



Thank you

FOR YOUR
INTEREST IN
CORWIN

Please enjoy this complimentary excerpt from *Bullying Beyond the Schoolyard*.

[LEARN MORE](#) about this title!

CHAPTER 6

Responding to Cyberbullying

In the fall of 2017, Stephanie, an African American sixth grader at Kettle Moraine Middle School in Dousman, Wisconsin, received a racially inappropriate email from another student.¹ She told a teacher, who informed the associate principal. An investigation ensued, and the classmate responsible served an in-school suspension as a result. Then in eighth grade, a student wrote a racially offensive word on the classroom's dry erase board and showed it to Stephanie before erasing it. That student was also ordered to serve an in-school suspension. Later that same year, Stephanie's science teacher turned off the lights in the classroom and a classmate said, "Where did Tink go?" referring to Stephanie's nickname. The teacher claimed she did not hear the comment, even though she looked directly at Stephanie after it was made. In the fall of her freshman year, Stephanie reported to her high school principal that a female classmate had used "the N word" in front of a group of girls. Even though the principal believed her, the incident could not be corroborated so the student responsible was not disciplined. A couple days later, the sister of the classmate who had used the slur threatened Stephanie: "If you hurt my sister, I will hurt you." That student was subsequently suspended. About a week later, Stephanie received a Snapchat message with "the N word" written across a picture of the classmate. The classmate received a one-and-a-half day in-school suspension. The following year, Stephanie received another inappropriate Snapchat message that read: "black lives do not matter one bit stupid ass n*****." The two students involved were suspended for three days, and disorderly conduct charges were filed by the county sheriff's department.

We talked in Chapter 4 about the legal authority of schools to respond to cyberbullying. Recall that anytime online behaviors substantially disrupt the learning environment at school or infringe on the rights of students there, the school has the right, and perhaps the responsibility, to respond. But what exactly should be done? That is the main topic of this chapter. Stephanie had been harassed numerous times over the course of many years, and while the school was aware and apparently responded to each of the

individual incidents, the behaviors continued. Even though most adults now recognize their obligation to do something when they learn about a cyberbullying incident, many still struggle to identify suitable courses of action. The ever-changing apps, platforms, or technology involved may overwhelm adults who really do want to help. But cyberbullying is less a technological issue and more a relationship issue, and caring adults must respond, even if they don't know much about the latest app.

In this chapter, we explore appropriate responses from different perspectives. Obviously, *educators* play a critical role in addressing cyberbullying incidents that negatively affect the school environment and infringe upon the rights of others. *Parents* who find out that their child has participated in cyberbullying

Cyberbullying is less a technological issue and more a relationship issue, and caring adults must respond, even if they don't know much about the latest app.

must appropriately discipline their child. *Bystanders* need to step up and do something about the victimization of others instead of tacitly condoning it through inaction. *Students* must be equipped with strategies they can employ if they experience cyberbullying. And *law enforcement* should become involved in those cases where cyberbullying involves threats to

someone's physical safety or when a criminal law violation may have occurred. Ultimately the goal is to stop the behaviors from continuing. Keeping that objective in mind can help to shape the response from all involved.

In many ways, the educator serves as the linchpin to connect these stakeholders together in a comprehensive response plan. We believe that school personnel have the power to positively (and powerfully!) influence the thought processes and behaviors of youth (and the parents of those youth) and can appreciably reduce the occurrence of cyberbullying. Before we delve into a discussion of practical responses for each major stakeholder, we'd first like to begin with an oft-invoked solution that, to be honest, drives us crazy. It may be well-intentioned, but as we will point out, it is completely off-base.

JUST TURN IT OFF!

There was rumors about me saying these things online and I get weird about it cause it wasn't true, so this went on for at least weeks and weeks. I felt so uncomfortable and weird cause whenever I went to school everyone would look at me so weird and angry for the rumors that were spreading around the school. I wished and wished I didn't come to school nor lived. I wanted to cry so bad at school or at home. None of it was true. I received death threats, getting beat up and others. But the account got banned thankfully. (Brooklyn, 12, Nevada)

We have spoken to many parents, teachers, and youth about cyberbullying over the past two decades. Those who do not completely understand the phenomenon often wonder, “What’s the big deal? Why don’t kids just put down their devices?” In fact, this mentality persists even to this day. Here are some examples of tweets from 2023 that express this perspective:

“Cyberbullying is the most stupid thing ever. Just turn off your computer or block the cyberbully.” (@Taylordood)

“cyber bullying isn’t real . . . just turn of your phone king” (@RealHimBothy)

“How are you as a human getting sad and emotional over CYBERBULLYING???. Mf just turn yo shit off or ignore it” (@KirinTbh)

“bro cyber bullying is not real 🏴‍☠️ just turn off your phone” (@aromanticalo)

We feel these comments are flippant, dismissive, and naive, to say the least. There are reasons why “delete the app” or “shut down your phone” simply aren’t viable options for those being cyberbullied.

