

Cyberbullying Guidance for School Leaders

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Cyberbullying is the use of electronic communication technologies to intentionally engage in repeated or widely disseminated acts of cruelty towards another that results in emotional harm. This new phenomenon is causing major challenges for school officials who are called upon to respond to incidents involving students.

From the principal's perspective, there are three key questions: When can or must I respond? How can I respond effectively to resolve the altercation and support the well-being of all students involved? What can be done to prevent these situations from occurring, or growing from minor to major disputes? Young people do not generally distinguish between their online and offline worlds. But for principals, the "where" and "how" issues raise significant questions related to prevention and intervention.

Comprehensive School Approach

Cyberbullying that is occurring on the Internet may take place when students are off campus - on web sites that schools have no control over. Frequently, these web sites are blocked by the school's filter. It is very easy for older students to bypass the filter or they can access the web site using a personal device, while at school. So while the hurtful material may be on a non-district site, the harmful "acts" may well have occurred while students were at school.

Students are also sending hurtful text messages while in school. Many schools strive to prevent students from using cell phones during school hours - rules that are frequently flaunted. Texting cyberbullying can create a hostile environment for a student or lead to violent altercations. This presents a safety concern because students are often not willing to report these incidents because the report itself will implicate the student in a rule violation.

While these harmful interactions may take place while students are off campus, they are invariably related to in-person interactions that occur at school. Further, cyberbullying can have a substantially damaging impact at school, making it impossible for students to be successful in their studies, causing students to avoid school activities, or leading to violent altercations on campus.

Guidance: A whole school community approach that incorporates elements at the individual, classroom, school-wide, parent, and community level will be necessary to effectively prevent and intervene in cyberbullying situations.

Authority to Respond

When do school officials have the authority to respond to off-campus student speech? Universally, the Federal Courts have ruled that school officials have the authority to respond to off-campus student speech if that speech has caused, or could cause, a substantial disruption on campus or interference with the rights of students to be secure.

The problem comes with the application of this standard to specific situations. Almost all the cases have involved school discipline for speech that targeted staff. In these situations, the courts have held that the off-campus speech must cause or threaten a disruption of school activities.

Unfortunately, the one student-on-student off-campus online speech case, *J.C. v. Beverly Hills Unified School District*, applied this same standard. The court ruled that schools must demonstrate a substantial disruption of school activities, not just a significant interference with a student's education. If this ruling is correct, this would call into question the constitutionality of all bullying prevention statutes and policies. The Saxe analysis is stronger and clearly more responsive to the very real risks to student well-being and educational success, as well as school safety.

In the J.C. case, the court did not appear to have been briefed on a very important case, *Saxe v. State College Area Sch. Dist.*, 240 F.3d 200, 213 (3d. Cir. 2001). that specifically addressed, in the context of bullying policy, the application of the "substantial interference" language to student speech directed at another student. This decision, written by Judge Alito, who now serves on the Supreme Court, indicated approval for policy language that prohibited "speech that substantially interferes with a student's educational performance."

The primary function of a public school is to educate its students; conduct that substantially interferes with the mission is, almost by definition, disruptive to the school environment.

However, the court in the J.C. case also determined that the school had violated the student's due process rights because there was no notice in the policy about the potential of a school response for off-campus speech. This is an important consideration.

Guidance: Make sure your bullying policy states that school officials have the authority to discipline students for off-campus speech that causes or threatens a substantial disruption on campus, including school activities, violent altercations, or a significant interference with a student's educational performance and involvement in school activities.

Investigation and Intervention

Many research studies have provided evidence that students are not reporting cyberbullying incidents to adults. They fear the adult response may make the problem worse or they will be "excommunicated" by the loss of access to communication technologies. Additionally, teens want to be able to resolve personal relationship concerns on their own. They may "lose face" among their peers if they are perceived to lack the strength or ability to resolve these matters.

Recognize that sometimes these situations are reiterative cycles of aggression and retaliation. Sometimes, a student who posts hurtful material online is the student who is being tormented at school. Often times, larger groups of students are involved on all sides. Students who engage in aggression have significant emotional concerns. If these concerns are not effectively addressed, their aggression is unlikely to cease.

The common disciplinary response to bullying, that of suspension, does not appear to be effective. This is especially true when incidents include group aggression. Additionally, students can easily use the "free time" at home to engage in anonymous online retaliation. Often suspension is demanded by the parent of a student who has been targeted. Frequently, state statutes identify suspension as the appropriate response to bullying.

Guidance: Fully investigate these incidents. If harmful material is posted online, save the evidence and promptly contact the site for removal. Use a restorative justice approach. Seek to empower the target with skills to independently resolve this and future conflicts. Address the needs of the student who has engaged in aggression to reduce continuation and encourage remorse and actions to resolve the harm. Establish a process to ensure ongoing evaluation of interventions. Request feedback from targets, aggressors, and their parents shortly after an intervention and aggregate these reports for assessment at a district level.

Prevention Education

From a prevention perspective, it is important to recognize that teens are communicating in online environments where there are generally no responsible adults present. A high priority in prevention must be to help all students gain skills in handling interpersonal relationships and dispute resolution. Encouraging peer witnesses to assist and report is very important. Peers are the ones who establish the social climate. It is less likely that adults will be able to change the behavior of aggressors directly.

Guidance: Use a social norms approach for prevention education. Set up situations where students discuss their personal standards for how they treat others when using electronic communication technologies and how they want to be treated. Ask guiding questions to increase their understandings. Make sure students know how to prevent placing themselves at risk, such as not sending digital material others can distribute to embarrass them. Make sure they know how to effectively respond on their own, when they should ask for help, and what adults can do. Emphasize that cyberbullying is not cool, it is cruel.

Nancy Willard, M.S., J.D. is the director of the Center for Safe and Responsible Internet Use. She has degrees in special education and law. She taught "at risk" children, practiced computer law, and was an educational technology consultant before focusing her professional attention, since 1995, on issues of youth risk online and effective management of student Internet use. Nancy is author of two books. *Cyberbullying and Cyberthreats: Responding to the Challenge of Online Social Cruelty, Threats, and Distress* (Research Press) and *Cyber-Safe Kids, Cyber-Savvy Teens, Helping Young People Use the Internet Safely and Responsibly* (Jossey Bass). CSRIU provides professional development videos and other resources, including a 2 hour presentation entitled *Cyberbullying, Cyberthreats & Sexting*.

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May 22, 2010