

AN EXAMINATION OF CYBERBULLYING ON SOCIAL MEDIA AND THE
RECOMMENDATIONS FOR RESOLVING IT

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ABSTRACT

This research takes a look at the complex world of cyberbullying and shows how it has become a popular choice for creating criminal mischief in the online community, especially with the advancement of social media and cellphones. In this capstone it will become evident as to why cyberbullying exists, in what capacity it takes place and what different measures are being taken to help put a stop to it. The research shows cyberbullying is happening on school campuses more and more and the efforts to put an end to it are becoming more extreme. Research has shown that schools are beginning to take more responsibility for their students actions both on and off campus as it relates to and directly affects other individuals. Some schools are coming up with anti-bullying curriculum, going as far as letting students switch schools due to extreme bullying. While other schools are trying to remain neutral for fear of going against constitutional rights. Studies have shown that the rise of social media has only created more problems in this matter. Students can be attacked by virtually anyone and at anytime. In addition to social media sites, some people are creating their own websites for the sole purpose of humiliation. A survey of the fifty states shows that many states are realizing the importance of protection from cyberbullying and either have laws to protect against it or are drafting laws to protect against cyberbullying. By showing the cases of suicides as a direct result of cyberbullying the reader will be able to see for themselves how incomplete the research on this topic is, and how far the research still has to go.

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To my husband who spent many nights alone, installed three new keyboards on my ever-breaking laptop, listened endlessly to my complaints and struggles, and stood by my side anyways.

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AN EXAMINATION OF CYBERBULLYING ON SOCIAL MEDIA AND THE RECOMMENDATIONS FOR RESOLVING IT

The United States (U.S.) has a huge dilemma on its hands affecting the online population, known as cyberbullying. This is “a problem that affects almost half of all American teens” (Anti-Defamation League [ADL], 2012). A 2012 survey conducted by the website Care.com found that the number one fear parent’s face is cyberbullying and bullying, even more so than suicide, car accidents and domestic violence combined. Additionally, parents felt that schools were not doing a good enough job of educating their children on this subject matter (Sachs, 2010). As a result of this issue, estimates from Evelyn Field (Field), a psychologist with a website dedicated to preventing bullying, suggests that about 160,000 kids miss school every day out of fear of bullying (Field, n.d.). It is frightening how many students are willing to miss school and lose out on their education for fear of being bullied. This demonstrates what a big problem cyberbullying has become in our society. The purpose of this research study is to examine ways to mitigate cyberbullying on social media sites and will address this research problem by answering the following questions: What laws are currently in place to aid in the prosecution of cyberbullying? Are schools across the nation putting cyberbullying campaigns and information in place to teach children the harmful effects it has? Are student bashing websites considered a form of social media? Are social media sites taking any precautionary measure against cyberbullying? Is a nationwide law against cyberbullying something in the foreseeable future? Why do kids turn to cyberbullying and what can be done to stop this phenomenon?

Definition of the Problem

Cyberbullying takes place in cyber space (Internet) and has been defined as “bullying through information and communication technologies, mediums such as mobile phone text

messages, emails, phone calls, Internet chat rooms, instant messaging – and the latest trend – social networking websites such as MySpace, Facebook and Bebo” (Webster, n.d.). John Etheridge (Etheridge), Lieutenant for the Elizabeth City (NJ) Police Department has a different definition of cyberbullying to more fully include social media. Etheridge’s definition states, “any type of harassment, threatening anyone over the social network. If you do anything that can get that message across over the social network, that is cyberbullying” (Hurdle, 2012). It’s true that

Bullying has long been a concern to school officials and parents alike. Bullying, which is a type of aggressive behavior, has now entered the electronic age in the form of cyberbullying (e.g., e-mails, text messages, profile sites). Cyberbullying is especially insidious because it affords a measure of anonymity and the opportunity to reach a much larger number of victims without a significant threat of punishment (Snakenborg et al., 2011).

Social networks, predecessor to Internet social networks, used to help children and youth mature by learning important skills such as problem-solving, critical-thinking and social skills between people they would interact with face-to-face on a normal everyday basis (Snakenborg et al., 2011). However with social networks making the switch to social networking those same children and youth are able to interact with so many more people they wouldn’t normally be able to. This is all thanks to the Internet making social media a widely used medium with shocking statistics. For example, “69% of social media-using teens think that peers are mostly kind to each other on social networking sites, however, 88% of teens have seen someone be mean or cruel to another person on a social networking site” (Enough is Enough, 2010). This goes to show that

when technology takes traditional bullying into cyberspace, the damage can be catastrophic. With the touch of a button, kids can harass, violate privacy and ruin the

reputation of classmates in front of virtually the entire world. Has a wireless world and the anonymity of the Internet allowed for once non-confrontational kids to become more aggressive? Has technology enabled all children to become meaner (Sachs, 2010)?

Cyberbullying on social networking is on the rise according to Darren Laur (Laur), a Victoria, B.C., police officer who finds cyberbullying happening more and more (Gibson, n.d.). Laur might realize cyberbullying is gaining in popularity, but the general public including parents, may not. This is in part due to the statistics of kids coming forward does not match up to the amount of cases actually happening. It is also important to note that “although the prevalence rates of cyberbullying appear to be relatively low, the potential harm associated with being cyber bullied raises particular concern” as “cyberbullying using pictures and/or video clips appears to have a greater negative impact on victimized students than face-to-face bullying” (Pearce et al., 2011). In light of these comments, it appears the education of and awareness for this topic are still highly lacking with so many teens affected by cyberbullying and many parents fearing cyber bullying.

Justification of the Importance of the Problem

Cyberbullying is a difficult problem to attack for a variety of reasons. For starters, the issue takes place somewhere between the physical world and an intangible cyber space. Cyber space never shuts down, operating 7 days a week, 24 hours a day. Because of this, “The 21st-century bully need not rely on just fists and a cruel tongue. The Internet is now part of the bully’s arsenal, making cyberbullying possible anywhere - and not just around school hours” (Gibson, n.d.). This poses a whole list of problems that differ from traditional bullying in the school yard, making cyberbullying all the more difficult to stop. The Internet is permanent and fast-spreading. Once something goes viral, there is no turning back, no undoing what has been done and the

audience is expanded immensely. Sheri Bauman (Bauman), Director of the School Counseling master's degree program at the University of Arizona puts this into perspective,

You can pass around a note to classmates making fun of a peer, and it stays in the room, but when you post the same note online, thousands can see it. The whole world becomes witness and is invited to participate (Holladay, 2011).

Next is the problem of anonymity online. People tend to “take on” a whole new persona often pretending to be someone and somewhere they are not. The Internet makes being anonymous quite easy. All someone has to do is use The Onion Router (TOR) and it will instantly make tracking them a little more difficult. Combine TOR with simple knowledge of anonymous browsing and the use of a public computer and it can take some time for the proper authorities to track the culprit.

The virtual world represents an environment where there may be greater license to engage in excessive behavior because of anonymity and the ability to block one's identity. Many victims report that they do not know the identity of the person who is bullying them since cyber bullies can hide in chat rooms, behind screen names and avatars, so enabling anonymity” (Cowie and Colliety, 2010).

All this makes cyberbullying a difficult issue to understand, prosecute, or even touch. In traditional bullying, anonymity is not as big of an issue as, generally speaking, the victim knows who the bully is since the bullying happens face-to-face. In cyberbullying, not knowing who the bully is can cause immense amounts of stress for the victim because they simply don't know who it is. In fact, the cyberbully from online may turn out to be someone the victim confided in and thought was their friend. This can be a difficult situation for the victim.

What cyberbullying lacks is awareness. There are not enough programs currently in place to expand the education of cyberbullying. More programs which teach about the harmful effects of cyberbullying would be beneficial as “education can help considerably in preventing and dealing with the consequences of cyberbullying” (Stop Cyberbullying, n.d.). Those who are aware cyberbullying exists might not know the importance of the topic or simply choose to “turn the other way.” Even the level of parental concern for cyberbullying is divided. On the one hand, the parents in the 2012 Care.com website survey have a great fear of cyberbullying. Some parents will even go as far as limiting the chance of cyberbullying by limiting the technology their children are exposed to at home. In one such case, “Krystal Eure (Eure), a mother of three, says she does not allow her children to use the Internet due to cyberbullying” (Hurdle, 2012). While on the other hand, a 2012 survey conducted by researchers at Children’s Mercy hospitals and clinics in Kansas City (MO), showed that “despite reports of cyber-bullying and other perils of social networking, a majority of parents in a new survey said they think the benefits of Facebook and Twitter outweigh the risks” (NBC4, 2012). Parents want their kids to have all the advantages of technology and reap all the benefits while ignoring the potential hazards.

Deficiencies in the Evidence

Limiting cyberbullying has been difficult for some states because of the perceived interference with freedom of speech. Because while “cyberbullying pervades every facet of our lives, and because it involves speech, this inappropriate form of communication is often protected by the First Amendment” (Cominsky and Franklin, 2012). Of course, freedom of speech is important, and as Voltaire stated so eloquently “I may not agree with what you say, but I will defend to the death your right to say it” (Voltaire Quotes, n.d.). While that’s indicative of freedom of speech rights associated with the First Amendment of the U.S. Constitution, what

amendment protects the youth of America from threatening and harmful online harassment? Laws, regulation and enforcement often needs to be changed to reflect the current time and behavior. The nature of cyberbullying suggests this is one of those times.

There are drastic effects from both bullying and cyberbullying. One such effect is aggressive retaliation as “bullying is related to more serious forms of aggression and it is reported that in many school shooting cases, bullying played a major role” (Dedman, 2001). Based solely on this statement, bullying, and cyber bullying not only lead to deaths of victims by suicide but also to numerous student deaths by vengeful victims. When school shootings were prevalent in the 1990’s twelve out of fifteen cases reflected a history of the shooters being bullied (End of Bullying, 2012). Twelve out of fifteen cases reflect an 80% statistic for school shooters being the victim of bullying, a huge percentage and surely something which warrants more research into this area. Just because cyberbullying can take place at home, doesn’t mean that vengeance won’t occur at school. In some situations it can actually be more likely that vengeance will be at school because

The emotional turmoil and unrest that results from bullying can be both devastating to the individual as well as, eventually, the collective, which has been exemplified through shootings such as the massacre at Columbine High School (CO) in April 1999 and the most recent Chardon High School (OH) tragedy (Smigelsji, 2012).