First, why should a target be required to give up something positive and beneficial in their lives simply because of someone else’s maliciousness? Since when is it appropriate to blame them or essentially punish them for another’s aggressive actions? In fact, this is one of the main reasons many kids don’t tell adults about their negative online experiences: They don’t want to be blamed and, as a consequence, lose their social media privileges or be forced to miss out on all the social, educational, and enjoyable aspects of the Internet. Jocelyn, a 14-year-old from Indiana said, “My mom made me get off all social media sites, which wasn’t fair to me to be punished because of kids being mean to me, but she said that was the only way to avoid it because the kid’s parents weren’t taking it seriously and the police weren’t either.”

Another reason that this suggestion is not viable is because cyberbullying can persist whether or not the target is online. For example, someone could set up a fake account on Instagram or spread rumors via email among their classmates or could circulate information through Snapchat posts or even create defamatory websites or social media accounts to harass and embarrass another person. In these examples, the mistreatment continues, and the victimization still occurs (as others see and even share the hurtful content), even when the target is offline.

Finally, when one advises youth just to turn off their devices, they are sending the wrong message. What do you tell them if they are being bullied at school? You probably wouldn’t suggest that they simply stop going. While schools are among the safest places for kids to be, many harmful, uncomfortable, and at times violent behaviors do happen there. That potential should not cause children to miss out on the benefits that accompany going to school

because, as we know, victimization can happen anywhere. Plus, if you think through the relevant factors, you'd probably come to realize that the Internet is not the problem. Social media is not the problem. Online gaming is not the problem. Bullying was around long before smartphones, TikTok, and the metaverse. Instead, it is the underlying issues of peer conflict, immaturity, insecurity, ethics, socio-emotional dysfunctions, and behavioral issues that contribute to the problem we're continually facing.

Bullying was around long before smartphones, TikTok, and the metaverse. Instead, it is the underlying issues of peer conflict, immaturity, insecurity, ethics, socio-emotional dysfunctions, and behavioral issues that contribute to the problem we're continually facing.

If we still want to encourage kids to embrace technology and use it to meet their educational, social, and relational goals, what should be done when youth are harassed or mistreated with those devices? We now turn our attention to specific guidance for educators. These strategies center around determining an *appropriate* response, using creative methods to correct the problematic use of technology, and teaching about its acceptable use. It's important for educators to become someone whom students can approach and trust, and to be sensitive to the concerns of those who experience any online issue. It may also be necessary to enforce appropriate and meaningful punishments to get the point across to transgressors. And if inappropriate behaviors are particularly harmful or continue after previous attempts to stop them, enhanced penalties may be warranted.

THE SCHOOL'S RESPONSE TO CYBERBULLYING

It is good to block or initially avoid the bully and try to ignore their bullying—by going a different way and behaving in a calm, noncontroversial manner. If this doesn't work, I tell a friend or my mom, who will help confront the bully and try to resolve the situation privately and civilly. If this doesn't work, go to Plan 3, and tell my counselor who will take professional means to help. I go from the path of least resistance to more aggressive counter-remediation depending on the situation, and the bully's behavior. It is good to keep your cool, but resolution is needed. (Ella, 17, Illinois)

As discussed in Chapter 4, liability concerns may arise when technology provided at school (or brought to school) is used to cause harm. If a student reports being cyberbullied, the school is obligated to intervene. The extent of intervention might depend on the nature of the behaviors, who is involved, and whether it is directly connected to the school. Harassment, and discrimination in general, is a violation of the Civil Rights Act of 1964, the Educational Amendments of 1972, and other state and federal legislation.

School personnel who fail to respond to it when it is brought to their attention could be held legally responsible. Remember that the common theme woven throughout the decisions of courts is that school officials can place educationally based restrictions on student speech and behavior necessary to maintain an appropriate school climate. This can involve content created and disseminated through the school's network or through personally owned device use that occurs at school. It also involves incidents where students encourage others at school to visit certain online platforms, use certain apps, or view certain problematic content (photos, videos, text) that implicates cyberbullying or other harms. Finally, again, schools are often able to restrict student online expression when it results in a substantial and material disruption on campus or infringes upon the rights of others to attend and learn in a safe and nonthreatening environment.

