Cyberbullying: A Culture of Connected Disconnections

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Let’s Chat!

Respond to questions and scenarios.

Ask questions.

Tell me what you know.
Who are you?

What school or district do you represent?

What is your job title?

What do you want to learn from this session?
Legal Disclaimer

The information presented in this training session should not be used as legal advice. Please consult your attorney if you have a legal matter to discuss or need guidance with understanding and/or applying legal principles discussed during this presentation.
Agenda

- Define cyberbullying
- Identify schools’ responsibilities
- Review relevant policies
- Explore realistic scenarios regarding cyberbullying
- Discuss practical suggestions on how to address cyberbullying in your district or school
Let’s Hear From You

What is a major challenge you face when addressing cyberbullying in your district or school?
Virtual Learning Risks and Issues
Virtual Learning

- Cyberbullying rates have increased as there are now more victims and bullies in one setting.

- The use of online platforms require children to stay online even if they are not comfortable or proficient in using such platforms.

Source: http://www.fau.edu/newsdesk/articles/covid-19-cyberbullying.php
Virtual Learning

- Due to the current situation, hostility may increase as well as behaviors that display self-preservation and self-defense.

- Increased interaction also means more opportunities for students to post and comment online.

Source: http://www.fau.edu/newsdesk/articles/covid-19-cyberbullying.php
Virtual Learning

- Teachers may not be able to notice visual cues of a student being bullied.

- Students may be hesitant to seek help regarding cyberbullying and cannot easily “stop by the guidance counselor’s office, chat with a teacher after class, or let their coach know about what is troubling them and affecting their ability to play sports.”

Source: http://www.fau.edu/newsdesk/articles/covid-19-cyberbullying.php
Cyberbullying Stats
A study conducted by the Pew Research Center found that 59% of U.S. teenagers have experienced abusive online behaviors.

90% of these teens believed that online harassment was a problem affecting people their age, and 63% stated it was a major problem.

• Many young people thought key groups including teachers, social media companies, and politicians were failing to tackle the issue. However, they had a more positive assessment of the way parents were addressing cyberbullying.

A majority of teens have been the target of cyberbullying, with name-calling and rumor-spreading being the most common forms of harassment

% of U.S. teens who say they have experienced ___ online or on their cellphone

- Any type of cyberbullying listed below (59)
  - Offensive name-calling (42)
  - Spreading of false rumors (32)
  - Receiving explicit images they didn't ask for (25)
  - Constant asking of where they are, what they're doing, who they're with, by someone other than a parent (21)
  - Physical threats (16)
  - Having explicit images of them shared without their consent (7)

Note: Respondents were allowed to select multiple options. Those who did not give an answer or gave other response are not shown.
Source: Survey conducted March 7–April 10, 2018.  
“A Majority of Teens Have Experienced Some Form of Cyberbullying”

PEW RESEARCH CENTER

Let’s Hear From You

What form of cyberbullying has been reported the most in your school or district?

- Offensive name-calling
- Spreading of false rumors
- Receiving unsolicited messages
- Having explicit images shared without consent
- Physical threats
- Other behavior
Defining Cyberbullying
What is bullying?

Bullying is a **single significant act** or **pattern of acts** by one or more students directed at another student that exploits an imbalance of power and involves written or verbal expression, expression through electronic means, or physical conduct.

Bullying involves conduct that:

- Places the student in reasonable fear of harm, or
- Is severe, persistent, or pervasive, or
- Materials and substantially disrupts the educational process, or
- Infringes on the victim’s rights at school, or
- Physically harms the student, or
- Damages the student’s property, or
- Enough that the action or threat creates an intimidating, threatening, or abusive educational environment.

Anyone can be bullied if there is an imbalance of power.
What is cyberbullying?

Bullying that is conducted through electronic communication including:

- cell phones
- computers
- cameras
- e-mail
- instant messaging
- text messaging
- social media applications
- internet website or any other internet-based communication tool

Cyberbullying can... 

- Occur on or be delivered to school property or to a school-related or school sponsored activity; or
- Occur on a vehicle being used to transport students to or from school or to a school-related or school sponsored activity;

Behavior that occurs off campus can qualify as cyberbullying if it:

- Is school-sponsored or school-related, or
- Interferes with the educational opportunities of the student, or
- Substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.
Types and Examples of Cyberbullying
Types of Bullying/Harassment

- Sex and Gender
- Race, Color, Religion, and National Origin
- Disability
What is sex-based bullying?

