Cyberbullying

Are new laws needed to curb online aggression?

Child advocates say a growing epidemic of “cyberbullying” — the use of computers, cell phones, social-networking sites and other technology to threaten or humiliate others — is putting young people at risk, sometimes with deadly consequences. The Centers for Disease Control and Prevention has labeled “electronic aggression” an “emerging public-health problem.” Court precedents on school discipline and students’ First Amendment rights provide limited guidance to educators grappling with the emerging world of cyber communication, especially transmissions originating off school grounds. Nonetheless, many states and school districts are taking strong steps aimed at curbing cyber abuse. In Congress, bills to provide new funding for online-safety programs have been introduced, but conflicts have arisen over how federal money for such efforts should be spent.

Tina Meier, of suburban St. Louis, Mo., holds pictures of her daughter Megan, 13, who committed suicide last year after receiving cruel messages on the social-networking site MySpace. "Josh," the 16-year-old boy she had been communicating with, turned out to be a hoax.
THE ISSUES

- Are new laws needed to curb cyberbullying?
- Do cyberbully laws violate constitutional rights?
- Should parents be held liable for cyberbullying?

BACKGROUND

Students’ Rights
The Supreme Court’s 1969 Tinker decision defended students’ free speech rights and schools’ right to discipline disruptive speech.

Growing Phenomenon
Teachers report cyberbullying in the second grade.

Impact of Technology
The rapid expansion in communication devices has fueled cyberbullying.

Effect on Students
Cyberbullying makes students feel emotions ranging from helpless to unsafe.

Potential Solutions
Approaches include self-policing by young people and anti-bullying programs.

CURRENT SITUATION

Action in Congress
Legislation to improve online safety is under consideration.

Social-Networking Sites
MySpace and other sites are getting renewed scrutiny.

Action in States
Cyberbullying has been added to several anti-bullying laws.

OUTLOOK

Guidance Needed
As cyberbullying spreads, schools, police and networking sites will need guidance from courts and policy-makers.

SIDEBARS AND GRAPHICS

Social Networking Facilitates Cyberbullying
Nearly 40 percent of teens who engage in online social networking have been cyberbullied.

Older Girls Typically Create Profiles Online
Disparities are insignificant across economic and racial lines.

Chronology
Key events since 1969.

Suicide Uncovers Adult Role in Internet Shaming
Controversial practices include attacks on sex offenders.

Abusive Online Gossip Thrives at Colleges
Juicycampus.com allows anonymous postings.

At Issue
Should school officials be able to regulate off-campus cyberbullying?

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For More Information
Organizations to contact.

Bibliography
Selected sources used.

The Next Step
Additional articles.

Citing CQ Researcher
Sample bibliography formats.
THE ISSUES

The episodes are hurtful, ugly — and sometimes deadly. In Lake-land, Fla., a group of teenagers records the beating of another teen and threatens to show the video on the Internet. The local sheriff says the attack was in retaliation for online trash-talking by the victim. 1

At a high school near Pittsburgh, an anonymous e-mail list features sexually explicit rankings of 25 female students, names and photos included. 2

In suburban Dardenne Prairie, Mo., near St. Louis, 13-year-old Megan Meier hangs herself after receiving cruel messages on the social-networking site MySpace. She thinks the messages are from a boy she met online, but the messages are a hoax. 3

In Essex Junction, Vt., 13-year-old Ryan Patrick Halligan kills himself after months of harassment, including instant messages calling him gay. “He just went into a deep spiral in eighth grade,” said his father, who advocates a state law forcing schools to develop anti-bullying policies. “He couldn't shake this rumor.” 4

The cases, albeit extreme, highlight what school officials, child psychologists, legal experts and government researchers argue is a fast-spreading epidemic of “cyberbullying” — the use of the Internet, cell phones and other digital technology to harass, intimidate, threaten, mock and defame.

Experts say cyberbullying has become a scourge of the adolescent world, inflicting painful scars on youngsters and vexing adults unable to stop the abuse. While many instances are relatively harmless, others can have serious, long-lasting effects, ranging from acute emotional distress, academic problems and school absenteeism to violence, a desire for revenge and vulnerability to sexual predation.

Studies show cyberbullying affects millions of adolescents and young adults and can be more prevalent among girls than boys, especially in the earlier grades. The Centers for Disease Control and Prevention last year labeled “electronic aggression” — its term for cyberbullying — an “emerging public-health problem.” 5 Still, a reliable profile of cyberbullying is difficult to construct. Research is in its infancy, experts who measure online abuse define it in different ways and many incidents are difficult to tally accurately. Studies leave little doubt, however, that cyberbullying is growing, as the following small sampling of recent research makes clear:

• Roughly a third of teens who use the Internet said they’d received threatening messages, had e-mail or text messages forwarded without consent, had an embarrassing picture posted without consent, had rumors about them spread online, or experienced some other kind of online harassment, according to the Pew Research Center. 6

• About 9 percent of respondents ages 10 through 17 said they were victims of threats or other offensive behavior, not counting sexual solicitation, that was sent online to them or about them for others to see, according to a 2005 University of New Hampshire survey. That rate was up 50 percent from a similar survey five years earlier. 7

• More than 70 percent of heavy Internet users ages 12 through 17 — mostly girls — said they had experienced at least one incident of online intimidation via e-mail, cell phones, chat rooms and other electronic media in the previous year, according to a national survey posted on a teen Web site in 2005 by Jaana Juvonen, a psychology professor at the University of California at Los Angeles. A fifth of respondents reported seven or more incidents. 8

Some cyberbullies are angry loners or misfits, sometimes seeking revenge for having been bullied themselves. But experts say it is common for online abusers to be popular students with plenty of
Self-esteem who are trying to strengthen their place in the social hierarchy. They do it by intimidating those they perceive to have less status.

“It’s not really the schoolyard thug character” in some cases, says Nancy Willard, executive director of the Center for Safe and Responsible Internet Use, a research and professional development organization in Eugene, Ore. “It’s the in-crowd kids bullying those who don’t rank high enough.”

What fuels cyberbullying is “status in schools — popularity, hierarchies, who’s cool, who’s not,” says Danah Boyd, a fellow at the Berkman Center for Internet and Society at Harvard Law School who studies teens’ behavior on MySpace, Facebook and other social-networking sites. Peer pressure for status is further aggravated by adult pressure on teens to succeed, which can breed a cruel game of one-upmanship, Boyd says. “That pressure exerted by parents and reinforced and built out in peer groups is sort of the Petri dish for bullying.”

Of course, bullying itself is nothing new. In some respects, cyberbullying is simply a new manifestation of a problem that in earlier days played out chiefly in playground dustups and lunch-money shakedowns.

What’s new is the technology. More than 90 percent of teens are online. Nearly 40 percent of teens who engage in online social networking report having been cyberbullied at least once, compared to just 23 percent of non-social network users.

Child advocates also tie the increase in cyberbullying to a rise in incivility in the broader culture, from gratuitous insults on popular TV shows like “American Idol” to cynical sniping on the presidential campaign trail.

“I think the culture is angrier,” says Mark Weiss, education director of Operation Respect, a nonprofit group in New York City founded by folk singer Peter Yarrow (a member of the legendary trio Peter, Paul and Mary) that promotes safe and compassionate educational climates. While kids have always picked on each other, Weiss says “the virulence is greater” today than in past generations.

“It’s more intense, it might be more widespread, and I think you see more of it. The things on TV, the laugh tracks of situation comedies, it’s all about making fun of each other and putting each other down, and reality TV is all about humiliation.”

Cyberbullying has impelled lawmakers, especially at the state level, to either pass anti-bullying laws that encompass cyberbullying or add cyberbullying to existing statutes. Some laws are propelled by a mix of concern about electronic bullying and online sexual predators.

But using laws and courts to stop cyberbullying has been tricky and sometimes highly controversial. “There’s a big conflict in knowing where to draw the line between things that are rude and things that are illegal,” says Parry Aftab, an Internet privacy and security lawyer who is executive director of wiredsafety.org, an Internet safety group in Irvington-on-Hudson, N.Y., that bills itself as the world’s largest.