While it is not expected that teachers and other school employees actively police the Internet to make sure youth are always acting appropriately online, they must move to action when they become aware of a cyberbullying situation that affects students under their care (see Box 6.1). The first step is to gather as much information as possible about the nature of the behavior and assess whether any immediate threat exists.

BOX 6.1 What Schools Should Do When Made Aware of a Cyberbullying Incident

- Assess whether there is any immediate threat.
- Ensure the safety of the target.
- Demonstrate compassion and empathy to the target.
- Restrain the aggressor if necessary (separate from target; closely monitor).
- Investigate and gather evidence.
- Contact parents/guardians.
- Contact the app, site, gaming network, Internet service provider, and/or phone service provider as needed to remove content or preserve evidence.
- Contact law enforcement when physical threats, stalking, coercion, blackmail, or sexually explicit content of minors is involved.
- Enforce disciplinary policy as appropriate.
- Contact legal counsel if considering serious disciplinary action (e.g., suspension or expulsion) to make sure you don't overstep your bounds.

Investigate

It is critical that educators thoroughly investigate all reports of cyberbullying. The administrator tasked with leading the investigation should gather as much information as they can about what happened and who was involved. Talk with the target to get their side of the story. In many cases they will know (or at least think they know) who is doing the bullying, even if it is an anonymous environment or if the aggressor is using an unfamiliar screen-name. Often the mistreatment is connected to something going on at school. Ask the target to share all relevant details like location, frequency, severity of harm, third-party involvement or witnesses, contextual considerations, and the backstory. Gather as much evidence as you can, including screenshots or recordings of conversations, messages, pictures, videos, and any other items that can serve as clear proof of the cyberbullying. After collecting copies of all hurtful content, contact the relevant apps, games, websites, or service providers to request the content be removed from their platforms. If there is an immediate threat to the safety of a student, contact law enforcement (we'll discuss their role in greater detail later in this chapter).

If you feel the need to search a student's device for evidence of the cyberbullying, be cautious. Our review of the relevant case law leads us to conclude that educators can in fact search student devices under *very restricted* circumstances, but the parameters for such an action are not well specified and it can be difficult for educators to determine when a search is necessary and appropriate. In *New Jersey v. T.L.O.* (1985), the U.S. Supreme Court stated that students are protected from unreasonable searches at school but also that the standard required by law enforcement officers (probable cause of a crime) is not the same as for educators. School officials generally need only show that the search was "justified at its inception and reasonable in scope."² What makes a search justified? What is reasonable? The greatest legal minds debate the answers to these questions, so how on earth are we to hope that a school administrator can accurately sort it all out?

In *Simpson v. Tri-Valley Community Unit School District No. 3*, a federal district court recognized the ability of the school to search a student's phone camera roll when the school had evidence that he was bullying a classmate: "The undisputed evidence shows [the principal] reasonably suspected that a search of [the student's] cellphone would uncover evidence [he] had violated the school's conduct rules and the search was reasonable in its scope."³ And yet there are other examples where schools improperly searched student devices (e.g., *Klump v. Nazareth Area School District* (2006)).⁴ In this case, a teacher confiscated a student's phone because it was visible during class—which was in violation of school policy (it accidentally fell out of the student's pocket). The teacher and assistant principal then searched through the phone's number directory and attempted to call nine other students to determine if they too were in violation of the policy. They also accessed text and voice mail messages and communicated with the student's brother without

indicating to him that they were school staff. The Court agreed that the school was justified in seizing the phone but should not have used it to “catch other students’ violations.” It is likely that these questions will continue to be debated in a courtroom, but it is best to keep you and your school out of it.

Our advice to educators is to resist searching a student-owned device unless there is a major safety issue (e.g., a student says that they just received a text from another student who said they have a gun). And in this kind of situation, it is best to turn the case over to law enforcement officers immediately, who should better understand the current legal framework for these circumstances. If the concern isn’t criminal or life-threatening, it would be best to contact the parent/guardian of the student to discuss the situation and ask for permission to look at their phone. They may demur, but it is better than getting into a legal battle with them for searching when you shouldn’t have. Educators can also think about other ways they can access the content they are interested in. For example, if the concern is an inappropriate social media post they could contact other students who may have seen it. If the concern is a hurtful text message, getting a copy from the recipient would be easier.

