



Cyberbullying—Reading

1 The frequent and public exchange of ideas is central to a thriving democracy. The Internet,
2 mobile phones, and digital technologies allow people to send words, images, and sounds to a
3 wide audience in a matter of seconds. However, some electronic messages are harmful.

4 Schools have long faced the problem of bullies. Today's bullies can now use interactive and
5 digital technologies to harass and intimidate other students. Although schools have a duty to
6 protect the safety and well-being of their students, much of this "cyberbullying" takes place off-
7 campus, outside of school hours. Therefore, schools must decide whether or not to punish bullies
8 for actions taken beyond school walls.

9 **What Is Cyberbullying?**

10 According to Parry Aftab of the U.S. Wired Safety Group, cyberbullying occurs "when a child,
11 preteen, or teen is tormented, harassed, humiliated, embarrassed or otherwise targeted by another
12 child, preteen, or teen using the Internet, interactive and digital technologies or mobile phones."

13 Unlike traditional bullying, cyberbullying does not always involve a powerless victim. Because
14 students can hide their identities electronically, bullied students can more easily strike back. Thus,
15 weaker students can and do become cyberbullies.

16 In a European study on Internet safety that included the Czech Republic, Estonia, Lithuania, and
17 Romania, students mentioned many forms of cyberbullying. Among them were "mockery, 'leg
18 pulling,' insults, threats, disagreeable comments and slander, [which were] sent by e-mail, put

19 forward on discussion forums, left on blogs, telephoned anonymously or sent by text message.”
20 Students have also created false e-mail accounts or social networking profiles (such as on
21 MySpace or Xanga). While impersonating other students, these cyberbullies broadcast mean,
22 offensive, or hateful things. In “happy slapping,” as it is called in the Czech Republic,
23 cyberbullies record their assaults on children with camera phones. They then broadcast these
24 attacks via video messaging or websites. Technically savvy students have also sent destructive
25 viruses to or installed spyware on their victim’s computers. As Aftab argues, “The [cyberbullying]
26 methods used are limited only by the child’s imagination and access to technology.”

27 **The Extent and Consequences of Cyberbullying**

28 A recent national survey conducted by the Pew Internet and American Life Project found that
29 “one third (32%) of all U.S. teenagers who use the Internet say they have been targets of
30 annoying and potentially menacing online activities.” The unauthorized forwarding or public
31 posting of private communication was the most common form of cyberbullying.

32 The problem also appears to be common in several European countries. In the Czech
33 Republic, for example, a 2005 survey of young people revealed that 1 in 5 had been bullied by
34 mobile phone or the Internet. While many children perceive these activities as “jokes and making
35 fun,” cyberbullying has resulted in some students refusing to go to school and/or experiencing
36 anxiety, depression, and insomnia. Furthermore, a recent UNICEF report showed bullying to be
37 a significant problem for children in the Russian Federation, Estonia, and Lithuania. As more
38 students gain access to digital technologies, cyberbullying will likely become more common.

39 In some cases, cyberbullying has tragic outcomes. In the Czech Republic, two twelve-year-
40 old female students attempted suicide because of class bullying. Luckily, their parents found

41 them in time to save them. In the United States, the case of Ryan Halligan was more
42 catastrophic. In 2003, a boy spread a rumor that Ryan was gay. He was repeatedly taunted on-
43 and offline. According to Nancy Willard of the Center for Safe and Responsible Internet Use,
44 “Cyberbullying based on sexual orientation appears to be quite frequent and has been
45 implicated/suggested in most of the cases that have resulted in suicide.”

46 The taunting continued into the summer, when Ryan engaged in several online exchanges
47 with a girl. As his father said, approaching a popular girl from school was “a surefire way to
48 squash the ‘gay’ rumor before everyone returned to school.” When Ryan approached this student
49 in the fall, she called him a loser and said she had only pretended to like him. She also extracted
50 personal, embarrassing information from him during their supposedly private instant messaging
51 exchanges and shared it with her friends. Ryan hung himself on October 7, 2003.

52 **The Legality of School Responses to Cyberbullying**

53 The First Amendment to the U.S. Constitution states, “Congress shall make no
54 law...abridging the freedom of speech.” However, the Supreme Court has ruled in several cases
55 that schools can limit student speech. In the 1969 *Tinker* decision, for example, the Court
56 decided that schools could prohibit student speech if it “materially and substantially interfere[d]
57 with the requirements of appropriate discipline in the operation of the school.” In subsequent
58 cases, courts have used *Tinker* to determine if student speech about other students, teachers, or
59 the school caused substantial disruption to the school community. Most of these cases involve
60 student offenses against teachers and administrators rather than other students. Recent lower
61 court decisions have addressed harassment via Internet technologies, such as a student website
62 that made insulting comments about and threatened a teacher (*J.S. v. Bethlehem Area School*
63 *District*). In the majority of decisions, the courts ruled against school districts that punished

64 students for off-campus Internet postings. In *Killion v. Franklin Regional School District*, for
65 example, the court ruled that a school could not discipline a student for inappropriate off-campus
66 e-mail unless that student brought the speech to school.