Thomas “T.J.” Lane (Lane) was responsible for the Chardon High School shooting which took place in February, 2012. Lane, a 17 year old student was currently enrolled at a school for “at risk” youths. After the shooting occurred, information regarding the fragile state of mind Lane was in prior to the shooting began to surface. Students who knew Lane say that he “was shy and targeted by bullies” (Huffington Post, 2012). A chilling poem he wrote and posted on

Facebook in December 2011, two months prior to taking the lives of two students and injuring three others, could have given some insight to the dark feelings Lane was suffering from. The poem began

In a quaint lonely town, sits a man with a frown. No job. No family. No crown” and ended with “so, to the castle he proceeds, like an ominous breeze through the trees. ‘Stay back!’ The guards screamed as they were thrown to their knees. ‘Oh God, have mercy, please’ (Huffington Post, 2012)!

In this particular scenario the use of social media could have helped to sidestep the deadly result of bullying had anyone reported concern with Lane and his Facebook post.

It’s not enough to torment people on traditional social media anymore as some kids are taking it to the next level with websites set up to bash an individual and encourage other students to join the website and partake in this cruel behavior. This is similar to communication that occurs on social media applications as many people can “join” and “comment” but more closely resembles a homemade vicious social media site set up solely to humiliate the victim. These websites aren’t even difficult to set up as there are “thousands of Internet companies offering free website hosting services” (Webster, 2011). With the websites being offered for free and little checking being done to verify if users are within the regulations, it becomes an unmonitored virtual playground.

Needless to say, social media has some positive attributes with negative spinoffs. For example, social media is a great connector, but thanks to so many people being careless with their personal information and privacy settings, cell phone numbers are available in a person’s individual profile for anyone to see. This seemingly small piece of information can help connect cyberbullies with their victims in yet another medium to torment them with, cell phones. Not

only is the Internet available 24 hours a day, seven days a week, but now vicious text messages or pictures can all be delivered directly to a personal cell phone. Take it one step further and someone with a smartphone has the ability to use social media to threaten, harass and bully their victim at all times. Smartphones are going down in cost and up in popularity among the younger generation. Now, “with tablets, smart phones and laptops becoming more and more affordable, statistics show at least 33 percent of Americans, over the age of 13, own smartphones” (Randall, 2012). Now “the rise of smartphones has outpaced traditional wisdom on how parents should monitor teenagers’ use of technology and created a powerful new venue for cyberbullying, according to Australian psychologist, Sheryl (Hemphill) who has conducted the most detailed study yet of children’s behavior towards each other” (Smartphones, 2012). Hemphill, of Australian Catholic University, found that smartphones have raised the stakes as “there have been ideas about how much monitoring parents should do...but now with smartphones they really can’t be there all the time” (Smartphones, 2012).

It’s true that “cyber communication is a way of life for all of us, but unfortunately insidious text messages, e-mails, instant messages and posts on Twitter, Facebook and other social networking outlets means cyber bullying is everywhere, too” (Cominsky and Harberg, 2012). Here lies a concern with the research issue being studied, there appears to be no safe haven from cyberbullying, not even at home.

The real problem may lay somewhere in between in the understanding of social media, cyberbullying and the overall Internet. For the current generation, Generation Y, those who are teens now and their parents, there will forever be a gap in the communication and understanding of growing up online. The parents of Generation Y did not grow up with social media and therefore they didn’t grow up experiencing cyberbullying because social media did not exist at

that time. The result is that these parents don't fully understand the hurt and emotions their kids go through when something like cyberbullying happens to them.

This issue is further complicated with regards to "parental controls" and social media applications on the Internet. Parental controls are difficult as well because the majority of the time children understand the technology better than their parents do, thus preventing parents from establishing effective monitoring, restrictions, and controls. Communication barriers are formed between those in Generation Y and their parents, because "people resemble their times more than they resemble their parents" (McCrindle, 2005). One article relating to this very idea states, "while we need to supervise what they do, (the children in an online atmosphere) we also need to find ways to do this without having to earn a Ph.D. from Massachusetts Institute of Technology (MIT) in computer science" (Stop Cyberbullying, n.d.).

Despite these challenges, there are steps parents can take even if they don't fully understand the technology behind the Internet. In fact, parents can apply similar "household" rules to the online world. These can include not talking to strangers and not giving out personal information. It may seem simple and self-explanatory but children need to hear this from their parents. This is how parents, even from a completely different generation, can bestow their knowledge to their offspring.

By conducting added research on this topic and increasing awareness associated with cyberbullying, it helps put parents and students on the same page, perhaps fostering a mutual understanding and appreciation for each other and the issues. With increased awareness also comes research. The more people who become aware of the concerns directly relating to cyberbullying, the more people can demand change and get informative research completed. Of

course there are positives to social media, but much like Pandora's Box, there will always be bad that comes along with the good.

Cyberbullying is mainly a youth concern, primarily affecting school aged adolescents. Many of the online definitions of cyberbullying state that it happens when one teen leaves a hateful or hurtful message for another teen; however, this is not the case. In regards to cyberbullying on social media sites, adults are the fastest growing segment in the social media trend within the 45-54 age group, 55% of this age group participates and has a profile on at least one social media site (Qualman, 2012). Adults too can be the victims of cyberbullying, mostly in the form of cyber stalking, and it can have a drastic effect on many aspects of life. When an adult is the target, there is seemingly more at stake: jobs, financial status and safety (The Student Center, 2012). The cyberbullying dilemma plays a different role in the life on an adult and often takes a back seat to the teenage population who has really stolen the spotlight on this issue. Of course, teens and young adults can also experience cyberbullying in the form of cyber stalking and cyber harassment and there are currently efforts in existence to help put a stop to these behaviors and make them illegal as well. According to the National Conference of State Legislatures (NCSL, 2012), currently thirty-three states have laws against cyber stalking. These laws are separate from cyberbullying laws but can sometimes fall under the same category as an online offense intended to cause harm.

State laws protecting against cyberbullying are starting to pop up around the nation, but different states have different laws making continuity a problem in regards to enforcement. Currently, forty-nine states have laws targeting bullying but only fifteen states include cyber bullying in their bullying laws (Hinduja and Patchin, 2012). If states can't even agree on a standard nationwide law to protect against cyberbullying it is certainly unreasonable to expect

parents and teens alike to understand the importance of and consequences of cyberbullying. In addition to the challenges associated with differing state laws and the lack of a federal standard, prosecution becomes a dilemma. As it stands now, “cyberbullying isn’t illegal on the federal level in the U.S., it is illegal within specific states” (Strickland, 2010). So if a cyberbullying crime is committed in one state against someone in another state where the laws differ, this complicated both jurisdiction and prosecution. The lack of a nationwide cyberbullying law also sends the message that the topic is not completely valid, if all states do not feel the need to have a law preventing and/or punishing it. If forty-nine out of fifty states recognize that bullying is dangerous enough to have a law, cyberbullying should have one too.

The Audience

This research benefits all members of the online social networking community with a focus on the younger, school aged population and their parents. Exposing the issue of cyberbullying and its negativity will hopefully create a whirlwind of positive response. Cyberbullying is not just an issue in the present times; it can also lead to long term effects on the individual that can follow onto adulthood. Some of the effects include: thoughts of suicide, health complaints, decreased grade point averages (GPA), overall school participation, depression, dropping out, and retaliation (End of Bullying, 2012). The more people who get involved, the stronger a case cyberbullying will have when it comes to creating laws and consequences against it. Although cyberbullying can have harsh effects on adults via cyber stalking, the youth population seems to be the age group drastically suffering with fatal results such as suicide.

LITERATURE REVIEW

The purpose of this research study is to examine ways to mitigate cyberbullying on social media sites. There is certainly a problem with cyberbullying in America, or as some people refer to it as, “trolling.” Cyberbullying has gotten much publicity due to the extreme results present in some of the cases, death. One thing that is unique to cyberbullying is “While in traditional bullying the bully and the victim usually knows each other, in cyberbullying, the bully knows who the victim is, but the victim often has no idea who is doing the bullying” (Cetin et al., 2011). Bullying and cyberbullying is always intentional, “the perpetrator intends to hurt the target, whether emotionally or physically” (Butler et al., 2009). Many studies are currently being conducted to learn more information regarding number of students affected by cyberbullying.

Recent research suggests that cyber-bullying is a growing trend in schools. Using a random sample of approximately 4,000 students between the ages of 12 and 18 from 41 schools in the southern U.S., researchers Sameer Hinduja (Hinduja) from Florida Atlantic University and Dr. Justin Patchin (Patchin) from the University of Wisconsin-Eau Claire found that nearly 17 percent of respondents had been cyberbullied in the previous 30 days while more than 20 percent reported being cyberbullied at least once in their lifetime (O’Shaughnessy, 2011).

Laws Currently in Place to Aid in the Prosecution of Cyberbullying

One problem cyberbullying faces as the death toll increases across the nation are the current laws protecting against it. The nation is at a divide when it comes to cyberbullying laws. Some states have included cyberbullying in state laws, some have not. Below is a chart (Chart 1.0) showing which U.S. states currently include cyberbullying in their laws, which states are pending, and which states do not include cyberbullying at all at the present time.

State	Bullying law	Update or law proposed	Include "cyberbullying"	Include electronic harassment	Criminal sanction	School sanction	Requires School Policy	Include off campus behaviors?
Alabama	YES	proposed	NO	YES	NO	NO	YES	NO
Alaska	YES	proposed	NO	NO	NO	YES	YES	NO
Arizona	YES	NO	NO	YES	NO	YES	YES	NO
Arkansas	YES	NO	YES	YES	YES	YES	YES	YES
California	YES	NO	YES	YES	NO	YES	YES	NO
Colorado	YES	NO	NO	YES	proposed	YES	YES	NO
Connecticut	YES	NO	YES	YES	NO	YES	YES	YES
Delaware	YES	NO	NO	YES	NO	YES	YES	NO
Florida	YES	NO	NO	YES	NO	YES	YES	NO
Georgia	YES	proposed	proposed	YES	NO	YES	YES	proposed
Hawaii	YES	NO	YES	YES	proposed	YES	YES	NO
Idaho	YES	NO	NO	YES	YES	YES	YES	NO
Illinois	YES	NO	proposed	proposed	NO	YES	YES	NO
Indiana	YES	proposed	NO	YES	NO	YES	YES	NO
Iowa	YES	NO	NO	YES	NO	YES	YES	NO
Kansas	YES	NO	YES	YES	NO	YES	YES	NO
Kentucky	YES	proposed	proposed	proposed	YES	YES	YES	NO
Louisiana	YES	NO	YES	YES	YES	YES	YES	YES
Maine	YES	proposed	proposed	YES	NO	YES	YES	NO
Maryland	YES	NO	YES	YES	NO	YES	YES	NO
Massachusetts	YES	NO	YES	YES	NO	YES	YES	YES
Michigan	YES	NO	YES	YES	proposed	NO	YES	NO
Minnesota	YES	proposed	YES	YES	NO	YES	YES	NO
Mississippi	YES	NO	YES	YES	YES	YES	YES	NO
Missouri	YES	NO	YES	YES	YES	YES	YES	NO
Montana	NO	NO	NO	NO	YES	NO	NO	NO
Nebraska	YES	proposed	proposed	YES	NO	YES	YES	proposed
Nevada	YES	NO	YES	YES	YES	NO	YES	NO
New Hampshire	YES	Proposed	YES	YES	NO	NO	YES	YES
New Jersey	YES	NO	NO	YES	NO	YES	YES	YES
New Mexico	YES	NO	NO	YES	NO	YES	YES	NO
New York	YES	NO	YES	YES	proposed	YES	YES	YES
North Carolina	YES	NO	YES	YES	YES	YES	YES	NO
North Dakota	YES	NO	NO	YES	YES	YES	YES	NO
Ohio	YES	NO	NO	YES	NO	YES	YES	NO
Oklahoma	YES	NO	NO	YES	NO	NO	YES	NO
Oregon	YES	NO	YES	YES	NO	YES	YES	NO
Pennsylvania	YES	NO	NO	YES	NO	YES	YES	NO
Rhode Island	YES	NO	NO	YES	NO	NO	YES	NO
South Carolina	YES	NO	NO	YES	NO	YES	YES	NO
South Dakota	YES	NO	NO	YES	NO	YES	YES	YES
Tennessee	YES	NO	YES	YES	YES	YES	YES	YES
Texas	YES	NO	NO	YES	NO	YES	YES	NO
Utah	YES	NO	YES	YES	NO	YES	YES	NO
Vermont	YES	NO	NO	YES	NO	YES	YES	YES
Virginia	YES	NO	NO	YES	NO	YES	YES	NO
Washington	YES	NO	YES	YES	NO	YES	YES	NO
West Virginia	YES	NO	NO	YES	NO	YES	YES	NO
Wisconsin	YES	NO	NO	NO	YES	YES	YES	NO
Wyoming	YES	NO	NO	YES	NO	YESNO	YES	NO
State Totals	49	11	16	47	12	43	49	10
Federal	NO	2009	proposed	proposed	proposed	NO	NO	NO
Washington DC	YES	NO	NO	YES	NO	YES	YES	YES