Even before initiating an investigation, though, educators must discuss these issues with their school resource/liaison officer and school district attorney so that everyone is on the same page. Don’t wait until you are confronting a student who is believed to have contraband content on their phone before you develop appropriate procedures. And when it comes to suspicions of explicit images of minors, educators need to tread especially carefully.³² In 2022 two school administrators from Colorado were charged with sexual exploitation of a child for mishandling a sexting incident when they saved copies of explicit images of a student to a school server.³³

Be Sensitive to the Concerns of Those Who Are Bullied

When cyberbullied, many youth will try to avoid conversations about their experiences, will be dismissive about the extent of their impact, or will shun offers for assistance in responding to the problem. Well, we can tell you that they *do* want help. They just don’t think adults can really do anything to improve the situation. In fact, they fear the opposite—that any action taken by teachers or parents will only make things worse. They may be afraid of being publicly singled out for special attention or protection at school. They may be afraid they will be labeled a tattletale and that seeking help will incite further victimization. Josie, a 15-year-old from Connecticut, told us they don’t report when they are cyberbullied “because things get worse if you tell on someone. They get called onto the carpet and then others know about it and are just as mean as the person who started doing it.” They may be afraid that requesting assistance proves that they are unable to deal with typical teenage life. Another U.S. teen anonymously told us, “I didn’t want to tell anyone because I didn’t want anyone’s sympathy. I don’t feel like anyone would care. I also didn’t want to make the situation any worse than it could be.”

As an adult, you should begin to lay the groundwork very early for youth to feel comfortable approaching you to discuss these and other issues they are confronting. Adolescence is a painfully difficult journey on hazardous terrain that should not be traveled alone. Technology has increased the number of land mines youth can stumble upon, and they need adults in their lives to help them avoid those pitfalls and pick them up when one takes its toll.

When a target does come to you to talk about an experience with cyberbullying, you must take certain steps to address the situation. In fact, a swift and appropriate response is important so that they know that the school is doing *something* to alleviate the problem. That someone cares. If it is not taken seriously, schools risk alienating students who might then continue to suffer from victimization or attempt to take matters into their own hands through retaliation.

Educators can start by asking the student what they would like to see happen—what they think might make things better. Regardless of whether you implement the suggestion(s) of the student, you are validating their experience and giving credence to their voice. This itself is often so helpful in the restorative process, but something which some adults may disregard by quickly acting on their own impulses and ideas to facilitate a forceful response. Outside of hearing what they have to say, one measure might be as basic as discretely separating the parties involved at school (to the extent possible). Along these same lines, all staff (including cafeteria workers, bus drivers, coaches, and other support staff) should be briefed on any harassment incidents so that they can monitor and quickly respond to any future situations that may arise.

A while ago, we spoke with a school counselor at a local middle school who described the memorable way that she deals with relatively minor forms of harassment when they come to her attention. After speaking with the target, she calls the accused party into her office to discuss the allegations. The very first thing she tells the student is this: “Right now, you are not in trouble. But I’ve been made aware that you are engaging in bullying, and if this behavior continues, or you discuss our meeting with anyone other than your parents, you will be in trouble.” She then reminds the student about the school’s conduct policy and refers to the section in that policy that defines harassment. Next, she points out the listed consequences for violations of the policy. She then warns the student that disciplinary action will be taken if the behavior continues. Finally, she reiterates the importance of not talking to other students about their office meeting. In many cases, the counselor doesn’t even tell the student accused of bullying who reported their behavior. This also makes retaliation less likely.

We believe this last point is particularly important. As mentioned, many targets of harassment fail to tell adults about their experiences because they are concerned about retribution. The counselor with whom we spoke preemptively alleviated this concern by conveying separately to the target and the aggressor that discussion of the incident(s) will not occur outside of her

office. In most cases, the inappropriate behavior now has been identified and addressed, which will hopefully resolve the problem. If not, all parties clearly understand the progression of steps that will follow.

Consult Your School Policy

Cyberbullying incidents should be addressed using many of the same strategies that the school uses to deal with bullying that occurs at school. All schools are required to have bullying policies, and all *should* include verbiage related to cyberbullying. Your school policy should clearly spell out a range of penalties based on the severity of the incident. The type of response should be proportionate to the weight of the offense and convey the extent of its gravity and severity (and go no further).

Feel free to use our basic model as a starting point to develop your own comprehensive continuum of strategies for responding to cyberbullying (Table 6.1). The measure of an effective response is that the transgressor comes away knowing that the behavior is clearly inappropriate and will not be tolerated, and that subsequent refusal to follow the rules will result in future disciplinary action.

