

CHAPTER ONE

Cyberbullying

Curbing Student Use of Technology to Intimidate and Harass Others

A 13-year-old Vermont boy was bullied for months online. Fellow students sent the boy a steady stream of instant messages calling him gay, taunting him, and insulting him. The boy sunk into depression and, ultimately, committed suicide. At the urging of the boy's father, state legislators proposed a law mandating that all Vermont schools adopt and implement comprehensive policies addressing cyberbullying.

A high-school student allowed her boyfriend to photograph her in the nude in a sexually suggestive position. Their relationship eventually ended, at which time the boyfriend posted the photograph on the Internet for all of their classmates to see. The student was inundated with sexual offers and threats.

Several athletes were secretly videotaped with hidden cameras in locker rooms, showers, and bathrooms. The videotaped images were sold to companies that posted them on the Internet. The athletes sued school officials in federal court, claiming the officials failed to detect the cameras and prevent the videotaping.

For as long as there have been schools, there have been bullies. Students know it. Teachers know it too. There are physical bullies, verbal bullies, and relational bullies (i.e., bullies who use their status to exclude others from social groups and activities). Bullies are aggressive and intimidating, and their behavior can have a devastating effect on their victims, both at school and at home.

Bullying poses a problem for schools because of the toll it takes on members of the school community and the school environment in general. As a result, many schools have enacted antibullying policies that allow them to take disciplinary action against bullies when bullies are caught in the act of harassing, taunting, or harming their peers. As the scenarios above indicate, bullying has changed markedly with the

development of electronic media. In the case of the Vermont teen, it even prompted lawmakers to propose a law requiring school antibullying policies. This new form of bullying is called **cyberbullying**.

CYBERBULLYING

Cyberbullying differs from traditional, face-to-face bullying. It relies on electronic devices, the Internet, and the anonymity the Internet provides. Nearly all cyberbullies operate anonymously, hiding behind screen names or stolen identities. They can access their victims at any hour of the day, and they can reach much larger audiences electronically when spreading rumors and falsehoods.

Cyberbullies have a multitude of tools available to them: cell phones, camera phones, e-mail, instant messaging, personal Web sites, **social-networking sites**, and more. They bully their victims via text messages, postings on social-networking sites like Facebook and MySpace (or the more vitriolic Snubster, EnemyBook, Juicy Campus, and HateBook), and discussions in online chat rooms. They forward e-mail messages to huge groups of friends and post embarrassing, sometimes altered, photographs and video clips of their victims to the Internet. In some instances, students hack into other students' e-mail accounts or social-networking sites and create havoc by sending hateful messages or posting inflammatory content that appears to have been authored by their victims. The victims are not always fellow students. Sometimes the victims are teachers.

Common Forms of Cyberbullying

- *Flaming* is online fights using electronic messages with angry and vulgar language.
- *Harassment* is repeatedly sending nasty, mean, and insulting messages.
- *Denigration* is dissing someone online, sending or posting gossip or rumors about a person to damage his or her reputation or friendships.
- *Impersonation* is pretending to be someone else and sending or posting material to get that person in trouble or danger or damage that person's reputation or friendships.
- *Outing* is sharing someone's secrets or embarrassing information or images online.
- *Trickery* is tricking someone into revealing secrets or embarrassing information, then sharing it online.

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- *Exclusion* is intentionally and cruelly excluding someone from an online group.
- *Cyberstalking* is repeated, intense harassment and denigration that includes threats or creates significant fear.

Source: Willard, N. (2005). An educator's guide to cyberbullying and cyberthreats: Responding to the challenge of online social aggression, threats, and distress. *Center for Safe and Responsible Use of the Internet*. <http://csriu.org/cyberbully/docs/cbcteducator.pdf>

What do studies tell us about cyberbullies and their victims? Interestingly, females are more likely to be cyberbullies than males. In all likelihood, this is because cyberbullies, unlike traditional bullies, don't need to be physically superior to their victims. Cyberbullies rely on verbal, emotional, and psychological attacks, like those inflicted on the Vermont teen described above.

