel the school authorities will not do anything about it, and to compound the situation, the Federal Ministry of Education is yet to find a solution to the problem.

Aluede (2011) offered some interventions strategies. These include:

- (1) The need for school counselors to improve students' level of compassion and empathy through role playing and other activities.
- (2) Training children early in life to be considerate of others; to understand the feelings of others and thus treat others with respect and kindness.
- (3) Peterson (2005, as cited in Aluede, 2011, p. 142) suggested that anti-bullying policy should be developed. And such policy should be given to everyone in the school community and such policy should not only be on paper but should be implemented.
- (4) Peterson (2005) suggested further that parents and students should be made to sign contracts at the beginning of school years to confirm they understand that some behaviors are not acceptable and that such behaviors will attract consequences on the part of the erring student.

- (5) In addition, bullies should be taught positive behavior through “modeling, coaching, prompting, praise, social skills, conflict management, anger management, character education, and signing anti-teasing or anti-bullying pledges” (p. 142).
- (6) There should be increased public awareness and knowledge of bullying behavior problem.

Popoola (2005), in agreement with other writers on the situation of bullying in Nigeria, said, “In Nigeria, peer victimization among students seems to have attracted little or no attention from researchers probably because it is not seen as a serious social or educational problem” (p. 598). Reliable data on the prevalence of peer victimization in secondary schools in Nigeria is not available. Though bullying is not a new phenomenon, there is a growing concern for the prevalence of the problem in Nigeria because it is believed that the problem will not only affect the victimized student in future, but the entire Nigerian society. He said there was need for immediate intervention because peer victimization might “set a pattern for subsequent interactions involving victimization in the wider adult society” (p. 599). Studies have showed that students who are victims of peer victimization are most likely to have psycho-social adjustment and emotional problems, which will continue into adulthood (p. 599).

Popoola conducted a study to investigate the prevalence of the problem of peer victimization in Nigeria. Participants in the study consisted of 385 secondary school students drawn from across ten local government areas in Osun State, Nigeria. They consisted of both junior and senior secondary school students with ages ranging between 10 and 19 years. The Multidimensional Peer- Victimization Scale was used for data collection. The result revealed that 272 (70.6%) participants experienced a high level of peer victimization with attack on property as the most prevalent, followed by physical victimization. Using the demographic variable of sex, it was revealed that females reported higher level of

victimization than males. While males were exposed more to physical victimization, females experienced more of social victimization, verbal victimization, and attack on property.

The results also showed that age played a significant role in the victimization reported by the participants. The age classification for the study was: below 11 years; 11 – 15 years, and above 15 years. The results showed that students who were below 11 years experienced the highest level of peer victimization and those older than 15 years experienced the least level. The outcome of the study, in Popoola's view, "appears worrisome as it suggests the existence of a serious problem that may have far-reaching effects on children's emotional and social development and by logical extension impact negatively on the social and psychological well-being of the entire Nigerian society" (p. 603). Also, as Farrington (1993) put it, this may lead to "criminality, marital violence, child abuse, and sexual harassment" in future (as cited in Popoola, 2005, p. 603). At this point, the problem will not only affect the victims of victimization, but their families, the community, and the entire nation.

Though the result revealed that female participants experienced higher level of victimization than the males, the writer said this might be as a result of the Nigerian cultural setting in which females are perceived as the weaker sex and are thus treated as such. Parents expect their male children to always stand up for themselves and be assertive so when they are victimized they will be ashamed to report it. This may account for the low reporting of victimization by male students.

Popoola (2005) concluded by offering some suggestions as to how to reduce the problem or if possible, eradicate it. He opined that there was need for immediate intervention. The suggestions he proposed include:

- (1) The immediate establishment of school-based intervention and prevention program to “teach basic inter-personal and conflict resolution skills to members of the school community” (p. 604).
- (2) Guidance services should be functional in all secondary schools.
- (3) Counselors should work with school administrators to come up with acceptable behaviors in schools and how to address unacceptable behaviors.
- (4) Teachers should encourage team work among students in their classrooms.

Omoteso (2010) observed that “school is perceived to be a place where students should feel safe and secure but the opposite is the case” (p. 498). The insecurity is caused by unacceptable behaviors such as bullying. Until recently, many people felt bullying was a harmless experience for school children. However, people have come to the realization of the serious damaging effects that bullying could have on the bullies, their victims, their schools, and their communities. Despite the attention that is given to the concept in the western world, Nigeria is yet to do something about it. Using various definitions of various researchers, Omoteso summarized the concept of bullying as consisting imbalance of power between the bully and the bullied. It is a situation in which the most powerful dominate the less powerful. She established the fact that both boys and girls engage in bullying. While boys engage more in physical or direct bullying, girls often use indirect bullying.

Bullying sometimes occurs in the same grade. Older students often take advantage of the younger students in the same grade with them. It occurs mostly on the playground, in the classroom, in corridors, and in the school hall. Researchers observed that bullying occurs “once every seven minutes on the playground and once every 25minutes in the class (Craig & Pepler, 1997 as cited in Omoteso, 2010, p. 500).

Some of the causes of bullying are environmental influences such as teachers' attitude, behavior, supervisory routines, or classroom management. Lack of appropriate supervision in the school could be another cause of bullying. It could also be caused by parents' behavior. Aggressive parents are likely to have aggressive children who will likely be bullying other students in the school. Lack of adequate supervision of children by parents at home could result in bullying behaviors at school. A child from a broken or polygamous home could engage in bullying. A child may also bully because he/she had been a victim of bullying. The most serious factor responsible for bullying, according to Omoteso (2010), is watching violent films.

The consequences of bullying on the victim include the following: Lower attendance, low academic achievement, fear of school, loneliness, depression, and lack of confidence. Victims could also suffer health problems such as eating and sleep disorders, headaches, and stomachaches (William et al., 1996, as cited in Omoteso, 2010, p. 502). They are also not always happy. Seven-hundred and fifty secondary school students were selected from five randomly selected secondary schools in Ile- Ife, Osun State, Nigeria for the survey by Omoteso to examine the prevalence of bullying behavior among secondary school students in Nigeria. Out of the 750 students, 504 (67.2%) said they had been involved in bullying either as a perpetrator or as a victim. Topping the list of strategies students use to cope with bullying are, reporting to school authorities/counselor, telling their parents, and avoiding the person.

The findings of the study showed that female students were more involved in bullying than male students and also that younger students took part in bullying more than older students. These are contrary to many other research findings. The writer suggested that creating a safe environment for students should be the responsibility of everyone including "the government, educators, policymakers,

police, parents, community organizations, religious organizations, and students themselves” (p. 507). To reduce bullying in schools the writer recommended the following:

- Schools and homes should work together to inculcate in their children/students the right and acceptable values
- Schools should organize bullying prevention programs
- Counseling and support for both the bully and the victim should be provided
- Watching of violent films should be discouraged.

Egbochuku (2007) wrote something similar to some of the studies discussed above except that her own study focuses on comparing the extent of bullying in private/mission schools and government schools. He equally identified bullying in schools as a worldwide problem that can have “negative consequences on the general school climate and on the right of students to learn in a safe environment without fear” (p. 65). Students in Junior Secondary School 3 (JSS 3) in private and government schools in Benin City, Nigeria were used. Out of the 1002 questionnaires administered, 300 were used (150 from each of the two schools). As shown in previous literature, bullying was also prevalent on the playground in this study. It also occurred in places such as in the classroom, somewhere in the school, and on the way home from school both in the private and government schools. However, bullying was more likely to take place in the classroom in government schools than in the private schools. More students in private schools report to their teachers than students in government schools. In both private and the government schools, most of the participants (both boys and girls) said that bullies came from the higher classes.

She suggested various ways through which counselors could intervene in order to reduce bullying. Some of her suggestions are mentioned below:

- Students should not be ignored when they report bullying. It should not be seen as part of growing.
- Attention should be paid to every individual child in the school so as to recognize it when the child is going through challenges
- School counselors should assist the school in setting up anti-bullying policy. The anti-bullying policy will among other things “provide good supervision for children, provide effective consequences to bullies, and establish good communication between counselor, teachers, and parents” (p. 71).

The reviewing of literature on the theoretical, legal and policy perspectives and research studies on bullying in Nigeria in this segment essentially lays the ground for not only establishing the fact of the prevalence of bullying in the country, it also shows the dearth of literature on laws and policies. In addition, it establishes the justification for comparing the situation in Nigeria with that of the United States. It further explores the significance of availability and implementations of laws and policies on bullying as panacea for solving the problem in public schools in the United States and Nigeria.

Laws and Policies on Bullying in the United States and Nigeria

This segment of the literature review concentrates on, and presents the available legislative efforts through laws and policies that have been enacted to confront the problem of bullying, particularly in the public schools in the United States and Nigeria. It also reviews some of the court cases resulting from the laws and policies that are available. As mentioned in chapter one, a comparative analysis of bullying laws and policies in public schools in the United States and Nigeria is fascinating and relevant because both countries depict significant similarities in political, governmental, and educational institutions.

Speaking in specific terms, Nigeria is a country in West Africa. It is the most populous nation in West Africa with a population of about 160 million. It got its independence from Britain in 1960 and is currently divided into 36 states and a federal capital territory from the original three regions of North, East and West, weaved around the three major ethnic groups- the Hausa/Fulani, Igbo, and Yoruba.

It is imperative to state that there is high prevalence of bullying in schools in both countries. In addition, the definitions, the types, and the urgent need to address the problem are quite identical. Consequently, it becomes expedient that there should be laws and policies addressing the problems of bullying in schools in both countries so that all those involved as stake holders –parents, teachers, school administrators and students would have the instrument of laws as tools in preventing and dealing with occurrences of the problem in the schools. In this area, the United States has done significantly well in contrast to Nigeria, where there is virtually no existing laws and policies of both the federal and the state governments on bullying in the nation's schools systems. A brief discourse of the divergent situations on the availability of laws and policies on bullying in schools in the two countries is presented below.

The United States

The incident at Columbine High School on April 20, 1999 in which two senior students – Eric Harris and Dylan Klebold- killed 12 students, one teacher, and later killed themselves was the first to expose how devastating and damaging the acts of bullying could be. As a result of this unfortunate incident, there was a growing awareness of the dehumanizing effects of bullying and the need for immediate intervention. States in the United States now take various legal steps to either reduce or totally eradicate the incidents of bullying in the schools so that all children can learn in a safe environment. Several other incidents occurred years later that increased the awareness that there was the need for immediate actions. Such incidents include the death of the 17-year-old Eric Mohat of Mentor

High School, Cleveland, Ohio, 2007; 18-year-old Jessica Logan a former student at Sycamore High School, Ohio, July 3, 2008; 13-year-old Hope Whitsell, a middle school student at Beth Shields Middle School in St. Petersburg, Florida, September 12, 2009; 15-year-old Phoebe Prince, a high school freshman at South Hadley, Massachusetts, January 14, 2010; 13-year-old Jon Carmichael an eighth grader at Loflin Middle School , Joshua, Texas, March 28, 2010; 16- year-old Christian Taylor, a freshman at Grafton High School in Yorktown, Virginia, May 31, 2010; and recently 18-year-old Tyler Clementi, a student at Rutgers University in Piscataway, New Jersey on September 22, 2010, all through suicide as a result of being bullied.

After the 1999 Columbine shootings, Georgia passed the bullying legislation, thus making Georgia the first state to pass the law. From 1999 to 2010, over 120 bills were enacted by state legislatures “to address bullying and related behaviors in schools” (Analysis of state bullying laws and policies, p. xi). Twenty-one new bills were passed in 2010 and eight bills were signed into law through April 30, 2011. According to the Analysis of State Bullying Laws and Policy, 35 states have included cyber-bullying laws in their education or criminal codes (NCSL, 2010) between 2006 and 2010. As of April 30, 2011, bullying laws have been enacted in 46 states with Hawaii, Michigan, Montana, and South Dakota yet to enact such a law. Though Hawaii, Michigan, and Montana did not have bullying legislation at that time, they, however, adopted state model policies. On July 11, 2011, Hawaii’s bullying legislation was signed into law and Michigan’s legislation was signed into law in December 2011 making Michigan the 48th state to pass the law. South Dakota’s bullying legislation was signed in March 2012.

