

Statute: Use of Social Media and Forums

The communication style of the so-called millennium generation has changed greatly in recent years. The DISD welcomes the advantages of the new technologies that offer new possibilities in the modern communication as well as the educational field. The use of the Internet and Social Media, however, also harbours some risks.

The school shows no tolerance towards any kind of bullying. This also refers to bullying that takes place outside of the school in chat rooms, forums or Internet conversations, however bullying that refers to school life.

1. Definition of cyber bullying

Cyber bullying means the intentional insulting, threatening, compromising or harassing of others with the help of the Internet and/or mobile telephone services over a longer period. The culprit looks for a victim who finds it hard to defend himself or herself against attacks. There is therefore a power imbalance between culprit and victim that the culprit exploits. Frequently, the objective is to isolate the victim socially.

The following actions constitute cyber bullying in the opinion of DISD:

- sending insulting and hurtful messages via email, text message, instant messenger or in chats.
- taking photographs or videos of fellow pupils or employees of the school without their consent.
- publishing insulting, defamatory, hurtful and humiliating comments and photographic materials on websites. This includes blogs, personal websites and social video portals.
- use of insulting, offensive, defamatory or humiliating remarks in chat rooms.
- spreading rumours via the Internet and/or mobile telephone services within a large group of people.
- conscious exclusion of social activities, groups, chats etc.

(source: <http://www.klicksafe.de/themen/kommunizieren/cyber-mobbing/cyber-mobbing-was-ist-das/>)

2. Objective of the statute:

The DISD is obliged to create a friendly and safe school environment for all pupils (in the following the masculine form will be used for the sake of simplicity) so that everyone can participate in school life in a relaxed and happy way.

Some occurrences of cyber bullying are possibly even liable to prosecution. It is therefore **important to address cases of bullying immediately**. The contact persons are the class teacher, subject teacher, school advisor and school principal. They will react immediately to such occurrences.

3. Signs that a pupil is a victim of cyber bullying

(see also anti-bullying statute)

- Indication from the parents that their child spends too much time on the computer or smart phone. This could be a possible indication that the child has been completely taken in by what is said or written about him or her.
- Parents find insulting and hurtful messages on their child's computer or smart phone.
- The class falls silent or starts to giggle when the pupil enters the room.

4. Legal foundations

Cyber bullying is not regulated in Germany and in the United Arab Emirates (in the following abbreviated to UAE) as an offence in its own right.

a) Germany

In the case of cyber bullying the Criminal Code laws could take effect. Individual statutory provisions in Germany can be found in the appendix.

b) UAE

The UAE has similar legislative proposals like those in Germany. The UAE published supplements to its law on cyber criminality in 2012 (Federal Law No. 5 of 2012 concerning combating Information Technology Crimes)

Accordingly the following offences are liable to prosecution:

- insulting religious sanctities or calling for sinful deeds to be committed
- slandering and insulting the Prophet
- publishing videos of criminal law pursuers in the UAE (e.g. police) on video portals
- insulting the state, its representatives and the royal family
- slander, defamation and insulting a person (also sending "two fingerer" Emoticons).
- insulting a person's private sphere (e.g. publishing photographs without consent and private information on the Internet, eavesdropping on private conversations, etc.).

In the case of an infringement of the law, the guardians are free to involve the local authorities and to prosecute the perpetrator.

5. Dealing with cyber bullying

(see also statute dealing in the case of misconduct)

If parents/guardians together with the pupil report a case of cyber bullying on smart phones or the computer, the following approach shall apply:

- have the pupil show you the smart phone or the website with the insulting material
- note down everything connected to inappropriate texts and images, with date, times and names. If need be also make screenshots, store images and print out the material
- make a copy of spoken messages
- take the stored material to the class teacher, the departmental head or school advisor
- they will treat the occurrence according to the regulation on misconduct. Initially the following questions are to be clarified:
 - **What occurred in concrete terms?**
 - **Which people are involved?**
 - **How serious is the act?**
- actively involve parents in the anti-bullying measures and e.g. arrange a parents' evening
- make a topic of the subject in the school.