School officials, for instance, must negotiate the treacherous shoals of cyberbullying content transmitted by a student.
who is off school grounds. Legal precedents on student expression allow educators to suppress speech that substantially disrupts the educational process or impinges on the rights of others. Some argue that school officials’ authority to regulate cyber communication stops at the schoolhouse door, while others say they should regulate it when it affects the school climate. (See “At Issue,” p. 401.)

“Even when it’s off campus, the impact is coming to school in the form of young people who have been so tormented they are incapable of coming to school to study, which leads to dropouts, fights, violent altercations and suicide,” says Willard, a former attorney and former teacher of at-risk children. “It has an incredibly long-lasting effect on the school community.”

But the law on that question can be confusing, and the U.S. Supreme Court has yet to decide a case involving student Internet speech. Trying to regulate what students do or say on their home computers or in text messages sent from the local mall could wind up trampling students’ constitutional rights or the rights of parents to direct their children’s upbringing as they see fit, say free-speech advocates.

“There are more questions than answers in this emerging area of law,” David L. Hudson Jr., research attorney for the First Amendment Center, a free-speech advocacy group, noted recently. 11

As cyberbullying grows, here are some of the questions educators and legal experts are asking:

Are new laws needed to curb cyberbullying?

Jane Clare Orie, a state senator in Pennsylvania and majority whip for the Republican Caucus, says criminal laws have failed to keep up with the technological revolution, including the onset of cyberbullying.

A former prosecutor, Orie has introduced a bill that would leave both minors and adults open to potential criminal charges for cyberbullying a student or school employee. 12

“Those who bully and harass stand in the way of learning and threaten the safety of our children,” said Matt Blunt, the Republican governor of Missouri, Megan Meier’s home state, after the state Senate passed a cyberbullying bill in March. 14

In Florida, Republican state Sen. Stephen Wise (Jacksonville), chairman of the Education Pre-K-12 Appropriations Committee, relented this year...
and let the committee consider a bill named after a 15-year-old boy who killed himself after enduring cyberbullying by a classmate. The bill would require all school districts to develop anti-bullying and harassment policies and let school districts punish students who use an electronic device to bully or harass their peers, even if the acts take place off campus and during non-school hours.  

Wise said he had opposed the measure because he thought existing law offered protections. But proponents said it sends a message about bullying’s gravity and potential harm. The Florida bill “provides a more formalized and transparent process for dealing with bullying situations, for the schools, the parents and for the student,” said Republican state Rep. Gary Aubuchon (Cape Coral), a cosponsor. “By making it law rather than school board policy, we are adding an extra layer of emphasis on how important it is to protect our children at all times.”

Thomas Hutton, senior staff attorney for the National School Boards Association, says that while it may be acceptable for legislatures to require school districts to formulate cyberbullying policies, laws mandating that school districts deal with cyber abuse in a specific way are “missing the boat.”

The desire of school districts to base policy decisions on “local conditions” makes specific directions to school districts a bad idea, Hutton says. Moreover, he says, “a lot of the real action [on cyberbullying] is happening in the courts.”

Judicial rulings are evolving quickly, Hutton says, and state laws can create confusion among school districts as to the scope of their power to control online bullying. A new court ruling might limit what a school can do, putting administrators who act more broadly in legal jeopardy, he says. On the other hand, a court might broaden the power of schools to fight cyberbullying beyond what legislators contemplated when they passed a state cyberbullying law.

“Let’s say a state attempts to read what the courts have said thus far and boil it down to a statute,” Hutton says. “Then we get a ruling saying, ‘We’re going to allow [school districts] a little more leeway.’ Now the statute has locked in place a more restrictive” approach.

Aftab, the Internet privacy and security lawyer, argues that schools can fight cyberbullying using a little-known federal anti-stalking provision that President George W. Bush signed into law in 2006 as part of the reauthorization of the Violence Against Women Act. It makes it a crime to anonymously “annoy, abuse, threaten or harass” someone over the Internet. Critics have said the law is vague and subjective.

Aftab says she has a surefire way for school districts to attack cyberbullying, whether or not it originates at school: write a policy that covers cyberbullying wherever it occurs among students, then ask all students and parents to sign the policy at the beginning of the school year. Once that happens, Aftab argues, the document becomes a binding contract that gives the school legal authority to take action.

Of course, a student or parent could always wind up challenging a school’s interpretation of a particular incident or its definition of cyberbullying. Many experts expect the same thing to occur with the raft of state laws hitting the books. So far, case law provides uneven guidance on what constitutes electronic harassment.

“The rub in almost all these statutes is that when you try to regulate speech, [the challenge is] writing a statute that singles out bullying and distinguishes it from legitimate expression,” says Dale Herbeck, who teaches communications and cyber law at Boston College. “The way to solve it is to write a statute that is very, very, very specific. The problem is that a lot of the behavior you think is bullying doesn’t qualify as bullying. I’m aware that a lot of states have kind of stepped up on this,” he says. “But I’m not aware of these laws being challenged.”

Child advocates see a link between the increase in cyberbullying and the rise in incivility in the broader culture, such as gratuitous attacks on popular TV shows like “American Idol” and cynical sniping on the presidential campaign trail.
Do cyberbully laws violate constitutional rights?

In 2003, New Jersey eighth-grader Ryan Dwyer created and briefly maintained a Web site from home that included criticism of his school and postings by others in a “guest book.” Some visitors ignored his plea that they not use profanity or threats in their postings. The principal “is a fat piece of crap,” one declared. “He should walk his fat a— into oncoming traffic.”

School officials punished Ryan, but the American Civil Liberties Union (ACLU) helped him and his parents sue, claiming violation of his constitutional rights. In a settlement, the district apologized and agreed to pay $117,500 in damages and attorney fees.

“I'm hopeful this will help ensure that free-speech rights of students aren't trampled on again,” Ryan said.

The case points to the difficult legal terrain surrounding abusive cyber expression, especially when it originates away from school. “Schools have a growing concern about the problem, and their concern is whether they can discipline students and how far the bullying has to go before they can get involved,” said Kim Croyle, a lawyer in Morgantown, W.Va., who represents several school boards and lectures on cyberbullying.

Under a legal standard set by the Supreme Court in 1969 in Tinker v. Des Moines Independent Community School District, educators can prohibit student speech if it causes substantial interference with school discipline or the rights of others. Tinker remains the chief yardstick in cyberbullying cases, but it can be tricky to apply.

If, for example, a student is afraid to go to school because of a cyberbullying incident, a school might be hard-pressed to justify harsh action under the Tinker ruling. What constitutes substantial interference can be in the eye of the beholder.

The fact that Tinker isn't the sole yardstick for deciding students' First Amendment rights further complicates matters. For example, the Supreme Court has said that “true threats” are not protected by the First Amendment. And it has allowed educators to crack down on vulgar student speech at school and to exert control over school-sponsored expression such as school newspapers.

Perhaps the most nettlesome circumstance is cyberbullying that is transmitted at home or the local mall or skating rink, but that nonetheless causes disruption at school.

“There's always the legal discussion of 'if it doesn't happen at school, can a district take action?' ” said Joe Wehrli, policy-services director for the Oregon School Boards Association. “If a student is harassed for three hours at night on the Web and they come to school and have to sit in the same classroom with the student that's the bully, there is an effect on education, and in that way, there is a direct link to schools.”

But free-speech advocates say educators sometimes punish students whose speech is protected by the First Amendment.

“Off-campus behavior that is not connected to the school in any way — no use of school computers, no transmission of messages in school — is not within the purview of school officials,” contends Joan Bertin, executive director of the National Coalition Against Censorship, an advocacy group in New York. “It may have some play-out within school, but the actual speech took place in a protected zone. The school can't go after the speech, but it can go after the behavior that occurs on campus as a result of the speech.

An exception would be speech that constitutes a true threat, Bertin says, but true threats must meet a high standard, she says. “A kid e-mailing another kid saying, 'I'm going to knock your brains out' or 'I wish this teacher were dead' — these are not, in my opinion, true threats.”