Exhibit A. Number of state bullying laws enacted by year: 1999–2010

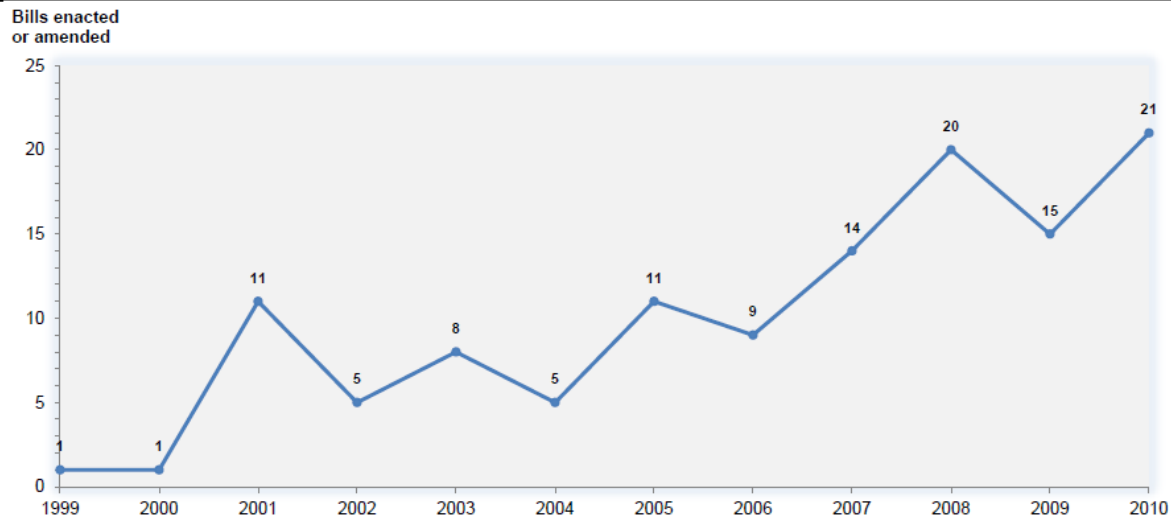


Exhibit reads: One state enacted bullying legislation in 1999.

Note: Analyses in this report reflects state bullying legislation enacted through April 30, 2011. The analyses do not reflect the recent enactment of House Bill 688 in the state of Hawaii, or amendments to other states' legislation that occurred after April 30, 2011, including, but not limited to, new laws passed in California, Rhode Island, Tennessee, and Texas during their states' 2011 legislative sessions.

Source: State bullying laws enacted through April 30, 2011.

Source: U. S Department of Education- Analysis of state bullying laws and policies

The dates when the laws were originally passed in the states are listed below. Some states later updated their laws as situation demanded. For instance, Georgia and New Hampshire updated in 2010.

1999 – Georgia

2000 – New Hampshire

2001 – Colorado, Louisiana, Mississippi, Oregon, and West Virginia

2002 – Connecticut, New Jersey, Oklahoma, and Washington

2003 – Arkansas, California, and Rhode Island

2004 – Vermont

2005 – Arizona, Indiana, Maryland, Virginia, Texas, Tennessee, Maine, and Nevada

2006 – Idaho, South Carolina, Alaska, and New Mexico

2007 – Delaware, Iowa, Illinois, Kansas, Minnesota, Ohio, and Pennsylvania

2008 – Nebraska, Kentucky, Utah, and Florida

2009 – North Carolina, Wyoming, and Alabama

2010 – Massachusetts, Wisconsin, New York, and Missouri

2011 – North Dakota, Hawaii, and Michigan

2012 – South Dakota

- Montana has no bullying laws.

Each state was rated based on the coverage of the laws:

- A++ 13 states - Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, Michigan, Hampshire, New Jersey, North Dakota, Texas, Virginia, and Wyoming.
- A+ 1 state – West Virginia
- A 5 states – Alaska, Ohio, Oklahoma, Oregon, and Rhode Island.
- A- 11 states – Arkansas, Idaho, Illinois, Iowa, Maine, Missouri, South Carolina, Tennessee, Utah, Vermont, and Washington
- B+ 9 states – Alabama, Indiana, Nevada, New Mexico, New York, North Carolina, Pennsylvania, South Dakota, and Wisconsin
- B 3 states – California, Colorado, and Kansas
- B- 4 states – Arizona, Connecticut, Hawaii, and Nebraska
- C 2 states – Louisiana, and Mississippi
- C- 1 state - Minnesota
- F 1 state - Montana

Some states that have bullying legislation do not include cyber bullying prohibition in their legislation.

The states include Alaska, Colorado, Connecticut, Indiana, New York, Ohio, Tennessee, Texas, Vermont, and Wisconsin. The following states have state legislation but do not have state model policies: Arizona, Illinois, Indiana, Kansas, Minnesota, North Dakota, South Dakota, Tennessee, and Texas.

As a result of Phoebe Prince's suicide on January 14, 2010, Massachusetts includes cyber bullying in its anti-bullying statute. This was signed into law by Governor Deval Patrick on May 3, 2010. Prince, a

high school student in South Hadley resorted to committing suicide after enduring months of bullying and physical assaults from other students (mostly girls). Though the school authorities were aware of the bullying situations they did not provide any intervention. The Massachusetts law prohibits cyber bullying by means of “distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if that communication would constitute bullying.”

There have been various lawsuits holding districts responsible for failure “to deal with bullying issues, based on such legal theories as equal protection violations, civil rights violations, statutory violations, and negligence” (105 Am. Jur. 3d Proof of facts 93 2009, p. 10).

As shown above, it is instructive that by 2012, all the states have had either a model or state policies on bullying/harassment, cyber bullying and hazing. However, it is also significant to point out that different approaches are used by each state legislator to develop the policies. While some states leave the responsibilities in the hands of the school boards some others think it is better done by personnel in individual schools, while some others such as the state of Colorado combine the two. Each of these states also defines the concept of bullying differently. While some states perceive it as physical, some others think it is both physical and emotional. Some states offer the punishments to be given to the perpetrators while the others are silent over it. In almost all the states, bullying is treated as being synonymous to harassment. Based on these variations in intentions, types, and focus, it is pertinent to review the laws and policies that have been passed in some states in the United States as representatives of such strategies. The six states used here are selected to represent the geographical zones of the United States.

Georgia:

In the state of Georgia bullying is defined as “Any intentional written, verbal, and physical acts which a reasonable person would perceive as being intended to threaten, harass, or intimidate that (1) causes another person substantial physical harm or visible bodily harm (2) has the effect of substantially disrupting the orderly operation of the school or interfering with the student’s education, or (3) is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment.” SB250 (2010) states that, “Bullying means an act which occurs on school property, on school vehicles, at designated school bus stops, or at school related functions or activities, or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system.”

In the state, each local board of education is expected to have adopted policy that prohibits bullying of a student by another student not later than August 1, 2011. This should be in relation to the model policy by the Department of Education. The procedures to be followed in reporting and investigating incidents of bullying are expected to be included in the policy. The prohibition is required to be included in the student code of conduct. If a student in grades six through 12 has been found guilty of committing the offence of bullying for the third time in a school year, such a student shall be assigned to an alternative school. Each local board of education is expected to inform students and their parents about the prohibition against bullying and the penalties for violating the prohibition. The consequences are however to be age appropriate. To show the seriousness of the offence of non-compliance with the requirements, a school system that refuses to comply may lose the benefit of getting state funding.

Washington:

Harassment, intimidation or bullying is defined as “Any electronic, written, verbal or physical act that results in the following: (1) Physically harms a student or damages their property, (2) Has the effect of substantially interfering with a student’s education, (3) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment, or (4) Has the effect of substantially disrupting the operation of the school.” RCW28A.600.480 (2002) does not permit or allow retaliation or false accusation against “a witness, victim or one with reliable information about an act of harassment, intimidation or bullying in the school environment.” There should be provision of immunity to a school employee, student or volunteer who promptly reports an incident of harassment, intimidation or bullying. RCW28A.300.285 (2002) on cyber bullying requires each school district to adopt or amend a policy that prohibits harassment, intimidation, or bullying of any student.

In SB5288 (2007) the state school directors association and the superintendent of public instruction are required to convene an adversary committee to develop a model policy prohibiting acts of harassment, intimidation, or bullying that are conducted via electronic means by a student while on school grounds during the school day. It also requires the state school directors association and the advisory committee to develop sample educational materials on safe use and options for reporting bullying via electronic means.

RCW28A.300.285 (2010) requires each school district to designate one person in the district as the primary contact regarding the anti-harassment, intimidation or bullying policy. The primary contact shall receive copies of all complaints, and has the responsibility of ensuring the implementation of the policy and procedure.

RCW28A.300.285 (2010) requires each school district to adopt or amend a policy that prohibits harassment, intimidation, or bullying of any student. The policy must incorporate the revised model policy.

Connecticut:

Chapter 170 Section 10 – 222d (2006) defines bullying as “Any overt act by a student or a group of students directed against another student with the intent to ridicule, harass, humiliate or intimidate the other student while on school grounds, (or) at a school- sponsored activity or on a school bus, which acts are repeated against the same student over time.”

Public Act No. 08 – 160 (2008) states that with effect from July 1, 2008, each local and regional board of education shall develop and implement a policy to address the existence of bullying in its schools. Such policy shall: (1) Enable students to anonymously report acts of bullying to teachers and school administrators and required students to be notified annually of the process by which they may make such reports (2) Enable the parents or guardians of students to file written reports of suspected bullying (3) Require teachers and other school staff who witness acts of bullying or receive student reports of bullying to notify school administrators in writing. (4) Allow school administrators to investigate the written reports.

School should notify parents or guardians of both students and invite them to a meeting. List of bullying incidents should be compiled and such list should be made available for public inspection. The number should be reported to the Department of Education annually. Strategies that could be used by school staff to prevent the occurrence of bullying or to intervene when it occurs should be provided. Such strategies may include (but not limited to): a school survey to determine the prevalence of bullying, bullying prevention committee to implement strategy, school rules to prohibit bullying,

harassment, and intimidation, adequate adult supervision of outdoor areas, hallways, lunchroom and other specific areas where bullying is likely to occur. Also, each local or regional board of education shall provide an in-service training program for its teachers, administrators, and other education personnel. Connecticut does not have any policy on cyber bullying.

Texas:

Bullying in Texas means, “engaging in written or verbal expression or physical conduct that a school district board of trustees or the board’s designee determines:

- 1) Will have the effect of physically harming a student, damaging a student’s property, or placing a student in reasonable fear of harm to the student’s person or damage to the student’s property; or
- 2) Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

A bullying victim may either be transferred to another classroom at the campus to which he/she was assigned at the time the bullying occurred or to another campus within the school district by the board of trustees of a school district or the board’s designee. The transfer of the student will depend on if:

- 1) The parent or other person with authority to act on behalf of the bullying victim makes a request.
- 2) It is established by the board of trustees or the board’s designee that the student is a victim of bullying.

The decision of the board of trustees or the board’s designee may not be contested.

Disciplinary action against the bully includes suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program. The parent or guardian of a student who violates the student code of conduct will be informed. Programs are also put in place to train school personnel. District employees are expected to prevent and intervene in

student discipline problems. Students are to be closely monitored both inside and outside the classroom. Counseling will be provided to the bullies, the victims, and the witnesses. Those who report bullying incidents will be protected from retaliation.

Education Code 25.0342 (2011) allows the school district board of trustees, in consultation with the victim's parent or person with authority to act on his/her behalf, to transfer a student "who engaged in bullying" to another classroom in the school which the bullying victim was assigned at the time of the incident or another campus in the district. The parent or person with authority to act on behalf of the bullied student may request that the victim of bullying be transferred to another classroom at the campus or another campus in the district.

Michigan:

The model anti-bullying policy adopted on September 12, 2006 defines harassment or bullying as "Any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts – i. e. internet, cell phone, personal digital assistant (PDA), or wireless hand held device) that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic." The policy recommends that all schools in the state should develop a plan to prevent bullying. Also, there should be a plan on how to react to bullying. Such reactions will be based on the severity of the behavior, the age of the student, and the student's history of problem behaviors and performance. The reaction should however be in compliance with the board of education's approved code of student conduct.

School administrators are required by the district board of education to “develop and implement procedures that ensure both the appropriate consequences and remedial responses to a student or staff member who commits one or more acts of harassment or bullying.” Remedial measures should be taken for each act of harassment and bullying. The policy makes available examples of consequences which range from admonishment, temporary removal from the classroom, loss of privileges, to out of school suspension, legal action, or even expulsion or termination. Examples of remedial measures are also given in the policy. These include: transformative conferencing/restorative justice, peer support group, supportive discipline to increase accountability for the bullying offence, student counseling, parent conferences, involvement of community-based organizations, and law enforcement involvement.

Since the Michigan state board of education views harassment or bullying as behaviors that “disrupts both a student’s ability to learn and a school’s ability to educate its students in a safe environment,” it proposes that anti – bullying programs designed to promote a positive school environment must address the following: thorough supervision of students, listening to the students, thus motivating them to be part of the program, educating and training teachers and other staff members on the devastating effects on bullying and how to intervene when it occurs.

New Jersey:

N. J. S. A. 18A:37-14-17 (2011) and State Board of Education Administrative Code N. J. A. C. 6A-1.3 define harassment, intimidation or bullying as “Any gesture or written, verbal or physical act that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that a reasonable person

should know, under the circumstances, will have the effect of harming a student or damaging the student's property or placing a student in reasonable fear of harm to his or her person or damage to his or her property; or has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.”