67 Given the courts' reluctance to limit off-campus student speech, U.S. school officials,
68 parents, and legislators have addressed cyberbullying in other ways. For example, in Vermont,
69 where Ryan Halligan lived, a new state law requires that public schools establish bullying
70 prevention procedures. Some schools have added a provision to their acceptable use policies that
71 students must sign. These policies authorize schools to "discipline the student for actions taken
72 off-campus if they are intended to have an effect on a student or they adversely affect the safety
73 and well-being of a student while in school" (Willard, 2003). Additionally, some parents and
74 students have successfully argued that cyberbullies violated civil or criminal laws by, for
75 example, intentionally inflicting emotional distress or committing a hate crime.

76 The 48-nation Council of Europe's Convention on Human Rights also protects freedom of
77 expression and states that public authority should not interfere with it. Additionally, the United
78 Nations' International Covenant on Civil and Political Rights states that the right to freedom of
79 expression "shall include freedom to seek, receive, and impart information and ideas of all kinds,
80 regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other
81 media of his choice." However, this document also declares that the exercise of free expression
82 "carries with it special duties and responsibilities" and thus can be restricted for "the rights and
83 reputations of others" and "the protection of...public order."

84 In 2004, schools from Lithuania, Russia, Serbia, and Ukraine contributed to the *European*
85 *Charter for a Democratic School without Violence*. This document announces, "All members of
86 the school community have the right to a safe and peaceful school. Everyone has the

87 responsibility to contribute to creating a positive and inspiring environment for learning and
88 personal development.” In response, organizations like Childline Lithuania and UNICEF Serbia
89 have promoted comprehensive anti-bullying school policies. Additionally, the Serbian Ministry of
90 Education has issued rules for the prevention of bullying in schools. In the Czech town of Usti nad
91 Labem, police officers have begun patrolling schools where cyberbullying is a major issue. To enable
92 Usti students to report incidents anonymously, police have placed special letter-boxes in schools.

93 **Prohibiting Off-Campus Cyberbullying: Supporters and Opponents**

94 Some people believe that schools can most effectively prevent cyberbullying by punishing
95 harmful off-campus student actions. If students know cyberbullying has consequences, they will
96 be less likely to participate in electronic activities aimed at tormenting other students.

97 Others argue that protecting the personal safety of bullied youth requires well-defined anti-
98 bullying school policies and laws. “Suggestions” or “recommendations” for confronting
99 cyberbullying often do not result in concrete actions. However, when school districts are
100 required by law to stop cyberbullying, they are more likely to work with schools, parents, and
101 students to implement anti-bullying programs that work.

102 Opponents do not endorse cyberbullying. They just do not believe punishment by school
103 authorities can effectively stop it. Some people argue that anti-bullying policies are often not
104 enforced. This is particularly true if no funding is available to monitor schools’ progress or to
105 develop successful programs. A more useful way to address cyberbullying is a grassroots
106 approach. Individual schools can create comprehensive strategies for combating bullying and
107 violence based on the administrators, staff members, and students’ understanding of the problem.

108 Other opponents argue that cyberbullying is an ambiguous term. Many youth view disputes
109 and teasing as a normal part of growing up. So-called “cyberbullying” just uses modern
110 resources to do so. When teasing becomes harmful, youth know it but often do not seek the help
111 of teachers or other adults. We should therefore focus our energy on empowering youth to
112 challenge destructive forms of cyberbullying. This strategy will work better than top-down
113 policies. Moreover, when students violate civil or criminal laws, the courts should discipline
114 them, not schools.

115 People who support school intervention in off-campus cyberbullying argue that it causes
116 significant school disruptions. Because digital technologies often leave evidence behind, school
117 officials should take the time to investigate cyberbullying. Most of the time they will find plenty
118 of reasons to justify formal discipline.

119 People who do not support school intervention in cyberbullying argue that we should educate
120 rather than punish students. Teens are still developing their values. They will work to limit
121 cyberbullying if they understand it is at odds with their personal code of ethics.

122 Will schools that punish off-campus cyberbullying improve school safety and protect the
123 dignity of individual students? Or will they exceed their authority and violate students’ right to
124 freedom of expression? Citizens must consider which policies best balance their rights to safety,
125 respect, and free speech.



Handout 1—Deliberation Guide

What Is Deliberation?

Deliberation (meaningful discussion) is the focused exchange of ideas and the analysis of arguments with the aim of making a decision.

Why Are We Deliberating?