Still, most courts would say the school could address any “speech that constitutes the equivalent of stalking or harassment, which would potentially fall under the criminal code,” she continues, especially if it is directed at fellow students, teachers or the administration.

Bertin acknowledges that cyberbullying can be a “terrible problem” and understands why teachers and parents are concerned about childhood cruelty. But on the other hand, “There are limits about what schools can and should do,” she argues. “Punitive, censorious response tends to be the first line of attack” by state lawmakers. “If people sat down in a more thoughtful, dispassionate way and thought about what they're trying to achieve, they might well reconsider that response.”

Some argue, though, that the ability of cyber communication to quickly spread far and wide demands that school officials step in even when the bullying is generated off school grounds. Rumors spread by cell phone or embarrassing photos posted online can often create a disruptive buzz at school and sometimes lead to other problems, including absenteeism or violence.

In Bethesda, Md., at Walt Whitman High School, known for its high academic achievement, students got into fist fights twice in April to settle disputes that arose on Facebook. The incidents prompted Principal Alan Goodwin to ask parents to monitor their children's postings on the site. “I am becoming increasingly frustrated by negative incidents at school that arise from students harassing other students on Facebook,” he wrote. Goodwin told The Washington Post the students involved “had not been involved in such things before, and we could have prevented [the fights], I think, if we had known.”

In Washington, D.C., last month, Francis Junior High School Principal Stephanie Crutchfield spent two class periods counseling a group of seventh-grade students who began arguing at school as a result of a conflict over “boyfriend-type stuff” that started on MySpace over the weekend. The parents
of one girl had called Crutchfield, concerned that her child had been threatened. When the spat turned ugly in the school hallways, Crutchfield didn’t hesitate to move in.

“I cannot discipline what a child has written off campus, but if the end result is a behavior infraction inside the school, then that’s what I have to deal with,” Crutchfield says. “Disorderly conduct or whatever behavior in my building is what I address.”

The University of Wisconsin’s Patchin argues that “just about everything kids do on or off campus ultimately will come back to the school,” and therefore “school officials absolutely must do something.” But that doesn’t necessarily mean having to take punitive measures, he says. Schools should be proactive in teaching students about cyberbullying and its consequences and in promoting safe school climates, Patchin says. “We advocate doing the brunt of the work ahead of time.”

“Schools want to say cyberspace is beyond our control, but you can’t be in denial,” says Juvonen, the UCLA researcher. “You can’t be saying this is not our business. It is the schools’ responsibility to address it when it is so closely connected to what goes on at school.”

Willard, at the Center for Safe and Responsible Internet Use, strongly advises educators to step in even when cyberbullying occurs away from school if the clear potential exists that it would affect students and the educational climate. Even so, she says the manner in which administrators act is important.

“Schools should be held liable for cyberbullying offenses?”

When juveniles do commit serious online abuses, the question often arises: Where were the parents? Shouldn’t they be held accountable, or at least share the blame?

“The question isn’t ‘should,’ the question is ‘can,’” and the answer is ‘yes,’” says Willard. Under parental-liability statutes or parental-negligence standards, parents may be held liable for the harm caused by their children, she says.

Willard says she hopes cases don’t reach that point. Still, “the fact that there is the potential for liability can help get parents motivated” to monitor their children’s actions, she says.

In the civil-litigation system, “financial consequences for cyberbullying are now serious enough to make even the most lenient parent of a bully sit up and take notice,” Millie Anne Cavanaugh, a family-law attorney in Los Angeles, wrote recently on the Web site of a group that provides programs for troubled adolescents. “In addition to liability against the cyberbully himself on theories such
as defamation, invasion of privacy, disclosure of private information and intentional infliction of emotional distress, parents could now [be] held accountable for their child’s cyberbullying if they failed to properly supervise the child’s online activity.”

The University of Wisconsin’s Patchin sees the issue in a similar light as vandalism cases. “If a parent knows it’s going on or creates the opportunity where they’re unwilling to supervise the behavior of their kids, certainly we should consider holding them responsible as well,” he says.

But Patchin is cautious on the subject. “If you’ve got a 16- or 17-year-old kid who’s logging on at a friend’s house and the parent is unaware of what’s going on, ‘then I don’t know. A lot of parents simply don’t know much about computers and may be unwilling to educate themselves. Is that deliberate indifference? I don’t know.”

Experts say parents are often clueless about their children’s online activity and that adolescents tormented by cyberbullies often hide their victimization from parents for fear of losing their computer and cell phone privileges.

Researchers say both situations — victims’ silence and parents’ obliviousness — help cyberbullying to grow.

Aftab, of wiredsafety.org, who speaks regularly to middle- and high-school students, says 45,000 students — 85 percent to 97 percent of her audiences — reported having been victims of cyberbullying last year. Yet, “only 5 percent will tell a trusted parent or adult,” she says.

“We’ve found that over 90 percent of kids did not tell their parents about these incidents,” echoes Juvenon, the UCLA researcher. Among 12-to-14-year-old girls, almost half were concerned about their parents restricting their Internet access if they revealed they were victimized, she says. Half of the adolescents Juvenen surveyed wanted to deal with incidents of cyberbullying by themselves rather than seeking help from adults.

In other words, Limber says, “They want appropriate rules, but they don’t want parents poking into every last e-mail or text message. But that’s a fine line.”

Parents can have an especially difficult time keeping track of what adolescents are posting on social-networking sites. Some child advocates say parents should create their own accounts so they can monitor what their children are doing on the sites.

The sites allow people to post online pages featuring personal facts, photos, gossip and other information for others to read. Social scientists say such sites can serve a useful, and even vital, purpose by helping adolescents build friendships, learn tolerance for others’ views and form a sense of self-identity. But critics say the sites have the potential to be incubators for cyber abuse, magnets for sexual predators and embarrassing archives of a student’s immature behavior that college admissions officials or employers may wind up seeing.

“Putting something on the Internet is a whole lot different than whispering it on the playground,” says Witold “Vic” Walczak, legal director of the ACLU in Pennsylvania.

Many parents and other responsible adults often neglect to impart that message to youngsters.

Weiss, of Operation Respect, says engaging adolescents in “conversation around moral issues” like cyberbullying “is really important for kids” but that many adults — teachers among them — don’t know how to do so.

“We’re not having this conversation enough,” he says. “If we did, it would be the strongest thing we could do.”

Cyberbullying is fueled by “status in school — popularity, hierarchies, who’s cool, who’s not,” says Danah Boyd, a fellow at the Berkman Center for Internet and Society at Harvard Law School who studies teens’ behavior on MySpace and other social-networking sites. Early this year, in an agreement with attorneys general from 49 states and the District of Columbia, MySpace said it would develop technology and work with law-enforcement officials to improve children’s protection.

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BACKGROUND

Students’ Rights

Inflammatory speech by young people is nothing new, and neither is adults’ desire to suppress it. In 1908, the Wisconsin Supreme Court ruled that school officials could suspend two students who ridiculed their teachers in a poem in a local newspaper. Seven years later, a California appellate court said a student could be suspended for criticizing school officials in an assembly.

Courts gradually broadened students’ rights, but those liberties remain limited. In 1969, the Supreme Court said in the watershed Tinker case that school officials had no right to suspend students for wearing black armbands to protest the Vietnam War. “It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate,” Justice Abe Fortas wrote.

Yet, students do shed some rights. Under the Tinker standard, school officials can discipline students whose speech disrupts school activities or interferes with the rights of others. Other rulings allow schools to suppress students’ lewd speech and punish those who make credible threats.

Cases involving cyberbullying can be especially difficult for school officials and judges to weigh, however. Distinguishing true threats and defamation from harmless adolescent high jinks can be a matter of debate.

In a decision last year, a federal judge ruled that a Pennsylvania school district violated a student’s First Amendment rights when it punished him for creating on his grandmother’s computer a parody profile on MySpace that crudely made fun of his principal. Still, the judge called the decision, which is being appealed, a “close call.”

The school district had based its defense partly on an earlier Pennsylvania case in which the state Supreme Court upheld the expulsion of an eighth-grader — whose initials were J.S. — who created a “Teacher Sux” Web site containing derogatory material aimed at an algebra teacher and the principal. The court said the site created a substantial disruption of school activities.