Each school district is required to adopt a policy that prohibits harassment, intimidation or bullying. The policy should include the expected behaviors by students as well as the consequences of not behaving appropriately. Also, the policy should highlight the procedure to be followed in reporting and investigating. Report is to be made verbally on the day the incident occurred and actions should be taken immediately. Parents or guardians of the students involved will be informed and appropriate intervention in form of counseling will be provided. The principal will then initiate an investigation. A school administrator who fails to conduct an investigation when there is a report will face disciplinary action. Steps taken by the state of New Jersey to prevent harassment, intimidation or bullying in schools include: (1) the appointment of anti-bullying specialist; (2) the inclusion of information regarding the bullying policies in the employee training program; (3) discussing the policies with students; (4) newly appointed school board members are required to complete a training program.

In substantiating the laws and policies that have been enacted on bullying by different levels of the United States Governments and schools boards some of the laws and policies have become grounds of litigations in different courts across the United States. Some of such cases are reviewed below:

The first is that of *Magwood v. French, Web, and the School District of Duquesne*. On February 27, 2007 the Plaintiff, Tina Magwood claimed that the school and the district were indifferent to the plights of her son, Allen Jackson, Jr. She claimed that Allen suffered repeated injuries at the hands of other

students at Duquesne Elementary school. There were several incidents at the school involving Jackson and some other students. The incidents included chasing, pushing, kicking, and calling Jackson names. Some of Jackson's teachers, the principal, and the superintendent were aware of some of these incidents and did not do much about it. Jackson had to go to the hospital for treatment on some occasions as a result of what the other students did to him. In most of the cases the culprits were disciplined either by being moved to a desk in the back of the room in a corner, or being suspended for three days.

The court however granted summary judgment to the defendants. Though the court sympathized with Allen Jackson Jr. on his plight but "his mother cannot prevail on her §1983 claim because she has not established a constitutional violation under the 'state-created danger' doctrine. Furthermore, she has not produced evidence to demonstrate that any alleged constitutional violations were the result of policies or customs of the district that proximately caused Jackson's injuries."

In another case in which the parents of Eric Mohat, 17, who shot himself in 2007 after enduring months of harassment by classmates at Mentor High School filed against their son's high school in Cleveland, Ohio, the lawsuit was dismissed by the judge.

Also, in the aftermath of the death of 18-year-old Jessica Logan on July 3, 2008, a month after her graduation from high school, the parents sued their daughter's ex-boyfriend, Ryan Salyers and several other students for discrimination, civil rights violation, invasion of privacy, and emotional distress as a result of the name calling, teasing, and harassment she suffered both in school and out of school. Ryan allegedly forwarded Jessica's nude photos to his friends without her permission. The school, Sycamore High School in Blue Ash, Ohio, and the School Resource Officer (SRO) were joined in the suit. The parents claimed that the school district did not take appropriate action to forestall the situation. When they requested that the school should take action against the students who were humiliating their child,

the school administrators said there was nothing they could do because Jessica was eighteen and she was the one that took the pictures. They felt it was the school's negligence that caused their daughter's death.

Another of such cases followed the death of 13-year-old Jon Carmichael, an eighth grader at Lofton Middle School, Joshua, Texas who committed suicide on March 28, 2010. The parents filed a \$20 million federal lawsuit against the Joshua Independent School District. In the lawsuit they alleged that "staff and students were aware of multiple acts of bullying, including incidents in which their son was thrown into a trash can, had his head flushed in a toilet and – shortly before his death – was stripped nude, tied up and again placed into a trash can" (USA TODAY). They filed the lawsuit to create the awareness of the damaging effects of bullying on children and also to make sure that what happened to their son would not happen to other children.

In a case involving 18-year-old Dylan Theno and the Tonganoxie School District in Kansas, the school district agreed to pay \$440,000 to Theno. Theno claimed he was being bullied by his classmates who believed he was gay. The harassment continued for years until he quit school in his junior year. Theno sued the school district in May 2004, and the case was decided on January 30, 2006. Also, in June 2011, in Columbia, Tennessee, two women who alleged that their sons were being humiliated at Waynesboro Middle School in Wayne County Schools were each awarded \$100,000 in a lawsuit against the County schools.

Another case is that of *Stewart Wilson, Debra Wilson, and Joel Wilson plaintiffs v. El Dorado School District* (January 30, 2012). The parents of Joel Wilson who was a student at El Dorado High School from 2004-2008 alleged that their son was subjected to "an unsafe environment, harassment, and bullying." They claimed that the illegal sale of drug to their son resulted to physical and emotional injury and subsequent harassment at school. They also claimed that they requested that their son be

transferred to another school but they were denied by the principal of El Dorado high school, Larry Walters and the superintendent Bob Watson. In their defense Walters and Watson said they could not grant the request of Joel's parents because "Joel Wilson is white, and El Dorado High school is predominantly black, his transfer to predominantly white Parkers Chapel high school would constitute an illegal transfer under Arkansas law." The court however granted the defendants motion for summary judgment because they did not commit a constitutional violation in Joel's case.

Laws and Policies on Bullying in Nigeria

As stated above, not only have studies on bullying problem been limited in Nigerian schools systems, but more unfortunately there seems to be no attention paid in terms of laws and policies to address it. The dearth of studies and practically absence of government laws and policies on bullying in Nigeria do not in any way reflect the prevalence of the problem in Nigerian schools. Bullying is indeed a daily occurrence at different levels of schooling in Nigeria and it has consequently attracted the interest and concerns of the Nigerian public, who are now demanding that governments and school authorities pay urgent and deserved attention to the problems.

The practical absence of any laws and policies on bullying in Nigerian schools systems is aptly demonstrated by the fact that a search for such laws and policies produced no such ordinances from both the Federal and State governments in Nigeria. Indeed it is specifically stated in a Federal Government of Nigeria document on the report on violence against children in 2004 that, "At the time of this study there is no existing legislation provision that explicitly prohibits bullying, hazing and sexual harassment in Nigeria" (p. 6). It is still the same story today, about a decade later. Currently, the Federal and States' laws that have what could be referred to as having a semblance of addressing the problem, actually legislate against the problem of child abuse in general in conformity with the International Human

Rights instruments in respect to violence against children, rather than the specific problem of bullying in the schools.

For example, at the federal government level there is the Child's Right Act and trafficking in Persons (Prohibition) Law Enforcement and Administration Act, both of 2003.

This law, as indicated above, has no specific provision on bullying in school as can be seen from its contents briefly presented below:

In following the federal government of Nigeria example, some states in Nigeria have also enacted this kind of general laws which are not directed specifically at the problem of bullying, but could be regarded as encompassing it. The states that have enacted such laws as at this time are listed below:

- Ebonyi State Law No 010 of 2001 on the abolition of Harmful Traditional Practices Against Children and Women;
- Edo State Female Genital Mutilation (Prohibition) Law of 2002;
- Bauchi State Hawking by Children (Prohibition) Edict of 1985 CAP 58;
- Cross River State Girl Child marriage and Female Circumcision Law of 2000;
- The Sharia Penal Codes of Zafara, Kano, Kebbi, Kaduna and Sokoto States of Nigeria protecting children against various forms of physical and psychological violence (Federal Minister of Women Affairs, 2004, p. 4);
- The most recent 2010 is the Lagos state's Law banning caning as a form of punishment in Lagos State schools. (AKSG online Article July 3rd 2011).

As a form of hypothesis, a number of theories or speculations have been adduced for this situation in Nigeria which we think should be reviewed here. The first derives from the notion that, the problem of bullying in schools is considered to be part of general disciplinary issues to be dealt with by individual

school administrators and teachers. The second has to do with the pragmatic reality that acts of bullying are generally regarded as necessary behaviors of a “stage” which children in schools have to pass through as part of “maturing” process and which has a dynamics of “turn by turn”.

Thirdly, and perhaps the most substantive and purely legislative speculation, is derived from the general provisions of the 1999 Nigerian Constitution on various forms of violence. Various portions of this Constitution have often been cited as adequate legal provisions on not just general violence against children but also the specific acts of bullying in Nigerian schools. These provisions as contained in Section 17(3) of the 1999 Constitution state that:

The Federal and States shall direct their policies towards ensuring among other things that, all citizens of Nigeria (including children) have opportunity for securing adequate means of livelihood as well as opportunity to secure suitable employment; have conditions that are just and humane at work with corresponding adequate facilities for leisure, social, religious and cultural life; and that children and young person are protected against any form of exploitation whatsoever, and against any moral and material neglect. (Federal Ministry of Women Affairs, 2004, p. 5)

However, taking these provisions, particularly the last segment, as adequately addressing the menace of bullying in the Nigerian schools is to say the least, unsatisfactory and superficial. The lack of laws and policies on bullying definitely deserve an empirical study, first, to test the touted hypothesis, secondly to unearth other factors and causes, third to seek how the situation can be ameliorated, and finally in comparison with the United States situation, explore the viability and relevance of these laws.

In order to achieve the above, the three segments of this chapter in reviewing the literature associated with the historical background, theoretical studies and existing laws and policies on bullying in public schools in the United States and Nigeria presents this study the background and the need to compare the laws and policies on bullying in the United States and Nigeria. With this enablement, the study is provided with the data to determine not only the status but also the effectiveness of these laws and policies in providing the panacea for the problem of bullying in public schools in the two countries through a comparative analysis. This should of course indicate the areas of strengths and weaknesses found in the two nations, thus affording the researcher the opportunity to identify the causes of challenges and suggest potent and practical solutions to address them in a deliberate and painstaking study of this nature.

CHAPTER THREE
COMPARATIVE ANALYSIS OF BULLYING LAWS AND POLICIES IN THE UNITED STATES AND NIGERIA

Though laws are only a part of the cure of bullying, the adoption, publication, and enforcement of a clear and effective anti-bullying policy sends a message that all incidents of bullying must be addressed immediately and effectively, and that such behavior will not be tolerated. State laws, and their related district- and school-level policies, cannot work in isolation, however. (Dear Colleagues Letter, Analysis of state bullying laws and policy, p. 88)

Introduction

This chapter comparatively analyzes laws and policies on bullying in the United States and Nigeria so as to reveal areas of congruence and disparity. As indicated in chapter two, even though the problem of bullying is present in the public schools both in the United States and Nigeria, the existence of laws and policies and their implementation are quite diverse. In the United States, the laws and policies are mainly state based and their implementations are subjected to different levels of effectiveness and sustainability. The situation in Nigeria, in comparison, demonstrates a significant lack of such laws, not to mention their implementation. What was obtained in Nigeria was indirect legislation, embedded in laws on children rights, women rights, and abuses in general in schools and public domains.

The first section of this chapter analyses the status of bullying laws in the United States, focusing essentially on federal and state by state levels of implementation and effectiveness.

The second section highlights the situation in Nigeria and attempts to indicate the coverage of effectiveness of the various indirect laws of the federal and states governments of Nigeria with regard to bullying in public schools.

The third and final section provides a comparative analysis of the situation in provision and implementations of laws and policies on bullying in public schools in the United States and Nigeria.

Analyzing the Status of Bullying Laws and Policies in Public Schools in the United States

As at March 2012, 49 states in the United States have passed bullying laws, South Dakota is the 49th state to pass the law. The only state that is yet to pass the law is Montana though it has a model policy. As a result of the incident at Columbine High School in 1999 Georgia became the first state to pass bullying legislation. Between 1999 and 2009 some other states also passed their bullying laws. In 2010 when Phoebe Prince, a high school student in South Hadley committed suicide as a result of bullying, the anti-bullying law was passed in Massachusetts. As at 2010 the states that were yet to have bullying laws were Hawaii, Michigan, North Dakota, South Dakota, and Montana. North Dakota's bill was signed into law on April 22, 2011 and Hawaii's bullying legislation was signed into law on July 11, 2011. The long awaited "Matt Safe School Law" in Michigan was signed into law on December 6, 2011. The law is named after a southeast Michigan eighth grader Matt Epling, who killed himself in 2002 after enduring hazing and bullying incidents at school. On March 19, 2012 the South Dakota law was signed by the Governor. Though all the states in the United States with the exception of Montana have bullying legislation, there is no federal law that directly addresses bullying. Bullying is covered under federal civil rights laws which are enforced by the U. S. Department of Education and the U. S. Department of Justice (DOJ). The components of States' legislations on bullying reflecting areas of similarities and differences are presented in the table below:

States	Date	Date updated	State Legislation	Terms Used	Model Policy	Cyber Bullying	Consequences	Others
Alabama	2009		Yes	Harassment	Yes	Yes	Yes	Complaints <u>must</u> be in writing and submitted by the affected student, or the parent or guardian. It is the sole responsibility of the affected student, or his parent or guardian to report the incident of harassment to the principal.
Alaska	2006		Yes	Harassment, intimidation or bullying	Yes	No	Yes	Parents or guardians, school employee, volunteers, students, administrators, and community representatives should be allowed to participate in the policy-making procedure.
Arizona	2005		Yes	Harassment, intimidation or bullying	No	Yes	Yes	Pupils can make confidential reports and parents or guardians of pupils are to submit written reports.
Arkansas	2003	2011	Yes	Bullying. Harassment is covered separately	Yes	Yes	Yes	Individual and group guidance and counseling services are available to all students.