Since they can foster a hostile school climate and escalate into more serious behaviors if left unchecked, even minor forms of harassment should never be ignored. As mentioned earlier, *every* cyberbullying incident should be investigated and documented. Many times, bullying behaviors intensify because nothing is done to stop them, and perhaps cyberbullying is attractive to students because it is often overlooked or trivialized by adults.

Intervention doesn't automatically mean the school is obligated to suspend or expel a student. In fact, most often, formal responses are not necessary to address the behaviors. Zero-tolerance policies that thoughtlessly dictate particular responses can be problematic, because they are inflexible when dealing with situations that may require discretion on the part of the administrator. Many cyberbullying incidents can readily be addressed using a variety of informal mechanisms (discussed in the next section). Simply approaching the student and having a quick talk about the issue may be enough. In fact, teachers engage in this kind of intervention just about every single day. If this doesn't work and the behaviors continue, the student's parents may need to be called and/or the assistant principal may need to conference with them. Parents often wield immense power in constraining the behaviors of their children and are usually quick to take action when informed of wrongdoing, and hopefully the family is willing to work with you to resolve the situation.

Many targets of harassment fail to tell adults about their experiences because they are concerned about retribution. The counselor with whom we spoke preemptively alleviated this concern by conveying separately to the target and the aggressor that discussion of the incident(s) will not occur outside of her office.

TABLE 6.1 Continuum of Cyberbullying Behaviors and Appropriate Responses

← BEHAVIORS →		
MINOR	MODERATE	SERIOUS
Teasing Ignoring Name-calling Taunting Trolling Excluding Liking or sharing hurtful content	Identity theft Spreading rumors Racially insensitive comments Harassment based on protected status Posting personal pictures online without permission Recording a video of bullying to hurt someone Creating hurtful content (e.g., embarrassing memes)	Physical threats Stalking Intimidation Death threats Sextortion or revenge porn Persistent behaviors that continue after intervention
← RESPONSES →		
MINOR	MODERATE	SERIOUS
Meeting with parents Meeting with counselor Creative sanction (e.g., research paper or anti-cyberbullying posters)	Meeting with principal Behavior plan Civility education Extracurricular consequences Detention	Restorative practices Legal/criminal punishment Change of placement Civil punishment Suspension Expulsion

Be Creative in Your Response

Educators should be creative in addressing cyberbullying situations when they surface. This can occur in a number of ways. For example, many like to capitalize on “teachable moments” that present themselves throughout the school year, and an instance of cyberbullying could serve to promote quality dialogue and discussion about the topic. As another suggestion, those who engage in cyberbullying (or all students) might be required to write a research paper on the effects of harassment from the perspective of the victim—perhaps even in “the old-fashioned way”—using a pen and paper and some hardcover books (no Internet or laptop!). Through this, they will learn what it feels like not to be able to use technology, which should promote a greater respect for those valuable tools. We have previously covered how targets of cyberbullying may not feel comfortable using technology and, therefore, may miss out on the advantages it affords. Those who engage in cyberbullying need to understand the effect their harmful behavior can have, and hopefully this assignment will make that point.

Another suggestion could be to require those who misbehave online to create informative posters to be displayed throughout school hallways or classrooms about using technology responsibly. Or they could create educational memes or infographics that could be posted on the school's website or social media pages. They might work with their school's digital media teacher to create public service announcements (PSAs) in the form of digital videos (mentioned in Chapter 5 as a prevention activity) to educate the school or broader community on the subject. Not only can this help on an individual level to convey and inculcate standards of appropriate behavior toward others, but it can serve as a broad messaging strategy for the rest of the student body. When others see these creations, they will be reminded about the campus-wide focus on these issues, which can hopefully help them lean more readily in the direction of kindness and peer respect.

Consider a Restorative Response

There is great promise in using restorative practices to resolve bullying incidents, though it must be done with great care.⁵ *Restorative practices* (or *restorative justice*) “encompasses an array of non-punitive, relationship-centered approaches for addressing and avoiding harm.”⁶ The unique feature of restorative justice, versus other forms of justice, is that it involves the target and recognizes the impact of the incident on the broader community. Whereas traditional justice is very offender oriented (with a focus on punishing the harm-doer), restorative justice seeks to hold the offender accountable, allow them to make amends, and ultimately *restore* the relationship to a pre-harm state (to the extent possible). Common restorative practices include victim-offender mediation (where the target and aggressor meet in a carefully controlled environment), victim impact panels (where the aggressor is required to meet with others who have experienced the kind of harm perpetrated), and circles (where a group gets together to solve relationship problems). In general, restorative practices allow the aggressor to make amends in a tangible way. This might be as simple as an apology or an act of service toward those harmed. This enables the reconciliation of the relationship between the aggressor and target, and indeed the broader community.