“The advent of the Internet has complicated analysis of restrictions on speech,” Justice Ralph J. Cappo wrote in the J.S. case. “Indeed, Tinker’s simple armband, worn silently and brought into a Des Moines, Iowa, classroom, has been replaced by J.S.’s complex multimedia Web site, accessible to fellow students, teachers and the world.”

Growing Phenomenon

Judges aren’t the only ones who struggle to distinguish juvenile antics from truly troublesome behavior. “I have been teaching in public schools for 13 years. I am not sure what bullying is,” a reader responded to a newspaper blog on anti-bullying legislation in Georgia last year. “Is it when a child calls another child’s mama ugly or fat? Is it breaking in line after recess? . . . Children are cruel to each other, and they always have been. If a child does smell to high heaven, kids are going to talk about it. When did all this become bullying? I am just asking.”

Some experts say that in many ways, face-to-face bullying remains more problematic than online abuse, but that teachers and parents often perceive cyberbullying as more of a threat because it is delivered through new and perhaps bewildering technology. Still, researchers say cyberbullying affects so many youngsters that it cannot be taken lightly.

An anonymous survey of nearly 4,000 middle-school students by Limber and fellow Clemson University psychologist Robin Kowalski found that 18 percent reported being bullied at least once in the previous two months through e-mail, instant messaging, chat rooms, Web sites and cell-phone text messaging. Girls were roughly twice as likely as boys to be victims. Eleven percent of the students — slightly more girls than boys — admitted bullying someone else.

The University of Wisconsin’s Patchin says in a random-sample study of about 2,000 middle-school students in 30 schools in a major school district, he and his colleagues found that less than 10 percent of youngsters said they had been victims of cyberbullying — defined as repeated abuse — in the previous 30 days. But when asked about specific types of online harassment and aggression, nearly 43 percent said they had experienced at least one incident in the previous 30 days, such as receiving an e-mail or instant message that made them upset, having something upsetting to them posted on their MySpace site or being made fun of in a chat room.

Because cyberbullying does not require physical confrontation and is often anonymous, it can appeal more to girls than boys, researchers say. “Girls have really taken on a bullying role that has changed in the last couple of years with the electronic age,” said Kristy Hagar, a neuropsychologist at Children’s Medical Center in Dallas.

Aftab of wiredsafety.org says she has noticed that online bullying is growing, especially among second- and third-graders, and that “by the fourth grade it is institutionalized.”

“Fourth-graders use extortion as a form of cyberbullying: ‘If you don’t do this, I will tell,’” Aftab says. “Sometimes they think it’s funny and say they don’t mean it.” By middle school,
1960s-1970s
Supreme Court upholds students’ rights to free speech and due process; computers take root in American society.

1969
Supreme Court rules in Tinker v. Des Moines Independent Community School District that school officials violated students’ First Amendment rights by suspending them for wearing armbands to protest the Vietnam War.

1975
Supreme Court rules in Goss v. Lopez that suspended students are entitled to a hearing.

1976
Apple computer is founded.

1980s
Supreme Court limits students’ rights in speech and discipline cases; computers continue to gain a foothold in society.

1981
IBM introduces its personal computer.

1985
Supreme Court rules in New Jersey v. T.L.O. that school officials do not need to get a search warrant or show probable cause before they search students at school.

1986
Supreme Court rules in Bethel School District No. 403 v. Fraser that school officials did not violate the First Amendment rights of a student suspended for delivering a vulgar speech to a school assembly.

1988
Supreme Court rules in Hazelwood School District v. Kuhlmeier that school officials can limit school-sponsored student expression if they have a legitimate educational reason.

1990s
Internet becomes big part of American life, spurring Congress to protect juveniles and others from online abuses.

1997
Supreme Court rules in Reno v. ACLU that Internet speech merits First Amendment protection.

1998
Congress passes Child Online Protection Act in bid to limit access by minors to adult-oriented Web sites, but the law runs into court challenges.

2000-Present
Growth of technology and advent of social-networking sites present school and law-enforcement officials with new challenges in fighting adolescent bullying.

2000
Children’s Online Privacy Protection Act takes effect, giving parents the power to decide whether and what information can be collected online from children under 13.

2002
U.S. Secret Service says bullying played a significant role in some school shootings.

2002
Friendster, a global social-networking site, is launched, followed by MySpace (2003) and Facebook (2004).

2003
Ryan Halligan, a Vermont 13-year-old, commits suicide after online harassment.

2006
Suicide of Missouri teenager Megan Meier prompts calls for tougher laws on Internet harassment.

2007
Supreme Court rules in Morse v. Frederick that school officials can punish student speech that can be interpreted as advocating illegal drug use; the case involved a student who held up a “Bong Hits 4 Jesus” banner outside school grounds.

2008
In an agreement with attorneys general from 49 states, MySpace says it will take additional steps to protect children from online abuses.

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Suicide Uncovers Adult Role in Internet Shaming

Controversial practices include attacks on sex offenders.

C yberbullying isn’t just a problem among adolescents. Adults engage in it, too. From online vigilantism and angry blogs to e-stalking and anonymous ranting on newspaper Web sites, grownups can be as abusive as the meanest schoolhouse tyrant.

The suicide of 13-year-old Megan Meier in 2006 thrust adult cyberbullying into the open. The Dardenne Prairie, Mo., girl killed herself after receiving cruel messages on MySpace from imposters posing as a 16-year-old boy named “Josh Evans.”

Lori Drew, the mother of one of Megan’s friends, was accused of participating in the hoax along with her teenage daughter and a former teenage employee. Drew has denied sending messages to Megan. While questions remain about Drew’s role, the case has left no doubt that the Internet is ripe with adult cyber passion.

After the suicide came to light, an outraged mother several states away ferreted out Drew’s identity and posted it on a blog. Soon, “an army of Internet avengers . . . set out to destroy Lori Drew and her family,” forcing them from their home and vowing them no peace, ever,” newspaper columnist Barbara Shelly wrote. “Who are these people who have made it their business to destroy her? They are a jury with laptops, their verdict rendered without insight into the dynamics of two families or the state of mind of a fragile 13-year-old girl or even a complete explanation of what actually occurred.”

Internet shaming is a growing cultural phenomenon, but Daniel Solove, a professor of law at George Washington University and author of the 2007 book The Future of Reputation: Gossip, Rumor and Privacy on the Internet, says it can backfire. “Internet shaming is done by people who want actually to enforce norms and to make people and society more orderly,” he said. But instead, “Internet shaming actually destroys social control and makes things more anarchic, and it becomes very hard to regulate and stop it.”

Among its many controversial uses, online technology is employed by some citizens to track or expose sex offenders — including those who themselves use the Internet to exploit others.

Perverted-justice.com is famous for its efforts, sometimes in combination with televised sting operations, to expose online predators. In 2006, a former Texas district attorney committed suicide when police tried to arrest him on a warrant linked to a child-predator sting that was a joint operation between Perverted Justice and NBC’s “Dateline.”

While some criticize such stings as a form of vigilantism, others worry about those who use state online sex-offender registries to pursue their own brand of justice.

In a report last year of U.S. sex-offender policies, Human Rights Watch, an advocacy group in New York, concluded that unfettered public access to online sex-offender registries left former offenders “to the risk that individuals will act on this information in irresponsible and even unlawful ways. There is little evidence that this form of community notification prevents sexual violence.”

In a section of the report on “vigilante violence,” Human Rights Watch wrote: “A number of convicted sex offenders have been targets of violence from strangers who take it upon themselves to ‘eliminate’ sex offenders from communities. In April 2003, Lawrence Trant stabbed one New Hampshire registrant and lit fires at two buildings where registrants lived. When he was arrested, police found a printout of New Hampshire’s sex-

Impact of Technology

The pell-mell expansion in the use of technology has fueled cyberbullying’s growth. Nearly half of online youths 12-17 have uploaded photos where others can see them (though many restrict access to the pictures), and 14 percent have posted videos online, according to the Pew Research Center.