California	2003		Yes	Bullying. Harassment is defined separately	Yes	Yes	Yes	Though bullying and harassment are defined separately, the definitions are not distinctly defined. The law is not specific about bullying but about general school safety and how to prevent school violence and crime.
Colorado	2001		Yes	Bullying	Yes	No	Yes	The lawmakers are concerned about the implementation of safe school plan and discipline in general.
Connecticut	2002	2009	Yes	Bullying	Yes	Yes	Yes	Students can report anonymously, and parents or guardians are to submit written reports of suspected bullying.
Delaware	2007		Yes	Bullying	Yes	Yes	Yes	Delaware includes charter schools and is also concerned about a safe work environment for “all public education employee.”
Florida	2008		Yes	Bullying. Harassment is defined separately	Yes	Yes	Yes	The law prohibits bullying and harassment of any student or “employee” of a public K- 12 educational institution. All the students have the same protection irrespective of their status. Counseling is provided for both the victim and the perpetrator. Anonymous reporting is permitted.
Georgia	1999	2010	Yes	Bullying	Yes		Yes	The implementation of a character education program at all grade levels is required.

Hawaii	2011		Yes	Bullying. Harassment is defined separately	Yes	Yes	No	Department of education is to maintain and monitor anti-bullying and anti-harassment policies for grades K-12. There is provision for anonymous reporting.
Idaho	2006		Yes	Harassment, intimidation or bullying	Yes	Yes	Yes	Idaho's "Jared's Law" is passed in honor of Jared High.
Illinois	2006	2010	Yes	Bullying	No	Yes	Yes	Bullying is prohibited in all school districts and 12 non-public, non-sectarian elementary and secondary schools. School Bullying Prevention Task Force is established to look into the causes of bullying and how it can be reduced.
Indiana	2005	2010	Yes	Bullying	No	No	Yes	Part of the safe schools fund is used to provide educational outreach and training to school personnel on how to identify, prevent, and intervene in bullying incidents.
Iowa	2007		Yes	Harassing and bullying	Yes	Yes	Yes	Funds are made available for school districts to establish programs designed to eliminate harassment and bullying in schools.
Kansas	2007	2008	Yes	Bullying	No	Yes	No	Confidential reporting is permitted. All reported incidents are to be documented.
Kentucky	2008		Yes	Harassment	Yes	Yes	Yes	An employee who suspects or witnesses an act of bullying must immediately make an oral

								or written report to the principal of the school. The main concern of the law is school safety and student discipline generally.
Louisiana	2001	2010	Yes	Harassment, intimidation, and bullying	Yes	Yes	Yes	The policy prohibiting the harassment, intimidation, and bullying of a student by another student is to be incorporated into the student code of conduct.
Maine	2005		Yes	Bullying, harassment, sexual harassment	Yes	Yes	Yes	The policy's effectiveness is to be monitored and evaluated every year. Professional development should be provided to all teachers and administrators.
Maryland	2005	2008	Yes	Bullying, harassment, or intimidation	Yes	Yes	Yes	The student, the parent, guardian, or close adult relative of a student can report an incident of bullying, harassment or intimidation. The victim is required to fill out a form, providing relevant information regarding the incident.
Massachusetts	2010		Yes	Bullying	Yes	Yes	Yes	Each school district, charter school, approved private day or residential school and collaborative school are to incorporate instruction on bullying prevention into their curriculum. The 4 th Wednesday in January is set apart as No Name Calling Day to let the public know the negative effects of verbal bullying.

Michigan	2011		Yes	Bullying	Yes	Yes	Yes	The law referred to as Matt's Safe School Law is named after southeast Michigan eighth grader Matt Epling who committed suicide in 2002 as a result of hazing bullying incident.
Minnesota	2007		Yes	Intimidation and bullying	No	Yes	No	A concerned parent narrated her experience and her daughter's ordeal at school. She expressed her disappointment at the way the school handled the case. She concluded that the school was more concerned about "the rights" of the perpetrators than the devastating effects of the act on her daughter. The policy must be conspicuously posted throughout each school building.
Mississippi	2001	2010	Yes	Bullying or harassing behavior	Yes	Yes	Yes	The policies are to take into consideration the fundamental right of every student "to take reasonable actions as may be necessary to defend himself or herself from an attack by another student..."
Missouri	2010		Yes	Bullying	Yes	Yes	Yes	All students are to be treated equally. There is no provision of help for the victims or bullies.
Montana	N/A		No	No law	Yes	No	N/A	
Nebraska	2008		Yes	Bullying	Yes	Yes	Yes	The law is not specific on bullying; it's on general student conduct as it relates to criminal

								acts such as use of violence, extortion, and engaging in the unlawful possession, selling, dispensing, or use of a controlled substance.
Nevada	2005	2009	Yes	Bullying. Harassment and intimidation are defined separately	Yes	Yes	Yes	The word “bullying” is not specifically mentioned in the law. Pupils are to learn the skill to replace inappropriate behavior with appropriate one.
New Hampshire	2000	2010	Yes	Bullying	Yes	Yes	Yes	All pupils are protected. All the stakeholders in a chartered public school, to the extent possible, should be involved in the policy development process. There are lots of procedures required and each of the procedure is time sensitive which is an indication of giving the issue prompt attention.
New Jersey	2002	2011	Yes	Harassment, intimidation, or bullying	Yes	Yes	Yes	Though each district has local control over the content of its policy, it must however contain certain components. School administrator who does not initiate or conduct an investigation when necessary shall also face disciplinary action. The first week of October is designated “Week of Respect.”
New Mexico	2006	2011	Yes	Bullying. Harassment is defined	Yes	Yes	Yes	Charter schools are included. Confidentiality is ensured to those reporting. Anti-bullying is

				separately				required to be included as part of the health education curriculum.
New York	2010		Yes	Discrimination or harassment (including bullying, taunting, or intimidation)	Yes	Yes	Yes	Students are not to be harassed by other students and also by school employee. Anonymous reporting is allowed.
North Carolina	2009		Yes	Bullying or harassing behavior	Yes	Yes	Yes	A victim of bullying or harassing behavior has the right to seek redress under any other available law, either civil or criminal.
North Dakota	2011		Yes	Bullying	No	Yes	Yes	The law has a section for "Nonpublic Schools." A victim of bullying has the right to seek redress under any other available law, either civil or criminal. Bullying prevention programs shall be provided to all students from kindergarten through grade twelve. Anonymous reporting is allowed.
Ohio	2006	2009	Yes	Harassment, intimidation, or bullying	Yes	Yes	Yes	Anonymous reporting is allowed. The district administration is to provide the president of the district board a written summary of all reported incidents semiannually. If the district has a website, the summary should be posted on its website.

Oklahoma	2002	2008	Yes	Harassment, intimidation, and bullying	Yes	Yes	Yes	The law's focus is on school safety, student conduct, and discipline of students. The establishment of Safe School Committee is required. Community involvement and one-on-one student/staff relationships are encouraged.
Oregon	2001	2009	Yes	Harassment, intimidation, or bullying	Yes	Yes	Yes	Parents and guardians, school employee, volunteers and other stakeholders are to be consulted before the school district develops the policy. Victim can seek redress under any other available law, whether civil or criminal.
Pennsylvania	2008		Yes	Bullying	Yes	Yes	Yes	The policy should be on each school's website and in all classrooms. Each school entity is to review its policy every three years. The law is not limited to bullying; it's about safety and violent prevention generally.
Rhode Island	2003	2008	Yes	Harassment, intimidation, or bullying	Yes	Yes	No	Policies are to be adopted through a representative process including parents, school personnel, students and community members. Schools are encouraged to form bullying prevention task forces, programs, and initiatives. Victims can seek redress under any other available law.

South Carolina	2006		Yes	Harassment, intimidation, or bullying	Yes	Yes	Yes	Parents and guardians, school employees, volunteers, students, administrators, and community representatives shall be involved in the process of creating the policy. Anonymous reporting is allowed. The State Board of Education shall develop teacher preparation program standards on the identification and prevention of bullying. Victims are not prevented from seeking redress elsewhere.
South Dakota	2012		Yes	Bullying	Yes	Yes	Yes	There are no bullying prevention programs and no counseling or help is provided for the victims or bullies.
Tennessee	2005	2009	Yes	Harassment, intimidation, or bullying	No	Yes	Yes	Anonymous reporting is permitted. School districts are encouraged to form harassment, intimidation or bullying prevention task forces, programs, and other initiatives.
Texas	2005		Yes	Bullying. Harassment is defined separately	No	Yes	Yes	A board of trustees of a school district can transfer a student who engages in bullying to another classroom at the campus where the bullying occurs or another campus in the district. On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the victim may be transferred to another

								classroom at the campus where the bullying occurred or a campus in the district. Each school district is to adopt and implement a discipline management program.
Utah	2008	2011	Yes	Bullying. Harassment and hazing are defined separately	Yes	Yes	No	The policy may not permit formal disciplinary action that is based solely on an anonymous report of bullying, hazing, or retaliation.
Vermont	2004	2008	Yes	Bullying. Harassment is defined separately	Yes	No	Yes	Students are allowed to make anonymous report and the parents or guardians of students shall file written reports of suspected bullying.
Virginia	2005		Yes	Bullying, harassment, or intimidation	Yes	Yes	Yes	The law is not specific on bullying but on student conduct generally. The Board of Education is making funds available to school boards for the implementation of innovative character education programs.
Washington	2002	2010	Yes	Harassment, intimidation, or bullying	Yes	Yes	Yes	Funds are provided for the training on anti-bullying and anti-harassment. Parents can apply for a protection order when their child is being harassed by someone else under the age of 18. It is established that school employee, especially teachers are being bullied by administrators, students, and

								parents. Rights of due process should be accorded the accused during the processes of investigations and discipline.
West Virginia	2001	2011`	Yes	Harassment, intimidation, or bullying	Yes	Yes	Yes	Schools and county boards are encouraged, but not required to form bullying prevention task forces, programs and other initiatives involving school staff, students, teachers and other stakeholders. A victim can seek redress under any other provision of civil or criminal law.
Wisconsin	2010		Yes	Bullying	Yes	No	Yes	Wednesday of the 4 th week in September is declared Bullying Awareness Day. Reports can be made confidentially.
Wyoming	2009		Yes	Harassment, intimidation, or bullying	Yes	Yes	Yes	Though anonymous reporting is allowed formal disciplinary action shall not be taken based on the anonymous report. Victims shall be protected from additional harassment, intimidation, or bullying, and from retaliation following a report. Parents and guardians, school employees, volunteers, students, administrators and community representatives are to be involved by the school district in the process of creating the policy.

As the table above clearly indicates, though almost all the states legislatures think there is immediate need for the legislation on bullying because of its devastating effects, most of these legislatures, however, perceive the seriousness of the effects differently. For instance, the Colorado General Assembly is concerned about the safety of the students in school currently.

The legislative declaration states that,

The general assembly hereby finds, determines, and declares that bullying disrupts a school's ability to educate students and threatens public safety by creating an atmosphere in which such behavior can escalate into violence. The general assembly therefore finds that a policy to create an environment free of bullying shall be part of each school district's safe school plan.
(bullypolice.org)

Delaware, New Hampshire, and New Jersey also share the view of Colorado. Delaware General Assembly is not only concerned about the safety of the students, but also about the employees' safety.

WHEREAS, the General Assembly recognizes that safe learning environments are necessary for students to learn and achieve high academic standards; and

WHEREAS, it is the intent of the General Assembly to provide safe learning environments for all students; and

WHEREAS, the General Assembly further intends to create a safe work environment for all public education employees.

(bullypolice.org)

New Hampshire legislature agrees that:

All pupils have the right to attend public schools, including chartered public schools, that are safe, secure, and peaceful environments. One of the legislature's highest priorities is to protect our children from physical, emotional, and psychological violence by addressing the harm caused by bullying and cyber bullying in our public schools. (bullypolice.org)

In New Jersey, the legislature finds and declares that:

A safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment; and since students learn by example, school administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.

(bullypolice.org)

In Maryland, the concern of the legislatures goes beyond the school environment and the safety of all children, but also about the future effects of bullying. In the Maryland preamble, it is stated that:

WHEREAS, The National Institutes of Health reports that bullying affects more than 5 million students in grades 6 through 11; and
WHEREAS, According to the United States Department of Health and Human Services, bullies identified by age 8 are six times more likely to have a criminal conviction by age 24...

WHEREAS, Maintaining a safe environment in schools is integral to promoting learning and success in students....

(bullypolice.org)

Both Oklahoma and Illinois legislatures share this concern about the negative future effects of bullying. In Oklahoma, the legislature's finding reveals that:

Bullying has a negative effect on the social environment of schools, creates a climate of fear among students, inhibits their ability to learn, and leads to other antisocial behavior. Bullying behavior has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, and the use of drugs and alcohol. Research has shown that sixty percent (60%) of males who were bullies in grades six through nine were convicted of at least one crime as adults, and thirty-five percent (35%) to forty percent (40%) of

these former bullies had three or more convictions by twenty-four (24) years of age. (bullypolice.org)

The General Assembly of Illinois also finds that:

Bullying causes physical, psychological, and emotional harm to students and interferes with students' ability to learn and participate in school activities.

