Cyberbullying v. The Right to Privacy in a Digital Age

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What is Cyberbullying?

- Cyberbullying is the willful and repeated harm inflicted through the medium of electronic text. Also, it is the use of technology for the purpose of intentionally tormenting, threatening or harassing individuals.

- Cyberbullying refers to bullying through:
  - information and communication technologies,
  - mediums such as mobile phone text messages,
  - emails,
  - phone calls,
  - internet chat rooms,
  - instant messaging and social networking websites such as MySpace and Facebook.
Facts on Cyberbullying

- Cyberbullying is a fast growing trend that experts believe is more harmful than typical schoolyard bullying.

- Nearly all of us can be contacted 24/7 via the internet or our mobile phones. Victims can be reached anytime and anyplace.

- For many youth home is no longer a refuge from the bullies. Students can escape threats and abuse in the classroom, only to find text messages and emails from the same tormentors when they arrive home.
Why is Cyberbullying on the Rise?

- Comfort level children and youth have in using the internet
- Anonymity of the internet. This makes them more confident and less concerned with the consequences.
- It's easier for people to say things about you on the internet. People are scared to say things to your face.
Characteristics of a Cyberbully

- Tendency to dominate those around them
- Exhibit aggressive behavior
- Seem to really enjoy humiliating others
- Good at talking their way out of trouble
- Poor relationships with caregivers
- Frequent substance abuse
- Delinquent behaviors
- Daily internet users
- Some studies report that females are more likely than males to engage in cyberbullying
Types of Cyberbullying

- **Degradation** - Using cruel gossip or rumors to damage someone's reputation or friendship.

- **Harassment** - Repeatedly sending insulting, offensive and rude messages.

- **Cyber Stalking** - Repeatedly sending threatening messages to intimidate and threaten another. This would include activities online that would make the victim concerned about their safety.

- **Impersonation** - Impersonating the victim and sending or posting material that will make the victim look bad, damage their reputation, or get them in trouble.

- **Flaming** - The use of vulgar & angry language to start fights with the victim using electronic means.
Types of Cyberbullying Continued

- **Text Messages** - The bully gets friends together to send thousands of messages to the victim's cell phone, running up the victim's phone bill and getting them into trouble with their parent.

- **Password Theft** - They gain access to the victim's password and use it to lock them out of their accounts and to allow others to hack into the accounts.

- **Web Sites** - The Cyber-Bully creates pages filled with material to target the Cyber-Bullying Victim.

- **PC Attack** - Sending viruses, worms, Trojans and spyware to damage the victim's computer.

- **Proxy Attack** - The Cyber-Bully has others to do the dirty work for them.

- **Images** - The Cyber-Bully posts photos of the victim that are embarrassing in nature. Sometimes these images are enhanced or altered using sophisticated graphic software programs.
Bullycide

- **What is Bullycide?**
  - Bullycide is a new term used to identify those children who were victims of bullying and became so emotionally distressed that they committed suicide.

- In the book "Bullycide: Death at Playtime" it is said that a child commits Bullycide every half hour with over 19,000 children attempting suicide (Bullycide) every year.

- **Cyber-Bullying Suicides & Cyber Bullycide Victims:**
  - Of the Bullycides committed yearly an alarming increase of Cyber-Bullying Suicides, also referred to as Cyber Bullycides, has been revealed in recent studies.

  - It is believed that many suicides committed by children in the past decade may very well have been Cyber-Bullying Suicides but the cause was not identified.
Bullying Victims

Phoebe Prince (Hanged her self)

Megan Meier (Hanged her self)

Tyler Clementi (Jumped off the George Washington Bridge)

Jaheem Herrera (Hanged him self)
Why do people cyberbully others?

- They think that it is funny
- They don’t think that it is a big deal
- They are encouraged by friends
- They think that everybody cyberbullies
- They think that they won’t get caught
- They are being bullied themselves
- They are jealous of you
- They are made at you
- To make themselves popular
- To look tough or feel powerful
- To escape their own problems
How does the victim respond to cyberbullying?

- Blocking communication with the cyberbully
- Deleting messages without reading them
- Talking to a friend about the bullying
- Reporting the problem to an internet service provider or website moderator
- Seeking revenge on the bully
- Avoiding friends and activities
- Cyberbullying back
Facts about cyberbullying

- 58% of youth surveyed said that someone has said mean or hurtful things to them online
- 53% of youth surveyed reported having said something mean or hurtful to another person online
- 58% said that they have not told their parents or another adult about something mean or hurtful that happened to them online
I have the Right to Say What I Want!
Right? . . . I don’t? . . . Oh, it depends...

It did not happen on campus! I did not tell anyone at school!

It did not happen during school hours! It was just a prank!
The 1st Amendment Guarantees:

- Congress shall make no law respecting
  - an establishment of religion, or prohibiting the free exercise thereof;
- or abridging the freedom of speech,
- or of the press;
- or the right of the people peaceably to assemble,
- and to petition the Government for a redress of grievances.
Freedom of Speech and Press: What can you say and post in Cyberspace?

