

*Case 2***Cyberbullying: Who's to Blame and What Can Be Done?****What Is Cyberbullying?**

Cyberbullying is a unique form of bullying that continues in spite of the dire consequences that can and do occur. Cyberbullying has gained significant media attention and countless incidents of bullying continue to occur. Although many cases are reported in the news, probably as many if not more go unreported. Because of the news attention, the phenomenon generated an antibullying movement in 2010. Bullying has been defined as something that one repeatedly does or says to gain power over another person. Unlike traditional bullying, cyberbullying eliminates the need for physical contact with others in order to make them feel inferior. 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."¹ Technology as an avenue for intimidation is a hot-button issue for school systems and parents alike. This is uncharted territory, and legislation does not always provide guidance and structure.

The reality is that bullying makes a significantly negative impact on the lives of today's youth. Cyberbullying directly impacts self-esteem and can, and has, led to suicide among its adolescent victims. Schools, parents, and peers must identify and intervene in cases of cyber bullying. Increased awareness and education about cyber bullying and its consequences can help create a safer online community. Individuals should be held morally responsible for the consequences of their actions online.

Why Cyberbullying?

A young adult's behavior is primarily motivated by a desire to meet his or her basic need for recognition, attention, and approval. In a survey conducted in 1999, students in over 100 schools were asked the following question: "Is it easier for you to get noticed or get attention in this school by doing something positive or something negative?" Almost 100% replied "negative."² Adolescents turn to cyberbullying to fuel their need for attention and recognition from their peers. It began primarily in chat rooms and instant messaging conversations, but has expanded to include social networking web sites (Facebook and MySpace) and video-sharing web sites (YouTube). Text messaging and anonymous web postings are common methods of cyberbullying. Very recently, cyberbullying has established a presence in portable gaming devices through "virtual worlds" and interactive sites.

Cyberbullying is more attractive than traditional bullying for a variety of reasons. First, technology provides the perpetrator with the option of anonymity. Victims often do not know who is targeting them because the bully is able to hide his or her identity through anonymous web posts or fictitious e-mails. Secondly, bullies are able to expand the scope of their impact because a larger

network of individuals may be involved in the cyber-attack. With just a few mouse clicks, an entire community may be a participant in the incident, creating the perception that “everyone” knows about it. Many argue that it is psychologically easier to be a cyberbully than a traditional bully. A cyberbully does not have to physically confront the victim and witness the immediate result of a message. Some cyberbullies might not even recognize the severity of their actions, which take place from a different location. Lastly, the response to cyberbullying has been slow, suggesting to perpetrators that there are little or no consequences for malicious online actions.

Why Is Cyberbullying a Major Issue?

Today's youth are “wired” and connected to technology 24/7. Statistics suggest that “two-thirds of [American] youth go online every day for school work, to keep in touch with their friends, to play games, to learn about celebrities, to share their digital creations, or for many other reasons.”³ Given the accessibility of technology, it should be no surprise that individuals are using the Internet, cell phones, and other electronic instruments to bully each other. A 2010 study revealed that “30% of middle school students were victims of at least one of nine forms of cyber bullying two or more times in the past 30 days” and “22% of middle school students admitted to engaging in at least one of five forms of cyber bullying two or more times in the past 30 days.”⁴ Females are more likely to choose cyberbullying over traditional bullying. The rationale is that females prefer the nonconfrontational nature of technology.

With such a large percentage of today's youth affected by cyberbullying, something has to be done. Cyberbullying is damaging to the self-esteem of the victims. Typically beginning around middle school, self-perception begins to dictate a child's sense of self-worth. Teenagers often feel that they are defined by “their erupting skin and morphing bodies, [and] many seventh-grade students have a hard enough time just walking through the school doors. When dozens of kids vote online, which is not uncommon, about whether a student is fat or stupid or gay, the impact can be devastating.”⁵ Victims of cyberbullying typically report feeling angry, frustrated, sad, embarrassed, and scared.

An adolescent's self-esteem can dramatically decrease during puberty. In one survey, when kids in kindergarten were asked if they like themselves, 95% or more said “yes.” By fourth grade, the percentage of kids who reported liking themselves was down to 60%; by eighth grade the percentage was down to 40%; and by twelfth grade it was down to 5%.

Meet the Victims

Phoebe Prince. On January 14, 2010, Phoebe Prince was found dead in her South Hadley, Massachusetts home. Phoebe was 15 years old and a recent immigrant from Ireland attending South Hadley High School. As a freshman in high school, she had a romantic fling with a senior football player, upsetting the other girls at her school. They tormented her relentlessly, calling her a “slut.” They even followed her home one day, throwing things at her from their moving car.