Technology can make cyber abuse an especially potent form of bullying. For one thing, transmission is instantaneous to a potentially limitless audience — including recipients in the next state or even overseas. “It’s not like being called ‘four eyes,’” Herbeck of Boston College says. “It’s being blasted across cyberspace.”

And cyberbullies can avoid witnessing the damage they inflict. Researchers say adolescents often don’t grasp that a vulnerable human being is on the receiving end of hateful words and images. “A lot of kids who engage in cyberbullying, when confronted, say, ‘I didn’t mean it’ or ‘I didn’t know the outcome,’” Wisconsin’s Patchin says. “If I am bullying in real life, I can see the effect immediately.”

Moreover, bullies tend to think their messages can’t be traced back.
offender Internet registry, with check-marks next to the names of those already targeted.

Cyber vigilantism also can occur in the realm of global terrorism. Some experts say that private citizens who seek to monitor and close down terror-linked Web sites are hurting the government’s own investigations. 7

“It is very unlikely they will find something of significance on the Internet that the government doesn’t already know,” said Michael Radu — a senior fellow at the Foreign Policy Research Institute, a think tank in Philadelphia — who studies revolutionary and terrorist groups. “They are redundant at best.” 8

Sometimes it’s an adult’s private blog, podcast or video that gets others the most upset. In April, Tricia Walsh Smith, being divorced by Philip Smith — president of the Shubert Organization, Broadway’s biggest theater chain — put a video on YouTube containing derogatory information about their sex life. 9

Yet, just as adolescents may learn to ignore the online gossip and cyber belittling that course through their cell phones and MySpace pages, adults may tire of what some call “net-venting.”

“Most people who confront Web sites devoted to ‘getting back’ at other people for social sins may find them entertaining at first, but will tire of the novelty of electronic trash talk,” David A. Furlow, a Houston attorney, wrote in a recent commentary. “Folk wisdom suggests that one should not wrestle with a pig, both because the wrestler gets dirty and the pig likes the challenge. The best response to the venom and vitriol of spite speech is to ignore it.” 10

Sometimes a victim views it.

A video on YouTube containing derogatory information about their sex life.

**Effect on Students**

While experts contend that cyberbullying is a large and growing social problem, it is too new for definitive data on its effects to have been collected. Nonetheless, Clemson University’s Limber says some clues can be drawn from past studies on traditional bullying.

In the short term, children who are victims of traditional, face-to-face bullying are more likely than their peers to have lower self-esteem and higher rates of anxiety, she says: “One can hypothesize that there may be similar short-term effects of cyberbullying,” she adds, but “there are elements of cyberbullying that may make it even more disturbing for kids. In many cases kids don’t know the identity of the individual doing the bullying. That can create higher rates of anxiety.”

More than half of adolescent girls responding to a survey by Patchin and two colleagues reported no negative effects from cyberbullying, but others “reported a wide variety of emotional effects . . . including feeling ‘sad,’ ‘angry,’ ‘upset,’ ‘depressed,’ ‘violated,’ ‘hated,’ ‘annoyed,’ ‘helpless,’ ‘exploited’ and ‘stupid and put down.’ Some girls described how the victimization made them
feel unsafe.” Many girls responded to the bullying by retaliating or “cyberbullying back,” the study found. 

Jean Sunde Peterson, an associate professor of educational studies at Purdue University, in West Lafayette, Ind., studies the effects of bullying on gifted students, a group that she says is generally highly sensitive, acutely perceptive and disinclined to seek help. While her work has not focused on cyberbullying per se, she says many of her findings apply to it.

When Peterson and doctoral student Karen E. Ray asked 432 gifted eighth-graders in 11 states if they had experienced name-calling, pushing, hitting, teasing or other abuses during their school years, 67 percent said yes. Among the effects the respondents reported: depression, unexpressed rage and absenteeism from school. 

“You’re really talking about post-traumatic stress and school phobia,” Peterson says.

Gifted students may not be used to aggression, Peterson adds. When a bully strikes, they can feel betrayed, especially if the bully is part of their close social network, she says. “It’s about what is real versus what is unreal. You can think something is real, like a friendship, and all of a sudden it’s not.” One casualty can be a student’s self-identity, particularly if a rumor spreads about the victim’s sexuality, she says.

While Peterson’s research focuses on regular bullying, she says cyberbullying “kind of hits you without warning and [thus] might even have more impact.”

One reason for cyberbullying’s growth, experts say, is adults’ unfamiliarity with the alien landscape of chat rooms and social networking, allowing online abuse to slip by unnoticed.

“Parents are kept in the dark intentionally by the kids,” says Aftab of wiredsafety.org. “Even the victims hide from parents. The only time they tell is if they’re under 10.”

Patchin of the University of Wisconsin says teens often refrain from reporting cyberbullying because they don’t think adults can or will do anything about it. School administrators frequently say they can’t address off-campus behavior, Patchin points out, and police and prosecutors typically go after only the most egregious or threatening kinds of cyber harassment. In deciding not to tell adults, Patchin says, many young victims conclude: “What’s really going to change?”

Sometimes adults respond to cyberbullying in what many experts say is the wrong way: by trying to ban teens’ access to technology. For example, the Deleting Online Predators Act, which sailed through the then-Republican-controlled U.S. House of Representatives in 2006, would have required schools and libraries receiving special federal technology funds to block minors from accessing chat rooms and social-networking sites like MySpace. The bill apparently has stalled.

“I’m concerned that this [crackdown] is going to be as simplistic and thoughtless as the drug programs out there, which is ‘Just say no,’ when that is not a feasible, meaningful way to go about it,” says UCLA’s Juvonen.

Juvonen says that used properly, technology can help adolescents navigate through periods of angst and insecurity. “Online communication with even an unknown peer can alleviate the temporary stress of feeling rejection,” Juvonen says. “The online world enables them to connect even from that lonely bedroom at home. It would be a pity if parents restrict all communication without better understanding how rich this world is. It has its pluses and negatives.”

### Potential Solutions

Child advocates and researchers continue to look for ways to curb cyber abuse. One approach encourages young people to police themselves. Social-networking sites offer tools to help them do that, including safety tips, settings to block unwanted communications and protect users’ privacy and admonitions to report hateful or harassing content.
For example, Bebo, a San Francisco-based social-networking site aimed at users 13 and older, has an online “safety” tab that includes anti-bullying animations, resources for schools and advice for parents.

Schoolwide programs designed to change a school environment to reduce or prevent behavior problems are also being used to fight cyberbullying. The Olweus Bullying Prevention Program, for instance, founded by Dan Olweus, a European researcher who has studied bullying for more than three decades, is being used by about 2,000 elementary and middle schools in the United States, according to Clemson University’s Limber, who leads its U.S. implementation.

The approach includes training programs for teachers and administrators, surveys of students, classroom discussions about the effects of traditional and online harassment, efforts to raise community awareness of bullying, and when needed, individualized intervention with victims or perpetrators.

The program’s effectiveness at fighting cyberbullying remains unclear, Limber says, because questions to assess cyberbullying were added only in the past year. But schools using the program to fight traditional bullying often see a 20 percent reduction in incidents, she says.

Limber acknowledges that some cases of cyberbullying call for strong action by school authorities and that online abuse that occurs off-site can create havoc at school.

Still, she says, “there is a lot a school and school personnel can do to raise kids’ and kids’ parents’ awareness about cyberbullying even if it does happen off school grounds. It’s important to focus on prevention and intervention. I’m more a proponent of the carrot than the stick.”

**CURRENT SITUATION**

**Action in Congress**

Moves to improve online safety have been building in Congress and the states for years, spurred by concerns over the vulnerability of children to online predators and pornography. For example, the Children’s Online Privacy Protection Act, which took effect in 2000, gives parents the power to decide whether and what information can be collected online from children under 13 and how the information can be used.


It also would substantially increase fines for Internet service providers, or those who provide computers for Internet access, such as café owners, who fail to report online child pornography.

In addition, it would require schools receiving special federal “E-Rate” technology funds to educate students about cyberbullying and “appropriate online behavior,” including interaction with others on social-networking sites and in chat rooms.

Congressional efforts to fight Internet crime are not without controversy, though.