A decision will first need to be made as to whether restorative justice practices are appropriate to utilize in the current situation, given the emotional state of the target and the aggressor, the type, scope, and severity of the harm, and other contextual factors. If the situation warrants the approach, and if the conflict can be used as an opportunity to foster awareness, cultivate empathy, and contribute to personal healing, there should be two primary goals. First, the target should feel understood and supported, have a say in how the aggressor repairs the situation, and have the opportunity to meet with the aggressor (if the target chooses) to express their feelings and experience. Second, the aggressor should also feel understood and supported (as you separate the deed from the doer), truly understand the harm their actions caused, realize that it was their fault and their choice, initiate actions

to restore the relationship (and keep their commitment to do so), and identify what needs to be done to prevent similar behaviors in the future.^{7, 8} It is critical to utilize a trained facilitator when coordinating a meeting between the aggressor and target as it is possible for the aggressor to manipulate the meeting in a way that causes additional harm to the target.

Table 6.2 is adapted from the work of Dr. Sheri Bauman and describes the differences between retributive (punishing) strategies and restorative (rebuilding and healing) strategies.⁹

TABLE 6.2 Retributive and Restorative Responses to Cyberbullying

RETRIBUTIVE JUSTICE (PUNITIVE STRATEGIES)	RESTORATIVE JUSTICE (NON-PUNITIVE STRATEGIES)
Cyberbullying is defined as breaking the rules	Cyberbullying is defined as harm done to someone
Focus is on establishing blame or guilt	Focus is on problem solving
Adversarial relationship where authority decides the penalty	Dialogue and negotiation where everyone is involved in cooperating and communicating
Imposition of negative consequences to punish and deter and prevent future negative behavior	Restitution as a means of restoring both parties; reconciliation is goal while acknowledging responsibility for their part
Attention given to the rules	Attention is to relationship building
School community is represented by the authority and not in-house	School community involved in facilitating restoration
<i>Accountability</i> is defined in terms of receiving punishment	<i>Accountability</i> is defined as understanding impact of actions, taking responsibilities, and suggesting ways to restore harm that has been done

Not only does an informal or restorative approach preempt litigation, but it avoids subsequent negative fallout to the district and community. This latter fact is underappreciated but tremendously vital, as you cannot put a price on the value of positive morale and a peaceable environment among school staff, students, families, and the community at large. It is important to stress that *the goal with any response is to stop the bullying*. Sometimes that will require a more formal response, but often does not. Do what is necessary to stop the bullying, but don't get so caught up in your disciplinary mandate that you lose sight of the ultimate purpose. Some who are responsible for disciplining students in schools may be inclined to make emotionally laden, overly punitive decisions when one of their administrators, teachers, or students is victimized. The school is presented with an affront to the sanctity of its environment, sees something online that shocks their conscience,

and immediately becomes defensive and exacts an unnecessarily severe sanction. While sometimes a significant penalty is warranted, other times it is not, and may even overstep the bounds of acceptable corrective action against a student. Indeed, if you look back at Chapter 4, you'll see that most of the instances when schools got into trouble for their response to online misbehaviors, they suspended students for long periods of time. Those suspensions weren't reasonable given the circumstances. It might be easier to see that in hindsight, but we should learn from the lessons learned in those cases.

Not only does an informal or restorative approach preempt litigation, but it avoids subsequent negative fallout to the district and community. This latter fact is underappreciated but tremendously vital, as you cannot put a price on the value of positive morale and a peaceable environment among school staff, students, families, and the community at large.

Circumstances That May Require a More Formal Response

As previously discussed, cyberbullying incidents vary in seriousness from relatively minor teasing and name-calling to very serious threats to a person's physical safety. While we argue that educators have the ability and responsibility to intervene (at least informally) in all cases, administrative sanctions should escalate in accordance with the severity of the behavior, or if there are aggravating circumstances surrounding the incident. Next we discuss factors that may warrant increased or more serious repercussions to the transgressor.

