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SB 830

What is cyberbullying, exactly?

"Cyberbullying" is when a child, preteen or teen is tormented, threatened, harassed, humiliated, embarrassed or otherwise targeted by another child, preteen or teen using the Internet, interactive and digital technologies or mobile phones. It has to have a minor on both sides, or at least have been instigated by a minor against another minor. Once adults become involved, it is plain and simple cyber-harassment or cyberstalking. Adult cyber-harassment or cyberstalking is NEVER called cyberbullying.

It isn't when adult are trying to lure children into offline meetings, that is called sexual exploitation or luring by a sexual predator. But sometimes when a minor starts a cyberbullying campaign it involves sexual predators who are intrigued by the sexual harassment or even ads posted by the cyberbullying offering up the victim for sex.

The methods used are limited only by the child's imagination and access to technology. And the cyberbully one moment may become the victim the next. The kids often change roles, going from victim to bully and back again.

Children have killed each other and committed suicide after having been involved in a cyberbullying incident.

Cyberbullying is usually not a one time communication, unless it involves a death threat or a credible threat of serious bodily harm. Kids usually know it when they see it, while parents may be more worried about the lewd language used by the kids than the hurtful effect of rude and embarrassing posts.

Cyberbullying may arise to the level of a misdemeanor cyberharassment charge, or if the child is young enough may result in the charge of juvenile delinquency. Most of the time the cyberbullying does not go that far, although parents often try and pursue criminal charges. It typically can result in a child losing their ISP or IM accounts as a terms of service violation. And in some cases, if hacking or password and identity theft is involved, can be a serious criminal matter under state and federal law.

When schools try and get involved by disciplining the student for cyberbullying actions that took place off-campus and outside of school hours, they are often sued for exceeding their authority and violating the student's free speech right. They also, often lose. Schools can be very effective brokers in working with the parents to stop and remedy cyberbullying situations. They can also educate the students on cyberethics and the law. If schools are creative, they can sometimes avoid the claim that their actions exceeded their legal authority for off-campus cyberbullying actions. We recommend that a provision is added to the school's acceptable use policy reserving the right to discipline the student for actions taken off-campus if they are intended to have an effect on a student or they adversely affect the safety and well-being of student while in school. This makes it a contractual, not a constitutional, issue.

“Kids think that the Internet is this place where they can say what they want with little regard to the impact their words have on other people,” says Jeffrey Wolfsberg, a Massachusetts-based anti-bullying consultant, in this *Education Digest* article. “And yet, cyberbullying can go on 24 hours a day and have lasting impact on kids. Once, targets of bullying had to endure it only at school. Now, it can follow them home.”

Wolfsberg thinks it’s a mistake for schools to leave prevention and troubleshooting to individual teachers. He recommends a schoolwide approach and outreach to parents, and says that the school’s “acceptable use” policy should include a provision that students can be disciplined for actions taken off-campus “if they are intended to have an adverse effect on a student or they adversely affect the safety and well-being of a student while in school.”

For students who are being cyberbullied, Wolfsberg has the following pointers (this list might be shared with parents):

- *Report bullying to an adult.*
- *Don’t engage the person.* If you are being “flamed,” don’t reply. “It’s a natural response to want to defend yourself,” says Wolfsberg, “but you must bear in mind that you can never have a mature discussion with a bully.”
- *Think before you send.* If for some reason you must reply, watch what you say! It’s a good idea to check with a parent or another adult before sending any message to a bully.
- *Print everything out.* Since an electronic bullying message can be cleaned up later on, get a hard copy of the original message.
- *Change your screen name.* If you are being harassed under a particular name, you might want to create a new one and share it only with family and trusted friends.
- *Don’t share personal information in chat rooms or websites.* This includes name, address, e-mail address, or phone number.
- *Try to identify the cyberbully.* Clicking or right-mouse clicking over the sender’s e-mail address will sometimes reveal details on his or her identity.
- *Contact your internet service provider.* Bullying is a misuse of subscription services and can be grounds for cutting off the bully’s service.