• Bullying that is sex-based may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping. It is prohibited under Title IX of the Education Amendments of 1972.

• Sex discrimination can include students being harassed for exhibiting what is perceived as a stereotypical characteristic for their sex or for failing to conform to stereotypical notions of masculinity or femininity.
What is racial bullying?

• Racial bullying is harassment that is based on a person’s actual or perceived race. It can also involve harassment regarding stereotypes of a person’s race.

• Race and national origin discrimination is prohibited by Title VI of the Civil Rights Act of 1964. This includes discrimination based on racial harassment, school segregation, and denial of language services to English learners.
What is disability-based bullying?

• Disability-based bullying is harassment based on a person’s physical, mental, and/or emotional incapacity. Some examples of disabilities include, but are not limited to, autism, deaf-blindness, deafness, emotional disturbance, hearing impairments, as well as speech or language impairment.

• Section 504 of the Rehabilitation Act of 1973 prohibits discrimination that is based on a person’s disability.
Examples of bullying behavior

**Verbal**
- Teasing
- Name-calling
- Inappropriate sexual comments
- Taunting
- Threatening to cause harm

**Social**
- Leaving someone out on purpose
- Telling other children not to be friends with someone
- Spreading rumors about someone
- Embarrassing someone in public

**Physical**
- Hitting, kicking, and pinching
- Spitting
- Tripping and pushing
- Taking or breaking someone’s things
- Making mean or rude hand gestures

Examples of Cyberbullying Behavior

- Sending, posting, or sharing negative, harmful, false, or mean content about someone else, including private photos or videos.
- Sharing personal or private information about someone else, causing embarrassment or humiliation.

Source: Stopbullying.gov: “What is Cyberbullying?” and “Cyber-bullying Tactics”
“Not Normal”

A quiet and shy male student is constantly taunted through texts and emails by his classmates, who he was once friends with, because they do not think he acts like a “normal boy” and does not participate in “normal guy things.” He now wants to transfer schools.
“The Break-Up”

A young woman breaks up with her boyfriend. The boyfriend decides to take revenge by posting, to his social media page, personal photos and text messages that he and the young woman exchanged during their relationship. As a result, their classmates make negative, disparaging comments about the young woman both online and in person.
“Mean Girls”

A group of girls gets together after school and posts rumors about a new girl at school on a popular student’s personal blog indicating that she is “easy” and that “she has already dated half of the football team.” The blog is read by many students at the school. The new girl finds out about this website and is devastated.
Identifying Cyberbullying: Questions to Ask
Cyberbullying Analysis

• Does this meet the legal definition of cyberbullying?
• What was the impact of the conduct?
• Where did this conduct occur?
Does this conduct meet the cyberbullying definition?

Single significant act or pattern of acts?

Exploit an imbalance of power?

Written, verbal, physical, or electronic?
What was the impact of the conduct?

Physically harming to student or create a reasonable fear of physical harm?

Severe, persistent, or pervasive enough to create a hostile educational environment?

Damaging to the student’s property or create a reasonable fear of property damage?
What was the impact of the conduct?

Infringe on the rights of the victim at school?

Materially or substantially disruptive to the educational process or operation of the class or school?
What was the location of the conduct?

On campus, at a school-related event?

On a publicly or privately owned school bus or vehicle transporting students?

Delivered to school property?
What was the location of the conduct?

Off-campus or at a non-school related event?

Done through electronic communication?

Interfere with the student’s educational opportunities?

Off-Campus
Scenarios
To date, there have been no cases interpreting cyberbullying under Texas Education Code § 37.0832. The general analysis of the scenario does not constitute legal advice and should not be used to evaluate any specific legal matter. Always consult your school attorney to apply legal principles to specific fact situations.
Denise, a shy but popular sophomore and athlete at her high school, attends a small gathering at a teammate’s home on Friday after practice. A few girls in attendance, who are seniors, are quite jealous of Denise. Although reluctant and very vocal about her inability to dance, Denise is convinced by the girls to have some fun and to create a routine to a popular song. Each of the girls creates a routine and performs it. However, when it is Denise’s turn, one of the jealous girls secretly props her phone on a table and records only Denise’s routine.
“TikTok”

The girl later posts this routine to her public TikTok account and captions the video, “No rhythm, no talent, no life. Meet Denise...a nobody.” Over 2,000 strangers and classmates see this video and many leave embarrassing and mean comments. A friend shares this post with Denise, and as a result, she begins to withdraw socially, her grades decline, and performance on her sports team falls below average.
Is this scenario cyberbullying?