(Chart 1.0 Hinduja and Patchin, 2012)

The only current federal (U.S.) law that even remotely has any relevance with cyber laws, and the prosecution of cyberbullying is The Computer Fraud and Abuse Act (CFAA), 18 U.S.C. § 1030. The CFAA was originally passed in 1984 by the U.S. Congress as an “anti-hacking law passed when computer crime was in its infancy” (McCool, 2012). Originally called the Counterfeit Access Device and Computer Fraud Abuse Act, “it applied only to federal government computers and computers owned by large financial institutions” (PBS, 2012). In 1996, significant amendments were made to the CFAA under provisions of the USA Patriot Act. The National Information Infrastructure Protection Act (Pub. L. 104-294) was also signed into law that year and included language concerning “any computer with connection to the Internet” (PBS, 2012). The concern with the CFAA has to do with its language. As it stands now, vague language has been preventing some crimes directly related to computer fraud from being prosecuted.

The debate about the CFAA centers around a key phrase in the law: that it is illegal to “intentionally access a computer without authorization or exceed authorized access.” Critics argue this language is too broad and vague and could turn ordinary people into criminals for things many do routinely, such as dabble in online shopping or scan an online matchmaking site at work” (McCool, 2012).

The vague wording of the CFAA was first highlighted in a 2006 cyberbullying case. The CFAA first aided in the conviction, and then lack of conviction of Lori Drew (Drew) who was considered to have played a role in the 2006 death of 13 year old Megan Meier (Meier). In this case, social networking was present but in a completely different way than seen before in cyberbullying incidents. MySpace was a happy outlet for Meier’s and she enjoyed talking to friends online. She met a friend, “Josh (Josh) Evans” and began communicating with him

regularly. One day “Josh” started to send cruel messages to Meiers and she “was unable to understand how and why her friendship unraveled. The stress and frustration was too much for Meier’s, who had a history of depression” (Good Morning America, 2007). As it turned out, “Josh” was a fictitious character created by an adult woman (Drew) and a mother of a former friend of Meier’s. It was a ploy to try to see what Meier’s was saying about her daughter (Good Morning America, 2007). Meier’s parents did “not believe it was the woman’s intent to have Megan commit suicide, (but) they do hold her solely responsible for the death” (Good Morning America, 2007). Internet anonymity was also a factor in this case. By pretending to be someone she was not, Drew was able to manipulate Meier’s into trusting her and was therefore able to get inside her head. Even though what Drew did horrified people,

The jury acquitted Drew of intentional infliction of emotional distress, but convicted her of accessing a computer without proper authorization in violation of the federal Computer Fraud and Abuse Act. Her crime was, in essence, violating MySpace’s terms of service (The New York Times, 2009).

The Meier’s case was unique in that “it was the first time the statute had been used to prosecute a patron of a social networking site for abuses of the site” (Cathcart, 2009). However, the prosecutions recommendations for a three year prison sentence and a \$300,000 fine didn’t stick and instead probation officials recommended that Drew be placed on one year of probation and fined \$5,000” (Cathcart, 2009). Extreme cases resulting in death, such as the Meier’s case are sometimes referred to as “bullicide,” suicide by bullying (Holladay, 2011).

Proposed and potential cyberbullying laws seem to arise when an incident like the death of a minor occurs but have trouble getting passed due to conflict with First Amendment, freedom of speech rights. The First Amendment to the U.S. Constitution states,

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances (U.S. Constitution, 2010).

So as the First Amendment clearly provides the right to freedom of speech, laws inhibiting freedom of speech would be unconstitutional. However, there are some questions regarding protected speech when it comes to hate speech on the Internet. Government censorship never seems to be a popular. Take Arizona for example, the legislature is attempting to pass an amendment to their telephone harassment law to include any electronic or digital communication but “unfortunately, critics say the state may have just unleashed one of the worst Internet censorship bills in American history” (Bea, 2012).

Luckily for the American public the freedom of speech provision has withstood legal challenges in court and people are free to comment in person or via the Internet their opinions about a subject. One blogger, Kirk Sigmon (Sigmon), is thoroughly disgusted with the idea that New York (NY) State Senators want to allow criminal prosecutions for cyberbullying to NY citizens. His “blame the victim” philosophy is best summed up with the notion that individuals committing acts of cyberbullying should not be criminally prosecuted but “children should be educated to manage and avoid offensive situations on the Internet. If the child in question can’t handle that, they should not use the Internet. It’s that simple” (Sigmon, 2011). Social media is also a great outlet for freedom of speech opinions regarding cyberbullying and bullying. Take for example this post with its strong language and biased opinion

I am going to get some grief for this but I really don’t give a shit...I am sick of all this bullying shit. When I was in high school I was called a fag, pushed down stairs, made fun

and the list goes on... You know what I did, I dealt with it!!! It's called life... I didn't commit suicide or bitch and complain, cry or form a group, I dealt with it... Don't blame it on Facebook, the Internet, etc., because back in my generation they were called "slam books" and were just as brutal... So, in conclusion, stop your bitching, stop blaming everyone else for your problems in life and just roll with the goddamn punches... I did, and look where I am today... The people who made fun of me in junior high and high school, now look at me and I look right thru them like they don't exist... (Szczerba, 2012).

All these posts and discussions are completely legal thanks to freedom of speech. But as it turns out, the U.S. is basically standing alone when it comes to western liberal democracies and the lack of punishment for hate speech. It appears that Canada, Britain, Denmark, New Zealand and Germany have laws protecting their citizens against hate speech (McConnell, 2012). Here is where it gets tricky, "In the American constitutional tradition, by contrast, even detestable speech is permitted so long as the speaker does not threaten violence or incite others to it" (McConnell, 2012). So if cyberbullying, protected by freedom of speech provisions, causes others to commit suicide should it then be considered unconstitutional and unprotected by the First Amendment? Suicide certainly seems to fall under the category of violence. Even when a law is put into place, there is no guarantee that law cannot be amended again to undo what was previously done. In June 2012, Canada won back their freedom of speech with a kill bill for Section 13 of the Canadian Human Rights Act (Appendix B). Whether or not this was the right thing to do, "the effect of killing Section 13 will be debated for years among anti-racist groups and civil libertarians" as "Parliament got Canada's human rights bureaucrats out of the business of policing speech on the Internet" (Gills, 2012). So if there were ever to be a bill outlawing hate

speech in the U.S., it might not be a permanent fix as demonstrated in Canada. Perhaps the U.S. could promote anti-hate speech laws starting on school campuses. Being that school is a place to learn and the effects of hate speech on a student could have drastic effects on a student, it would be a good place to begin. However,

The debate over whether colleges and universities should prohibit such speech has reached a stalemate. The opposing camps have arrayed themselves around either the First Amendment's protection of free speech or the Fourteenth Amendment's guarantee of equal protection. On one side, an unlikely coalition of civil libertarians, and more traditional legal scholars, argue forcefully that one ill-defined exception to free speech will lead to another and yet another, that government censorship is inherently dangerous, and that the distinction between speech and conduct has so far served us well. On the other side, proponents of critical legal theory, focusing on the perspective of the victim, the inequities in the marketplace of ideas, and the harm to both individuals and society, reject the contention that hate speech regulation violates the First Amendment (Ma, 1995).

Recently, surveys have been conducted to further express the impact cyberbullying is having on teens and young adults. One 2012 survey, carried out by the charity Beatbullying and the National Association of Head Teachers, showed that "more than half the incidents of 'cyberbullying' happen on Facebook" and "28 percent of children aged 11 to 16 had experienced bullying on the Internet or via mobile phone" (Brooke, 2012). The findings went on to include some interesting results with regards to the teaching staff at schools. It was proven cyberbullying is not just happening between students. As it turns out teachers are also being targeted by students with a reported one in ten experiencing some form of cyber harassment and 15 percent

had feelings of fear in regard to their safety and their families. Additionally, “teachers also spent an average of six hours a week dealing with cyberbullying cases-costing the taxpayer an estimated 18 million a year” (Brooke, 2012). Another fact in the survey showed that ‘recent immigrants’ were most at risk” (Brooke, 2012).

North Carolina recently become the first state to enact a law which, in a seemingly bizarre turn of events, protects teachers from students who are using slander online in an attempt to damage their careers.

The (2012) North Carolina, School Violence Protection Law (Senate Bill 707), makes it “a misdemeanor to do the acts listed in the legislation, meaning that a guilty student could face a \$1,000 fine, jail time, and school transfer” (The Inquisitr, 2012). Section 4, Article 60, Chapter 14 states:

- (b) Except as otherwise made unlawful by this Article, it shall be unlawful for any student to use a computer or computer network to do any of the following:
 - (1) With the intent to intimidate or torment a school employee, do any of the following:
 - (2) Make any statement whether true or false, intending to immediately provoke, and that is likely to provoke, any third party to stalk or harass a school employee.
 - (3) Copy and disseminate, or cause to be made an unauthorized copy of any data pertaining to a school employee.
 - (4) Sign up a school employee for a pornographic Internet site with the intent to intimidate or torment the employee.
 - (5) Without authorization of the school employee, sign up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages, with the intent to intimidate or torment the school employee (Senate Bill 707, 2012).