Wolfsberg also has suggestions for students who are using Internet chat rooms and instant messaging:

- Choose a generic nickname that doesn’t reveal personal information.
- Always remain anonymous; there are predators out there!
- Never meet in person.
- Use filtering software to block messages from people you don’t know.
- Instant message only with people you know.
- Watch what you type!

- Never click on links or open attachments from people you don't know or trust.
- When using a third-party computer, avoid auto log-ins, which can reveal information.
- Watch what you say on computers in job situations; bosses can monitor traffic.
- Don't forget to log off so access ports are closed.
- Watch for signs of viruses and report any strange computer behavior.
- Don't be afraid to report mistakes you've made to an adult.

"Student Safety from Cyberbullies, in Chat Rooms, and in Instant Messaging" by Jeffrey Wolfsberg in *Education Digest*, October 2006 (Vol. 72, #2, p. 33-37), no e-link available

Filtering software is ineffective at stopping all this, says Willard, and students tend not to report cyberbullying because they fear (rightly) that they may be punished by being cut off from using the Internet. So what can educators do to prevent this kind of bullying? Willard says that adults need to become more involved in the online lives of students and make it clear that they will respond (and help) when some cross the line. When kids realize that adults can and will respond effectively, they are more likely to report bullying. Willard recommends that if cyberbullying is reported, schools should conduct individualized searches of the Internet-use activities of those students through the district's Internet system.

A proactive stance by schools is crucial, says Willard: "If students are engaging in cyberbullying at school and the school is not engaged in reasonable efforts to detect, prevent, and respond to it, the potential for liability is real."

But what if cyberbullying is happening outside school hours and doesn't involve the school's Internet system? The legal standard for taking disciplinary action, says Willard, is that the bullying creates a "substantial and material disruption or threat of disruption at school." As yet, there are no court precedents involving seriously harmful cyberbullying, but Willard says that "if the off-campus harmful speech involving students were to result in a material and substantial disruption of the targeted student's ability to fully participate in learning and enrichment activities at school, this should meet the legal standard."

If off-campus bullying is detected or suspected, Willard recommends contacting parents and urging them to install monitoring software on their home computers. "If parents know that their children are causing harm to others and fail to intervene to stop it," writes Willard, "they can be held financially liable in civil-court proceedings."

"Cyberbullying: What Educators Need to Know to Combat Online Cruelty" by Nancy Willard in *Education Week*, April 5, 2006 (Vol. 25, #30, p. 41, 43), no free e-link available

An example of a good Cyberbullying policy – This sidebar in an article on curbing cyberbullying quotes the full policy adopted by the William Penn Charter School in Philadelphia:

“Neither the school’s network nor the broader Internet (whether accessed on campus or off campus, either during or after school hours) may be used for the purpose of harassment. All forms of harassment in cyberspace, often called cyberbullying, are unacceptable.

“Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings (including blogs). Often the author (sender or poster) of the inappropriate material is disguised (logged on) as someone else.

“Community members who feel that they have been the victims of such misuses of technology should not erase the offending material from the system. They should print a copy of the material and immediately report the incident to a school official (the director of technology, the dean of students, or the director of the upper school). All reports of harassment in cyberspace will be investigated fully. Sanctions may include, but are not limited to, the loss of computer privileges, detention, suspension, separation, or expulsion from the school.”

“Foiling Cyberbullies in the New Wild West” by Mark Franek in *Educational Leadership*, Dec. 2005/Jan. 2006 (Vol. 63, #4, p. 39-43), no free e-link available

Take a stand against cyberbullying

Education can help considerably in preventing and dealing with the consequences of cyberbullying. The first place to begin an education campaign is with the kids and teens themselves. We need to address ways they can become inadvertent cyberbullies, how to be accountable for their actions and not to stand by and allow bullying (in any form) to be acceptable. We need to teach them not to ignore the pain of others.