The General Assembly further finds that bullying has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, using drugs and alcohol, sexual harassment, and sexual violence. (bullypolice.org)

However, some legislatures see things differently. Some think the issue of bullying is not as serious as some people perceive it. Two senators in North Dakota react to the issue of bullying as follows:

Senator L. "...kids need to learn how to handle bullying....It has victims relying on school staff and students to protect them from bullying. Staff will side with victims and reward kids for thinking and acting like victims. It'll promote a victim mentality and handicap kids for life."

Senator S. "People do need to learn how to stand up for themselves. This is just another example of a nanny state government. Another program that uses up valuable minutes during the school day." (bullypolice.org)

How each state views the seriousness of the devastating effects of bullying is also reflected in the terms used in describing the phenomenon. While some states just use the word "bullying"

some others use “harassment” without even referring to bullying. Some state legislation refer to it as “bullying,” “harassment,” or “intimidation.” This indicates that the three words are synonymous and thus can be used interchangeably. Some other legislation however indicate that they are three different issues, thus in their legislation they mention, “harassment,” “intimidation,” and “bullying” and some even go further to give a different definition to harassment. Also, South Dakota’s law requires the “prompt investigation and response to any report of bullying” while North Carolina and Alabama’s laws require the “prompt investigation of SERIOUS violations and complaints” (bullypolice.org).

Exhibit 5. Terms used in framing state bullying legislation, by number of states (n=46)

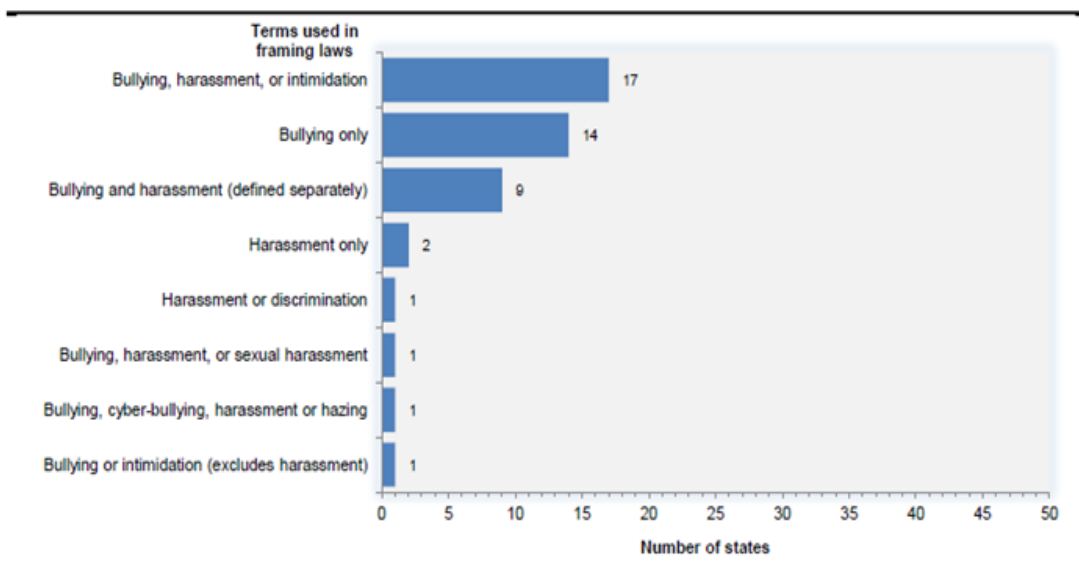


Exhibit reads: Seventeen state laws are framed as laws addressing “bullying, harassment, or intimidation.”

Source: State bullying laws enacted through April 30, 2011.

Source: Analysis of state bullying laws and policies (2011), p.18

Also, on the issue of providing training for school staff on how to identify, report, and address or prevent incidents of bullying, harassment, and intimidation, some states provide funds

to school districts to train their staff including administrators, principals, teachers, school staff, volunteers, drivers, and even kitchen staff, while some states are indifferent to it. States like West Virginia, Washington, Utah, Rhode Island, Missouri, and New York think there is need for training of school employees and thus include it in their law. Minnesota, Mississippi, Nebraska, and a few other states do not emphasize the need for training of school employees.

In some states, very serious consequences apply to students who are found guilty of committing harassment, intimidation, or bullying. Some have mild consequences while others are totally silent on it. In Georgia, a third time offender in a school year in grades six through 12 shall be assigned to an alternative school. In Idaho, the superintendent and principal may temporarily suspend pupils for student harassment, intimidation, or bullying. In Oregon, any student who harasses another student may be suspended or expelled. In Alaska, it is required to be included in the policy the provision of appropriate punishment schedule up to and including expulsion and reporting of criminal activity to local law enforcement authorities. In Nebraska the consequences include suspension, expulsion, or mandatory reassignment. Also in Texas a board of trustees of a school district can transfer a student who engages in bullying to another classroom at the campus where the bullying occurs or another campus in the district. Punitive measures are also required to be taken against those who take retaliatory actions against a student who reports an incident or who is found to have wrongfully or intentionally accused another of an act of bullying or harassment in some states.

The Michigan law states that the consequence must be consistent with the board of education's approved code of student conduct and in New Mexico it is to be in compliance with

state and federal IDEA requirements. In some states, the consequences are lighter or milder. This includes appropriate remedial actions as in Iowa and Maryland and counseling to both the victim and the perpetrator as is the case in Georgia. Some states have provision for consequences but the consequences are not stated. Some states like Hawaii, Kansas, and Minnesota do not even include consequences in their law.

Most states develop model policies to assist school districts in developing their policies for the prevention of harassment, intimidation, or bullying. Arizona, Illinois, Indiana, Kansas, Minnesota, North Dakota, Tennessee, and Texas do not have model policies. As a result of Phoebe Prince' death in 2010, Massachusetts includes cyber bullying in its bullying law. Many other states also include cyber bullying in their bullying law. The few states that are yet to do so are Alaska, Colorado, Indiana, Vermont, and Wisconsin.

Some states specifically stated in their legislation that people should be allowed to report incidents of harassment, intimidation, or bullying anonymously though the law states further that "formal disciplinary action will, however, not depend solely on anonymous report." The states that allow anonymous reports include South Carolina, Florida, Tennessee, Wyoming, Wisconsin, Oregon, New Jersey and Vermont. Idaho, Delaware, Colorado, Mississippi, Louisiana, Indiana, and some others are silent on it. Florida states that "the school policy must contain, at a minimum, the following components: ...A procedure for reporting an act of bullying or harassment, including provisions that permit a person to anonymously report such an act" (bullypolice.org). Wyoming legislation states that "the policy prohibiting harassment, intimidation, or bullying shall include, without limitation: ...Procedure for reporting and

documenting acts of harassment, intimidation, or bullying, including a provision for reporting anonymously” (bullypolice.org).

Though some states mention that no one should engage in reprisal, retaliation, or false accusation against “a victim, witness, or person with reliable information about an act of harassment, intimidation, or bullying” some other states are silent on this as well. Alaska’s bill states that “A school employee, student, or volunteer may not engage in reprisal, retaliation, or false accusation against a victim, witness, or person with reliable information about an act of harassment, intimidation, or bullying.” In Maine, it is stated that “the policy shall include the following: ...Prohibition of reprisals or retaliation against any person who cooperates or assists in the investigation of bullying or harassing behavior” (bullypolice.org). Some other states that are in support of not subjecting whoever reports or assist in the investigation of the act to any form of reprisal or retaliation include Utah, Washington, Oregon, New Jersey, New Hampshire, New Mexico, Iowa, and Tennessee. Those states that are indifferent to it include Oklahoma, Virginia, Rhode Island, California, Nevada, Nebraska, and Pennsylvania.

While some states give the victim the freedom to seek redress elsewhere, some states do not say anything about it. North Dakota mentions that, “This Act does not prevent a victim from seeking redress pursuant to any other applicable civil or criminal law.” In Virginia, it is stated that “Except as provided in section four of this article, nothing in this article prohibits a victim from seeking redress under any other provision of civil or criminal law” (bullypolice.org).

Analysis of the Nigeria Situation

Analyzing the status of laws and policies on bullying in Nigerian public schools is characterized by the fact that there are no direct laws and policies enacted on bullying, rather what obtains are indirect legislations, embedded in laws on children rights, women rights, and abuses in general in schools and public domains. Consequently, one is left with the task of attempting to sieve through these laws so as to locate how they may be relevant to addressing the problem of bullying in the public schools. In addition, the lack of direct laws and policies on bullying has also affected the field of study of the problem in the country. There is, therefore, a dearth of study and analysis of how laws and policies on bullying have been promulgated, at what levels these have been done, and how effectively they have been implemented.

Dealing with the first level of analysis, it is important to revisit chapter two on the non-availability of direct laws and policies on bullying, the often touted reasons for such a situation and then briefly analyze the laws and policies we consider to have bearing – albeit indirectly on bullying in Nigerian public schools.

First, with the recognition of the obvious lack of laws and policies on bullying, it becomes imperative to state and analyze factors or rational responsible for this situation. A leading factor or rational which has been quite predominant has been the lack of attention that has been paid to the problem of bullying, particularly in public schools. This has led to practically an absence of governmental initiative both at the federal and state levels to enact direct laws and policies on bullying. Indeed it is specifically stated in a Federal Government of Nigeria document on the report on violence against children in 2004 that “At the time of this study there is no existing

legislation provision that explicitly prohibits bullying, hazing and sexual harassment in Nigeria”

(p. 6). It is still the same story today, nearly a decade later.

This lack of interest or attention has found justification in a number of theories or speculations. The first derives from the notion that the problem of bullying in schools is considered to be part of general disciplinary issues to be dealt with by individual school administrators and teachers. The second has to do with the pragmatic reality that acts of bullying are generally regarded as necessary behaviors of a “stage,” which children in schools have to pass through as part of “maturing” process and which has a dynamics of “turn by turn.”

Thirdly, and perhaps the most substantive and purely legislative speculation, is derived from the general provisions of the 1999 Nigerian Constitution on various forms of violence. Various portions of this Constitution have often been cited as adequate legal provisions on not just general violence against children but also the specific acts of bullying in Nigerian schools. These provisions as contained in Section 17(3) of the 1999 Constitution state that:

The Federal and States shall direct their policies towards ensuring among other things that, all citizens of Nigeria (including children) have opportunity for securing adequate means of livelihood as well as opportunity to secure suitable employment; have conditions that are just and humane at work with corresponding adequate facilities for leisure, social, religious and cultural life; and that children and young person are protected against any form of exploitation whatsoever, and against any moral and material neglect. (Federal Ministry of Women Affairs, 2004, p. 5)

A clear indication that this kind of reasoning and justification are no longer satisfactory or sustainable is aptly demonstrated in the growing interest and concerns of the Nigerian public, who are now demanding that governments and school authorities pay urgent and deserved attention to the problem.

Also, there is the fact that various acts of bullying, traceable to different societal demographical divides, such as types of schools, economic situation, and geographical location, have become so pronounced that they can no longer be categorized as just part of everyday school life. In addition, it has also become clearer that specific measures need to be instituted to deal with the problem on its merit so as to reflect its prevalence in Nigerian public schools.

However, in spite of the above, as at today, Nigeria has only indirect laws and policies on bullying, at times not directly meant for the school environments. These are found both at the federal and state levels. Primarily, many of these laws are legislations targeted at the problem of child abuse in general in conformity with the International Human Rights instruments with respect to violence against children, rather than the specific problem of bullying in the schools. Today, apart from the federal one, the following states have enacted such laws:

- Ebonyi State Law No 010 of 2001 on the abolition of Harmful Traditional Practices Against Children and Women;
- Edo State Female Genital Mutilation (Prohibition) Law of 2002;
- Bauchi State Hawking by Children (Prohibition) Edict of 1985 CAP 58;
- Cross River State Girl Child marriage and Female Circumcision Law of 2000;

- The Sharia Penal Codes of Zafara, Kano, Kebbi, Kaduna and Sokoto States of Nigeria protecting children against various forms of physical and psychological violence (Federal Ministry of Women Affairs, 2004, p. 4);
- The most recent is the 2010 Lagos state's Law banning caning as a form of punishment in Lagos State schools. (AKSG online Article July 3rd 2011).