In November 2007, for example, the House passed a bill sponsored by Rep. Linda Sanchez, D-Calif., who has proposed several anti-bullying measures in Congress. The bill would authorize grants for educational programs to fight Internet crime, including cyberbullying, sexual exploitation and privacy violations.

Specifically, the measure would authorize the appropriation of $50 million over five years, half to i-SAFE — a nonprofit group in Carlsbad, Calif., that provides Internet safety programs in all 50 states — and half for a competitive grant program under which online-safety groups could vie for funding.

A coalition of online safety groups criticized the bill, saying it was funneling too much money to i-SAFE and would suppress competition and innovation in cyber-protection programs.

The coalition expressed support instead for a Senate measure introduced by Sen. Robert Menendez, D-N.J., that calls for a $50-million competitive grant program for Internet education through 2012.

“There are many good Internet safety organizations working hard in our schools and communities, and we feel that all organizations should have an equal opportunity to receive funding through an open and transparent grant process,” said Judi Westberg-Warren, president of Web Wise Kids, an online safety group in Santa Ana, Calif.

Willard, of the Center for Safe and Responsible Internet Use, criticized i-SAFE’s approach and called the Sanchez legislation “a very bad bill that, if passed in its current form, will ensure mediocrity in the delivery of Internet safety education for years.”

But Sanchez stood up for her bill. “Authorizing i-SAFE ensures that this program, which has already helped over 3 million children in all 50 states, will be able to continue its work,” she said, adding that the group has a “proven track record for teaching kids how to be safe on the Internet.”

Likewise, Teri Schroeder, founder and president of i-SAFE, defends her group and its curriculum, which is distributed free to schools. She says the House bill is more comprehensive than the Senate’s and would protect the federal government’s investment in i-SAFE, which has totaled $13 million since 2002.

I-SAFE faces several financial pressures, Schroeder says. It has received

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Abusive Online Gossip Thrives on College Campuses

Juicycampus.com allows anonymous postings.

Librarian Graham Mallaghan wondered why students at the Kent University library in Canterbury, England, would laugh at him and sometimes take his picture. After a suggestion from a colleague, Mallaghan went to Facebook.com and found out why. On the site he found a page titled “For Those Who Hate the Little Fat Library Man,” with hateful comments from many of the students he had disciplined in the library, telling them to stop eating or not to make noise.

After Mallaghan notified school authorities, his bike’s brakes were cut and he was threatened with violence while leaving work. When the students responsible for the page had their computer access suspended, they simply passed on the password and user information to other students, who continued the abuse.

Mallaghan says he was so troubled that he sought therapy over the abuse and became underweight. The site eventually was removed.

At George Washington University in Washington, D.C., an argument between two female roommates led one of the young women to post negative comments on Facebook about her roommate, who had accused her of using drugs. The roommate complained about the mean-spirited comments to campus authorities, but the school said it did not have the authority to act. Facebook eventually stepped in, however, threatening to block the bullying roommate from using the social-networking site if she continued to run the page.

One of the latest and most abusive gossip sites is eight-month-old juicycampus.com, now being used at some 60 campuses nationwide, including the U.S. Naval Academy and West Point. The site promises posters complete anonymity. Many of the comments posted about sorority girls, football players and professors are sexist, homophobic, racist or anti-Semitic. Juicycampus postings at such schools as Loyola Marymount University in Los Angeles, Colgate University in New York state and the University of North Carolina at Chapel Hill have included students threatening shooting rampages, a fake “sex tape” of murdered UNC student-body President Eve Carson and a crude “photo-shopped” picture of a female Vanderbilt University student.

“For students who have been identified by name on Juicy Campus, the results can be devastating,” wrote Richard Morgan recently in The New York Times. “In a tearful phone conversation, a 21-year-old junior at Baylor who majors in public relations recounted her experience when her name surfaced on the site in a discussion about the “biggest slut” on campus. ‘I’m trying to get a job in business,’ she said. ‘The last thing I need or want is this kind of maliciousness and lies about me out there on the Internet.’ ”

As of late April, Juicy Campus had not been banned on any campus, but student governments at several schools, including Pepperdine, Columbia and Yale universities, have called for school administrators to block the sites. At the University of California at Berkeley, Panhellenic Council President Christi Starzak urged sorority leaders in an e-mail not to use the site. Students at Pepperdine asked campus administrators to block the site from campus servers, but administrators declined on free-speech grounds.

Some administrators, however, say that blocking Juicy Campus will force them to regulate hundreds of other offensive sites. Additionally, administrators and students simply hope the sites will eventually become less popular and fade away.

Attorneys general in New Jersey and Connecticut, meanwhile, have recently subpoenaed the records of Juicycampus.com in hope of shutting down the site using consumer fraud statutes.

“My, I’m waiting for a horrific tragedy to happen — followed by a huge lawsuit (or 20) that cuts into the profits of Juicycampus.com,” wrote columnist Debra J. Saunders in the San Francisco Chronicle. “I’ll be rooting for the plaintiff’s attorneys. There have to be some advantages to living in an overly litigious society.”

For his part, Facebook victim Mallaghan says his experience with cyberbullying has made one thing clear to him: Children must be taught that things “could get worse by staying quiet about Internet abuse. You need to find someone you trust to take you to the authorities. If nobody knows, nobody can protect you.”

— Kristina Ryan

2 Ibid.
5 Saunders, op. cit.
Two high-school students have created a racist profile on a social-networking site, including racist language and cartoons about lynching. Other students are linking to the site and have posted ugly comments. Teachers report that many of the school's minority students are frightened.

At another high school, students created a “We Hate Ashley” profile that includes crude sexual innuendos and cracks about their classmate's weight. Ashley is no longer willing to come to school, and her grades have plummeted. Her parents report she is under psychological care and on suicide watch.

Do school officials have the authority to impose discipline in response to harmful off-campus online speech? Should they? This is a major challenge facing school administrators today.

The problem is grounded in the fact that the most harmful incidents of cyberbullying occur when students post or send material while they are off-campus, because they have more unsupervised time. But the harmful impact is at school, because this is where students are physically together. Cyberbullying incidents lead to school avoidance and failure, youth suicide and school violence.

Studies on cyberbullying reported in the December 2007 Journal of Adolescent Health reveal that both perpetrators and targets of cyberbullying report significant psychosocial concerns and increased rates of involvement in off-line physical and relational aggression. Targets of cyberbullying were eight times more likely than other students to report bringing a weapon to school. The concerns for student safety are very real. Students who do not believe school officials can help them may seek their own revenge — or refuse to come to school.

Courts have consistently ruled that school officials can respond to off-campus student speech if that speech has caused — or a reasonable person would anticipate it could cause — a substantial disruption at school or interference with the rights of students to be secure. Situations that have met this standard include violent physical or verbal altercations, a hostile environment interfering with the ability of students to participate in school activities and significant interference with school operations and delivery of instruction.

School officials do not have the authority to respond to off-campus speech simply because they find the speech objectionable or repugnant. Response to such speech is a parent’s responsibility. But when off-campus speech raises legitimate concerns about student safety and well-being, school officials must have the authority to respond — because every student faces the potential of harm.

If a school principal observed two students bullying another student at the local park or mall, she might speak to the children, alert the parents or, if really serious, call the police. Most likely she would not, however, contemplate using her principal’s authority to suspend or otherwise discipline the bullies. Like most people, she would think that's outside of school and beyond her authority. The same standard should apply to cyberbullying.

School officials act in loco parentis (in place of a parent) when children are in school or in school-sponsored activities. Teachers are given leeway to instruct, direct and discipline to ensure a safe environment conducive to learning. And while students don't shed all their constitutional rights at the schoolhouse gate, courts have given administrators some leeway to restrict students’ free speech, privacy and other rights while in school custody.