Teaching kids to “Take 5!” before responding to something they encounter online is a good place to start. Jokingly, we tell them to “Drop the Mouse! And step away from the computer and no one will get hurt!” We then encourage them to find ways to help them calm down. This may include doing yoga, or deep-breathing. It may include running, playing catch or shooting hoops. It may involve taking a bath, hugging a stuffed animal or talking on the phone with friends. Each child can find their own way of finding their center again. And if they do, they will often not become a cyberbully, even an inadvertent cyberbully. Teaching them the consequences of their actions, and that the real “Men in Black” may show up at their front door sometimes helps. Since many cyberbullying

campaigns include some form of hacking or password or identity theft, serious laws are implicated. Law enforcement, including the FBI, might get involved in these cases.

But we need to recognize that few cyberbullying campaigns can succeed without the complacency and the often help of other kids. If we can help kids understand how much bullying hurts, how in many cases (unlike the children's chant) words *can* hurt you, fewer may cooperate with the cyberbullies. They will think twice before forwarding a hurtful e-mail, or visiting a cyberbullying "vote for the fat girl" site, or allowing others to take videos or cell phone pictures of personal moments or compromising poses of others. Martin Luther King, Jr. once said that in the end we will remember not the words of our enemies, but the silence of our friends. We need to teach our children not to stand silently by while others are being tormented. While it is crucial that we teach them not to take matters into their own hands (and perhaps become a "vengeful angel" cyberbully themselves) they need to come to us. And if we expect them to trust us, we need to be worthy of that trust. (Read more about this at "[Goldilocks and the cyberbullies...not too hot and not too cold](#)," a guide for parents.)

And, in addition to not lending their efforts to continue the cyberbullying, if given an anonymous method of reporting cyberbullying Web sites, profiles and campaigns, kids can help put an end to cyberbullying entirely. School administration, community groups and even school policing staff can receive these anonymous tips and take action quickly when necessary to shut down the site, profile or stop the cyberbullying itself.

They can even let others know that they won't allow cyberbullying, supporting the victim, making it clear that they won't be used to torment others and that they care about the feelings of others is key. Martin Luther King, Jr. once said "In the end, we will remember not the words of our enemies, but the silence of our friends."

We need to teach our children that silence, when others are being hurt, is not acceptable. If they don't allow the cyberbullies to use them to embarrass or torment others, cyberbullying will quickly stop. It's a tall task, but a noble goal. And in the end, our children will be safer online and offline. We will have helped create a generation of good cybercitizens, controlling the technology instead of being controlled by it.

Telling the difference between flaming, cyber-bullying and harassment and cyberstalking (A guide for law enforcement)

It's not always easy to tell these apart, except for serious cases of cyberstalking, when you "know it when you see it." And the only difference between "cyberbullying" and cyber-harassment is the age of both the victim and the perpetrator. They both have to be under-age.

When you get a call, your first response people need to be able to tell when you need to get involved, and quickly, and when it may not be a matter for law enforcement. It might help to start by running through this checklist. If the communication is only a flame, you may not be able to do much about it. (Sometimes ISPs will consider this a terms of

service violation.) But the closer it comes to real life threats the more likely you have to get involved as law enforcement. We recommend that law enforcement agents ask parents the following questions. Their answers will help guide you when to get involved and when to recommend another course of action.

The kind of threat:

1. The communication uses lewd language
2. The communication insults your child directly ("You are stupid!")
3. The communication threatens your child vaguely ("I'm going to get you!")
4. The communication threatens your child with bodily harm. ("I'm going to beat you up!")
5. There is a general serious threat. ("There is a bomb in the school!" or "Don't take the school bus today!")
6. The communication threatens your child with serious bodily harm or death ("I am going to break your legs!" or "I am going to kill you!")