Phoebe took her own life when the intimidation became too much. She was found dead by her 12-year-old sister.

Immediately following the death of Phoebe Prince, the girls who bullied her mocked her death on the Internet. It was confirmed that Phoebe had been a victim of both cyberbullying and daily physical abuse. Many students reported to school officials that Phoebe was the victim of harassment via social networking sites like Facebook and text messages. Two students of South Hadley High School were later suspended as a result. Principal Daniel Smith observed that "the bullying often surrounded arguments about teen dating."⁷ Even in her death, a Facebook page created in her memory contained cruel messages posted by bullies.

Megan Meier. Another high-profile case was that of Megan Meier, a 13-year-old girl whose suicide was the result of cyberbullying. In October 2006, Tina and Ron Meier found their daughter's body in a bedroom closet. Megan had hanged herself. A few weeks earlier, Megan established a relationship with a boy using the social networking site MySpace. Megan and the boy, "Josh Evans"—later discovered to be a fake cover name for another (others) to use as Megan's cyberbullies, quickly formed an online relationship. The catch, as noted: Josh Evans was not a real person. Evans claimed to be a 16-year-old boy who lived in a nearby town but was homeschooled. There were several red flags to suggest that Josh Evans did not exist, but to Megan Meier, an already insecure teenager on medication for depression, the boy seemed very real. The so-called Josh even told Megan that he did not have a phone, restricting him to virtual communication.

Megan's online relationship with Josh then took a turn for the worse. Megan received a message from Josh on MySpace saying, "I don't know if I want to be friends with you any longer because I hear you're not nice to your friends." A bully was using Josh's account to send cruel messages. Megan called her mother, describing electronic bulletins posted about her saying things like "Megan Meier is a slut. Megan Meier is fat."⁸ Megan had an existing history of depression, and these messages were a crushing blow to her self-esteem. The stress of the situation was too much for Megan, and she took her own life shortly after these messages were posted.

The person orchestrating Josh Evan's fictitious account was actually a neighborhood mother. Lori Drew, aged 47 at the time of Megan's death, was the mother of one of Megan's former friends. Lori Drew knew that Megan had been prescribed antidepressants but still used the fraudulent identity to torment Megan. Drew's reasoning was that Megan had been mean to her daughter and needed to be taught a lesson. This highly unusual case went to trial in November 2008, and Drew was found guilty of three misdemeanors. She did not serve any jail time.

The Beverly Vista School. In May of 2008, Evan S. Cohen confronted the Beverly Vista School in Beverly Hills, California, for disciplining his eighth-grade daughter, J. C. Cohen for cyberbullying. J. C. had videoed friends at a café egging another eighth-grade girl. In the video, J. C. and her friends make mean-spirited comments toward the victim, calling her "ugly," "spoiled," and a "slut." When the

video surfaced online, the Beverly Vista School suspended J. C. for two days, along with her accomplices.

Mr. Cohen, a lawyer in the music industry, sued the school on behalf of his daughter. "What incensed me," he said, "was that these people were going to suspend my daughter for something that happened outside of school."⁹ The legal test was whether or not the video had caused the school "substantial" disruption. According to the law, a student can only be suspended when his or her speech interferes "substantially" with the school's educational mission. The judge ruled in favor of Cohen, and the school district was required to pay Cohen's legal expenses amounting to \$107,150.80.¹⁰ "The Judge also threw in an aside that summarizes the conundrum that is adolescent development, acceptable civility and school authority. The good intentions of the school notwithstanding, he wrote, it cannot discipline a student for speech, simply because young persons are unpredictable or immature, or because, in general, teenagers are emotionally fragile and may often fight over hurtful comments."¹¹

No case involving student online speech has yet been brought before the Supreme Court. Lower courts have ruled both ways, sometimes siding with schools disciplining their students and other times siding with the individual perpetrator.

Legislation for Cyberbullying

In response to these and other cases, the Federal government has taken steps to prevent and to manage cyberbullying, including the drafting of the Megan Meier Cyberbullying Prevention Act (H.R. 1966). This bill proposes that Chapter 41 of Title 18 of the United States Code (related to extortion and threats) be amended to define cyberbullying and related penalties. According to the Act, cyberbullying is not limited to social-networking web sites but also includes e-mail, instant messaging, blogs, web sites, telephones, and text messages. "The bill would amend the federal criminal code to impose criminal penalties on anyone who transmits in interstate or foreign commerce a communication intended to coerce, intimidate, harass, or cause substantial emotional distress to another person, using electronic means to support severe, repeated, and hostile behavior."¹²

The Megan Meier bill was introduced to the House of Representatives on April 2, 2009. It was referred to two subcommittees—the House Judiciary Committee and the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security. The last action was on September 30, 2009, when subcommittee hearings were held. The bill has not become law. It was a part of a previous session of Congress and must be reintroduced in order to be reconsidered for law.