Another characteristic of cyberbullies is that they thrive on the anonymity technology provides. Cyberbullies can assume any name, any persona, any gender they want and, in doing so, often can disguise the source of the bullying. In 2006, for example, a Missouri teen named Megan committed suicide when someone who had befriended her online suddenly turned on her and sent increasingly hostile and degrading messages. The online friend identified himself as a 16-year-old boy named Josh and exchanged messages with Megan for several weeks before he started bullying her. An investigation after Megan's death revealed that Josh did not exist. He was the online persona of the mother of another teenage girl with whom Megan had been fighting.

What else is typical of cyberbullies? Cyberbullies are likely to act without first thinking through the consequences of their action. The second scenario above may be an example of this. The boyfriend probably wanted to embarrass his former girlfriend, but he may not have anticipated or intended the level of embarrassment and shame he caused her when he posted her photograph online. The impulsivity of cyberbullies is directly related to the tools available to them. Those tools allow them instant access to their victims and a wide audience for their bullying behavior. As was stated by Darby Dickerson (2005) in the article *Cyberbullies on Campus*, "Technology allows bullies to be meaner, more frequently, with more allies, before an inestimable audience."

THE LAW AND CYBERBULLYING

Technology is developing at a rapid pace, and the law is struggling to catch up. The number and variety of digital devices, along with easy

access to the Internet, have resulted in a range of scenarios lawmakers never anticipated. Legislators are scrambling to enact laws, but it is not always clear what those laws should say or govern. The available case law on **free speech**, defamation, sexual harassment, and assault cannot easily be applied to cases of cyberbullying, and the rulings by courts around the country are inconsistent. Where the law and cyberbullying are concerned, one thing is certain, though. Parents of bullied students are taking action. They are seeking protection and compensation from the courts, and their lawsuits frequently name schools as defendants.

As Tresa Baldas points out in her article *As 'Cyber-Bullying' Grows, So Do Lawsuits*, schools are "in a legal quandary: If they punish a student for something they did off school grounds, they could get hit with a freedom of speech claim. If they do nothing, they could get hit with failure to act litigation."

There is no question that schools can and should intervene when cyberbullying occurs on school grounds or via the school's computer system. But what if the cyberbullying occurs outside of school? In keeping with earlier free speech decisions, courts generally evaluate a school's right to intervene in off-campus bullying by determining whether the cyberbullying *harmed* the victim's educational experience or *disrupted* the classroom. Harm might be demonstrated by a showing that the victim was unable to concentrate at school, suffered a measurable drop in grades, or had an increasing number of absences that coincided with an escalation in the bullying. Disruption to the classroom might be demonstrated by fights or arguments between students at school, the origins of which can be traced to the cyberbullying. Without a finding of harm or disruption, courts generally rule in favor of the bully on free speech grounds.

Legislators at the state and municipal levels have tried to tackle the cyberbullying problem as well. Several states have enacted legislation requiring public schools to draft and enforce antibullying policies that specifically address cyberbullying, and a great number more are considering enacting the same or similar legislation. These laws may provide important support for schools that take disciplinary action against students engaged in off-campus bullying.

The Missouri municipality where Megan lived has criminalized cyberbullying. It passed its anticiberbullying law in direct response to the cyberbullying incident that led to her suicide. As described above, the bully in that instance was not another student but the mother of a student who posed online as a 16-year-old boy named Josh. Residents of the town, outraged by the mother's actions and the apparent inability of state prosecutors to hold her criminally liable for her actions, pushed for the law that now makes cyberbullying a misdemeanor crime, punishable by a fine of up to \$500 and 90 days in jail, regardless of whether the bullying is school related or not.