• Does this meet the legal definition of cyberbullying?
  It is a single, significant act done electronically. There is also an imbalance of power that was exploited.

• What is the impact of the conduct?
  Denise withdraws socially, her grades decline, and her performance on the sports teams is negatively affected.

• Where did this conduct occur?
  Off-campus, but the acts are conducted electronically, seen by Denise’s classmates, and interfere with her educational opportunities.

Likely
“Zoom”

Kyle has a speech impediment and must present for his 10th grade English class on Zoom. When Kyle gets to a part of his presentation where the words become difficult to pronounce, he begins to stutter, and some of his classmates are seen on camera snickering, making faces, and leaving comments in the chat box with words typed in an exaggerated manner that mock Kyle’s speech. Some students even post emojis of confusion indicating their inability to understand what Kyle is saying.

Even when the English class ends, a few students privately message rude comments to Kyle throughout the day. Kyle is humiliated and begins to skip his scheduled Zoom classes to avoid these students.
Is this scenario cyberbullying?

- Does this meet the legal definition of cyberbullying?
The continuous comments during and after class show a pattern of acts.

- What was the impact of the conduct?
Kyle is humiliated and begins to skip his Zoom classes to avoid the students.

- Where did this conduct occur?
Off-campus, but the acts are conducted electronically through a school-related video platform and during classroom instruction. Additionally, the conduct interferes with Kyle’s educational opportunities.

Likely
“Unbothered”

During a virtual learning class, Kai receives a text by a classmate about how stupid Kai sounded answering a question the teacher posed during class. Kai ignores the text. After getting no response, the classmate then privately messages Kai on the virtual platform and states how ugly she looks on camera and that she should probably turn it off. Kai ignores the classmate again, keeps her camera on, and continues to focus on the teacher. Kai even volunteers to solve a math problem that she gets correct and receives commendations from the teacher.
Is this scenario cyberbullying?

- Does this meet the legal definition of cyberbullying?
The classmate’s conduct constitutes a pattern of acts and is done electronically. However, there does not appear to be an imbalance of power.

- What was the impact of the conduct?
  Kai ignores her classmate’s actions and does not appear to be negatively impacted by this conduct.

- Where did this conduct occur?
  Off-campus, but the acts were conducted electronically through a school-related video platform and during classroom instruction. However, the conduct did not interfere with Kai’s educational opportunities.

Not Likely
Schools’ Responsibilities
Policies

- FFI (LOCAL) Freedom from Bullying
- FB (LOCAL) Equal Educational Opportunity
- FDB (LOCAL) Intra-district Transfers and Classroom Assignments
- GRAA (EXHIBIT) List of offenses principals are required to report to local law enforcement agencies.
Avoid Deliberate Indifference
What is deliberate indifference?

A school or district is deliberately indifferent when its response to the harassment, or lack thereof, is clearly unreasonable in light of the known circumstances.

Avoid the risk of deliberate indifference by reasonably responding to known harassment.
Comply with David’s Law
David’s Law

An anti-bullying law that prohibits cyberbullying behavior, gives victims recourse for such actions, and imposes a stricter punishment on the perpetrators.

It requires school districts to include cyberbullying in their policies regarding bullying and to notify parents if their child has been the victim of bullying or is the alleged aggressor.

Source: Summary of 2017 TX S.B. 179
David’s Law

Schools can:

• Investigate bullying off campus if it materially affects the school environment.

• Collaborate with law enforcement on criminal matters.

• Place students in a disciplinary alternative education program or expel students for certain bullying behavior.

• Invest in counseling and rehabilitation services for the victim and aggressor.

Source: Summary of 2017 TX S.B. 179
Best Practices for Your District or School
Suggestion #1

Know and consistently implement your policies.
Implement Your Policies

- District’s student code of conduct (policies) must prohibit bullying, harassment, and making hit lists.

- District’s are required to adopt a policy regarding bullying.