North Carolina has not been taking cyberbullying cases lightly. Prior to the School Violence Protection Law of 2012, North Carolina legislators “passed a 2009 law (The School Violence Protection Act – Senate Bill 526) criminalizing cyberbullying, making it a misdemeanor for youths under 18” (Alcindor, 2012).

What Schools across the Nation are doing to Teach about Cyberbullying and its Harmful Effects

Perhaps being a recent immigrant was a risk factor in the death of a young Irish teen who moved from Ireland to Massachusetts in 2009. Phoebe Prince (Prince) took her own life on January 14, 2010 after dealing with months of brutal harassment in order “to escape allegedly vicious bullying, on Facebook, text messages, and in school” (Oliver, 2010). Prince’s death is not the only one that has happened as a result of cyberbullying but her case is unique in that six classmates were actually charged with criminal felonies. Her death “shook the town of South Hadley and prompted the Massachusetts legislature to pass a law introducing an anti-bullying curriculum (Appendix A) in the state’s public schools” (Goldman, 2010).

Prince’s death helped pave the way for “Massachusetts legislature to pass a law introducing anti-bullying curriculum in the state’s public schools” (Goldman, 2010). Other schools and even some websites have followed suit by “creating new policies that deal with cyberbullying, either incorporating electronic harassment into existing bullying policies, or spelling it out as an entirely new threat” (Chaker, 2007). McClure Middle School (McClure) in Seattle (WA) is an example of one school taking cyberbullying seriously, creating policies and punishing those who break the rules. McClure suspended more than 20 students who all took part in cyberbullying on Facebook. The situation was taken care of immediately as

The McClure principal found out about the Facebook page on Tuesday night, and then began meeting with students and their parents on Wednesday. From there, the students were suspended from two to eight days depending on how much they were involved with the use of the page (DeVault, 2010).

Schools are often hesitant “to assert an authority they are not sure they have” (Hoffman, 2010). This causes parents and students to feel they are not getting the justice they deserve. But schools are put in an awkward position when it comes to dealing with cyberbullying. On the one hand, it is happening between two students which impairs learning. However, since it often happens outside of school hours, and over the Internet, it has nothing to do with the school or school grounds. It is becoming a slippery slope. Mike Rafferty (Rafferty), a middle school principal in Old Saybrook (CT), proved this very point by saying, “I have parents who thank me for getting involved and other parents who say ‘It didn’t happen on school property, stay out of my life’” (Hoffman, 2010). Schools, and more specifically teachers and administrators have the privilege of “*loco parentis*,” which refers to acting in place of a parent (Loco Parentis, 2012). This makes discipline for students, even in off campus situations less clear.

Sometimes the school being involved with a student troubled by cyberbullying can be the difference between life and death. In the 2009 suicide death of 13-year-old Hope Witsell (Witsell), her mother blamed the school saying,

The school dropped the ball. The school did not call. We have the digital telephone; we have the cell phones that indicate when there was an incoming call and what number was calling in. We have a house phone, I have a cell phone, and my husband has a cell phone. We have emergency contact numbers at the school which list my sister-in-law and her

husband. There was no indication that the school called any of those numbers (Kaye, 2010).

Witsell's death was a result of a sexting picture that turned into unbearable cyberbullying and bullying at school. Just another example of how cell phones provide an outlet for cyberbullying twenty-four hours a day, seven days a week, both on and off school campuses. Cell phones not only allow for social media use and phone calls they also allow for sexting, a form of cyberbullying. Sexting is a slang term, generated from sending inappropriate pictures via electronic devices, usually cellular phones and it is not to be taken lightly. In January 2012, The Jessica Logan (Logan) Act became law in Ohio (NBC4, 2012). Logan, an 18-year-old, took her own life on July 3, 2008 as a result of a sexting incident where a nude picture of herself was passed around through email (Celizic, 2009). Logan tried to get herself out of the mess her life had become by asking for help. She begged the guidance counselor to stop the picture from being passed around more. She was referred to the resource officer who told her that all he could do was ask the girls to delete the photos. Logan begun skipping school and a note was sent home saying that she might not be able to graduate. That was the only communication the school had with Jessica's parents (O'Shaughnessy, 2011). Her death came just two months after she did an interview on a Cincinnati (OH) television station, in the hopes that others would not go through the same situation as her (Celizic, 2009).

In 2011, the Rhode Island General Assembly proposed Senate Bill 0764 to ban cell phones from school property in an effort "to curb the cases of cyberbullying by taking away the devices that help make these incidents possible" (Geer, 2011). The bill "would also impose penalties for students who violate the policy, including loss of cellphone privileges for the remainder of the school year for a fourth violation" and furthermore, administrators would be

given “the authority to confiscate cell phones and notify parents and guardians of the student’s violation of the policy” (Hutnak, 2011). The bill is still working its way towards becoming a law. Naturally, there is controversy over this measure to prevent against cyberbullying. It is truly challenging to create a bill which will pass into law and not infringe on any constitutionally protected rights as “cyberbullying raises issues that require a fine balance between protecting the constitutional rights of public school students while also creating a safe learning environment” (Goodno, 2011).

The idea of confiscating student’s cell phones for fear of cyberbullying and the lack of a better solution holds some flaws. For example, more constitutional rights come into play from “the Fourth Amendment, which bans unreasonable seizure, and is pertinent to governmental searches and seizures” (Dulik, 2011). The Fourth Amendment also aids in the protection of privacy as

unless a teacher or administrator can prove that there was a reasonable suspicion for confiscation, the content of a students’ phone cannot be read. However, with sexting, cyberbullying, cheating and countless other unlawful acts occurring rampantly in schools nowadays, teachers may feel more inclined to do so (Dulik, 2011).

Schools have a difficult decision to make in regards to cell phone policies due to these different facts. Since schools are responsible for keeping children safe, “schools have an obligation to monitor student’s behavior. Thus, personal privacy at school is not absolute, and it never can be” (Parker-Pope, 2010).

In some instances constitutional rights are not taken as heavily into consideration in a school setting. When an incident happens at a private school, the rules are completely different. In a private or parochial school setting, the school is not held to “First, Fourth or Fifth

Constitutional Amendments, but are subject to the terms of the contract between parents, the students and the school” (Aftab, 2011). So as far as cyberbullying and the discipline for cyberbullying goes private schools really have an advantage in the way they can react to these types of situations.

The trouble with creating laws after the fact is that they have no impact on the person who the law was created for. They are often a posthumous tribute to the victim and put in place in the hopes that this won't happen to others. It's not the lawmaker's fault as they cannot possibly be expected to think of every possible law that should be in effect. But more power should be given to authorities to “punish” those who are doing something socially and morally unacceptable, even if it isn't quite law breaking as of yet.

In America, there are so many freedoms and constitutional rights to protect freedoms afforded citizens that it is sometimes hard to find a loophole to prosecute someone for something they did while not denying them their constitutional rights. The freedom of speech, even speech that is cruel or hurtful to others, is a protection we are afforded in America. As long as that speech doesn't incite violence, it's protected by the First Amendment. Problems that make the policing of cyberbullying more difficult than on-campus bullying include protecting freedom of speech. One basic conundrum is that harassment via Facebook, text messaging, and e-mail usually involves off-campus student speech, which is more protected by the First Amendment than what happens on school grounds. The standard is that schools can only discipline students for off-campus speech if it causes a ‘material and substantial disruption’ within school (Bazelon, 2010).

People rally for these constitutional rights, soldiers die for these rights, and teens use them to bully other teens. There has to be something that can be done to help change this. As

stated by Ronald Alexander (Alexander), Ph.D. “programs like Facebook, Twitter and MySpace need openness but freedom of speech should also take into consideration that words can be powerful weapons and if not used mindfully can inflict deep and hurtful psychological wounds” (Alexander, 2012).

That said, hate crimes in and of themselves are illegal. In fact, “every form of hate crime is illegal” and “it is not lawful for anyone to ‘willfully injure, intimidate, or interfere with any person, by force or threat, because of race, color, religion, or national origin” (Crime Museum, 2008). Hate crimes are illegal, but not hate speech, even though hate speech can lead to hate crimes. These hate crimes sound awfully similar to the reasons that someone chooses to cyber bully another individual.

Student Bashing Websites

As if there weren’t already enough venues for cyberbullying with social media sites and cell phones, some students have created their own websites dedicated solely to humiliating, intimidating, and picking on individual students. One victim of such a website was Kylie Kenney (Kenney). A website was created “by some of her peers, titled Kill Kylie Incorporated” (Chaker, 2007). She reported “the site to the school but says that the impact of the bullying was so severe that she eventually changed schools” (Chaker, 2007). These might not be legitimate social media sites but it is still cyberbullying and people can still comment negatively on these sites.

Not only are students bashing other students on self-created websites, they are also using existing social media sites to create fake profiles for each other as an additional way to torment one another. In one such situation, a 13-year-old boy was “questioned about insulting and R-rated comments about his classmates which were posted on his Facebook page. The boy told the administrators he wasn’t even on Facebook” (Bazelon, 2010). Not only was the page not his, but

finding out who originally set it up turned out to be an impossible task. The fake page was eventually taken down after repeated e-mails were sent to Facebook from the boy's mother but the impersonator remained nameless and the e-mails were not responded to except for the removal of the fake page (Bazelon, 2010).

Sometimes taking their own lives doesn't end the torment for individuals troubled by cyberbullying. This is repeatedly proven when it comes to "trolling," posting deliberately slanderous message intended to start a fight over the Internet. Even suicide victims are not safe from trolling. Some people are trolling tribute sites dedicated to those who have either committed suicide or been killed in some other manner. The United Kingdom (UK) is proving this is not acceptable and will not be tolerated with their arrest of Sean Duffy (Duffy), a 25-year-old autistic man who was "leaving obscene messages and videos on a condolence page" for the late Natasha MacBryde (MacBryde) (Camber and Neville, 2011). Duffy was sentenced to "18 weeks behind bars and banned from using social networking sites for five years" (Camber and Neville, 2011). MacBryde was a 15-year-old girl who "threw herself under a train hours after she was sent an abusive message by an anonymous bully on a social networking website" (Dolan, 2011). Yet, all this type of behavior is protected speech.

Social Media Sites and the Precautionary Measures they are Taking

It appears the social networking sites are certainly aware of the dilemma cyberbullying has been causing. In a 2012 statement from the Achieva Marketing Group for Facebook, it states: most sites cannot control people from creating a fake profile, faking employment and educational histories, sharing proprietary information and causing harm to their employers or others...more recently there have been recurring instances of slander,

spying, bullying and other deceptive practices by people who create fake profiles so they don't have to have their actions associated with themselves personally.

