

What's the Issue Today: Bullying

Date: 2018

From: Bullying

Publisher: Gale, a Cengage Company

Series: Unlocking Current Issues

Document Type: Topic overview

Length: 3,203 words

Content Level: (Level 4)

Lexile Measure: 1160L

Full Text:

What's the Issue Today: Bullying [Includes Video]

Page 84

Bullying remains a widespread problem in the United States. Parents, teachers, and lawmakers are working to implement policies, programs, and laws to stop bullying. Yet these efforts are not without controversy. While some people believe that anti-bullying programs are an essential part of anti-bullying efforts, others argue that the existing programs are not effective. In some cases, the programs may even cause more harm than good. In addition, laws aimed at preventing and punishing bullying and cyberbullying are being challenged. Critics of anti-bullying legislation argue that many of these laws are too harsh. In addition, some state legislation is being challenged in court as a violation of every citizen's First Amendment right to freedom of speech.

Do Anti-Bullying Programs Work?

Schools across the country have implemented a variety of anti-bullying policies and programs. In some cases, these programs have been successful.

Learning Objective

Summarize the key controversies related to bullying today.

In one study, researchers analyzed survey responses from more than 200,000 fourth to twelfth graders in 109 schools in Maryland. The surveys were collected between 2005 and 2014, and the results were published in 2017. The survey asked students several questions about their experiences with bullying and related behaviors. The researchers discovered that, over the ten-year study period, there was "a significant improvement over bullying and related concerns in 10 out of 13 indicators (including a decrease in bullying and victimization) for in-person forms (i.e., physical, verbal, relational)

and cyberbullying. Results also showed an increase in the perceptions that adults do enough to stop bullying and students' feelings of safety and belonging at school.” [1](#)

Page [85]

Page 86

Criminal Sanctions:

Punishments, or penalties, for committing a crime, ranging from fines to prison time.

Criminalize:

To make an action or activity illegal.

Freedom of Speech:

The right to express one's opinion without being censored or limited.

Although the study did not answer why the bullying rates have decreased over the ten-year period, researchers suggest it may be due to the type of anti-bullying policies being used by schools. The most successful anti-bullying programs generally involve the whole school and engage students, parents, and teachers. “These programs often try to build skills in youth problem-solving abilities, empathy, perspective-taking, and how to be a positive bystander,” say Stephen Leff and Chris Feudtner, experts who commented on the study. [2](#) Yet despite these promising results, the study's authors caution that bullying remains a significant concern—especially for the “students who continue to be a part of it,” says the study's senior author, Catherine Bradshaw. [3](#)

Not So Fast

However, not everyone is convinced that anti-bullying programs are helping students. In fact, some research

Page 87

suggests that they might actually make bullying worse. Researchers from the University of Texas surveyed 7,000 students from fifty states. They found that students at schools with anti-bullying programs were more likely to become victims of bullying than students whose schools did not have the anti-bullying programs. “Surprisingly, bullying prevention had a negative effect on peer victimization.... It is possible that bullies have learned a variety of antibullying techniques but chose not to practice what they have learned from the program. Sometimes, bullies maintain their dominant social status among peers in school. As a result, the preventive strategies may become ineffective,” write the study's authors. [4](#)



A bullying prevention event at a Los Angeles middle school, 2013. As awareness of the problem of bullying grows, schools across the country have tried a variety of anti-bullying policies and programs, including events sponsored by anti-bullying organizations.

RODRIGO VAZ/GETTY IMAGES ENTERTAINMENT/GETTY IMAGES

THINK ANALYZE ENGAGE

Analyze the impact anti-bullying programs have had on the problem of bullying. Cite research presented in the text in your answer.

Page 88

Bullying expert Stuart Twemlow believes that targeted bullying prevention programs often fail for several reasons. Many programs require funding and resources that the school does not have, or they fail to address the role of adults in bullying. In some cases, prevention programs may even help bullies target their victims more effectively. "If you have a list that says do this, this and this in case of a bully, the thing you've got to remember is that bullies read them too," Twemlow says. "Bullies are just as intelligent as other people." [5](#)

Twemlow and other experts recommend that schools focus on improving overall school culture as a way to prevent bullying. Schools must do more than put up a few anti-bullying posters, according to Joann Sebastian Morris of the National Education Association. "Research shows that an entire

school's climate must change—which means changing the norms, values and expectations in a school so that students and staff feel socially, emotionally, and physically safe,” she says. [6](#)



Every classroom, every cafeteria, every locker room, and every schoolyard should have the same goal: to be a bully-free zone, where every student feels physically and emotionally safe. KRASIMIRA NEVENOVA/SHUTTERSTOCK.COM

Page 89

THINK ANALYZE ENGAGE

Why do some anti-bullying programs fail? Support your answer by quoting at least one expert on the matter.

Making Cyberbullying a Criminal Offense

The issue of cyberbullying has sparked debate over how authorities should respond to it and what kind of punishment is called for. Some argue that suspending or expelling students who cyberbully is not tough enough. Instead, they want cyberbullying to be treated as a criminal offense. Many state laws already treat harassment or stalking as crimes, and some argue that cyberbullying should be

considered that type of crime. As of October 2017, forty-four states had **criminal sanctions** for cyberbullying, and several more states have proposed them.