However, for the purpose of this study the federal version and those of three states- Lagos, Ebonyi and Zamfara, representing the three geo-political regions of Nigeria are presented and analyzed here:

The federal government versions are legislated in two Acts - "The Child's Right Act" and "Trafficking in Persons (Prohibition) Law Enforcement and Administration Act." Both were promulgated in 2003. This law, as indicated above, has no specific provision on bullying in school as can be seen from its contents briefly presented below:

The first, which is known as "The Child's Right Act" of 2002 (CRA 2003) under Sections 21- 40, provides for the protection of children against discriminatory, harmful, and exploitative practices. These include the prohibition of child marriage, child betrothal, infliction of skin marks, abduction, forced, exploitative, hazardous child labor, child hawking, begging for alms, prostitution, unlawful sexual intercourse, and other forms of sexual abuse and exploitation prejudicial to the welfare of the child. The CRA further prohibits recruitment of children into the Armed Forces of Nigeria and importation of harmful publication, which portrays information on commission of crimes, acts of violence, obscene, immoral, and indecent publications, which tend to corrupt or deprave a child.

The Act also had specific legislative provisions on prevention, protection and redress. These are found in Sections 50-52 of the CRA 2003. Here there is provision for the protection of children in need of care and against physical or moral danger. It empowers:

A child development officer or police officer or any other authorized person to bring a child in need of care and protection before a court for a corrective order, if he has reasonable grounds for believing that the child is an orphan or is deserted by his relatives, neglected, ill-treated or battered by his parent or guardian or custodian, or found destitute, wandering, homeless or surviving parent undergoing imprisonment, mentally disordered, or otherwise severally handicapped; or found begging for alms, or in company of a reputed/or common thief or prostitute, or otherwise beyond parental control or exposed to moral or physical danger. (Federal Ministry of Women Affairs, 2004, p. 4)

In addition, Sections 21-40 of the same Act provide for the protection of the rights of the child through the prohibition of child marriage, child betrothal, infliction of tattoos and skin marks, exposure to use, production, trafficking of drugs and other psychotropic substances, use of children in any criminal activity, abduction and unlawful removal and transfer of a child from lawful custody, forced, exploitative or hazardous child labor, including employment of children as domestic helps outside their own home or family environment.

The second Act, known as “Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003,” provides for the prohibition and prescription of punishment for traffic in persons, particularly women and children. As a further step, the Act also establishes a National

Agency for the Prohibition of Traffic in Persons and other Related Matters (NAPTTTP). It gives the Agency the responsibility for investigation and prosecution of offenders and the counseling and rehabilitation of trafficked persons. It also provides for the protection of trafficked persons, informants and information in the course of investigation in respect of an offence committed or likely to be committed (Federal Ministry of Women Affairs, 2004).

Also, the “Anti-Trafficking Act” provides for penalties for breach of the provisions of the Act in its Section 32. Here it states specifically that any tour operator, travel agent, or airline who violates the provisions of Sections 30 and 31 relating to aiding or abetting, facilitating, or promoting in anyway the traffic in any person (including children and women) commits an offence and is liable on conviction to a fine penalty not exceeding two hundred thousand Naira and is also liable to forfeiture of passport. Besides, any law enforcement officer can search, seize, and arrest any aircraft, vehicle or container reasonably believed to be used for trafficking in persons. Section 28 further provides that where a corporate body is convicted of an offence of trafficking or aiding in trafficking it shall be liable to a fine of two million Naira and forfeiture of assets and closure of the body corporate (Federal Ministry of Women Affairs, 2004).

Finally, Section 29 provides that any commercial carrier who knowingly carries any person in violation of this Act commits an offence and is liable on conviction to imprisonment for two years or a fine of two million Naira. It is also interesting to note that the Act contains specific legislative provisions addressing all forms of violence. These are found specifically in Parts III, IV, V and VI of the Act (Federal Ministry of Women Affairs, 2004). All forms of violence against children including physical, sexual and psychological as well as emotional violence,

injury or abuse, neglect or negligent treatment which takes place in the family, home, school, neighborhood, workplace, street and the community, among others are addressed.

It is also important to mention that the Act attempts to tackle the issue of corporal punishment of children in various situations. Its Section 221 (1) clause (b) provides that “*no child shall be ordered to be subjected to corporal punishment.*” Under this provision such an act now constitutes an assault or battery or causing grievous harm to the child. This Act explicitly prohibits the imposition of corporal or capital punishment or imprisonment on any person below the age of 18 years. This seems to contradict the existing Penal and Criminal Codes operative in all the states of Nigeria that provides for capital punishment and corporal punishment as sentences for crimes committed by any person in Nigeria. Thus capital punishment is constitutional in Nigeria if it is based on the order of a competent Court of law. These existing Criminal and Penal Codes are yet to be reviewed to be consistent with the CRA 2003 even if it is stated that the CRA overrides any other legislative provisions inconsistent with it (Federal Ministry of Women Affairs, 2004).

In analyzing these two federal Acts, it becomes obvious that their inadequacy does not only stem from the fact that they substantially run contrary to existing laws which are still operating in the country, but also and more fundamentally, they are not specifically directed at either the problem of bullying in general or in the school environments. Here the child rights and their protection are addressed more or less as engendered and perpetuated by persons or agents who have authority on the child rather than other students. In addition, the specific peculiarities of the school dynamics in terms of peer relationships are not addressed in specific terms.

At the state level, the same lack of specific anti-bullying laws obtains. A sample of some states' laws on children from the three geographic regions clearly indicates this. Indeed such laws and policies have been directed at what are generally regarded as societal harmful and violent traditional practices.

In the Northern geo-political region of Nigeria, a state with such a law is the Zamfara State. Zamfara, among other Northern states, introduced the Shari'a legal system in 2000. This raised concerns of adverse infringement on the rights of women and children. As it turned out, it became obvious that the Shari'a laws are not in conflict with the federal government's provisions contained in the CRC described above.

An analysis of the Shari'a laws clearly indicates that they substantially contain the same provisions of the pre- Shari'a Penal Laws of all the states in Northern Nigeria. The laws have specific provisions for the protection of children and young person. In the Zamfara Shari'a Penal Laws, such provisions are found in CRC/C/NGA/3-4 and GE.10-40066 21. In specific terms, Section 237 of the Zamfara State Sharia Criminal Procedure Code law of 2000, No.

1 Vol. 4 provides that:

No sentence of hudud or qisas shall be imposed on a person who is under the age of taklif. Note – Hudud means offences or punishments that are fixed under the Sharia and includes offences or punishments in Sections 126 to 141 of the Sharia Penal Code; Qisa means punishments inflicted upon the offenders by way of retaliation for causing death of or injuries to person; taklif means the age of puberty. Note: Hudud offences

include sexual offences like zina (fornication).

(Federal Ministry of Women Affairs, 2004, p.10)

Also Section 238 (1) of the same code stipulates that:

Where a person is convicted of a ***hadd orqisas*** offence and it appears to the court by which he is convicted that he was under the age of ***taklif*** when he committed the offence, the court shall deal with him in accordance with Section 11 of the Children and Young Persons Law (CYPL) and Section 95 of the Sharia Penal Code.

Section 95 of the Sharia Penal Code of Zamfara state addresses the issue of under-age by stipulating that:

When an offender who has completed his 7th year but not completed his 18th year of age is convicted by a court of any offence, the court may instead of passing the sentence prescribed under this code, subject the offender to confinement in a reformatory home for a period not exceeding one year. (Federal Ministry of Women Affairs, 2004, p.10)

The Sharia Penal Codes equally protect children and young persons by prescribing punishment for the crimes of causing miscarriage, injuries to unborn children, and exposure of infants to danger, cruelty to children, and concealment of births. Also kidnapping of children under seven years and young persons above seven years, abduction of children and young persons, sexual exploitation and trafficking of a girl-child and forced labor are all punishable crimes. (Sections 207–239 of the Zamfara State Penal Codes)

Indeed a part of the provisions of the codes has been tested in a Judicial Decision in the celebrated Case of Karimatu Yakubu v. Alh. Paiko, (Appeal No. CA/K/80s/85 – unreported, Court of Appeal, Kaduna), the Court of Appeal, Kaduna division, allowing the appeal in favor of the teenage appellant, reiterated that:

Her father could not compel her to marry a man contrary to her choice and right to consent. The court clearly indicated that under the Sharia Family Law the need for the consent of a girl in her marriage is both an indispensable requirement and contractual right or at least a desirable one. (Federal Ministry of Women Affairs, 2004, p. 11)

While the decision to consider the child's rights and to include it in the Zamfara law is commendable as being in the best interest and welfare of children, the bone of contention here is that it is meant for the general public and not specifically directed to the problem of bullying in Zamfara state.

In the Eastern geo-political region of Nigeria, Ebonyi State law on the abolition of Harmful Traditional Practices against Children and Women is the closest law that may indirectly apply to bullying in public schools. The main objective of this law is to correct all alleged traditional practices that are considered harmful to children and women in the state. Such traditional practices include female circumcision, oppression of widows, sexual abuses, and child labor.

A number of problems are associated with this law. The first is that it does not specifically address the problem of bullying in schools. Rather, the assumption can only be made that bullying in schools can be regarded as one of the traditional practices legislated against. Secondly, this law has not been implemented in a way that it effectively reduces the so call harmful traditional practices. Indeed, the law does not enjoy wide publicity since it only exists on

the shelves of the legislative house. The general public has no access to it. In fact, it became practically impossible to access a copy of the law through all sources explored for this study. How then can the law be effective or in fact complied with when the public is oblivious of its existence? To date, there is no evidence of anyone who has been prosecuted for acting in contrast to the law since 2001 when it was enacted.

The Lagos state law on corporal punishment in its schools passed in 2011 is actually the most recent, and represents the Western regional laws with indirect implication for bullying in schools.

This law has been hailed in different quarters as the right step in the right direction. Kudos have been given to the Lagos State Governor Babatunde Raji Fashola and his administration for outlawing caning, beating, or physical torture of school students and of workplace apprentices and declaring it both illegal and criminally culpable throughout that state. This action is seen as according recognition to the basic human rights of Lagos' children. It is therefore hailed as one of the most constructive, progressive and profoundly humanitarian initiatives ever set forth into law by any Nigerian elected leader since the nation's 1960 independence.

With all the above said, the law is limited in number of ways; first in addressing its area of coverage and second in addressing the specific problem of bullying in Lagos State school system. To begin with some provisions of the law, particularly on caning in school, caning in school is in conflict with other existing penal codes of Nigerian Federal Legislation, which makes corporal punishments in school legal. Also, the enforcement of the law will be quite problematic in the sense that the coverage of locations where the law is operated, particularly in apprenticeship places are most out of government radar. Secondly, the law does not address the

problem of bullying directly. While caning may be an act of child abuse in the general sense, it is usually carried out by teachers and strictly speaking outside the scope of bullying activities, usually perpetuated by students as peers of the victims.

Finally, just as other laws discussed, this Lagos law, as recent as it is, is not accessible to the general public. How can people obey a law with just the scanty information provided by the mass-media and are completely ignorant of its detailed contents?

A Comparative Analysis of Laws and Policies on Bullying between the United States and Nigeria

A comparative analysis of the laws and policies on bullying in the United States and Nigerian public schools has to take into account a number of background factors. Some of these necessarily include the history, politics and school systems characterizing similarities and differences of the two nations. It is with some basic understanding of these factors that one can then meaningfully discuss and analytically compare issues on the status of bullying, the attention paid to it, the availability of laws and policies, and their implementations with particular reference to public schools in both countries.

As mentioned in chapter one, the United States and Nigeria share some basic historical and political landmarks, which depict some similarities and differences in applications. For example, both nations had the same colonial master in Great Britain. However, they gained independence through different paths. While the United States had to go through arms struggle, Nigeria secured its independence through political and diplomatic frame works.

On the political and governance perspective, both countries now use the presidential form of government. This consists of the office of an executive president at the federal level, governors

at state levels and mayors at county (USA), chairman at local government councils (Nigeria).

The legislative branches of government in the two countries are also virtually the same with some slight differences. At the federal level, they both have the House of Representative and the Senate. It is at the state level that there is a difference. While the United States has both representatives and senators at the state, in Nigeria, the states only have Houses of Assembly. It is also important to mention here that bills passed by the federal legislative branch and signed into law by the president are regarded as superseding those passed and signed into law by the states in both the United States and Nigeria.

Both countries also have very similar school systems. They share broad categories of elementary, secondary and post-secondary format. In Nigeria the school system is made up of:

- 6 years of Elementary
- 3 years of Junior Secondary
- 3 years of Senior Secondary
- 4/5 years University

In the United States the school system is predominantly made up of:

- 6 years of Elementary
- 3 years of Middle School
- 4 years of High School
- 4/5 years of College

In addition to this format, both countries have private and public schools, and such institutions are operated at all the levels of schooling- elementary to university.

With the above background discourse of very similar structural and institutional values, a comparison of the problem of bullying and particularly, the provisions of laws and policies to address it in public schools in both countries becomes not only relevant, but actually significant, more so in the search for effective preventive measures globally with the United States and Nigeria becoming the representative models of what to do and what not to do.