Once students leave the school's custody, they not only reacquire their full constitutional rights, but their parents or guardians regain theirs too, including their right to direct and control their children’s upbringing. Parents’ values and families’ dynamics differ. Some parents prefer to turn the other cheek while others promote an eye for an eye. School officials have their own values and ways of addressing problems, and those may differ from the parents'. When it comes to their children's out-of-school behavior, parents have the right to decide if and how to discipline. Limiting schools’ disciplinary authority for out-of-school speech does not preclude school officials from taking steps, short of discipline, to address problems. Parents typically don’t know everything their children do, and that's particularly true for Internet activity. Most parents would probably want school officials to alert them to bullying activity but leave disciplinary decisions to them. And for bullying that may cross the line into criminal behavior, contacting the police might be appropriate.

Finally, while school officials need to recognize that legally they have no authority over students' out-of-school speech, students should understand that Internet speech often carries real-world consequences. Unlike intemperate and stupid things uttered at the mall, speech posted on the Internet endures and is more widely accessible. Colleges, universities and prospective employers increasingly tend to uncover those mean and stupid Internet postings.

In sum, school officials have latitude to discipline students for bullying, cyber or otherwise, that occurs in school, but only parents (or police if necessary) have the authority to handle such matters off campus.
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no federal money for the past year-and-a-half but will nonetheless educate 6 million youths this year in Internet safety, relying on money raised from donors, she says. Moreover, she says, the federal government this year allocated federal funds through a competitive-bid process to other grantees besides i-SAFE to disseminate i-SAFE’s program materials, putting an additional financial burden on i-SAFE. If Congress doesn’t authorize new money to keep i-SAFE’s programs current and available, those programs would be at risk, Schroeder says.

**Social-Networking Sites**

Cyber safety continues to draw close attention in the states, and no online mechanisms are drawing more scrutiny than social-networking sites. MySpace agreed last year to hand over to state officials the names, addresses and online profiles of thousands of known convicted sex offenders with accounts on the networking site. It also said it had deleted the online profiles of 7,000 convicted sexual predators. 52

And early this year, in an agreement with attorneys general from 49 states and the District of Columbia, MySpace said it would develop technology and work with law-enforcement officials to improve children’s protection. “Our responsibility is to show the way for social-networking sites,” said Hemanshu Nigam, MySpace’s chief security officer. 53

The plan includes a police hotline to report suspicious behavior, automatically making the default setting “private” for profiles of 16- and 17-year-olds, allowing parents to submit their children’s e-mail addresses to block them from establishing a MySpace profile and creating a separate section of MySpace for users younger than 18. 54

MySpace also created a task force to explore how children can avoid unwanted contact and content when using it and other online sites. The task force will be run by Harvard’s Berkman Center for Internet and Society, but the center’s executive director said the group will operate independently. Recommendations by the task force will be non-binding. 55

Connecticut Attorney General Richard Blumenthal called the agreement with MySpace “a profoundly significant step towards social-networking safety.” He wrote that MySpace “commendably agreed to create and lead a task force of social-networking sites, technology companies and others to explore and develop age- and identity-verification technology.” But, he warned, “If the task force fails to deliver, or if other social-networking sites decline to join, attorneys general stand ready to take aggressive steps, including litigation or legislative initiatives, if appropriate.” 56

Yet critics say it is easy for children to circumvent MySpace’s safeguards by passing themselves off as adults, and for adults to manipulate MySpace by pretending to be adolescents. Texas Attorney General Greg Abbott, the lone holdout in signing the agreement, said he could not support the pact unless MySpace takes action to authenticate users’ ages.

“We do not believe that MySpace.com — or any other social-networking site — can adequately protect minors” without an age-verification system, he said. “We are concerned that our signing the joint statement would be misperceived as an endorsement of the inadequate safety measures.” 57

Age-verification systems are difficult to implement and can lead to problems, some experts point out. Aftab, of wiredsafety.org, a task-force member, characterized the agreement as a good first step but said it could have unforeseen consequences. 58

“Age verification requires that you have a database of kids,” she said, “and if you do, that database is available to hackers and anyone who can get into it.” 59

Still, Aftab said the task force will be “looking to see if age-verification or any other technology is out there that we don’t know about that will help.” The 20-member group includes such companies as Google, Microsoft, Yahoo and Verizon as well as networking sites Facebook, Xanga and Bebo (recently acquired by AOL), she said.

But Keith Durkin, chairman of the Department of Psychology and Sociology at Ohio Northern University, in Ada, said an effective age-verification system is nearly impossible. A predator or child could use a pre-loaded credit card to circumvent a system that uses credit cards to verify age and identity. And, he said, no hardware or software solutions will be effective unless they are expensive, intrusive and violate current privacy laws — something that would turn a law-enforcement problem into a political controversy. 60

“You can’t monitor your kids 24/7,” he said. “Parents need to have a conversation with their children at an early age.” 61

**Actions in States**

Along with efforts to monitor social-networking sites, anti-bullying measures proposed or passed by state lawmakers are also stirring debate.

In Washington state, for example, legislators last year amended the state’s anti-bullying statute, calling on school officials to develop policies barring harassment, intimidation or bullying by electronic means but limiting the scope to actions by students “while on school grounds and during the school day.” 62

The Center for Safe and Responsible Internet Use’s Willard is critical of
the law, saying it prevents school officials from responding to cyberbullying that originates off campus, even if the abuse causes disruption at school or threatens student safety.

In Oregon, Willard’s home state, an anti-bullying statute was amended to include cyberbullying. The law defines bullying as any act that “substantially interferes” with a student’s education and occurs “on or immediately adjacent to school grounds,” at school-sponsored activities, on school-provided transportation or at school bus stops. The law’s language creates the potential for incidents arising off campus to be off-limits, Willard says.

Some states have adopted laws with broadened scopes. Arkansas, for example, last year added cyberbullying to its anti-bullying policies and included provisions for schools to act against some off-campus activities. The measure applies to actions originating on or off school grounds “if the electronic act is directed specifically at students or school personnel and is maliciously intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose.”

In Maryland, lawmakers approved a bill in April that requires public schools to develop a policy barring cyberbullying to its anti-bullying policies and included provisions for schools to act against some off-campus activities. The measure applies to actions originating on or off school grounds “if the electronic act is directed specifically at students or school personnel and is maliciously intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose.”

In Kentucky, state Rep. Tim Couch, R-Hyden, filed a bill this year that would require anyone who contributes to a Web site to register a real name, address and e-mail address on the site. The name would then be used whenever the person posted a comment. Couch’s intent was to call attention to anonymous cyberbullying. “Some nasty things have been said about high-school kids in my district, usually by other kids,” he said. “The adults get in on it, too.”

But Couch said because the measure is “probably unconstitutional,” he isn’t pursuing it.

That’s a good thing, opined the conservative Washington Times, citing what it called the bills “bald violation of First Amendment rights.”

“We’re all concerned about cyberbullying,” the newspaper said, “but we’re more concerned when a lawmaker threatens our civil liberties and wastes public dollars on dim-witted legislation.”

OUTLOOK

Guidance Needed

As technology gets faster, cheaper and more far-reaching, cyberbullying is sure to grow, many experts say. And that growth will demand clearer guidance from courts and policymakers on the responsibilities of schools, law-enforcement officials and online-network providers.

With state lawmakers and lower courts now focusing more on issues of defamation and cyberbullying, it may be only a matter of time before the Supreme Court rules on those issues. Still, it may be a while before the justices render guidance in a case involving adolescent cyberbullying.

“The cyber laws are emerging,” says Boston College’s Herbeck, noting that the initial cases involved pornography, followed by those on privacy and file-sharing issues.

In Congress, bills such as the Sanchez and Stevens measures “are raising the profile” of the cyberbullying issue, says Kim Mills, a spokeswoman for the American Psychological Association. The association is “pleased to see the recognition of cyberbullying as a serious issue,” Mills says. But, she adds, “it’s hard to know in this climate what the prospects are” for such legislation. It’s an “election season,” she notes, “and people’s minds are focused on a number of other things, such as the economy and war.”

Boyd, at Harvard’s Berkman Center, is less than sanguine about the likelihood of finding solutions to cyberbullying through legislation. Lawmakers, she says, continue to “focus on the extreme cases” and “Band-Aid the issue” without addressing the root cause of cyber abuses: social pressures that drive adolescents to compete for status and the lack of adequate attention to those pressures from busy or distracted parents and other adults.