The frequency of the threats:

1. It is a one-time communication
2. The communication is repeated in the same or different ways
3. The communications are increasing
4. Third-parties are joining in and communications are now being received from (what
5. appears to be) additional people

The source of the threats:

1. Your child knows who is doing this
2. Your child thinks they know who is doing this
3. Your child has no idea who is doing this
4. The messages appear to be from several different people

The nature of the threats:

1. Repeated e-mails or IMs
2. Following the child around online, into chat rooms, favorite Web sites, etc.
3. Building fake profiles, Web sites or posing as your child's e-mail or IM
4. Planting statements to provoke third-party stalking and harassment
5. Signing your child up for porn sites and e-mailing lists and junk e-mail and IM.
6. Breaking in to their accounts online
7. Stealing or otherwise accessing their passwords
8. Posting images of the child online (taken from any source, including video and photo phones)
9. Posting real or doctored sexual images of the child online
10. Sharing personal information about the child

11. Sharing intimate information about the child (sexual, special problems, etc.)
12. Sharing contact information about the child coupled with a sexual solicitation ("for a good time call ..." or "I am interested in [fill in the blank] sex...")
13. Reporting the child for real or provoked terms of service violations ("notify wars" or "warning wars")
14. Encouraging that others share their top ten "hit lists," or ugly lists, or slut lists online and including your child on that list.
15. Posting and encouraging others to post nasty comments on your child's blog.
16. Hacking your child's computer and sending your child malicious codes.
17. Sending threats to others (like the president of the United States) or attacking others while posing as your child.
18. Copying others on your child's private e-mail and IM communications.
19. Posting bad reviews or feedback on your child without cause.
20. Registering your child's name and setting up a bash Web site or profile.
21. Posting rude or provocative comments while posing as your child (such as insulting racial minorities at a Web site devoted to that racial minority).
22. Sending spam or malware to others while posing as your child.
23. Breaking the rules of a Web site or service while posing as your child.
24. Setting up a vote for site (like "hot or not?") designed to embarrass or humiliate your child.
25. Masquerading as your child for any purpose.
26. Posting your child's text-messaging address or cell phone number online to encourage abuse and increase your child's text-messaging or cell phone charges.
27. Launching a denial of service attack on your child's Web site
28. Sending "jokes" about your child to others or mailing lists.

The more repeated the communications are, the greater the threats (or enlarging this to include third-parties) and the more dangerous the methods, the more likely law enforcement or legal process needs to be used. If personal contact information is being shared online, this must be treated very seriously.

If the child thinks they know who is doing this, that may either make this more serious, or less. But once third-parties are involved (hate groups, sexually-deviant groups, etc.) it makes no difference if the person who started this is a young seven year old doing it for a laugh. It escalates quickly and can be dangerous.

It's best to work out relationships with the big ISPs in your area well before you need them. Find their offline contact information, including off hours. Learn how to track an IP address and preserve evidence. And make sure that you issue your subpoenas in the form they need, using your time zone for tracking the dynamic IP addresses of record. Many ISPs discard the subscriber/IP data after a week to thirty day period. So time is crucial. If you need to get your paperwork together, send them a quick note asking them to preserve the records pending your formal subpoena. They will usually do this on a less formal request on law enforcement letterhead.

hey

Between You and [REDACTED]

[REDACTED]
February 6 at 4:01pm

Report Message

wait ma bad i didnt mean to call u homie i ment to call u dumbass bitch who got no frendz cuz ya a lozer bitch!!!!!!!!!!!!exactly jus got suned by both of us nd u want frendz but ur neva gonna have any if u keep actin da way u do!!!!

(This is from [REDACTED] hey joe i herd u called me a bitch nd i jus wanted to make it clear wit u.....bitch keep ma name out ya fuckin mouth nd also [REDACTED]

(This is from [REDACTED])stop messin wit [REDACTED] cuz ur the 1 who startin nd u started wit [REDACTED] so u gonna get moved houses bitch!!!!

(This is from [REDACTED] agen)SO now u learn keep our names out of ur mouth or sumthin will definatly happen if u keep startin trouble....bitch....nd if u print both of these out like u did wit da otha one everyone will think ur a bitch nd hate u cuz no one likes tattle tales u homo!!!!!!!!!!!!

love, [REDACTED].....NOT!!!!!!!!NO ONE LOVES U BITCH!!!!!!