MySpace released a school guide (*Guide to Understanding MySpace and Resolving Social Networking Issues*) for administrators which includes information on how the site works, along with a 24 hour email address and telephone number. The twenty-nine page guide concludes with "Internet safety is an important topic in our advancing technological world, particularly when it involves children. We at MySpace are always available to assist educators and administrators in furthering this important goal" (MySpace, n.d.) The MySpace guide and some excerpts from the guide can be found in Appendix C.

As a result of the intense issues associated with cyberbullying there have been numerous cyberbullying intervention and prevention websites popping up all over the Internet (Ahlfors, 2010). Since these cyberbullying incidents occur online, "the Internet becomes the next logical method for reaching children and adolescents around the issues related to cyberbullying" (Ahlfors, 2010). Certain "social media sites such as Facebook and Twitter have a 'help' page. This page provides users with different instructions for a variety of issues. There are also links provided for users to 'report abuse or policy violations'" (Chien, 2012). Social media sites have become so large and such a huge part of everyday life that it seems having simple ways to report policy violations is just not enough.

Possibility for a Nationwide Law against Cyberbullying

Currently, "in the U.S., there is no federal law against cyberbullying-yet" (Strickland, 2010). There was a bill introduced in 2009 to amend Title 18 of the U.S. Code, cited as part of the Megan Meier Cyberbullying Prevention Act" (Megan Meier Cyberbullying Prevention Act, 2009), which

would make it against the law to transmit in interstate or foreign commerce any communication, with the intent to coerce, intimidate, harass, or cause substantial emotional distress to a person, using electronic means to support severe, repeated, and hostile behavior (Strickland, 2010).

A nationwide anti-bullying bill seems to be the next step, as individual states are adding cyberbullying laws to their current legislation as a result of more and more suicides. Naturally, the Megan Meier Cyberbullying Prevention Act “has generated controversy among several civil right groups who point out that the vague language could lead to violations of First Amendment rights” (Strickland, 2010). In some instances, it seems that in order for a state to take the issue more seriously, an occurrence needs to hit closer to home. The 2011 death of 14-year-old Jamey Rodemeyer (Rodemeyer) in Buffalo, New York (NY) brought some attention to cyberbullying in NY State. Police even opened a criminal investigation in the case and “the teen’s parents, friends and even Lady Gaga, who was his idol, have expressed outrage about what they say was relentless torment on social networking websites” (James, 2011). Rodemeyer used social media as an outlet to express his struggles with his sexuality which is what he was being bullied about. According to Police Captain Michael Camilleri (Camilleri) since “no bullying laws exist in NY State, police have to determine whether to charge some students with harassment, cyber harassment or hate crimes” (James, 2011). Just a mere “seven months after her brother Jamey’s suicide, Alyssa Rodemeyer remains at the forefront of a national movement against bullying” (Richert, 2012). Brittany Lavonier (Lavonier), a graduate of Williamsville North (the school Rodemeyer attended) has “started an online petition, which now has 6,000 signatures, supporting the nationwide legislation against cyberbullying” (Richert, 2012).

In addition to NY, four other states (Delaware, Indiana, Kentucky and Maine) all “aim to stiffen or enact cyberbullying laws as national concern grows over electronic harassment and its deadly consequences” (Alcindor, 2012). Perhaps as more states create and incorporate new cyberbullying laws, more value will be found in these laws and a proposal for a nationwide law will come about. Until then, states will need to make due with what’s available and try to deter cyberbullying, promote education as well as awareness and make use of current laws such as the CFAA.

Reasons Why Kids Turn to Cyberbullying and How to Put a Stop to it

Although each case of cyberbullying differs from the next, there are some common reasons why someone cyberbullies another person. Some direct reasons for cyberbullying are: entertainment, power and control, revenge, and popularity (Child Refuge, 2011). By taking a look at these reasons individually some conclusions can start to be drawn. The life of a teenager in high school may not be as easy as it seems. There are a lot of pressures on the high school student, to do well in school, make the sports team, and have friends, so it’s no wonder, especially with the media, that they sometimes get out of hand with ways to accomplish these goals. For entertainment “children or teens that are bored and lack attention from parents have the tendency to become cyberbullies” (Child Refuge, 2011). To gain power and control “they do this by tormenting others by means of harassment, instilling fear through threats, and making up of humiliating lies” (Child Refuge, 2011). For revenge,

children or teens that have been bullied realize that it’s time for them to play the role this time. By bullying others, they seem to feel relieved and happy by falsely creating an imagery of revenge to those who bullied them before” (Child Refuge, 2011).

Lastly, for popularity “popular students at school or in the neighborhood poke fun at those “less” popular who in turn show fear and respect for the bullies” (Child Refuge, 2011). Not only are there reasons for cyberbullying, but there are also some proven stereotypes. Evidently, “multiple research findings have found girls are more likely to be cyber victims and boys are more likely to be cyberbullies” and “when compared to Caucasians, African-Americans have a stronger possibility to perform cyberbullying” (Sbarbaro and Smith, 2011). Despite all the research as to who is doing the cyberbullying and why, it all comes down to the source of the problem. In order to more effectively put a stop to cyberbullying, the source of cyberbullying needs to be addressed. While,

Suicides from cyberbullying are extreme cases that draw attention. Media and government attention are creating a panic around the wrong issue. The issue isn't so much that a child killed himself because he was cyberbullied. He did it because he was subjected to hate crime - harassment based on sexual preference, race and the like - couldn't get it to stop, and felt hopeless, eventually leading to suicide. Thus, the attention needs to go to the source. How do you teach young people to be kind, open, or at the very least accepting of kids different from them (Nigam, 2011)?

It's when those “extreme” cases start to become more of the “norm” there is something that needs to be done.

Stopping cyberbullying is an entirely different issue on its own. Unfortunately, “bullying has always been a problem among adolescents and, sadly, so has suicide. In the few known cases of suicide after cyberbullying, there are other contributing factors” (Magid, 2009). So maybe the solution for cyberbullying isn't really a solution after all. Maybe, there are some different things that can be done to diminish the risks involved in cyberbullying. There isn't a cure for hate

speech or cyberbullying, kids are mean to each other and always will be. But perhaps if there were laws put in place with some serious consequences, it would reduce the risk of fatal results. As it stands currently, cyberbullying cases haven't held up all too well in the legal system. With media covering these types of stories and Internet "trolls" lurking to negatively comment on tribute pages of lives lost, all with just a slap on the wrist, it isn't sending a very serious message to any potential cyberbullies to steer clear.

DISCUSSION OF THE FINDINGS

The Definition of the Problem

Cyberbullying on social media has become a major problem in America over the last decade. Many suicides, and deep emotional harm, have come about because of cyberbullying and it affects a large percentage of the youth population. There has been a "growing realization that hostile behavior utilizing technology can also have serious and long lasting effects on its targets" (Butler et al., 2009). This type of bullying does not end at the conclusion of the school day or begin when the school day starts, it is a much more consistent and persistent problem that can follow an individual throughout their school years, even breaching schools. Some parents, in an attempt to put a stop to the bullying, when nothing else has worked, allow their children to switch schools, only to find that the cyberbullying has followed them to the new school as well. Due to this fact, California enacted legislation (Assembly Bill (AB) 1156 - Bullying in Schools) which began July 1, 2012 (Appendix B). The bill

allows bullied students to switch school districts, as determined by the school superintendent or principal. The goal of allowing bullied kids to start attending a new district to remove them from an unhealthy setting - and hopefully allow them to improve their school performance (O'Rourke, 2011).

Using the Internet is such a common practice for young adults with “91% of kids 12 to 15 years old and almost all teens (99%) ages 16 to 18 use the Internet” (Keith and Martin, 2005).

Additionally, a 2004 survey conducted by i-Safe found that

57% of students said that someone had said hurtful or angry things to them online, 53% of students admit to saying mean or hurtful things to someone online, 35% of students have been threatened online, 42% have been bullied online, 20% have received mean or threatening emails and 58% have not told their parents or another adult about their experiences online (Keith and Martin, 2005).

So the proof exists that cyberbullying is a problem, now all that needs to come about are the solutions.

Additionally, the problem with cyberbullying is getting everyone, (kids, parents and teachers alike) all on the same page. As it stands now, many people do not feel as though bullying is such a big issue that needs to be addressed at a national level and in regards to social media, many parents feel that social media has more positives than negatives. According to a 2012 survey conducted by researchers at Children’s Mercy hospitals and clinics in Kansas City (MO), showed that “despite reports of cyber-bullying and other perils of social networking, a majority of parents in a new survey said they think the benefits of Facebook and Twitter outweigh the risks” (NBC4, 2012).

The literature reviewed highlighted many important aspects of cyberbullying: it can be anonymous, it has no restraints on time of day or location of the victim, it is difficult to prosecute and creating laws against cyberbullying often impede on constitutional rights. It also showed how much of a problem cyberbullying is in America, with in-depth discussion of previous cases

resulting in suicides while giving a detailed look at what happened, or didn't happen, to the offenders in specific cases.

Learning if the Findings Fit the Problem

As was shown in the literature review, there is a significant amount of information available regarding specific cases of cyberbullying (many resulting in suicide of the victim), surveys, and anti-bullying curriculums put forth by middle schools and high schools nationwide. What there isn't much information regarding are the consequences involved. Laws protecting against, and punishing for cyberbullying acts are few and far between. The findings certainly showed that cyberbullying is a major problem in America and needs to be addressed. There were many cases which involved middle to high school aged children committing suicide over total Internet humiliation. Oftentimes, the attackers got away with it because they were anonymous or, if they were tried in court, they were let go with little or no consequences because the laws are not designed for this type of crime as of yet.

Significance of the Findings

The research put forth showed how significant, important and current the issue of cyberbullying is in the U.S. The research was chosen based on relevance, credibility and impact. The more extreme the research, the bigger the sense of urgency it potentially creates to promote awareness and solutions surrounding cyberbullying. Many findings came straight out of scholarly journals and reliable news sources discussing deaths from cyberbullying with details from specific cases and references to amended laws and bills passed regarding cyberbullying. The research proved legitimacy for the topic at hand. For starters, research and cases are relevant; much was conducted within the past year. The literature review also showed various bills that were passed introduced, anti-bullying curriculums that were implemented across the

nation and states attempting to put a stop to cyberbullying. Cyberbullying is not a problem that only occurs in certain areas and at certain times of the day. It happens anywhere and anytime. This is part of what makes the problem so difficult to stop since cyberbullying: occurs 7 days a week and 24 hours a day, transcends international borders, happens at work, school, home, or virtually anywhere due to portable electronic devices. Cyberbullying takes the form of: email, text messages, picture forwarded over the Internet or cell phones, posts on social media or websites devoted to individual humiliation. As was learned from Hinduja and Patchin cyberbullying is a growing trend (O'Shaughnessy, 2011), one that is not showing any signs of ending in the near future. Additionally, the surveys referenced provided cutting-edge research on a fairly new topic in an effort to create a solution for this dilemma before it becomes a pandemic.