As clearly shown in the literature review in chapter two and the analysis of the situations in the United States and Nigeria in the early part of this chapter, it is quite obvious that in other parts of the world the problem of bullying is very prevalent as in the United States and Nigeria. In addition, the definitions, the types, and the urgent need to address the problem are quite identical. However, it seems that all similarities stop here. The areas of differences then take over and they can be identified at three levels. The first is the attention paid to the problem by not just the governments of the two countries, but the general society. The second consequent on such attention has to do with the availability of preventive measures put in place to deal with the problem, particularly in forms of laws and policies directly targeted at the problem in public schools of the two countries. The third is in relation to the actual effectiveness of the available laws and policies in terms of their implementation in practical applications. Each of these levels deserves some length of comparative discussion.

With regard to attention paid to the problem, the situation in the United States and Nigerian schools are quite different in identification and tenacity. In Nigeria, in spite of the fact that bullying is a daily occurrence at different levels of schooling, little attention has been paid to it by both governments and the public until very recently. This lack of attention as earlier discussed have been justified by theories or speculations based on first, the notion that the problem of

bullying in schools should be accommodated within the spectrum of general disciplinary issues to be dealt with by individual school administrators and teachers. The second derives from a cultural belief usually justified as pragmatic reality of life, whereby acts of bullying are celebrated as necessary behaviors of a “stage,” which children in schools have to pass through as a form of “maturing” process. The third, which is legislative in content, is premised on proposition that the 1999 Nigerian Constitution general provisions on various forms of violence have substantially taken care of the problem of bullying as an act of violence in the society in general and the school environment in particular.

In contrast, the problem of bullying has been clearly identified on its own merit in the United States. Consequently, specific attention is being paid to it by different segments of the American society- the governments both federal and states, school authorities and administrators, the media, parents and guardians as well as the general public. Films, documentaries, commentaries, opinions, books, and articles are daily occurrences, which bring attention to the problem constantly into the public domain. An example is the 2011 Anderson Cooper CNN documentary on the problem of bullying in public schools in the United States. The differences in acknowledging and dealing with the problem of bullying in public schools in the United States and Nigeria are most glaring with regards to availability of laws and policies and their implementation. The obvious disparity is clearly demonstrated in the analysis sections above.

In the United States, though there are no laws on bullying at the federal level, but as shown in the analysis of bullying laws in the United States, nearly all states have specific laws and policies directly addressing the problem of bullying in schools in one form or the other. Indeed as Limber and Small (2003) point out “by 2003, 15 states have passed laws addressing bullying

among school children” (p. 446). Then by July 2008, due to the growing awareness of the devastating effects of bullying on children and in an attempt to protect the safety of students in schools, anti-bullying laws have been implemented in 33 states and at least 10 others started contemplating doing the same. Consequently, as at December, 2011, all the states except Montana and South Dakota have had state legislation on bullying/harassment. As of today, South Dakota has joined the league of states with anti-bullying laws with Governor Dennis Daugaard signing the law on March 19, 2012. This currently makes Montana the only state without bullying/harassment legislation in the United States. Even then, the state has model policies on bullying/harassment. In fact, some of the states have progressed to having legislations on cyber bullying and hazing.

In Nigeria, the situation is quite different. To start with, there are no specific laws on bullying in schools. Even the laws, which seem to indirectly address the problem, are not specifically designed for the school environment. They are in contents and substances directed at the total population of the society, with women and children having priority attention. A number of these laws were discussed in the section on the analysis of bullying laws in Nigeria. Indeed, not only have studies on bullying problem in Nigerian schools system been limited, but more unfortunately, there seems to be no attention paid in terms of laws and policies to address it. The dearth of studies and practically absence of government laws and policies on bullying in Nigeria do not in any way reflect the prevalence of the problem in Nigerian schools. Bullying is a daily occurrence at different levels of schooling in Nigeria and it has consequently attracted the interest and concerns of the Nigerian public, who are now demanding that governments and school authorities pay urgent and deserved attention to the problems.

A search for specific laws and policies on bullying in Nigeria has not produced any result from both the federal and state governments in the past. This position is further collaborated by the Federal Government of Nigeria document on the report on violence against children in 2004. The statement states “At the time of this study there is no existing legislation provision that explicitly prohibits bullying, hazing and sexual harassment in Nigeria” (p. 6). Currently, the federal and states’ laws that are available and could be referred to as having a semblance of addressing the problem are legislation against the problem of child abuse in general in conformity with the International Human Rights instruments in respect to violence against children rather than the specific problem of bullying in the schools.

CHAPTER FOUR

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

A review of bullying-related litigation in the U. S. concluded “the cases illustrate that, employed piecemeal, punitive tactics such as progressive discipline, mediation, conflict resolution, and so-called ‘zero tolerance’ policies, if unsupported by the entire school community, do not reduce bullying.” More comprehensive law and policy remedies, however, if wisely crafted and administered, can help to support the broader institutional and cultural changes necessary to better protect children in schools. (Dayton, Dupre & Blankenship, 2011, p. 3)

In comparing the bullying laws and policies with specific reference to public schools in the United States and Nigeria, the analysis in chapter three has led to the following findings and conclusions. These findings and conclusions derived from them certainly indicate the need for suggestions/recommendations. These are necessary to address the current peculiar situation in both countries and proffer plausible options for the development, improvement, and effectiveness of bullying laws and policies against bullying in their public schools.

Findings

Based on the comparative analysis of the current situations regarding anti-bullying laws and policies in the United States and Nigeria, the following findings are notable:

In terms of occurrences and the endemic nature of the problem of bullying, particularly in public schools, both countries definitely share a problem that is quite obvious. Thus, one would expect

the same urgent attention from all stake holders in ensuring children education in safe and stress-free environments in the two countries.

However, there seems to be more and articulated attention paid to the problem in the United States. In addition, the attention cut- across all segments of the American society and enjoys constant priority in the public domain. These cannot be said to be so in the case of Nigeria. Indeed as pointed out in chapter three, the occurrence and awareness of bullying in schools and the need to address it has for long been mitigated by the cultural and social beliefs of the acts of bullying being part of physical and character formation. Consequently, serious attention has just begun to be paid to it as a problem that transcends these cultural and social justifications and in need of being fixed.

Based on the above, there has been significant disparity in the areas of studies with regard to the problem of bullying generally and in the school environment in particular in the two countries. Apart from the fact that there are numerous studies on bullying in the United States, the studies cover different areas of the problem. These include defining the concept, types of bullying, the level of awareness in public outcry, and urgency of need for solutions, efforts put in place for prevention, and dealing with actual occurrences, training of school personnel, timely intervention, counseling, availability of laws, and policies in states and their effectiveness and finally road-map on challenges and their resolutions, particularly in the area of ensuring that laws and policies of the states have the necessary provisions to prevent and stem the actual occurrences in the schools.

However in the Nigerian situation, the focus of studies that is being concentrated on is in regarding the problem of bullying as just a part of the day- to- day disciplinary problems in the

schools. As a result, the studies tend to highlight the counseling needs of teachers and students regarding the problem. Indeed, since there are no specific laws on bullying as a problem, there is a dearth of studies analyzing such laws and identifying areas of challenges and how they could be met. Surprisingly too, there seems to be no studies with analysis of how the indirect laws that address child abuse in general could be adapted or modified to be meaningfully employed to deal with the problem of bullying in the school environment.

One other finding, which is central to this study, is the glaring disparity between the United States and Nigeria in availability of laws and policies on bullying in their school systems. While there are no such laws at the federal level in the United States, all the states, except one – Montana - have anti-bullying legislations for the school system. These laws specifically spell out not only how the problem could be prevented but also, and more importantly, depending on each state peculiarities, measures to deal with actual occurrences through provisions for detection, persons of interest to administer the laws and punishments for culprits. In addition, there is an impressive expansion and revision of bullying legislations in the states. Also, many of the states have expanded bullying legislation in response to modern developments, particularly in the area of the web in relation to problems associated with cyber bullying. Further, most states' laws have provisions for school district policies on the implementation of the laws. The same cannot be said of Nigeria where there are no specific laws on bullying and there seems to be no urgency of intention to produce such, either nationally or in the states

Finally, in the area of implementation and effectiveness of the laws and policies, as indicated by the analysis in chapter three, in the case of the United States, with the availability of numerous laws enacted by the states, the level of implementation for effectiveness so as to

reduce the problem of bullying in public schools is not at the level of satisfactory proficiency- much still needs to be done to move from the state of theoretical formulation of laws and policies to the practical implementation of them if they are to ultimately benefit the schools and the students. There is the need for extensive implementation of legislations with specific definitions of prohibited bullying behaviors, graduated and substantial sanctions, reporting requirements, investigation process, and method of sanctions.

In Nigeria, not only are there no specific anti-bullying laws and policies to be implemented in public schools, even the indirect laws and policies that are legislated to address child abuse generally in the Nigerian society have been anything but effective.

Conclusions

In analytically comparing bullying laws in public schools in the United States and Nigeria, there seems to be no doubt that both countries have a significant problem in the occurrence of bullying in their public schools. While both countries similarly share the identification, types, and the need to address the problem, a major disparity becomes obvious, particularly in the area of provisions of laws and policies to address the problem. The United States definitely takes a significant lead in this domain and Nigeria definitely has very damning challenges with the absence of such laws and policies and has a lot to learn from the situation in the United States. This does not, however, mean that the United States is at the point where everything could be said to have been taken care of and the bullying problem has been overcome. Thus this study makes the following suggestions/recommendations on the way forward with the peculiarity of challenges facing the two countries in mind.

Suggestions/Recommendations:*Suggestions/Recommendations for the United States*

When comparing the situation in the United States with the situation in Nigeria and some other parts of the world, it is evident that the United States has really done a great job in the attempt to reduce bullying, harassment, and intimidation in its public schools. The efforts of each state legislature to eradicate the phenomenon are highly commendable so much so that there is not much need for input on the federal level though the federal government is expected to take the lead in seeing that an end comes to the phenomenon that constantly claims the lives of young and promising children.

Though the United States has taken the bull by the horns by addressing this issue, there is still room for improvements, particularly in the following areas – prevention programs, monitoring, counseling for both the bully and the bullied, keeping records, inclusion of cyber bullying by states that are yet to do so, and also clarity in the laws. As the adage goes “prevention is better than cure,” it is better to prevent the occurrence of the acts of bullying rather than finding a way or ways of curing it because by then more damage must have been done. To prevent it, students, parents, guardians, teachers, administrators, volunteers, bus drivers, aides, secretaries, paraprofessionals, coaches, custodians, kitchen and lunchroom workers, law enforcement agents, and the entire community should be made to be aware of the devastating effects of bullying. This can be done by organizing bullying prevention programs and workshops that will involve all the categories of people mentioned above. Such programs can be sponsored at the school level, district level and even at the state level either by government agencies or by voluntary organizations.

As earlier mentioned, “state laws, and their related district-and school level policies cannot work in isolation.” Some of the state legislature did an excellent job in putting the laws and policies together, but this by itself cannot bring out a good result unless they are being constantly monitored and evaluated to make sure they are being implemented and are effective. Bullying prevention task force should be formed in each district to monitor the implementation and also work on strategies that could help to improve the implementation. For instance, according to the Analysis of state bullying laws and policy, the bullying law of Washington is not effective enough and that was why a more stringent law was enacted in 2010. The report states that “A formal report conducted in 2008 examining bullying in Washington school districts did not appear to be addressing bullying uniformly in the state and bullying had not declined substantially since the first bullying legislation was passed (Kester & Mann, 2008). The study prompted the state legislature to enact more stringent and more expansive laws in 2010 in an attempt to strengthen bullying procedures at the school district level.” (Analysis of state bullying laws, 2011, pp. 3-4) The same situation applies to South Carolina’s Safe School Climate Act that is defect in its implementation. Also, in Vermont, the requirements for districts to “ensure that teachers and other staff receive training in preventing, recognizing, and responding to harassment” (p. 4) is not well implemented. There are no in-service or pre-service trainings for their school personnel.

There is also the need to provide counseling for both the bullies and their victims in order to avoid future occurrences. As mentioned earlier in this dissertation, the act of bullying is a circle that rotates, a victim today may tomorrow become a bully and vice versa. It is therefore very important to provide adequate counseling sessions to the bully, the bullied, and probably both

parents. Occasionally, individual schools can organize counseling sessions for all the students on the negative effects of bullying and what to do when one is being bullied or when a student witnesses a bullying incident. In addition, those states that are yet to include in their policies the training of their personnel on how to prevent, identify, and address the issues of bullying should be encouraged to do so.

Proper records of incidents of bullying should also be compiled and submitted to the appropriate state agency either annually or biannually and such records should be required to be available on each school district's website. This will allow the general public assess the policies of the district and make their conclusion as to whether it is effective or not. They will also be able to make suggestions as to how what is on ground can be improved on. In some states like Colorado, the principal in each school will submit a written report to the board of education of the school district, the board will compile the data and submit to the state board and the compiled reports shall be made available to the general public (bullypolice.org).