- The Tinker Case
  - Decided in 1969
  - Established the “Disruption Standard”
    - A student can criticize as long as it is not threatening or disruptive to the school.
Cyberbullying and Schools

- Cyberbullying usually began on home computers and private cell phones

- Can school administrators intervene in activities that do not occur on school property?
Katherine Evans

- Created a Facebook group about a teacher that included several negative comments.
  - “Ms. Sarah Phelps is the worst teacher I’ve ever met!”
- She did not post these comments on school grounds nor did she use any school equipment.
School’s Response

- Katherine was suspended for three days.
- Katherine was removed from her Advanced Placement classes.
- Katherine Parent’s Sued!
Court’s Decision

- The judge who decided this cause found that this comment:
  - Did not take place on school grounds
  - School equipment was not used
  - Comments did not substantially disrupt the learning environment; therefore free speech is protected.
- The School district agreed to a $1.00 settlement
- The School paid $15,000 in attorney fees to the student
J.S. v. Bethlehem School District

- Facts:
  - J.S. created an anonymous website attacking school administrators and teachers
  - He compared one teacher to the Nazis and asked for donations so that he could hire a hitman to kill her

- Action Taken:
  - Principal contacted the police and F.B.I. to discover the creator of the website
  - J.S. was expelled
J.S. v. Bethlehem School District

• Court’s Decision:
  • The majority of the court upheld the expulsion even though J.S. did not tell anyone at the school about the website and took it down voluntarily.

• Court’s Rationale:
  • The disruption standard was met because the teacher-victim suffered emotional distress.
Facts:

- J.S., a 14 year old 8th grader at Blue Mountain Middle School created from her home computer a MySpace.com Internet profile featuring her principal, James McGonigle.
- The profile did not state McGonigle's name, but included his photograph from the website of Blue Mountain School District as well as profanity-laced statements insinuating that he was a sex addict and pedophile.
Snyder v. Blue Mountain School District

- **Action Taken:**
  - J.S. was suspended for 10 days.

- J.S. Parents sued the school district claiming that:
  - The school district violated J.S. First Amendment Free Speech Right by punishing her for creating the profile
  - The school district violated the parents’ fundamental right to direct upbringing of their child by regulating her out-of-school conduct.
Snyder v. Blue Mountain School District

- Court’s Decision:
  - The School District did not violate J.S.'s First Amendment free speech rights by disciplining her for creating the profile.
Confronting Cyberbullying and Sexting on school grounds

**Kids will be Kids**

Bullying is a normal part of growing up

**I can’t police their behavior**

This is a job for the parent

I don’t know a thing about this new technology! How am I suppose to monitor cyberbullying?
Imagine this scenario: You’re a teacher at a local high school and you catch a student with a nude photo on his cell phone while in class. Of course you want to prevent any further spread of the photo, so you ask him to forward the photo to you and delete it from his possession. What do you think happens next?

Unfortunately, this scenario is familiar to many educators. The problem is that most aren’t sure what their level of responsibility is or the protocol that should be followed.
Ting-Yi Oei’s Case Outcome

- After seven agonizing months of legal wrangling, stress, and sleepless nights, the nightmare finally ended when a circuit court judge threw out the charges, ruling that the photo wasn’t pornographic.
- Last April, Oei returned to his job at Freedom High.
- In an editorial, the Post lambasted the “vengeful parents and zealous prosecutors” for using the criminal justice system to terrorize an innocent man.
- In June, recognizing the injustice, the school board voted to pay Oei’s legal expenses ($167,000).
Suggestions for Students

- Don’t respond to the cyberbullying message
- Document cyberbullying
- Block the cyberbully
- Reframe the problem by:
  - Viewing it from a different perspective
  - Looking at if from the big picture (e.g., Will it matter a year from now? Is it worth getting upset over?)
  - Focusing on the positive
  - Finding the humor ~ recognize the absurdity
Suggestions for Teachers

- **Learn about social networking sites and understand how they work.**
- **Understand the risks:** there are real risks to children and young people, not only from predators who may contact them through these sites, but from young people themselves who can use these sites to cyberbully their peers.
- **Cover the subject:** educate pupils and students about the risks and potential dangers in their online behavior.
- **Listen to what students say**
- **Involve the parents:** maintaining good school-parent-pupil communications can be key in containing cyberbullying incidents. Acting quickly on incidents and showing students and parents the harm caused can be helpful in preventing any further issues.
- **Include it in school policies:** develop an internet policy that allows you to react quickly to incidents if they cause issues in school. The policy should give students and staff clear guidelines and disciplinary actions if these guidelines are breached.
- **Make it easy to report cyberbullying:** make sure all staff/students know how to report any incidents of cyberbullying and what they should do if it happens to them.

[Source: http://recourse.custhelp.com/app/answers/detail/a_id/1184]
Bullying has entered the digital age. The impulses behind it are the same, but the effect is magnified.