State governments are also considering laws against cyberbullying. On May 3, 2010, Governor Deval Patrick signed new antibullying legislation that places greater responsibility on schools to intervene in bullying situations. "Bullying, as defined by the bill, encompasses crimes such as stalking and harassment. The anti-bullying legislation specifically holds provisions for anti-bully training, and mandates that all school employees, including teachers, cafeteria staff, janitorial staff, etc., must report and investigate incidents involving bullying. Teachers

must also notify all parents of the students involved in the bullying incident. It also includes an anti-bullying curriculum to be taught in both public and private schools."¹³

Although a step in the right direction, the bill does not assign specific penalties to those who do not intervene in instances of bullying. Following the bill's implementation, bullying continues to be a major issue in Massachusetts schools.

On February 13, 2013, Illinois State Senate representative Ira I. Silverstein introduced the Internet Posting Removal Act—SB 1614. When you read the bill solely through cyberbullying-prevention lenses, it makes sense. But what happens when politicians start using the statute to silence critics? Precise language is a must when it comes to laws; loose lips sink ships and loose language can annihilate freedoms.

The Impact of Facebook and MySpace

The growth of social networking web sites such as Facebook and MySpace in the past decade has contributed to the prevalence of cyberbullying. Both social-networking giants have experience in dealing with cyberbullying. Facebook and MySpace have accessible help centers that provide postings and suggestions on how users can fight back against cyberbullying.

Facebook gives users the responsibility to manage cyberbullying. On Facebook's Help Menu, advisory information is available for teens and parents regarding how to handle cyberbullying. Facebook provides a mechanism for users to report abusive behavior by another user. After the abuse is reported, Facebook investigates the behavior. Facebook also gives users the ability to block specific individuals and restrict privacy settings. There are comprehensive instructions on Facebook's web site to make online safety as user-friendly as possible.

Facebook also encourages users to avoid retaliation, recommending that victims block or report abusers rather than respond via "inbox, wall posting, or Facebook Chat." A section of Facebook's Help Center is dedicated to educating parents about ways to protect their teens from cyberbullying. This page emphasizes the need for communication among parents and teens regarding expectations and the use of common sense. Though Facebook cannot prevent and monitor every issue of online harassment, the company recognizes that cyberbullying is an issue and is doing what it can to empower users.

MySpace, another social-networking leader, recognizes the negative consequences of cyberbullying and has similar content to help its users. MySpace users have the ability to "block" individuals and report instances of harassment. MySpace has a zero tolerance policy for hate speech, harassment, and cyberbullying, and pledges to do its best to respond to reported situations within 48 hours.¹⁴ Parents have the power to delete the contents of their son's or daughter's MySpace page. The web site also provides safety tips for teens and parents, including links to more resources and safety videos.

MySpace has developed a team of specialists to assist parents with inquiries regarding their teens' profiles. The Parent Care Team must be initiated for review by a parent and can perform actions other than simply deleting a teen's profile.

For instance, the Parent Care Team can lock (i.e., fix in place as unchangeable) the age on a teen's profile and answer any questions that a parent may have about their teen's MySpace page. This service is available via e-mail and detailed instructions are available.

Although Facebook and MySpace have taken steps to prevent cyberbullying on their respective web sites, these efforts are not enough. Cyberbullying is still a major issue on social-networking sites and on other forms of media and communication. To push forward to a solution, questions must be raised about who should be held accountable in instances of cyberbullying.

Conclusion

Cyberbullying is a real issue that deserves recognition. We should be educating adolescents about the potentially damaging effects of their actions, responding to incidents, and holding the appropriate people accountable in instances of cyberbullying. All stakeholders in cyberbullying should take this issue very seriously. Cyberbullying can have an incredibly harmful effect on adolescents if nobody intervenes. Teenagers, parents, schools, and the government especially, have a moral responsibility to take action when they come across cyberbullying. From an ethical perspective, we can no longer be bystanders. Take a stand against cyberbullying.

Questions for Discussion

1. Have you or someone you know ever been involved in cyberbullying, as a bully or victim? If so, what are the feelings and effects associated with cyberbullying in the situations with which you are familiar?
2. What are the issues with cyberbullying? Explain.
3. Who are the stakeholders in cyberbullying cases and what are the stakes for them?
4. Who is ethically responsible for the rise and continuance of cyberbullying?
5. Should social-networking sites be censored in an effort to stop cyberbullying? Explain.
6. Is it legal and ethical to censor social-networking sites to stop cyberbullying? Explain.
7. What is Congress doing about this situation?

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This case was developed from material contained in the following sources:

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