Source: Tex. Educ. Code, section 37.001(a)(7)
The policy should:

- Prohibit the bullying of a student;
- Prohibit retaliation;
- Establish a procedure for providing notice of the bullying incident to a parent or guardian of the victim;

Source: Tex. Educ. Code, section 37.001(a)(7)
The policy should:

• Establish guidance for students to obtain assistance and intervention in response to bullying;

• Discuss available counseling options;

• Establish procedures for reporting and investigating bullying incidents, as well as determining whether bullying occurred;

Source: Tex. Educ. Code, section 37.001(a)(7)
The policy should:

- Prohibit disciplining a student who is found to be a victim of bullying if the student used reasonable self-defense; and

- Require that discipline for bullying of a student with disabilities comply with applicable requirements under federal law.

Source: Tex. Educ. Code, section 37.001(a)(7)
Suggestion #2

Educate students on what constitutes cyberbullying.
Educate Students

• Regularly educate students on what constitutes cyberbullying and the consequences.

• Provide classes or assemblies that discuss cyberbullying and provide a forum for students to ask questions and share experiences.

• Distribute handouts or pamphlets with information about bullying behavior.
Educate Students

- Engage students through interactive activities to help them learn how to recognize cyberbullying.

- Train students on how to report cyberbullying including anonymous reporting online or via app-based reporting systems.
Suggestion #3

Take immediate and necessary action.
Take Action

• Instruct employees to promptly report any potential cyberbullying incidents to the appropriate school officials.

• Assure students that their reports of cyberbullying will be taken seriously.
• Understand that additional requirements apply if the cyberbullying is related to the victim’s membership in a protected class.

• For example, if the cyberbullying is based on sex or gender, then the district’s Title IX coordinator should be notified.
Take Action

• Ensure your district understands the provisions in policy FDB (LOCAL) regarding Intra-District Transfers and Classroom Assignments.

• Depending on your district and based on the victim’s preference, consider providing transfers of affected students to another classroom, or even another campus, as a potential remedy to cyberbullying.
Suggestion #4

Educate your employees on recognizing the signs of cyberbullying.
Signs of cyberbullying in students:

- Decline in grades
- Depression or sadness
- Withdrawal from his/her social circle
- Refusal to participate in activities
- Increased absenteeism or attempts to miss class or school
- Change in demeanor after using a cell phone or computer

Source: Cyberbullying Warning Signs: https://www.adl.org/resources/tools-and-strategies/cyberbullying-warning-signs
Suggestion #5

Encourage students to report bullying behavior and ensure their confidentiality to the extent possible.
Ensure that your school or district protects the privacy and confidentiality of students and remain compliant with the Family Educational Rights and Privacy Act (FERPA) when addressing bullying complaints.
• There must also be an anonymous method for reporting bullying within your district, per your Policy FFI (LOCAL), to protect the identity of the reporting students.
Suggestion #6

If necessary, involve law enforcement.
Involve Law Enforcement, if Necessary

If it is reasonable to believe that a student engaged in conduct that constitutes a criminal offense, then an elementary, middle, high school principal, or designated person can make a report to law enforcement officials.
Involve Law Enforcement, if Necessary

If it is believed that bullying or cyberbullying has created a criminal offense, ensure your district reviews GRAA (EXHIBIT) regarding the types of offenses that require reporting to law enforcement.

Source: In accordance with Tex. Educ. Code, section 37.015
Involve Law Enforcement, if Necessary

These law enforcement officials can include:

• Any school district police department, if applicable;

• The police department of the municipality in which the school is located; or

• The sheriff of the county in which the school is located if the school is not in a municipality.

Source: In accordance with Tex. Educ. Code, section 37.015
Suggestion #7

Keep parents and guardians informed.
Keep Parents Informed

• Maintain an open line of communication with parents and guardians by keeping them regularly informed regarding school policies.

• Comply with notification requirements regarding bullying.

Source: Tex. Educ. Code, section 37.0832(c)
Keep Parents Informed

• Encourage parents and guardians to stay aware of their child’s telephone and online interactions, especially through social media platforms, to further prevent bullying incidents.

• Also, ensure they have the necessary contact information to report bullying and/or cyberbullying behavior.

Source: Tex. Educ. Code, section 37.0832(c)
Other Resources

David’s Law:
https://www.davidslegacy.org/

School Safety Law Toolkit (2.1 Bullying):
https://txssc.txstate.edu/tools/law-toolkit/topics/bullying