State and federal prosecutors are becoming more aggressive and more creative in pursuing cyberbullies too. In 2008, the mother in Megan's case was indicted by a federal grand jury and charged with one count of conspiracy and three counts of accessing protected computers without authorization to get information used to inflict emotional distress. It was the first time the federal **statute** on accessing protected computers was used in a cyberbullying case. The mother pled not guilty and moved to have the charges dismissed. A ruling on her motion was still pending when this book went to print.

In Texas and Wisconsin cases similar to the second example above (the example in which the teen posted nude pictures of his former girlfriend), prosecutors have brought charges of child pornography, sexual exploitation of a child, and defamation against teens who have posted nude photos of other students to MySpace pages or forwarded the photos via cell phone to other students.

THE ROLE OF THE SCHOOLS

As the scenarios indicate, cyberbullies have access to their victims in school (e.g., when a student sends intimidating text messages to another student in class or uses a cell phone camera to capture a locker room scene) and outside of school (e.g., when students make disparaging remarks about other students or their teachers on their MySpace pages). In both instances, cyberbullying can make victims fear for their safety and can impact their ability to learn if victims are so inundated with bullying messages that they are more focused on avoiding the bullies than on their coursework.

The negative effect of cyberbullying on bystanders should not be overlooked either. In fact, many experts assert that the role of bystanders (what they should and should not do) should be a key focus of all cyberbullying-prevention programs.

Schools that fail to take action to curb cyberbullying among students may find themselves defending their actions (or lack of action) in court or, worse still, dealing with the tragedy of a student suicide. As is indicated above (and as is explained in greater detail in the next chapter), schools have not yet been held legally liable for cyberbullying by students using nonschool computer resources, outside of school hours and off school premises, because schools have little control over that behavior and intervening raises student free speech concerns. The legal landscape is changing, though, particularly as legislators across the country propose legal solutions to the bullying problem, many of which involve action by schools.

POLICY

What can schools do to curb cyberbullying? Obviously, schools need to examine their existing antibullying policies and amend them, as necessary, to include prohibitions against cyberbullying. In drafting cyberbullying additions to their policies, schools should note that experts warn against highly punitive policies. **Zero-tolerance policies** are not recommended. Among other things, the punishments that result from such policies (e.g., suspension or expulsion) may be so severe as to actually discourage children and adults from reporting the cyberbullying they observe. Parents who know their child is the target of another student's mean-spirited text messages may want school authorities to intervene to try to stop the text messaging, but may hold off on reporting the conduct to the school if the school's only option for intervening is suspending the student. Policies that allow for a range of sanctions from verbal warnings, to detention, to suspension or expulsion and that equate the appropriate sanctions with the actual cyberbullying conduct are more likely to encourage early and more frequent reports of cyberbullying that school authorities can nip in the bud.

What are the other attributes of a good cyberbullying policy? Good policies contain good definitions. Cyberbullying must be defined in such a way that students, parents, and staff clearly understand what the term encompasses. In those states in which there are laws mandating antibullying policies, it may be helpful to describe bullying in precisely the same language as is used in the statute. Policies should include references to intimidation, teasing, threatening, and defaming behavior and specifically mention the



Tips for On-the-Spot Bullying Intervention:

- Immediately stop the bullying.
- Refer to the bullying behavior and to the relevant school rules against bullying.
- Support the bullied child in a way that allows him or her to regain self-control, to “save face,” and to feel supported and safe from retaliation.
- Include bystanders in the conversation and give them guidance about how they might appropriately intervene or get help next time.
- If appropriate, impose immediate consequences for students who bully others.
- Do not require the students to meet and work things out.
- Provide follow-up interventions, as needed, for the students who were bullied and for those who bullied.
- Notify parents of children who are involved, as appropriate.

Source: The U.S. Department of Health and Human Services www.stopbullyingnow.hrsa.gov.

cyberbully’s tools of the trade: e-mail, text messages, instant messages, digital images, blogs, and social-networking sites.