Substantial Disruption of the Learning Environment

As discussed at length in Chapter 4, educators are expected to intervene when student behavior (online or off) results in a substantial disruption of the learning environment. While many cyberbullying incidents will not have this effect (at least if they are dealt with quickly before they have a chance to intensify), those that do warrant additional consequences. Although a difficult task, it is critical to articulate and document the "substantial disruption" so that if a student challenges a disciplinary action, it can be defended as necessary and reasonable.

If school administrators are forced to spend inordinate amounts of time dealing with the incident, it has most likely disrupted the order and workings of the school. For instance, if the school network needs to be shut down for a meaningful period of time because students are accessing and disseminating hurtful content, that will notably hinder the delivery of some curriculum and the provision of digital resources to all. If it becomes the "topic of conversation" during the school day and forces teachers to repeatedly rein in the attention of students, it has negatively affected their ability to educate those in their classes.

Cyberbullying Based on Race, Class, Religion, Gender, Sexual Orientation, or Any Other Protected Status

Any cyberbullying incident that appears to be motivated by race, class, religion, gender, or sexual orientation must be taken more seriously than those that are not. While it may be directed solely at one person, it reflects malice and bias toward an entire group of people who share the same distinguishing demographic feature. This has the potential to inflame the emotions of multiple individuals and to incite further violence due to its extremely sensitive nature. What is more, such behavior is completely intolerable and often invokes the criminal law. Recall that Title VI of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972 compel schools to respond any time staff witness or are made aware of online harassment that discriminates against a particular group of people. According to Assistant Secretary for Civil Rights Russlynn Ali, Title IX

prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping. Thus, it can be sex discrimination if students are harassed either for exhibiting what is perceived as a stereotypical characteristic for their sex, or for failing to conform to stereotypical notions of masculinity and femininity. Title IX also prohibits sexual harassment and gender-based harassment of all students, regardless of the *actual or perceived sexual orientation or gender identity* of the harasser or target.¹⁰

In 2021, President Biden signed an Executive Order stating that “all students should be guaranteed an educational environment free from discrimination on the basis of sex, including discrimination in the form of sexual harassment, which encompasses sexual violence, and including discrimination on the basis of sexual orientation or gender identity.”¹¹ The Supreme Court has interpreted Title VI and Title IX in similar ways over the years, indicating that schools deliberately indifferent to harassment or that respond in ways that are objectively unreasonable are at risk of civil liability.¹² In short, schools have an increased obligation to prevent and respond to harassment based on a federally protected status.

It’s important at this point to mention intersectionality as we think through potential harms to vulnerable populations. We want our students to feel comfortable being “their whole self” at school and when sharing and interacting on social media. As we endeavor to identify and build support systems for all kinds of students, we must avoid compartmentalizing them into singular categories such as “Jewish” or “trans” or “gay” or “Hispanic.” The reality is that they may present and traverse multiple identities (e.g., student who is female, bisexual, Asian, and fervently Catholic) and therefore have a unique marginalized experience of compounded victimization. If we view students in neat, tidy boxes of singular identities, our well-intentioned efforts for inclusivity may lead to feelings of isolation, a lack of belongingness, and

further internalized harm. We recommend you check out the United Nations' Intersectionality Resource Guide and Toolkit for additional information and strategies toward this end.¹³

Video Recordings

We are seeing more and more situations where students are making video recordings of bullying incidents. In some cases, the incidents are recorded for the purpose of gathering information to take to the authorities so the offending party can be appropriately disciplined. In others, they are documented and posted online or distributed to classmates to gain “clout” or further the humiliation of the target. We've covered the repetitive aspect of victimization in these situations, as the content eventually may be viewed by hundreds, thousands, and even millions of people. Students need to be made aware that any bullying that is recorded will be dealt with more seriously than other forms and that *everyone* who is involved will be disciplined. This includes the student behind the recording device, any others who are recorded participating in the mistreatment, those who upload it, and those who disseminate it (or links to it) through text, messages, or social media posts. Criminal law may also be implicated in these situations, as at least 13 states require consent of all parties whenever an audio or video recording is made in a private place or public place where privacy is expected (such as in a locker room or bathroom).¹⁴

Related to this is the general trend of making TikTok videos, YouTube shorts, and Instagram reels in school hallways, classrooms, the lunchroom, and other school locations. We've seen examples of kids doing immature things like zooming in on a student falling asleep in class or recording general teen awkwardness and then using it as a vector for harassment. They will surprise you with their creativity but also with their cruelty. We strongly recommend clear, consistent rule enforcement to prevent creation of non-educational videos at school among the student body. You might think the students are harmlessly sending inconsequential content back and forth as a way to socialize and choose to look the other way because you don't have the energy to confront yet another student. But this issue requires a line to be drawn in the proverbial sand because the potential problems outweigh allowing any innocuous use.