Citizens must be able and willing to express and exchange ideas among themselves, with community leaders, and with their representatives in government. Citizens and public officials in a democracy need skills and opportunities to engage in civil public discussion of controversial issues in order to make informed policy decisions. Deliberation requires keeping an open mind, as this skill enables citizens to reconsider a decision based on new information or changing circumstances.

What Are the Rules for Deliberation?

- Read the material carefully.
- Focus on the deliberation question.
- Listen carefully to what others are saying.
- Check for understanding.
- Analyze what others say.
- Speak and encourage others to speak.
- Refer to the reading to support your ideas.
- Use relevant background knowledge, including life experiences, in a logical way.
- Use your heart and mind to express ideas and opinions.
- Remain engaged and respectful when controversy arises.
- Focus on ideas, not personalities.



Handout 2—Deliberation Activities

Review the Reading

Determine the most important facts and/or interesting ideas and write them below.

- 1) _____
- 2) _____
- 3) _____

Deliberation Question

Learning the Reasons

Reasons to Support the Deliberation Question (Team A)	Reasons to Oppose the Deliberation Question (Team B)

My Personal Position

On a separate sheet of paper, write down reasons to support your opinion. You may suggest another course of action than the policy proposed in the question or add your own ideas to address the underlying problem.



Name: _____

Date: _____

Teacher: _____

Handout 3—Student Reflection on Deliberation

Large Group Discussion: What We Learned

What were the most compelling reasons for each side?

Side A:

Side B:

What were the areas of agreement?

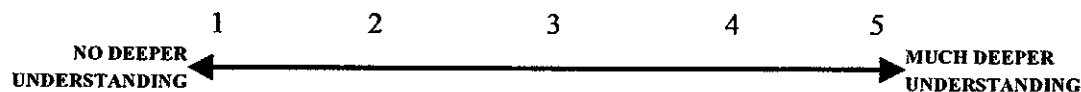
What questions do you still have? Where can you get more information?

What are some reasons why deliberating this issue is important in a democracy?

What might you and/or your class do to address this problem?

Individual Reflection: What I Learned

Which number best describes your understanding of the focus issue? [circle one]



What new insights did you gain?

What did you do well in the deliberation? What do you need to work on to improve your personal deliberation skills?

What did someone else in your group do or say that was particularly helpful? Is there anything the group should work on to improve the group deliberation?



Cyberbullying—Deliberation Question with Arguments

Deliberation Question

Should our democracy allow schools to punish student for off-campus cyberbullying?

NO—Arguments to Oppose the Deliberation Question

1. Schools have enough authority. Students are required by law to attend school and follow its rules while there, but a school should not be allowed to extend its authority into the private, off-campus lives of students. The First Amendment protects free speech. Giving schools authority over speech that occurs outside school infringes on First Amendment rights.
2. Anti-bullying policies are another example of unfunded, unenforced mandates. Given schools' tight budgets, they will not be able to monitor their progress or develop effective anti-bullying programs. A better solution is a grassroots one. Each school should address the problem as they see fit.
3. Cyberbullying is an ambiguous term. We should not discipline students who are simply having fun and engaging in normal teenage behaviors. When cyberbullying becomes something more than playful teasing, the juvenile justice system should become involved, not school officials.
4. Students, not adults, can best address cyberbullying. Adults are often out of touch with student language and viewpoints. Thus, they may identify a legitimate joke as cyberbullying. Because students understand better than adults when their actions become harmful, adults should help students develop skills to address cyberbullying on their own.
5. Education is a more effective tool for change than punishment. Teens are still developing their values and will work to limit cyberbullying if they understand how it is at odds with their personal code of ethics.



Cyberbullying—Deliberation Question with Arguments

Deliberation Question

Should our democracy allow schools to punish students for off-campus cyberbullying?

YES—Arguments to Support the Deliberation Question

1. Respect and safety are just as important as free speech. Schools that punish cyberbullies send the right message about our democratic principles. The Supreme Court has ruled that students' First Amendment rights have limits. Punishing cyberbullying is an appropriate limit on First Amendment rights.
2. If students know cyberbullying has consequences, they will be less likely to engage in electronic activities that are harmful to other students. Establishing consequences for harmful acts is one of the ways that society teaches young people right from wrong.
3. We need to protect the victims of cyberbullying, not the perpetrators. Anti-bullying policies send a clear message that cyberbullying is not acceptable in our democracy. Sending this message is doubly important because victims of traditional bullying may become bullies in the anonymous world of cyberspace.
4. Policies and laws result in changed behavior. "Suggestions" or "recommendations" don't have the authority that actual policies or laws do. Thus, they don't result in any effective action. If mandated to prevent cyberbullying, schools will develop effective anti-bullying policies.
5. Cyberbullying causes significant school disruptions. If administrators investigate cyberbullying incidents, they will usually find the evidence they need to justify formal discipline for such acts. It is their responsibility as school leaders to ensure that the school is a safe place to learn for all students.