Legitimacy Gained from the Literature Review

Cyberbullying is very real and important to deal with. Since much of everyday life now involves some aspect of the cyber world there is little a victim can do to try to escape the pain and suffering that is caused by cyberbullying. Being at home isn't even safe for victims of these kinds of threats. "Traditionally home was a place where a kid could go to escape his bully. With advances in technology, home is no longer a haven" (Keith and Martin, 2005). Take for example a cell phone,

in the past several years, parents have provided cell phones for their children in order to keep track of them and to keep them safe. The same cell phones that make parents feel more connected to their children have become tools of harassment. And the newest forms of cell phones include the ability to send text messages, pictures, and even live video. In the hands of bored teenagers, these additions can become weapons for bullies to spread rumors as well as pictures of unsuspecting kids in locker rooms (Keith and Martin, 2005).

Cell phones, like other forms of technology, definitely have positive uses but can be used as a means to cause harm to others. Not only is cell phone usage nearly impossible to control on a school campus because of their immense versatility (i.e. they are small enough to fit in pockets, in backpacks or in purses) but can also be used quickly and inconspicuously between classes. Cell phones have also been the cause of many cyberbullying cases as smartphones make social media sites available at all times. Some schools have tried, or thought about, enacting “no cell phone” policies at school, but many people (students and parents) have argued against these policies stating it is not the school’s role. Further, attempts to limit cell phone usage are complicated as cell phones are often used for communication between busy students and parents, providing a safety net and a means of staying in touch.

Additionally, the Internet plays a major role in the school life of a student so monitoring what they are being used for can be quite a difficult job for parents and teachers alike. Even though teachers are given the privilege of *loco parentis*, this is not an end all solution as many parents still feel that even though their child is at school, in the care of teachers, that parents still have full power over what their children can and cannot do even on school property.

It is important to note that within the literature review an array of themes came about. The first theme involved the fact that cyberbullying cases are on the rise resulting in more and more deaths from the youth population. The second theme centers around over consequences given to cyberbullying offenders. In addition, there are concerns regarding current laws versus future laws including a debate over whether laws in this area would be unconstitutional. The third theme involves improving student and parent awareness.

As it has been shown in literature reviewed, cyberbullying is an issue which spans the globe. The issue appears to be growing faster than the solutions. The U.S. is trying to come up

with solutions to deal with cyberbullying, yet nationwide laws have yet to be enacted. As recently as October 10, 2012 another suicide occurred as a result of cyberbullying. The victim was 15-year-old Amanda Todd (Todd). Todd took her own life after enduring three years of cyberbullying, changing schools, turning to drugs and alcohol before ultimately killing herself in an attempt to put an end to the humiliation and depression she faced on a daily basis. She left behind a chilling You Tube video explaining her troubles and feelings posted just over a month before she turned to suicide (Shaw, 2012).

The Todd cyberbullying case encompasses much of what has been previously been determined about cyberbullying and what is still to be determined. First, it shows that cyberbullying is very a current issue, both in America and surrounding countries. Secondly, the death of a victim does not end cyberbullying for the victim or their families. Though many people sent condolences to Todd's family on the memorial webpages,

many continue to tease and ridicule her in the very fashion that made her take her own life, leaving disparaging comments on her memorial pages and uploading images of bleach bottles captioned it's to die for, a reference to one of her previous suicide attempts (Agomuoh, 2012).

Next, it shows the confusion between who is responsible for overseeing criminal punishment if indeed it is determined that a law was broken. In this particular case, Todd "exposed her breasts to an anonymous person on a webcam chatroom when she was 12-years-old, the person leaked the photo to her friends, family and schoolmates, beginning the nightmare that led to depression, anxiety and several suicide attempts" (Agomuoh, 2012). Since the person responsible for the humiliation was an online, anonymous personality, tracking the individual down was challenging and there are questions as to whether or not the person will be criminally charged with anything.

Sgt. Peter Thiessen (Thiessen) of the Royal Canadian Mounted Police (RCMP) claims charges “would be dependent on the quality of the evidence we might get” (Ng, 2012). Even though police are fully involved in the case, the Internet is not something that can be turned off until a suspect is in custody. The online world has specific ways in which they deal with things and the hacktivist group Anonymous took this particular case to heart and set out to find who the predator was. Anonymous posted the name and address of a British Columbia man in his 30’s who they claim pressured Todd for the nude photo” (Ng, 2012).

Increasingly victims of bullying are turning to law, both civil and criminal, as a means of addressing the power imbalance between them and their bullies, obtaining some form of vindication. While this might seem an extreme response, the potential harm victims suffer makes the effectiveness of the various laws that may be called into play worthy of scrutiny (Butler et al., 2009). In the vast majority of cyberbullying cases, other countries seem to be better at making consequences stick, or even having consequences to begin with. The UK’s arrest of Sean Duffy (Duffy) for trolling and “leaving obscene messages and videos on a condolence page” (Camber and Neville, 2011) for Natasha MacBryde (MacBryde) showed the UK is taking these types of matters seriously. The Duffy sentencing was “18 weeks behind bars and a ban from social networking sites for five years” (Camber and Neville, 2011). This sentence, including the expulsion from social media sites for five years, is one of the first of its kind. This may seem like an extreme end of the spectrum but if the UK is on the extreme side of prosecuting cases of cyberbullying then the U.S. is on the other end of spectrum with their lack of cyberbullying prosecutions. As was shown in the literature review, the case against Drew turned out to have very minimal consequences even though the case led to the death of 13 year Meier’s. Drew’s punishment was reduced from a three year prison sentence and a \$300,000 fine to a year of

probation and a \$5,000 fine (Cathcart, 2009). The complete turn around and lack of accountability for cyberbullies in America is a partial reason why it is still so prevalent. Currently, cases of cyberbullying do not stand up in U.S. courts due to the lack of laws against cyberbullying. Getting laws and bills drawn up is quite an ordeal, tiptoeing around constitutional rights and therefore creating the slippery slope it is today.

With more and more schools stepping up and taking responsibility for their student's actions, student and parent awareness will start to increase as time goes on. With anti-bullying curriculums popping up in schools across the nation, and less incidents of cyberbullying being tolerated, a change can start to happen. Parents of teenagers now didn't experience cyberbullying when they were growing up so they don't understand it quite the same as their children do. Parents who don't utilize the Internet in the same way their children do may have little to no compassion for cyber related issues. These parents may not understand how damaging information being spread over the Internet can be.

Implication and Recommendations for Future Research

Cyberbullying is not something that will be resolved overnight. It will take plenty of time, research, legislation, investigation and enforcement. Combating cyberbullying is not an easy task for parents, teachers or lawmakers. Part of the problem stems from the fact that "parents and kids relate to technology very differently. Most adults approach computers as practical tools, while for kids the Internet is a lifeline to their peer group" (Keith and Martin, 2005). In reality, both sides are correct. The Internet has many positive benefits including staying connected with social media sites, email and Internet chatting. Additional research demonstrating how different age groups utilize the Internet might help parents and teens communicated more effectively and better to talk and understand each other's needs.

Most of the studies currently available involve students in the middle to high school age groups and

Recent surveys show that cyberbullying is a pervasive problem in North America. Many news stories have reported cyberbullying incidents around the world. Reports on the prevalence of cyberbullying suggest it is important that we learn about the psychological effects of it (Dilmac, 2009).

As middle and high school aged students grow, cyberbullying will grow with them and continue to be a problem among college students. One 2009 study showed the “assessment of the relationship between cyberbullying and psychological needs among college students” (Dilmac, 2009). Once cyberbullying becomes more prevalent on college campuses, the results will continue to be fatal. Cyberbullying will continue to be detrimental to the future of both the victims and the attackers. When accused of cyberbullying,

Even if you plead not guilty to the charge and are ultimately determined to be innocent, you could still be locked up for a period of time. Even a brief period in jail, or detention, may affect future ambitions including job applications, college admission and scholarship opportunities, or military enlistment (Reuters, 2009).

Additionally, a victim’s career can be affected by Internet slander created as a direct result of cyberbullying. With social media being such an integral part of everyday life, and a way to find out information about someone, some employers now include social media as a type of modern day “background check.” If a person has been the victim of cyberbullying, by means of Internet slander, this can have a potential negative effect on job opportunities.

The U.S. is still trying to figure out consequences that fit cyberbullying but do not impede on constitutional rights. As it stands now, other countries appear to take cases of

cyberbullying more seriously. For example, consider the case involving 18-year-old Keely Houghton (Houghton). Houghton “was sentenced for the online harassment of another teenager in England and ordered to spend three months at a juvenile facility and have no contact with the victim for five years.” Alternatively, 16-year-old Ian Lake (Lake) in Utah “was arrested for creating a website at home that poked fun of his principal and two teachers. He spent seven days in detention, but eventually won his case after three years in court” (Reuters, 2009).

Cyberbullying will not come to an end overnight, just like it didn’t come about overnight. Schools and parents need to work together to come up with standards for acceptable behavior and enforceable consequences for unacceptable behavior.

Comparison of the Findings

Social media reflects so much of everyday life and is so immediate that it is hard to consistently monitor what is being said and how it makes someone else feel until it is too late. The young adult population will often say or do anything at the expense of popularity, fitting in or trying to hide their own emotions by exposing other people’s poor choices and mistakes, etc. On social media, opinions and comments are free flowing with little to no consequences as a protection of First Amendment, constitutional freedom of speech rights. While freedom of speech is an integral part of the rights of U.S. citizens, protecting hate speech is an unintended bi-product. With the youth population turning to suicide as a way to escape cyberbullying it is surely time for a change.

Parents are to blame, kids are to blame, and teachers are to blame because not everyone is on the same page. Some schools take the role of *loco parentis* very seriously and attempt to confiscate cell phones, punish those who participate in cyberbullying and incorporate anti-bullying (including bullying of the cyber nature) into their curriculum. States like California have

laws where kids are given the chance to switch schools if cyberbullying is a consistent occurrence, but since the states and schools with rules and consequences against cyberbullying all vary, there is no way to tell if switching to a different school, one that has no policy against cyberbullying, would help. The other issue with switching schools is that once something is put on the Internet it is there forever as removing information from the Internet is problematic, fraught with challenges, and often permanent.