Repeated Misbehaviors Following Intervention

Ideally, students who engage in cyberbullying behaviors will stop after an initial corrective response. Many teens who cyberbully others just made a mistake, got caught up their emotions, and acted spontaneously without forethought, and deserve a second chance if they demonstrate true remorse. Some, however, may continue to harass others as if this behavior were perfectly acceptable. In these cases, it is imperative that educators step up and intervene again—but with enhanced penalties. In your initial meeting with the student, you hopefully outlined what would happen if the online

mistreatment continued. Now, you need to follow through. Not only must you avoid appearing as a pushover, but you should remember that others in the student body will probably hear how you (and the school) responded. The goal, in part, is for them be deterred from engaging in a similar behavior in the future.

WORKING WITH SERVICE PROVIDERS

Hello, I'm reaching out to you because I am being harassed on an app. This app allows its users to post anonymously and that's a problem because it makes it to where I cannot figure out who the person or people are. Some of the posts have included them saying things like, "You need to kill yourself already," and, "You're such a failure that you can't even kill yourself right." I can't say anything because I don't know who they are. (Jenny, 15, from Illinois)

Another response option exists that doesn't involve informal resolution with parents or formal resolution through a disciplinary measure. In many cases, it can be quite useful in ending the problem by cutting it off at the source. Many victims with whom we speak tell us that they don't want their parent or school administrator to punish the person doing the bullying, or even confront them. Rather, they just want the problem to go away so that they can get back to living their life. One way to facilitate this is to reach out to an online platform (like TikTok or Snapchat), cell phone service provider, or Internet Service Provider, to inform them of the cyberbullying and request assistance. You may be asked to provide evidence in the form of an account name, URL, screenshot, or screen recording, but if the content violates the company's rules, it will be removed, and the user may be banned.

Every legitimate service provider, website, game, and app has formal agreements called "Terms of Service" that a user agrees to abide by when signing up, and most will have prohibitions against bullying. For example, TikTok's (last updated February 2019) includes the following conditions:¹⁵

You may not

- use or attempt to use another's account, service or system without authorisation from TikTok, or create a false identity on the Services;
- [post] any private information of any third party, including addresses, phone numbers, email addresses, number and feature in the personal identity document;
- [post] any material which is defamatory of any person, obscene, offensive, pornographic, hateful or inflammatory;

- [post] any material that is deliberately designed to provoke or antagonise people, especially trolling and bullying, or is intended to harass, harm, hurt, scare, distress, embarrass or upset people;
- [post] any material that contains a threat of any kind, including threats of physical violence; or
- [post] any material that is racist or discriminatory, including discrimination on the basis of someone’s race, religion, age, gender, disability or sexuality.

In addition, TikTok’s Community Guidelines explicitly prohibit abusive behavior, sexual harassment, threats of hacking, doxing, blackmail, and other hateful behavior.¹⁶

Other service providers include similar language. For example, AT&T’s Acceptable Use Policy¹⁷ states the following:

IP Services shall not be used to host, post, transmit, or re-transmit any content or material (or to create a domain name or operate from a domain name), that harasses, or threatens the health or safety of others. In addition, for those IP Services that utilize AT&T provided web hosting, AT&T reserves the right to decline to provide such services if the content is determined by AT&T to be obscene, indecent, hateful, malicious, racist, defamatory, fraudulent, libelous, treasonous, excessively violent or promoting the use of violence or otherwise harmful to others.

Users who violate these policies by engaging in cyberbullying may have their accounts terminated. Please know that these companies are not legally responsible to proactively police the accounts created by users of their services. According to Section 230 of the Communications Decency Act of 1996, they are considered third-party providers instead of content creators.¹⁸ However, they *are* obligated to investigate whenever you let them know that their formal terms have been violated. But *you* must let them know; don’t assume that someone else will. It’s important to point out to youth that no one gets “outed” when they file reports against the problematic accounts or content of others. They are confidential and kept as such. Otherwise, use of the reporting feature would fade away as users realize it only leads to more abuse. As a final note, many service providers have set up specific forms, email addresses, and even phone numbers to facilitate easier contact with them to deal with inappropriate behaviors through their networks. We have a regularly updated list of specific contact information for the most popular websites, social media apps, gaming networks, and service providers here: cyberbullying.org/report.