Moreover, it is very essential for states that have not included cyber bullying legislation in their laws to do so. As Dayton (2012) puts it "Cyber-bullying is the use of high-tech electronic media to engage in bullying. This type of bullying appears to be increasing as the use of electronic communications technologies increases." (p. 167) According to Dayton, cyber-bullying is an "extension of face-to-face bullying." By implication, this means cyber-bullying is even worse than the regular bullying. While bullying stops at the end of the school day, cyber-bullying continues even after the school hours thus exposing the victim to 24/7 attack by the perpetrator. Dayton (2012) observed that, "Cyber-bullying can be far more psychologically damaging to the victim than in-school bullying alone." (p. 168) Many students, including Phoebe

Prince, have committed suicide as a result of cyber-bullying. In fact, not only is there the need for the legislation in this area, there should be very strong penalties, consequences, or punitive sanctions for any misconduct.

Also, the issue of clarity of laws on bullying is very important. School authorities are not really sure of the roles they can play to reduce off-campus bullying. There is the argument over the limit of the school in the control of bullying behaviors. Some legislatures even argue that the schools will be overstepping their bounds if they want to control what happens outside the school's property. Thirteen states, however, specify that schools have jurisdiction over off-campus bullying behavior if it "is serious or disruptive enough to create a hostile learning environment." However, the disciplinary action should not infringe on the child's first amendment right. According to Ohio law, the disciplinary procedure for the guilty student "shall not infringe on any student's right under the first amendment to the Constitution of the United States (bullypolice.org). The school may be liable for punishing a student wrongly by not allowing the student to exercise his/her right to free speech. Some states even mention it specifically that schools do not have control over what happens outside the school. The confusing part of this decision is that what then happens if the off-campus incident is affecting or threatening the safety of another student while in school? Dayton (2012) pointed this out when he said that:

Ambiguity in this area of law seems to put school officials in a difficult position:

If they act to address online misconduct their disciplinary actions may be overturned by a judge and they may be subject to liability for intruding on free

speech; but if they don't act to protect the victims of harassment they may be found negligent and subject to liability. (Dayton, 2012, p. 168)

This in effect means, either way, the school officials will be guilty. Massachusetts, Ohio, Arkansas, and Louisiana are among the states that subscribe to the idea of schools having control over off-campus incidents if “it creates an intimidating, threatening or abusive educational environment for the student” or “threatens the safety of the student while in school” (bullypolice.org).

Massachusetts law states that “bullying is prohibited at any location, activity, or function that is not school related or using technology or devices that are not owned by the school, ‘if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school, or materially or substantially disrupts the education process or the orderly operation of a school’” (*Mass. Gen Laws. ch.71§37O*) (Analysis of state bullying laws and policies, p. 24). Also, in Louisiana, it is stated that the cyber bullying provisions covers cyber bullying that occurs off school campus if the “actions are intended to have an effect on the student when the student is on school property” (*La. Rev. Stat. Ann. §416.13*) (Analysis of state bullying laws and policies, p. 24). In Minnesota and South Dakota, the focus is more on the “rights” of the perpetrator. South Dakota states that the schools only have control over incidents that occur while students are on property within the jurisdiction of the school board. The good thing, however, is that the school employee who reports an incident of bullying, intimidation, or harassment in compliance with the procedures in the district's policy is protected against lawsuits in some states.

Finally, all hands should be on deck to tackle the problem of bullying in the public schools. If the problem is not nipped in the bud at the early stage, it will come back to haunt everybody in the society in one way or the other in the future because as asserted in the Analysis of state bullying laws and policies “students who engage in bullying behavior are at higher risk for long-term socio-emotional and physical health consequences than non-bullying involved youths. Research indicates that students who bully have higher substance use rates, poorer social skills, greater mental health problems, and exhibit increased aggressive-impulsive behaviors as adults” (Houbre, Tarquinio, Thrillier, & Hergott, 2006; Niemela et al., 2011; O’ Brennan, Bradshaw, & Sawyer, 2009; Kaltiala-Heino, Rimpela, Rantanen, & Rimpela, 2000; Ragatz, Anderson, Fremouw, & Schwartz, 2011).

Suggestions / Recommendations for Nigeria

In Nigeria, while it is worthwhile and important to recommend that more attention should be paid to bringing the problem of bullying in schools to the public domain and that more research is needed in this regard, the focus of suggestions and recommendations, in view of the limitation of this study, is essentially directed at the challenges posed by the obvious lack of specific anti-bullying laws and policies to address the scourge of bullying in schools environments in Nigeria. In providing such laws and policies, either at the federal or states levels, the following components should be the core:

1. Such a law should have a purpose statement. This will set out the overall and specific effects that bullying has on the various persons of interest such as students, school environment with regard to safety and learning processes as well as the staff. It should also highlight the unacceptability of any form or level of bullying and that any occurrence of it should be taken

seriously by teachers, school administrators and students. A sample of anti-bullying law in the United States is that of Oklahoma State (Analysis of state bullying laws and policies, 2011, p. 89)

2. The law should also have a statement on scope. This has to do with the locations within the school campus and it's environ and facilities covered by the law. A good example of such a law is that of Indiana State, where the law is said to apply on school grounds immediately before, during and immediately after school; anytime the school is being used; at school activities; going to and fro school; using of school equipment or property (Analysis of state bullying laws and policies, 2011, p. 89).

3. Another component of the law should be the specification of prohibited conducts. These should include both physical and verbal actions. Such specifications will enable students, policy makers, school administrators, staff, teachers, students' family and the community to have easy understanding and interpretation of actions that constitute bullying. Both Florida and Kansas laws have exemplary provisions of this component. The Florida law spells out that bullying actions include systematical inflicting of physical and psychological distress such as teasing, social exclusion, threat, intimidation stalking, physical violence, theft, sexual, religious or racial harassment, public humiliation destruction of properties and retaliation and so on. In including Cyber bullying, Kansas state law says it means actions involving the use of any electronic communication device that includes but is not limited to e-mail, instant messaging, text message, mobile phone, blogs, pages and websites (Analysis of state bullying laws and policies, 2011, p. 90).

4. The law should also include a provision that clearly states and explain characteristics usually identified with students who have historically been targets of bullying and if possible site examples of such characteristics. North Carolina State has such provision in its law on bullying. It includes characteristics such as color, race, religion, gender ancestry among others (Analysis of state bullying laws and policies, 2011, p. 91).

5. Finally and very importantly such a law must include how the law as policies can be operated at the level of agencies connected with the school system. These include School Boards, the police, parents, school administrators, teachers, students' families and other community groups. These provisions in the law must take cognizance of, for example, process of reporting bullying and those expected to do so, the procedure for investigation and response to the act of bullying, procedure for keeping records, the sanctions and who to administer them, the procedure of referring victims and lines of communication in notifying parents and other persons of interest, procedure for training of school personnel in preventing and reporting acts of bullying, and procedure for ensuring transparency and effective monitoring of the policies.

With the above recommended composition in mind we propose the following as a “model” law which could be passed into law either by the Federal or States legislative Houses in Nigeria.

Proposed Anti-Bullying Law for Nigeria (States in Nigeria)

Section I: Preamble

(a). Purpose:

The Federal Republic of Nigeria (State) Legislature is aware of the prevalence of bullying in both public and private schools, particularly at the primary and secondary school levels, with all its negative consequences. Such negativities include but are not limited to unsafe school environment which has inhibit the ability of the students to learn and the teachers to teach. Acts of bullying in the schools have also led to or assisted the perpetuation of other anti-social behaviors, including but not limited to, vagabondism and dropping out of school, vandalism, cultism, fighting and use of drugs. It is therefore necessary to send a strong message that bullying would no longer be tolerated in the Nigerian (State) school environment.

(b). Amendments:

That the Provisions of this law be reviewed every five (5) years by the Federal and States' Legislatures so as to be abreast with developments in definition, occurrences, and appropriate responses to the problem of bullying in Nigerian school system. However, this should be without prejudice to schools boards reviewing their own policies derived from this law preferably every two years, but not exceeding three years.

Section II: Definition and Scope:

(a). Definition:

For the purpose of this law, the term “bullying” shall mean any act that systematically and repeatedly inflicts physical or psychological harm on any students. Such prohibited acts include but are not limited to: physical violence, teasing, threat of physical and psychological harm, ostracization, deprivation of property, theft, class-based harassment, religious or sexual harassment, in person or through any media such as the use of electronic communication, including but not limited to, e-mail, text messaging, mobile phone, websites, or any other action with the overall intent to dehumanize, embarrass or demean. Other acts considered to be “bullying” are physical and verbal retaliation for acts alleged or asserted as bullying.

The definition of “bullying” shall include:

- (a) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so;
- (b) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm.
- (c) Any intentional written, verbal, or physical act which a reasonable person would perceive as being intended to threaten, harass, or intimidate, that:
 - (i) Causes a student or students substantial physical and psychological harm
 - (ii) Substantially interfere with a student's education;
 - (iii) Is severe, persistent, or pervasive to the extent of intimidating or threatening educational environment; or substantially disrupting the orderly operation of the school.

(b). Scope:

The place designated “school environment” shall include: school grounds (both immediately before and immediately after school hours) on school transportation (where available,) school playing grounds, school organized functions such as sports, entertainments and other social gatherings.

(c). Victim(s):

A student or students subjected to acts of bullying either physical, psychological, verbal or cyber.

(d). Bully:

Any student who with the intent to inflict physical or psychological harm, dehumanizes, embarrasses, demeans other students as individuals or as a group.

Section III: Implementation:

(a). Time Frame:

All Ministries, States, Local Governments, Schools Boards and schools administrators and all other relevant agencies shall cause this law to be implemented not later than two years after being passed by the Federal Legislature or States’ legislators and signed into law by the President of the Federal Republic of Nigeria or Governors of respective states. All schools private and public, primary and secondary shall thereafter comply with this law, administering a policy that prohibits bullying of a student by another student and shall require such prohibition to be included in the students and parents handbooks of that school system.

(b). Consequences and information:

Specifically, all school Boards at the Federal, State and Local Governments levels as well as all primary and secondary schools both private/public as policy derived from this law shall:

- (a) Require that, upon investigation and finding by the duly constituted school disciplinary committee that a student committed the offense of bullying such student shall be subjected to graduated consequences as defined in the school's disciplinary policies. However if the student commits a bullying offence for the third time in a school year, he or she should be separated from the school.
- (b) Each School shall publish in its student and parent handbooks a method to notify the parent, guardian, or other person who has control or charge of a student upon a finding by the school disciplinary committee that such student has committed an offense of bullying or is a victim of bullying.
- (c) Each School shall ensure that students and parents of students are notified of the prohibition against bullying, and the penalties for violating the prohibition, by posting such information at each school and by including such information in the student and parent handbooks.
- (d) Each school shall develop the policy derived from this law in consultation with representatives of persons or groups of interest such as parents, guardians, Parents/Teachers Association, school administrators, teachers and staff and members of immediate community- churches, mosques and other social organizations.
- (e) The school disciplinary punishment(s) and resolution notwithstanding, the victim may also seek redress under any other available federal or state civil or criminal laws.

Section IV: Reporting, Investigation and Protection:

By this law it is required that Federal and States' Ministries of Education as well as various schools boards at Federal, State and Local levels put into effect policies on bullying with regard to the following:

(a) Reporting:

In reporting bullying in the schools the following requirements shall be put in place:

- (a) Any teacher or other school employee who has reliable information that would lead a reasonable person to suspect that someone is a target of bullying shall immediately make a report to the school principal.
- (b) Each school shall have a procedure for the school administration to promptly investigate in a timely manner and determine whether bullying has occurred.
- (c) An age-appropriate range of consequences for bullying which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances.
- (d) A procedure for a teacher or other school employee, student, parent, guardian, or other person who has control or charge of a student, either anonymously or in such person's name, at such person's option, to report or otherwise provide information on bullying activity.
- (e) A statement prohibiting retaliation following a report of bullying.

- (f) If the principal considers the offence subject to criminal charges, it shall be reported to the police.
- (g) Relevant agencies within and outside the school shall keep and make available to authorized persons documents of complaints and their resolution for a period of not less than four years.

(b) Protection:

- (a) Any person (in whatever capacity), who reports an incident of bullying in good faith shall be immune from civil liability for any damages caused by such reporting.
- (b) There shall be referral provisions which shall include information on types of support services available to victims, bullies, reporters of bullying and bystanders as appropriate.

Section V: Training and Preventive Education

We find that prevention is always better than subsequent remedy, and that this can only be achieved by proper training of personnel (e. g. teachers, staff, aides, auxiliary teachers etc.) This law requires that the following mechanisms be instituted by relevant educational and school authorities.

- (a) Incorporation of information regarding policies on bullying into employee programs.
- (b) Availability of ongoing professional development to build the skills of educational personnel such as teachers, staff, and administrators in preventing and responding to acts of bullying in the school environment.
- (c) Establishment of periodical bullying prevention programs involving teachers, staff and parents, police and the immediate community.

Note/ Acknowledgement

This proposed Anti-Bullying Law for Nigeria, either at the federal or state level, is based in substance on the model of Georgia State 2011 anti-bullying law and components of other states in the United States anti-bullying laws and policies.

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