Prosecution of cyberbullying is tricky, most of the time it doesn't stick and there are loopholes associated with the CFAA. Some proposed anti-cyberbullying laws and bills have been turned down for impeding on First Amendment rights therefore creating the "Catch 22" that we have with this issue today. It would seem that being harassed via cyber technologies should be prosecutable in just the same manner as it currently is in the physical world. Courts generally have little tolerance for stalking, attacks on personal character, and other harassing behaviors so it shouldn't be any different solely because it is happening on the Internet.

Limitations of the Study

The evidence within cyberbullying cases gets tricky when it becomes a criminal matter. As discussed in the literature review, there are many different approaches that states and schools are taking all across the nation. As stated previously, the dilemma is getting everyone on a unified page with responses to cyberbullying. As it stands now, cyberbullying laws and regulations are in conflict with First Amendment freedom of speech rights. This poses a slippery slope for public schools to punish someone for something perceived as being unconstitutional. Cyberbullying can happen at anytime and anyplace but often happens between people who know each other. That said schools become a breeding ground for this type of behavior. Even if the Internet fosters anonymous bullying, the chances are that the attacker knows the victim, even if

the victim doesn't know who the attacker is. Since schools seem to be a hub for this type of behavior, the conclusion is that curriculums need to be extended to include anti-cyberbullying rules and regulations. Schools are a good place to start teaching youth what is and isn't socially acceptable behavior.

However, if the research had focused solely on schools, then some important details regarding laws, convictions, and trolling would have been completely left out of the equation. The focus would have then been on schools, preventing cyberbullying and how much of a voice schools have with the power of "*loco parentis*," cell phone usage policies and punishment for offenses taking place off school grounds. Cyberbullying is much bigger than just a school problem as it spans the entire Internet. It can happen at any given time and place, from anyone. People do not need to be in the same room, the same general area or even in the same country in order to communicate and participate in cyberbullying. Schools have a place in cyberbullying cases as a whole, but they are not the sole place it happens nor the only place cyberbullying should be dealt with.

RECOMMENDATIONS

There has been a significant amount of research conducted by a variety of authors explaining the dangerous effects cyberbullying on social media can cause the youth population, the education of adolescents and the judicial system (Cetin et al., 2011; Butler et al., 2009; O'Shaughnessy, 2011; Brooke, 2012; and Hoffman, 2012). As discussed in the literature review there are many different approaches that different states and different schools are taking all across the nation. The dilemma is getting everyone on the same page with a unified response to cyberbullying. There has been extensive research conducted which proves that cyberbullying is indeed a problem but very little research to show the long term negative effects cyberbullying

can cause. For example, there has been “growing realization that hostile behavior utilizing technology can also have serious and long lasting effects on its targets” (Butler et al., 2009). To help combat cyberbullying, research has shown “prevention programs focused at the school level will have the strongest effect” and that “by implementing a consistent, school wide approach to cyberbullying, it is hopeful that the benefits will carry through a student’s academic career and beyond” (Couvillion and Ilieva, 2011). Schools may not realize it, but they play a vital role in the prevention and education of cyberbullying.

Additional Methodology Recommendations

The methodology needed to ensure proper research is conducted includes, but is not limited to, surveys and studies. Schools are a wonderful starting point for this type of research. There is certainly a level of “importance of informative professional development among teachers and administrators emphasizing the challenges toward the success of any cyberbullying prevention level” (Couvillion and Ilieva, 2011). Going forward, methods need to include teachers and school professionals alike. Parents also need to learn more about the harmful effects of cyberbullying, especially with the role of parents constantly changing. Parenting has changed a lot in the past few decades and the percentage of latchkey kids continues to rise. In 2012, according to the Center for Family Policy and Research, “there are 6 million latch key kids, but the Children’s Defense Fund estimates that those numbers might reach as high as 13 million” (Blankenship, 2011). With so many latch key kids, school may be the only place where an individual learns right from wrong. If morals are taught at a young age, and encouraged throughout school years, the number of cyberbullying incidents is bound to improve. If these values are not taught and individuals are not held accountable for this kind of behavior then cyberbullying will continue throughout a child’s adolescent years.

Professionals in the Field

Cyberbullying professionals generally agree that increased awareness is paramount and that schools hold a certain amount of responsibility in regards to cyberbullying prevention . As it stands,

Bullying has always been a topic that is difficult for educators to manage; cyberbullying has made the issue even more complex. Bullying prevention programs and general antibullying research and programming have all been available to educators through commercial educational publications and an ongoing topic in educational journals for a number of years. However, only recently have programs been created to address cyberbullying specifically (Couvillion and Ilieva, 2011).

As more research surfaces showing the importance of cyberbullying prevention, more schools are implementing anti-bullying curriculum. The State of California takes bullying so seriously that they have enacted Assembly Bill (AB) 1156 - Bullying in Schools, which allows students who are bullied to switch schools and/or school districts. Though this may seem a little extreme to some, at least they have realized the devastating effects cyberbullying can cause and are taking a stand against it.

Recommendations for Further Research

The topic of cyberbullying research has a long way to go and many more studies, surveys and cases need to be examined in order to learn more about this growing international problem. There are many more areas to explore when it comes to cyberbullying and another researcher might find a correlation between latch key kids and bullying. Researchers could explore information and statistics on school shootings and school violence as it relates to bullying.

Research should start with evidence from the 1990's, the era, when school shootings became quite common, and there was an 80% statistic involving school shooters having a history of being bullied (End of Bullying, 2012). The 1990's are outdated when it comes to cyberbullying, but is a good starting point to show how bullying has transformed into cyberbullying and how those bullied can turn to violence. With the correlation between being bullied and school shootings being so high, which surely isn't a coincidence, more research would help to prove the correlation. Research could be conducted between schools that have adopted anti-bullying curriculums versus schools that do not along with analysis of the number of cyberbullying cases occurring at each school. Showing whether or not cyberbullying has been reduced by schools that implemented anti-bullying curriculums, will help determine what types of additional anti-bullying measures are necessary.

There is room for additional research. In fact, it is desperately needed. Other countries are taking both preventative (proactive) and reactive (after the fact) measures when it comes to cyberbullying as indicated by the Duffy cyberbullying case. This became one of the first examples of a punishment, which included the banning of social networking sites, and may very well be groundbreaking precedence in criminal cyberbullying cases to come. As time moves on, and more cyberbullying cases arise, there will increased dialog concerning consequences and responses to different cyberbullying cases spanning the globe. This brings up the next recommendation for future research: there would be value to increased cyberbullying studies globally. The research exposed in this Capstone project barely touched the surface of cyberbullying in other countries as the focus was on cyberbullying involving social media in America. But other countries not only experience cyberbullying, they are actively taking measures against it with more severe responses than currently being seen in America. The

banning of an individual from any and all social media for the duration of five years is serious reply to a cyberbullying situation, and the reality is that in this case the victim was already deceased. It would be interesting to see what type of penalties the UK would come up with for a bully and a victim who were both still living, or if that would make a difference.

It is vital to ensure that cutting edge research continues in this field of study. Surveys relating to cyberbullying should be updated and conducted regularly. A website with the most accurate information regarding laws and prosecution of cyberbullying should be created and available to aid in questions relating to the topic. An in-depth study following a group of kids from elementary school through high school would provide some insight into reasons why this type of bullying happens. The study would be a costly multi-year study involving not only the school aspect but also an Internet dossier with footprints, time stamps and a virtual trail of what the age group thinks, does and how they respond to each other. While this type of study raises privacy concerns, and would have to be completely voluntary, a study of this nature would provide excellent insights on the topic of cyberbullying. The possibilities for future research in this field are limitless. There are so many variables that relate to cyberbullying and the young mind is constantly growing and changing. So as long as the youth generations continue to be the majority of cyberbullying offenders, cyberbullying will also continue to grow and research needs to morph alongside of it.

In addition, further research might involve interviews and in depth studies of both cyberbullies and their victims in an attempt to more clearly understand the complexity involving this topic. Cyberbullies target victims, victims can become attackers and this is a vicious cycle which can be analyzed within future research.

Recommendations Based on Limitations of the Study

Cyberbullying cases seem to come down to blame and consequences. This is why both schools and lawsuits are involved. When a cyberbullying situation happens between two teens that know each other and attend the same school, the solution to let the school deal with it seems simple. However, when a case involves people who do not know each other, it seems only natural to pursue criminal action. Because of First Amendment rights, many cyberbullying cases are disregarded in a court of law. Since public schools also follow constitutional rights, there needs to be a different solution. Despite all the hoops, schools need to be at the forefront of cyberbullying research and responses.

The research is limited in what can be done after cyberbullying occurs, or how to stop it from happening again. This might be a tricky area because there may not actually be an answer. This type of behavior might continue to happen forever regardless of consequences put forth or even by making it an illegal behavior. People have always been bullies and they will continue to do so. Freedom of speech provides a shield to hide behind, as does the anonymity of the Internet. Until the day when there are Internet police (if that day ever comes) people will continue to cyberbully and get away with it..

Schools and law enforcement officials alike need to see cyberbullying as a serious offense and deal with it as such. Anti-bullying curriculum (including cyberbullying) needs to be put into place in every school in the nation from elementary schools all the way up to the college level. In addition to the curriculum including cyberbullying as a no tolerance policy, awareness will be taught. This can be done in a similar way as the Drug Abuse Resistance Education (DARE) program, as a cyberbullying program will also help to prevent early avoidable deaths. Cyberbullying is already a serious problem it just needs to start being taken seriously.

If every state and every school were on the same page when it comes to what needs to happen after a case of cyberbullying occurs then the rate of incidents is bound to decrease. The important thing is have the punishments fit the crime. If a cyberbullying incident happens between people who all attend the same school then it should be punishable by the school in the same manner as any other incident which happens on the school ground would be punished including suspension, detention, community service, an apology or sitting out of extra-curricular activities, etc. If a cyberbullying incident happens between people who don't know each other than legal actions should be taken much like any other crime and the punishment should be based on the severity of that crime. If the crime is Internet slander and defamation then consequences matching the act should be implemented in a court of law. If the result of cyberbullying is something much worse, like suicide then criminal prosecutions should occur to ensure that perpetrators are held accountable for their actions. Cyberbullying should be taken more seriously, but fairness still needs to take precedence.

Research as a whole for cyberbullying has a long way to go. Dealing with cyberbullying crimes is still in its infancy and will continue to be until universal standards are created and upheld across jurisdictions. The current rules and laws in effect in different states and schools make the cyberbullying situation an even more difficult one.

There are a lot of different avenues to consider when researching cyberbullying. Part of the problem is that since it is a technology based crime, cyberbullying is developing faster than research can be done to keep up with the current trends. By the time one avenue is learned about, the technology becomes obsolete possibly rendering the research useless. The Internet is also expanding rapidly and it is virtually impossible to monitor what every Internet user is doing every minute of every day. One limit to the research is the amount of suicides from

cyberbullying. Cyberbullying has been known to cause suicides among the youth population, but according to the (U.S.) Centers for Disease Control and Prevention (CDC, 2012) “for youth between the ages of 10 and 24, suicide is the third leading cause of death. It results in approximately 4600 lives lost each year.” With suicide already being quite prevalent amongst the youth population it is difficult to determine if a suicide is cause solely by cyberbullying or if many other factors are prevalent. Because the suicide rates are already high among the youth of America, research into correlations is lacking in this area.

