

BYLAW No. 2603-02  
OF THE  
VILLAGE OF ANDREW

**BEING A BYLAW OF THE VILLAGE OF ANDREW TO PROVIDE FOR  
THE IMPLEMENTATION AND PROVISIONS OF AN ANTI-BULLYING BYLAW.**

**WHEREAS** Statutes of Alberta, 1994, Chapter —26.1 of the Municipal Government Act provides that a Council may pass bylaws for municipal purposes respecting the safety, health, and welfare of people, and the protection of people and property.

**AND WHEREAS** the Council of the Village of Andrew is intent upon protecting the children from the illegal acts committed by Bullies in a public place by protecting minors from repeated harassment or intimidation that occurs and with helping parents control their children, the Council of the Village of Andrew deems it necessary and in the best interest of the community as a whole to enact a Bylaw regulating Bullying to protect the victims from being traumatized and living in fear.

**NOW THEREFORE THE COUNCIL OF THE VILLAGE OF ANDREW,  
IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:**

**1. Short Title**

- (a) This Bylaw shall be referred to as the "Anti-Bullying Bylaw".

**2. Definitions**

- (a) **Bullying** - Intentional, repeated harmful acts, words or other behavior, such as name-calling, threatening and/or shunning committed by one or more children against another. These negative acts are not intentionally provoked by the victims, and for such acts to be defined as bullying, an imbalance in real or perceived power must exist between the bully and the victim. Bullying may be physical, verbal, emotional or sexual in nature. For example:
- **Physical bullying** includes punching, poking, strangling, hair pulling, biting and excessive tickling.
  - **Verbal bullying** includes such acts as harmful name-calling, teasing and gossip.
  - **Emotional bullying** includes rejecting, terrorizing, extorting, humiliating, rating/ranking of personal characteristics such as race, disability, ethnicity, or perceived sexual orientation, manipulating friendships, isolating, ostracizing and peer pressure.
  - **Sexual bullying** includes many of the actions listed above as well as exhibitionism, voyeurism, sexual propositioning, sexual harassment and abuse involving actual physical contact and sexual assault.

- (b) **Child** - means a person who is under the age of majority.
- ©) **Public Place** - includes any place to which the public have access as of right or by invitation, express or implied and includes, without limiting the generality of the foregoing, the highways, streets, lanes and walkways, all public parks, all sporting facilities and any business enterprise in the Village of Andrew.
- (d) **Parent** - in addition to its ordinary meaning, means the person or persons with whom a child actually resides and who has the current capacity and responsibility to care for and provide the necessities for such child and includes a person who stands in loco parentis to the child.

### 3. Provisions

- (a) There shall be an Anti-Bullying Bylaw within the Village of Andrew for the prevention of bullying and the protection of all persons under the age of majority.

### 4. Legal Implications

- To constitute an offence the following circumstances must be proven:
  - 1. A person communicates with another person in a way that causes the other person to be harassed;
  - 2. The communication is made in a public place or any place to which the public reasonably has access;
  - 3. The communication is of a repeated nature;
  - 4. The recipient of the communication is under 18 years of age; and
  - 5. The feeling of harassment is reasonable in all circumstances.
- For the first offence, this by-law provides for mandatory counseling for the bully.
- For the second offence, this by-law provides for the counseling for the bully and his/her parents/guardians.
- For the third offence, this bylaw creates an offence punishable by a fine of \$250.00.
- The *Municipal Government Act* does not provide the authority for a municipality to impose a mandatory period of Community Service as punishment for a bylaw offence. Pursuant to section 7(i)(ii) a municipality may impose a fine, or imprisonment, or both.
- Any person convicted of this offence would generally be eligible to apply to the Fines Options Program if they desired to perform Community Service to work off their fine.

5. The following is added to Schedule "A":

Harassment of a minor \$250.00

6. This bylaw comes into effect MAY 28, 2003.

Read a first time this 14<sup>th</sup> Day of May, 2003

Read a second time this 28<sup>th</sup> Day of MAY, 2003

Read a third time and passed this 28<sup>th</sup> Day of MAY, 2003

Village of Andrew

Eldon Feniak, Mayor

Pat Skoreyko  
Pat Skoreyko, CAO