The breadth of the policy should also be noted. Policies should expressly state that they apply to all instances of cyberbullying, whether on or off campus, with or without the use of school resources. Although such a statement does not dispense with student free speech claims entirely, it helps to provide a basis or rationale for school action in cases where off-campus cyberbullying interferes with the school’s mission or impacts the safety and welfare of members of the school community.

Policies should also describe the procedures victims, witnesses, and bystanders use to report cyberbullying, including whether teachers and staff are mandatory reporters and the steps the school will take to investigate those reports. (Many schools develop and distribute easy-to-use bullying report forms for use by students and staff.) If there are different reporting procedures for parents, the policy should outline those as well.

Policies should detail how and when parents will be notified of cyberbullying incidents. For instance, whether parents will be alerted of a first instance or only after a pattern of cyberbullying has been established, and whether the school will alert only the parents of the victim or the parents of the victim and the bully. If the school intends to gather data relating to bullying incidents, the policy should also outline how data will be collected and whether and when such data will be made available to the public.

Last, schools should consider drafting specific policies relating to cell phones, cameras, handheld scanners, and other electronic communications devices. Specific policies aimed at particularly prevalent or problematic student behavior can help keep bullying in check on campus. For example, restricting student use of camera phones and other recording devices may help avert incidents like the one described in the third scenario above where athletes were the victims of unauthorized filming.

Student Use of Electronic Communications Devices: Sample Policies

Restrictive Policy

Students shall not possess or use an electronic communications device while on school property (or while attending a school-sponsored activity on or off school property). An “electronic communications device” is a device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.

A student, at the request of his or her parent and with permission of the school principal, may possess an electronic communications device if for health or extraordinary reasons. Use of the device must be in accordance with the agreement between the requesting parent and the school principal.

A person who discovers a student in possession of an electronic communications device in violation of this policy will report the violation to the principal.

Middle-Ground Policy

Students may possess and use cellular telephones, pagers, or other electronic communications devices, subject to limitations of this and other policies of the district. Parental permission is required. Use of the device shall be limited to the period before classes begin in the morning, during the student's lunch period, and after the student's last class in the afternoon. Such devices shall not be used during instructional time or in the passing time between classes unless during an emergency.

Building principals may promulgate rules to enforce this policy at the building level.

Students violating the policy may be subject to disciplinary action.

Liberal Policy

Students shall be allowed to use and possess electronic communications devices on school property. The superintendent or building principal shall deal with any abuses of the privilege afforded under this policy at the building level under current disciplinary policies concerning disruption of the educational environment.

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EDUCATION

Well-crafted policy is important, but it alone will not remedy the cyberbullying problem. As Shariff and Johnny (2007) point out in their article *Cyber-Libel and Cyber-Bullying: Can Schools Protect Student Reputations and Free-Expression in Virtual Environments?*, policy alone “does not teach students to think about the impact of their actions; nor does it engage them in dialogue about how they can address the challenges that new technologies bring, in an informed, thoughtful and coherent manner.” Schools need to supplement cyberbullying policies with educational efforts aimed at all members of the school community.

A number of nonprofit groups and government agencies have compiled materials on the topic of bullying, including posters, tip sheets, book marks, and interactive Web sites that engage students in problem-solving scenarios about bullying. These materials are available at low or no cost to schools.

The U.S. Department of Health and Human Services also provides a wide range of materials for school students, staff, teachers, and parents in downloadable PDF form on its Web site www.stopbullyingnow.hrsa.gov. Among other things, the site advocates that schools engage in an initial investigatory period before launching antibullying campaigns to assess the level of bullying in their schools. The site recommends that schools survey students, teachers, and staff about the nature, extent, and location of bullying in their schools; talk with staff members about their perceptions of bullying and their current efforts to address bullying; and hold an open house or community meeting to solicit parent feedback about bullying and bullying prevention needs at school.

School efforts to reduce cyberbullying should include staff development training for teachers, staff, and administrators about cyberbullying, its effects, and how to intervene. Adults who witness cyberbullying often want to intervene to stop the bullying behavior, but they may not know the best way to do so. Schools need to provide support and training to all the adults who come into contact with students, including bus drivers, cafeteria workers, custodians, and school nurses.