A guidebook on cyber bullying is available for free download at:

<http://www.klicksafe.de/service/materialien/broschueren-ratgeber/ratgeber-cyber-mobbing/>

Important indications for pupils in dealing with social media and the Internet

The DISD also expects its pupils to behave in an appropriate manner on the Internet and at the same time shows clear guidelines:

1. behave in an appropriate and fair way in chat rooms, on Skype, WhatsApp, Facebook, etc. If you are not of the same opinion, give constructive criticism
2. as a user pay attention to the rights of others and please always ask the concerned party (possibly the parents as well) for permission before you post a photo, a video or a text of or about somebody else
3. when setting up your accounts with Facebook, Instagram, etc. make sure you only make your posts (texts and photos) visible to your friends through privacy settings
4. really think carefully about which photos and data you put on the Internet about yourself and others. Even if you cancel your accounts on social media networks, information you have posted once will remain permanently on the network because in the meantime it will generally have already been stored in other data bases
5. never share your password/passwords with others apart from your parents
6. never open attachments (e.g. photos), links or apps if you are not sure who has sent them to you or if they are safe. These could possibly be spying on you and damage your smart phone or computer by downloading dangerous software. Protect yourself on the Internet by using suitable and free security programs, such as Avira Antivir
7. enter as little (preferably none at all!) personal data (name, address, mobile number, photos, passwords,...) as possible on the Internet. Reveal nothing embarrassing or private about yourself
8. do not use the identity of another person
9. never meet people alone you got to know through the Internet or through your smart phone. Best of all tell your parents if you would like to meet up with a stranger
10. check very carefully sources of information on the Internet and be suspicious of claims since anyone can post something on the Internet
11. pay attention to copyright protection. Free downloading of films and music is often not legal. Many photos are also subject to copyright protection
12. observe the protection of intellectual property. Do not copy thoughts of others and do not sell them as your own
13. speak to an adult you trust if something seems strange to you whilst surfing the Internet. If for example you come across photos and texts that make you feel afraid or if you feel somebody is hassling you.

(source: <http://www.klicksafe.de/themen/datenschutz/grundlagenwissen/datenschutz-im-internet/tipps-zum-schutz-persoenerlicher-daten/>)

Appendix

Legal regulations of the German Criminal Code.

Section 185 Criminal Code: Insult

An insult shall be punished with imprisonment not exceeding one year or a fine and, if the insult is committed by means of an assault, with imprisonment not exceeding two years or a fine.

Section 186 Criminal Code: Defamation

Whosoever asserts or disseminates a fact related to another person which may defame him or negatively affect public opinion about him, shall, unless this fact can be proven to be true, be liable to imprisonment not exceeding one year or a fine and, if the offence was committed publicly or through the dissemination of written materials (section 11(3)), to imprisonment not exceeding two years or a fine.

Section 187 Criminal Code: Intentional defamation

Whosoever intentionally and knowingly asserts or disseminates an untrue fact related to another person, which may defame him or negatively affect public opinion about him or endanger his creditworthiness shall be liable to imprisonment not exceeding two years or a fine, and, if the act was committed publicly, in a meeting or through dissemination of written materials (section 11(3)) to imprisonment not exceeding five years or a fine.

Section 238 Criminal Code: Stalking

(1) Whosoever unlawfully stalks a person by 1. seeking his proximity, 2. trying to establish contact with him by means of telecommunications or other means of communication or through third persons, 3. abusing his personal data for the purpose of ordering goods or services for him or causing third persons to make contact with him, 4. threatening him or a person close to him with loss of life or limb, damage to health or deprivation of freedom, or 5. committing similar acts and thereby seriously infringes his lifestyle shall be liable to imprisonment not exceeding three years or a fine.

(2) The penalty shall be three months to five years if the offender places the victim, a relative of or another person close to the victim in danger of death or serious injury.

Section 22 KUG/KunstUrhG (Fine Arts and Photography Copyrights Law): Right to ones own image

Images may only be put on public display with the consent of the person portrayed ... the right to one's own image or image right is a specific expression of the general personal rights. It states that each person may basically decide himself whether at all and in which context images of him are published.

Section 201 Criminal Code: Violation of the privacy of the spoken word

Whoever unlawfully makes an audio recording of another person, e.g. of a lecture intended only for a small circle of persons – the class – and whoever publically communicates this recording is liable to prosecution.

Section 201a Criminal Code: Violation of the intimate privacy by taking photographs

Whoever secretly takes photographs or films another person in his apartment or in an intimate environment, for instance the shower, the toilet, the changing room, etc. and then makes these recordings public is liable to prosecution

Section 240 & Section 241 Criminal Code: Coercion & Threat

Whosoever threatens another person with violence or other kinds of injury if this person does not comply with a demand to do something, to refrain from doing something, etc. is liable to prosecution.

(source: <http://www.klicksafe.de/themen/kommunizieren/cyber-mobbing/was-sagt-das-gesetz/>)

The German text shall prevail in case of ambiguities or in other cases where there is doubt or where there are problems of interpretation.