CONCLUSIONS

The U.S. has a significant cyberbullying dilemma on its hands. The ADL (2012) states it is a “problem that affects almost half of all American teens.” Even if an individual is not an active participant in cyberbullying (either a victim or an attacker) there is still a high percentage that they have seen cyberbullying take place. Parents are terrified by it, teachers are unsure how to handle it and kids miss school daily because of it. It is estimated that 160,000 kids miss school every day out of fear of bullying (Field, n.d.).

Cyberbullying can happen to anyone at any time. There are no time limits or boundaries and it can affect many aspects of a victim’s life both academically and emotionally. It is because of this, “the 21st-century bully need not rely on just fists and a cruel tongue. The Internet is now part of the bully’s arsenal, making cyberbullying possible-anywhere-and not just around school hours” (Gibson, n.d.).

Cyberbullying is a growing trend among schools. Many incidents of cyberbullying occur on social media or with the use of cell phones. Recent studies have shown that out of a survey of 4,000 students, “17 percent of respondents had been cyber-bullied in the previous 30 days while more than 20 percent reported being cyber-bullied at least once in their lifetime”

(O'Shaughnessy, 2011). Numbers are based on reported cases; the numbers of unreported cases are likely to be much higher. Some kids might not know what cyberbullying is, what to do if it happens, or even who to tell. Even if cyberbullying occurs and the victim knows who the attacker is and goes to school with them, there is only so much the school can do if it happened outside of school grounds. If a parent gets involved, there is still only so much they can do since the legal ramifications are few and far between. College campuses are not immune to the current cyberbullying situation. There is much debate whether colleges should prohibit the freedom of speech. Private institutions, high schools and colleges alike, have the ability to make rules which apply within the institution.

Prosecution for cyberbullying varies from state to state and school to school. One 2012 chart from Hinduja and Patchin (Chart 1.0) showed that only fifteen states currently have laws including cyberbullying (Hinduja and Patchin, 2012). The CFAA is the only current federal law with even a remote relevance to prosecuting against cyber laws. In past cases, it has been more harmful than helpful with its vague wording. Because of the language in the CFAA, there are just too many loopholes. But a new federal law is not an easy fix. Cyberbullying, even hate speech, is protected by First Amendment rights. Other countries have made it possible to punish hate speech. Britain, Denmark, New Zealand and Germany all have laws to protect against hate speech (McConnell, 2012). Canada, similarly to the U.S., protected their right of freedom of speech. They then changed their laws to protect against hate speech, only to win back their freedom of speech in 2012. Canada was able to win back their freedom of speech with a "kill bill" for Section 13 of the Canadian Human Rights Act (Gills, 2012). Even though the law protecting against hate speech didn't last, passing the law proved to be possible, even if it was for a limited period of time. Having the right to free speech is one thing, but what about the right

to a safe Internet environment? Current laws don't hold up too well in cyberspace; they don't apply and are out of touch, but surely there is something that could be done.

Cyberbullying doesn't only affect the youth population. Many adults deal with the effects of cyberbullying. Adults who are affected by cyberbullying have much more at stake, due to jobs, financial status and safety (The Student Center, 2012). Despite the belief that cyberbullying on social media is primarily a youth problem, adults within the 45-54 age groups are the fastest growing population on social media sites (Qualman, 2012). Teachers are also victims of cyberbullying. North Carolina understands the severity of student's cyberbullying teachers and has enacted the School Violence Protection Law of 2012. This law protects teachers against the harmful effects of cyberbullying and the dangerous career slander that comes with it (The Inquisitr, 2012).

Hate crimes are illegal and yet hate speech is not. Creating websites with the sole reason to bash other students is not considered a hate crime, but it is still considered to be a form of cyberbullying. Creating an unpleasant Internet atmosphere to the extent where a victim takes their own life is still not considered a hate crime, or even a crime, but it is considered to be cyberbullying, whatever that is worth. Cyberbullying is easy to spot, yet difficult to prosecute. Cyberbullying happens quite often, yet is not often dealt with on a serious level with serious consequences.

Like other cyber dilemmas, cyberbullying is still a fairly new pandemic and the devastating effects are still being researched. There is still much information being learned regarding the ins and outs of cyberbullying like how and why people resort to this type of behavior. The more surveys and information made available, the better off the general public will become at dealing with this issue. Cyberbullying is a great example how crimes are growing

alongside the times. The only thing that isn't keeping up with the advancements in cybercrimes are the laws. The laws remain the same as they have been, making prosecution of cyberbullying a difficult task. It is hard to attempt to make crimes fit archaic laws when laws need to be passed which fit current, and often high-tech crimes.

With a little awareness and passion for the topic of cyberbullying, improvements will start to happen. Once it is shown that cyberbullying is a serious issue, with serious consequences, people will start to catch on. But in order to get to that point, some things need to change. Cyber laws need to be created to protect people online, just like laws protect people in the physical world. The debate over freedom of speech in regards to hate speech needs to be aligned. Free speech should be permitted as long as no actual harm comes from it. If it is done with the intention to cause harm, it should not be allowed. Therefore, a careful solution should come about with rules and guidelines showing what is legally accepted and what is not legally accepted with regards to cyberbullying. If everything is spelled out there will be less room for errors.

The youth population at any given time is said to be the future. With that said, the U.S. has a duty to protect that population by any means necessary to ensure that they do indeed live and thrive long enough to effectively be the future. There are far too many lives lost on an annual basis as a result of cyberbullying then there should be. Every life lost is a horrible loss for the future. Even though anyone can be the target of cyberbullying, bullies for years have picked on those who are different. The different people are often the ones who go on to do amazing things. If those people end up giving up on life in their adolescence due to cyberbullying there is nothing anyone can do to bring them back. However, if the U.S. starts right now, they can help to make

sure this doesn't keep happening. After all, until cyberbullying is more widely understood, the same results will keep on occurring.

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APPENDICES

Appendix A

Massachusetts law introducing an anti-bullying curriculum

Action objectives that have been derived from research regarding bullying prevention include:

- To annually survey students concerning the prevalence and severity of bullying.
- To communicate a clear moral position against bullying and harassment.
- To implement bullying prevention principles with students, parents and educational staff.
- To establish, where absent, consistent, enforceable rules pertaining to bullying.
- To annually communicate these policies to students, parents and educational staff.
- To integrate the bullying prevention principles in class room instruction where possible
- To recruit peer helpers to communicate rules and principles to incoming students.
- To train peer helpers to use anti-bullying intervention skills in real life situations
- To provide skills for students to deal with bullying (Throckmorton, 2005).

Appendix B

Kill Bill for Section 13 of the Canadian Human Rights Act

13. (1) It is a discriminatory practice for a person or a group of persons acting in concert to communicate telephonically or to cause to be so communicated, repeatedly, in whole or in part by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament, any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination (Canadian Human Rights Commission, 2012).

Appendix C

MySpace School Administration Guide

MySpace is committed to a high level of cooperation with educational administrators and educators, with the ultimate goal of providing a safer and more secure environment for all users of the MySpace website. Pursuant to this goal, we have designed this School Administrators Guide. The purpose of this Guide is to provide our partners in the educational community with information on how to address MySpace-related issues that may arise as a result of students using MySpace, and how to contact MySpace with questions or concerns. We are aware that most schools block access to the MySpace website from school computers; we are not attempting to alter this practice, instead, we want to provide as much information as possible so that educators have information about our services. As you are aware, students are large consumers of the Internet. In fact, 78% of teenagers access the Internet from school. Further, 71% of parents believe that much of the responsibility for ensuring children's safety on the Internet belongs to schools and 42% of parents have sought advice from educators on the topic of Internet safety.¹ Based on this data, we believe this Guide is a necessary and valuable tool for educators. In an effort to further our common goal of Internet safety this guide provides information on the development of social networking and how MySpace encourages safe and responsible use. MySpace reserves the right to make any changes to policies and procedures described in this Guide as may be necessary from time to time (MySpace, n.d.).

Appendix D

California Anti-Bullying Law

SUMMARY

AB 1156 redefines California anti-bullying law by expanding the definition of bullying and linking it to academic achievement. It will also strengthen policies and procedures to reduce bullying in schools and keep students safe.

PROPOSAL

Specifically, this legislation will encourage the inclusion of policies and procedures aimed at the prevention of bullying in comprehensive school safety plans, and would require the Department of Justice and the State Department of Education to contract to provide the training of school-site personnel in the prevention of bullying. It will also provide that a pupil complies with the residency requirements for school attendance in a school district outside the pupil's school district of residence, if he or she has been determined by the superintendent, or by the principal of the school district of residence to have been the victim of an act of bullying, he or she is unable to transfer to another school within the school district of residence, and he or she is unable to receive authorization for interdistrict attendance in a timely manner. Finally, it would amend the definition of bullying by specifying that bullying includes causing a substantially detrimental effect on a reasonable pupil's physical or mental health, substantially interfering with the pupil's academic performance, or substantially interfering with the pupil's ability to participate in or benefit from the services, activities, or privileges provided by a school.

BACKGROUND

Physical and emotional safety at school plays a crucial role for students. When students fall victims to bullying, often in the form of violence and/or harassment, it interferes with their

education and healthy development. Research shows that children and youth who are bullied are more likely to be depressed, to think about and attempt suicide, have behavior problems at school and difficulty learning and succeeding in school. In California, schools do not always provide an environment conducive to learning, because there are a significant number of students who worry that they will be targeted for physical violence or harassment by their peers, especially in middle school. For example, nearly 30% of boys and girls in the 7th grade reported that they had been afraid of being beaten up at school once or more in 2008.

In a recent special issue of the *Journal of Early Adolescence*, UCLA psychologists find that bullying cannot be ignored when trying to improve educational outcomes, because academic performance was substantially worse for students who were most bullied than their peers. It concluded that for administrators and educators where academic pressures are greatest with the lowest performing students (and schools) on improving achievement scores, ignoring or not being able to ‘afford’ to address social-emotional issues, such as bullying, may be a very short-sighted view of educational progress. AB 1156 will address the issue of bullying in a comprehensive and effective manner by requiring the training of school site personnel in the prevention of bullying, providing a mechanism under which the option is available for the victim to be removed from an unhealthy setting, and expanding the definition of bullying by linking it to academic achievement. The goal is to provide a safe environment designed to support a healthy learning experience for every child (Assembly Bill (AB) 1156, n.d.)