Cyberbullying and other abuse can be expected to get worse among adolescents “because kids are so stressed,” Boyd says. The most obvious source of that stress, she says, “is the pressure to get into college.” But “anything that increases pressure for status increases bullying.”

And that includes a change in the financial standing of a youth’s family, Boyd says, noting that the nation’s shaky economy could increase the pressure for status and validation among adolescents’ peers.

Notes

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2 Mary Niederberger and Nikki Schwab, “Explicit ranking of high school girls sparks outrage; Mt. Lebanon’s ‘Top 25’ List Details Students’ Looks, Bodies,” Pittsburgh Post-Gazette, April 26, 2006, p. 1A.
8 Publication of the study by Juvonen and Eliseva Gross is forthcoming in the Journal of School Health. The survey was posted on bolt.com, a popular teen Web site, in fall 2005, and responses were invited. Among the 1,454 respondents, half reported daily e-mail use, and 60 percent reported daily instant-messaging. Also see Marcia Clemmitt, “Cyber Socializing,” CQ Researcher, July 28, 2006, pp. 625-648.
12 The bill, SB 1329, was introduced on April 8, 2008, and referred to the state Senate Judiciary Committee.
13 See, for example, Abbott Koloff, “States push for cyberbully controls,” USA Today, Feb. 6, 2008.
16 Ibid.
17 Ibid.
19 Ibid.
22 Ibid.
25 Watts v. United States (1969)
32 Last year in Morse v. Frederick, 439 F. 3d 1114, the Supreme Court upheld a principal’s right to punish a student who displayed a “Bong Hits 4 Jesus” banner across the street from school during a parade. The court construed the parade as a school-sanctioned event at which the school district’s discipline rules applied.
37 Quoted in Katie Menzer, “Boy Scouts preparing for a new threat: bullies handbook addresses how to deal with aggressive teasing — both online and face-to-face,” Dallas Morning News, Jan. 20, 2008, p. 1B.
38 “Teens and Cyberbullying: Executive Summary of a Report on Research Conducted for

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FOR MORE INFORMATION

Center for Safe and Responsible Internet Use, 474 W. 29th Ave., Eugene, OR 97405; (541) 344-9125; www.cyberbullying.org. Provides guidelines, research and other resources for educators, parents and children to encourage safe use of the Internet, including avoiding cyberbullying.

iSAFE Inc., 5900 Pasteur Q., Suite 100, Carlsbad, CA 92008; (760) 603-7911; www.isafe.org. A nonprofit foundation dedicated to educating students on how to avoid inappropriate and unlawful online content; various services include the i-Learn Online program and the i-Mentor network to provide an “On Demand” learning experience.

Internet Crime Complaint Center, www.ic3.gov. Enables victims of Internet-related crimes to file complaints, which are then referred to law-enforcement and regulatory agencies.

National Crime Prevention Council, 2345 Crystal Dr., Suite 500, Arlington, VA 22202; (202) 466-6272; www.ncpc.org/newsroom/current-campaigns/cyberbullying. Educates the public about cyberbullying and strategies for protection against Internet harassment. The NCPC’s Web site links to publications and other organizations for research on cyberbullying.

Netsmartz Workshop, 699 Prince St., Alexandria, VA 22314; (703) 274-3900; www.netsmartz.org. Created by the National Center for Missing and Exploited Children and the Boys and Girls Clubs of America, the interactive workshop offers a wide variety of resources warning parents, teens, educators and law-enforcement officials about the dangers that exist on the Internet. The site links to videos, CyberTiplines and personal accounts of Internet exploitation.

Take a Stand. Lend a Hand. Stop Bullying Now!, 5600 Fishers Lane, Rockville, MD 20857; 1 (888) 275-4772; http://stopbullyingnow.hrsa.gov. The Health Resources and Services Administration campaign educates children and adults about cyberbullying and improving community prevention efforts.

WiredSafety, 1 Bridge St., Suite 56, Irvington-on-Hudson, NY 10533; (201) 463-8665; www.wiredsafety.org. The online safety group offers educational and help services to victims of cybercrimes like cyberbullying, hacking, identity theft and child pornography. In conjunction with WiredKids.org and WiredTeens.org, the group promotes safe and responsible technology use.

59 Ibid.
61 Quoted in ibid.
62 The bill is SB 5288.
63 “State action on cyber-bullying,” USA Today, Feb. 6, 2008.
64 Ibid.
65 The bill is HB 199.

Available online: www.cqresearcher.com

May 2, 2008

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Bibliography

Selected Sources

Books


Two Clemson University psychology professors and a professional counselor provide an up-to-date overview of electronic abuse. “As bullying over the Internet becomes more commonplace,” they write, “educators must become equally prepared to address this new form of bullying.”


A law professor at George Washington University writes that “as social reputation-shaping practices such as gossip and shaming migrate to the Internet, they are being transformed in significant ways.”


A lawyer and expert on technology in schools explores the legal, social and technical aspects of electronic aggression and offers a useful compendium of cyberbullying definitions.

Articles


An attorney argues that the government should provide recourse for cyberbully victims by curbing the nearly absolute immunity Internet service providers enjoy and implementing a “notice and take-down scheme” in certain cases of wrongdoing.


A newspaper columnist profiles Billy Wolfe, a high-school sophomore in Fayetteville, Ark., who has been the target of bullies since age 12.


A journalist provides a revealing look at the suicide of Megan Meier and offers a close-up look at the personalities and neighborhood atmosphere behind a notorious cyberbullying case.


Two experts from the Centers for Disease Control and Prevention provide an overview of a series of articles that examine the benefits and risks of adolescents’ access to new communications technology. The articles can be accessed at www.jahonline.org/issues/contents?issue_key=51054-139X%2807%29X0249-0.

Reports and Studies


Two researchers from the Massachusetts Aggression Reduction Center provide a useful overview of the available research on cyberbullying and help to shed light on the characteristics of its perpetrators.


A First Amendment scholar explores the legal terrain of student electronic expression and recommends that educators adopt clear policies, open lines of communication with parents and students and teach students that their postings can return to haunt them. But he recommends against punishing online expression simply because school officials don’t like it.


One of a series of studies on teens and digital technology, this survey-based study found that more than 90 percent of teens use the Internet, “and more of them than ever are treating it as . . . a place where they can share creations, tell stories and interact with others.”


The director of the market-oriented think tank’s Center for Digital Media Freedom argues that proposals to impose age-verification rules on social-networking sites “raise many sensitive questions with potentially profound implications for individual privacy and online freedom of speech and expression.”
Constitutional Rights


Policies that regulate students’ after-school postings on the Internet have come under scrutiny from the American Civil Liberties Union for allegedly violating constitutional free-speech rights.


Any new laws that address cyberbullying need to be careful in differentiating between harmful harassment and constitutionally protected speech.


Critics say rules intended to crack down on bullying on the Internet inevitably limit the right to free speech.

JuicyCampus.com


Most students are either extremely critical or oblivious to Juicy Campus, despite evidence of the new Web site’s rising popularity on college campuses.


Results can be devastating for students who have been identified by name on Juicy Campus, a site that promises anonymity for all posts.


Student leaders, newspaper editorials and posters are fighting back against Juicy Campus.


Once someone is targeted on the Juicy Campus Web site, virtually nothing can be done about it.

Legislation


An Arkansas bill that would require schools to establish cyberbullying policies won legislative approval despite concerns over its constitutionality.


Seven states passed cyberbullying laws in 2007, but only those in Arkansas and Delaware call for school officials to address off-campus incidents.


The Senate Judiciary Committee in Illinois has passed a measure that would make it a crime to use e-mail or the Internet to torment an individual on more than one occasion.


There is a great deal of disagreement over how effective state crackdowns on cyberbullying will be.

Parental Responsibility


The father of a 13-year-old boy who committed suicide after being ridiculed online is pushing for broader laws to punish cyberbullies.


A Colorado parent has decided to homeschool her kids to protect them from bullies at school, but she now teaches them about Internet safety to protect them from cyberbullies.


Parents in Hillsborough County, Fla. (Tampa) are attending presentations to better educate themselves about cyberbullying and other potentially harmful online practices.

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