[REDACTED]
February 6 at 4:45pm

You Guys Are one group of people who have really matured over your lifetime. [REDACTED] You had nothing to do with this so stay out of it. [REDACTED], Just shut up and get over your self. At least i don't have to but into other peoples conversations and TRY to make them feel bad. And [REDACTED] You are very smart. I think you can fight your own battles. Getting other people like [REDACTED] and [REDACTED] into it is just lowering yourself to standereds that you can exceed with flying colors.

[REDACTED]

February 7 at 12:57pm

Report Message

(This is [REDACTED]) yo wat da hell is ur problem [REDACTED] didnt bring me in to dis u did bitch u da one who was talkin bout me sayin i was da bitch so u get da fuck ova ur self homo ass..... [REDACTED] y da hell r u gonna say mad mean stuff to [REDACTED]s nd then compliment her i think u jus like her but to hide it u jus start mad problems wit everyone.....ur jus a gay ass fag nd stop puttin our names in ur dirty ass mouth gay fag!!!!!!!!!!!!!!!

(This is [REDACTED]) y r u fukin complimenting me saying im smart and tht i dnt need to exceed with fukin flying colors, wtf is tht supposed to fukin mean tht im a fag like you, rainbow child, anyway stop bein a gay ass bitch okay and im bout to show ppl this message and see if they think tht u r gay then u shud stop sending messages, if u gonna try to spazz bak u shud say sutin betta then flying wit colors...u b like nate and u def shud go out wit th bitch cuz u both pussy's!!!!

[REDACTED]
February 7 at 1:36pm

Report Message

(This is [REDACTED]) bitch DONT TELL ME I CANT BE IN THIS CUZ i wil be in it like a bomb goes tick tick.....i hate u so dont ever fuckn talk to me or [REDACTED]s or [REDACTED] cuz we dont like u nd ur gayyyy!!!

(This is [REDACTED]) u said u had a plan, well wat the fuk r u gonna do cuz if u do anythn i will get mad ppl on ur smeely grimey ass!! u r the most grimey and fukin ugly ass pperson ight so dnt come at us wit wat we shud do wit ourselves u need to start makin friends and takin some long ass showers!!!!

(This is [REDACTED]) jus stop botherin us cuz we dnt like u nd news flash i dnt really give a shit if kyra is lookin at ya fuckin nutts or not cuz really i dnt like u nd i think u have a pussy nd kno one cares where any one is lookin at u cuz theres nuttin good to look at nd therez nuttin there any way.....so....guess wat....u jus got spazzed on three wigazz agen.....nd u neva can beat us at we do best.....nd thts spazzin on ur lil dirty nasty lil pussy smellin ass u homo freak.....hoe bag!!!! lol....lmffadfo cuz we hate u!!!!!!!!!!

[REDACTED]
February 7 at 1:37pm

Report Message

fukin ugly ass bitch...
luv yaz ho bag

[REDACTED]
February 7 at 1:40pm

Report Message

biatchhhhhhhhhh

luv [REDACTED]

[REDACTED]
February 7 at 2:29pm

Report Message

bitch

ass

hoe

bag

got

no

frends

lol

no

life

stawks

everyone

cuz

u

got

nuttin

better

to

do

ur

so

pathetic

suck

balls

cuz

u

kno

u

like

them

ha

ha

ha

lol

bitch!!!

[REDACTED]

February 7 at 2:36pm

Report Message

love [REDACTED].....

[REDACTED]

February 7 at 2:37pm

Report Message

NOT CUZ I HATE U....BASTARD....LMFFADFO....HOMO BITCH!!!!

P.S. NO ONE LIKES U [REDACTED] [REDACTED] HATE U!!!!!!!

hey joe

Between [REDACTED] and [REDACTED]

[REDACTED]

February 6 at 3:46pm

Report Message

hey [REDACTED] its me [REDACTED] we jus wanted to say keep our names out ya fuckin dirty ass mouth probably dnt even brush at all!!!!!!(This is [REDACTED]) If you fucking say or do anything tht involves us i will get my boyfriend on ya ass...okay bitch ass man hoboe!!!!

P.S. [REDACTED] bitch it looks like u have sumthin nasty hangin out ya mouth so u definatly need to delete tht pic homie