Finally, a commitment to educating students about high-tech courtesies is essential to a successful antibullying effort. Schools are ideally situated to teach students about the proper use of technology and the consequences of misuse. They can incorporate discussions about the ethical use of the Internet and other electronic media into classroom instruction and into the larger school environment via posters and public service announcements. They also can make an effort to identify and reward students who demonstrate positive, inclusive behavior.

CONCLUSION

Cyberbullies are in our schools, and the tools available to these bullies likely will multiply over time. Left unchecked, today's student bullies will become tomorrow's bullying neighbors, coworkers, and bosses. But schools are not without recourse. Schools do not have to tolerate cyberbullying. They can adopt and enforce policies to clearly signal that bullying is not acceptable and will be punished. Just as important, schools can lead the way in educating technology users about responsible and respectful use of electronic media.

DEALING WITH CYBERBULLIES

TIPS FOR KIDS

- ▶ **Ignore the person.** Sometimes the easiest thing to do is to ignore the person and go on about your business. Log-off if the harassment is bothering you.
- ▶ **Block or delete the person.** If it is happening on Instant Messaging or some other place online that requires a "buddy list," you can block certain users based upon their username, or delete them if they are in your buddy list. You can also block e-mails that are being received from specific e-mail addresses.
- ▶ **Change your information.** If someone has hacked into your profile, change your password. If someone repeatedly sends you messages (like, "add me to your buddy list" over and over), consider changing your username or e-mail address.
- ▶ **If there is a profile that was created about you without your knowledge,** contact the company which runs the site to have the profile or language taken off.
- ▶ **If you are upset about what is being said, talk to someone you trust.** Don't feel like you're alone. Many times, you are able to take care of the cyberbullying on your own. Sometimes, it gets out of hand though, and it's helpful to talk to an adult about what is going on. If you feel scared or overwhelmed, maybe even trapped, it's definitely time to talk to an adult, inform your Internet Service Provider and possibly call the police if you are getting physical threats.

For more information, go to
www.cyberbully411.org



DEALING WITH CYBERBULLIES

TIPS FOR KIDS

- ▶ **Never** arrange to meet with someone you met online unless your parents, friends, or a trusted adult go with you. If you are meeting them, make sure it is in a public place.
- ▶ For additional information on this topic:
 - ▶ Visit www.cyberbully411.org
 - ▶ Visit www.GetNetWise.org
 - ▶ Visit your library

- ▶ The NetSafe Bookmarks are available as print-ready PDF files at:
 - ▶ www.ila.org/netsafe



SAFE BLOGGING TIPS FOR TEENS

- ▶ **Be anonymous.** Avoid postings that could help a stranger to locate you. This includes your last name, address, phone numbers, sports teams, the town you live in, and where you hang out.
- ▶ **Protect your info.** Check to see if your service has a “friends” list that allows you to decide who can visit your profile or blog. If so, allow only people you know and trust.
- ▶ **Avoid in-person meetings.** Don't get together with someone you “meet” in a profile or blog unless you are certain of their actual identity. Talk it over with an adult first. Although it's still not risk-free, arrange any meetings in a public place and bring along some friends, your parents, or a trusted adult.
- ▶ **Think before you post.** What's uploaded to the Net can be downloaded by anyone and passed around or posted online pretty much forever. Avoid posting photos that allow people to identify you, especially sexually suggestive images.

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SAFE BLOGGING TIPS FOR TEENS

- ▶ **Check comments regularly.** Don't respond to mean or embarrassing comments.
- ▶ **Be honest about your age.** Membership rules are there to protect people. If you are too young to sign up, don't lie about your age.
- ▶ For additional information on this topic:
 - ▶ Visit www.ConnectSafely.org
 - ▶ Visit www.GetNetWise.org
 - ▶ Visit your library
- ▶ The NetSafe Bookmarks are available as print-ready PDF files at:
 - ▶ www.ila.org/netsafe

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SOCIAL NETWORKING TIPS FOR PARENTS

▶ **Be reasonable and try to set reasonable expectations.** Pulling the plug on your child's Internet activities is rarely a good first response to a problem—it's too easy for them to "go underground" and establish accounts at a friend's house or many other places.

