Finding a Way to Stop Bullying — A Look at the Need for Cyberbullying Laws

To a victim of cyberbullying, words hurt, and the effects of bullying can be deadly. Bullying in schools has always been a problem, but with technology constantly evolving, cyberbullying has become a major concern.

Mary Kay Hoal, founder and president of Yoursphere Media Inc., says cyberbullying refers to digital harassment within a school context.

“Cyberbullying occurs when a student uses the internet or a cell phone to harm another student, usually in a deliberate, repeated, and hostile manner,” Hoal says. “Cyberbullying often takes form through social media comments, tweets and text messages, while extreme cases can consist of everything from fake profiles that the bully creates and uses to defame their victim, to entire Facebook groups dedicated to obliterating someone’s reputation.”

Hoal says the nature of social media allows cyberbullying to go viral within minutes, which deepens the effects of bullying on the victim.

“One of the most distinguishing characteristics of cyberbullying compared to traditional ‘schoolyard bullying’ is the fact that cyberbullying follows the child home, into their room, and under their pillow at night as they stay up to read text messages, tweets, and comments,” Hoal says. “This creates a profound psychological effect on the child as they feel they have no escape from the bully or bullies.”

Laws Regarding Bullying in Schools

With the exception of Montana, Hoal says every state in the country has a law regarding bullying in schools that directs school districts to adopt bullying policies. Of the laws for each 49 states, only 14 directly mention cyberbullying.

Hoal says lawmakers are challenged with creating cyberbullying laws that find a middle ground between protecting students and honoring free speech rights.

“There needs to be an explicit definition and distinction between cyberbullying and online comments or posts that others would simply find offensive, annoying, or aggressive,” Hoal says. “Schools are at a loss for strict guidelines on how to deal with cyberbullying between students because the victimization typically occurs in off-campus settings. This creates challenges for schools to effectively enforce policies without overreaching their legal authority.”

Hoal says finding a way to stop bullying in schools is a challenge, because states and schools all have different policies. For example, she says in New York and New Jersey a cyberbullying victim can be charged with manslaughter if the bullying victim takes their life, while in Rhode Island the first offense of bullying is a misdemeanor, and the second is a felony.

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“In California, a student may be suspended or expelled for cyberbullying only if the bullying happens during school hours or at an off-campus school related activity,” Hoal says.

David W. Patterson, PhD, a Criminal Justice professor and program director at South University, Richmond, says the differences between the civil and criminal law convictions for cyberbullying vary by state.

“Twelve states consider bullying a crime,” Patterson says. “An additional four states have proposed criminal sanctions. By criminalizing, bullying offenders are subject to the scrutiny of the criminal justice system and can receive the sanction of incarceration upon conviction.”
Patterson says some states consider bullying in schools a civil offense and place the majority of the responsibility to prevent and punish bullying on the parents and school. He says punishments in civil courts typically involve school suspension or expulsion and fines, as incarceration is not an option.

Civil law punishments have historically been used first, resorting to the criminal law approach only when it is not effective, or when the bullying offense has a high degree of severity, Patterson says.

“Every state school system (with the exception of Montana) is required to have a school policy on bullying,” Patterson says. “In seven states, these school policies also regulate off-campus behavior if the behavior affects the learning environment in the school.”

Teaching Kids to Stop Bullying

Parents can do their part to prevent bullying by talking with their children about it. They should remind them that being mean to others, whether online or not, is hurtful and explain to them the potential consequences of such actions.

http://cmsdeploy.content.edmc.edu/assets/marketing/Insite/cyber-bullying_in-text_image.jpg

“Parents need to teach their children that the consequences to cyberbullying can be life-changing with consequences ranging from mild to severe,” Hoal says. “Not only could they be suspended or expelled from school, they could be sued for defamation or charged with manslaughter if the bullying victim takes their life.”

If a parent suspects their child is the target of cyberbullying, Hoal says the first and most important thing they can do is talk to their child and find out what’s going on and who’s involved.

She advises parents to take screenshots of any online cyberbullying, and to contact their cell phone carrier to request text message and phone call records for the relevant dates. She says all documents should be printed and kept in a file to use as evidence, if needed.

Parents of a child being cyberbullied should also contact the parents of the child doing the bullying and school administrators in an effort to stop bullying from continuing, Hoal adds.

“Involve law enforcement if your child’s life has been threatened,” Hoal says.

If a student knows a classmate is being harassed, they should inform a teacher, counselor, or other school official, who can take the necessary actions to stop the bullying.

“If this isn’t an option, they can tell their parent, who can then get the right people involved in helping the victim,” Hoal says.

She also advises students to provide emotional support to the victim and to encourage their classmate not to respond to the bully, as retaliation typically isn’t an effective way to stop bullying.