▶ **Be open with your children.** Encourage them to come to you if they encounter a problem online—cultivate trust and communication because no rules, laws or filtering software can replace you as their first line of defense.

▶ **Talk with your children.** Find out how they use the services. Make sure they understand basic Internet safety guidelines, including privacy protection and passwords, the risks involved in posting personal information, avoiding in-person meetings, and not posting inappropriate photos.

▶ **Consider requiring that all online activity take place in a central area of the home, not in a child's bedroom.** Be aware that there are also ways children can access the Internet away from home.

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SOCIAL NETWORKING TIPS FOR PARENTS

▶ **Try to get your children to share their blogs or online profiles with you.** Be aware that they can have multiple accounts on multiple services. Use search engines and the search tools on social-networking sites to search for your child's identifying information.

▶ For additional information on this topic:

▶ Visit www.ConnectSafely.org

▶ Visit www.GetNetWise.org

▶ Visit your library

▶ The NetSafe Bookmarks are available as print-ready PDF files at:

▶ www.ila.org/netsafe

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A series of NetSafe bookmarks developed by the Illinois Library Association in conjunction with MySpace.com and the American Library Association. The bookmarks provide tips on three important topics: dealing with cyberbullies, safe blogging for teens, and social-networking tips for parents. They can be purchased at a nominal cost but also are available as free, print-ready PDF files at <http://www.ila.org/netsafe>.

Checklist for Reducing Cyberbullying

Has your district done the following?

- Addressed cyberbullying directly?** School district policies that do not specifically mention cyberbullying do not provide sufficient protection to students or schools. Define cyberbullying and state that it will not be tolerated. Be clear about the punishment that can result from violations of the cyberbullying policy.
- Established cyberbullying complaint procedures?** Establish a confidential reporting system. Ensure that all complaints, whether from students, parents, or staff, are acknowledged and investigated promptly.
- Educated its teachers and staff about cyberbullying?** Provide professional development or inservice opportunities for teachers and staff (including bus drivers, school nurses, and cafeteria workers) to inform them about cyberbullying and help them to more readily spot bullying behavior among students.
- Designed and implemented a districtwide campaign against cyberbullying?** Invite a guest speaker to a school board or PTO meeting. Incorporate antibullying public service messages into morning announcements or school assemblies. A number of nonprofit agencies have cyberbullying materials (e.g., posters, bookmarks, and Web-based, interactive instructional guides) available for free or at low cost to schools. Obtain and distribute these in school and at special events.
- Involved parents in cyberbullying discussions?** Host an open house for parents and solicit parent feedback about student Internet use and cyberbullying. Provide parents with tip sheets and resources to help them identify and respond to cyberbullying.
- Included sections on cyberbullying in its Internet education curriculum?** For examples of age appropriate approaches to cyberbullying go to <http://www.cyberbully411.org> and <http://www.netsmartz.org/resources/reallife.htm> for older kids and www.mcgruff.org for younger kids.
- Provided protection for students who are victims of cyberbullying?** Create a buddy system or other support mechanism for the bullied student. Offer the services of school counselors or mental health professionals to victims and bullies alike.

Online Resources

Center for Safe and Responsible Internet Use.

<http://www.cyberbully.org/cyberbully/>

Cyberbullying.us.

<http://cyberbullying.us/index.php>

McLeod, S. (2006). *Can schools regulate cyberbullying, harassment, and social networking?*

<http://www.slideshare.net/mcleod/can-schools-regulate-cyberbullying-harassment-and-social-networking>

Stop Cyberbullying.

<http://www.stopcyberbullying.org/index2.html>