In Pennsylvania, a cyberbullying law passed in 2015. It makes cyber harassment of a child a third-degree misdemeanor. For adults, the punishment could be up to a year in jail, while minors would go through the juvenile court system. Opponents of this law believe that making cyberbullying a crime could have unintended, and unwanted, consequences. Vic Walczak, of the Pennsylvania American Civil Liberties Union, pointed out that, once you file criminal charges against kids for cyberbullying, “you are bringing them into the criminal justice system.... That's not the best place to deal with these kinds of problems.... You're saddling these kids with some kind of criminal record.”⁷ Instead, cyberbullying incidents may be better handled by parents, schools, and others involved in children's lives.

In 2013 the *USA Today* newspaper printed an editorial arguing that “fighting back against bullies and denying

Page 90

them peer approval are the best antidotes. But when the standard remedies fail ... the use of criminal laws against stalking and harassment is fully justified.”⁸ The paper also printed an opposing view written by Nadine Connell, an assistant professor of criminology at the University of Texas-Dallas. Connell argues that laws that **criminalize** cyberbullying have little to no effect on adolescents. She points to studies showing that adolescents have less self-control in “emotional situations” and says that “young offenders cannot gauge future consequences in the same way adults can.” Students who bully other kids “are often reacting out of emotional frustration and a need to feel in control.” Connell believes that parents and teachers are best able to handle bullying behavior, including cyberbullying. To stop it requires an understanding of how young people think and feel about themselves and their lives.⁹



Some argue that cyberbullying should be treated as a crime, like harassment or stalking. Others argue that making it a crime is a threat to free speech, and that bullies are best handled by families, schools, and other authorities rather than the criminal justice system.

SILVABOM/SHUTTERSTOCK.COM

THINK ANALYZE ENGAGE

Should cyberbullying be a criminal offense? Develop a logical argument for your response.

First Amendment Rights

The First Amendment to the U.S. Constitution guarantees every American the right to **freedom of speech**. Freedom of speech is the legal right to express your opinions. Some people believe that cyberbullying laws and policies take some of that freedom away. Any law that limits

Page 92

freedom of speech violates the Constitution. Under the American system, nobody's voice can be silenced, and nobody can determine what you are or are not allowed to say.

Key Arguments: Cyberbullying Laws

Laws against cyberbullying violate the right to free speech.

- Hateful, offensive, and distasteful speech is protected under the First Amendment of the U.S. Constitution. Online speech—things written or posted on websites and social media—and speech via cellphones, including texts, are included in these First Amendment protections. Therefore, criminal laws against cyberbullying are often unconstitutional.

Laws against cyberbullying are necessary even if they limit some speech.

- There is a point at which offensive speech becomes harassment or stalking, actions that are not protected under the First Amendment. Laws that make cyberbullying a crime are no different from laws that make harassment or stalking a crime, so they do not violate the First Amendment.

In 2008 the Megan Meier Cyberbullying Prevention Act was introduced in the U.S. House of Representatives. The Act was a response to the suicide of Megan Meier, who killed herself in 2006 after she was cyberbullied. It would have been the first cyberbullying law at the federal level. The bill proposed criminal penalties for cyberbullying. Individuals who send online messages that are meant “to coerce, intimidate, harass, or cause emotional distress” could be prosecuted. If convicted, a defendant could face a fine and jail time. Critics of the proposed law argued that it violated the Constitution's guarantee of free speech. A person might say something that causes emotional distress in another, but that doesn't mean it was a crime. Because of much greater opposition than support for the bill, it died, meaning it was never voted on.

Cyberbullying laws at the local level have been ruled unconstitutional in some state courts. In 2014 New York State's highest court ruled that an Albany County law that made cyberbullying a crime violated the First Amendment. The 2011 law banned electronic communication intended to “harass, annoy, threaten ... or

Page 93

otherwise inflict significant emotional harm on another person.” The court ruled that, although cyberbullying laws were not always unconstitutional, this one was too broad. First Amendment advocates celebrated the ruling. The American Civil Liberties Union, who defended the youth charged under the local law, called it “a victory for free speech.” [10](#)

In 2016 the North Carolina Supreme Court struck down the state's law criminalizing cyberbullying. A student who had posted negative comments about a classmate on Facebook, which included name-calling, insults, and humiliating accusations, was arrested, tried, and convicted under the cyberbullying law. He was sentenced to forty-eight months of probation and ordered to stay off social media for a year. The student appealed his conviction twice, arguing that the law was overly vague and violated his right to free speech. He lost both appeals, but then took his case to the state's highest court. The state supreme court overturned the conviction. The justice who wrote the court's opinion said that the law had the potential to make some speech or behavior a crime on the grounds that some disapprove of it. Under the First Amendment, which guarantees the right to free speech, society must be tolerant “even if we do not approve of the behavior.” Although we as a society want individuals to be civil to each other, that civility cannot be “enforced through criminal laws,” the justice wrote. [11](#)

THINK ANALYZE ENGAGE

In your opinion, is cyberbullying protected by the First Amendment? Why or why not? Discuss your answer by agreeing or disagreeing with the outcomes of one of the court cases or pieces of proposed legislation you just read about.

PRIMARY SOURCE

Cyberbullying Law Struck Down

Title: *State of North Carolina v. Robert Bishop*

Type: Court Opinion

By: State of North Carolina

SOURCE: *State of North Carolina v. Robert Bishop*. June 10, 2016.

<https://h2o.law.harvard.edu/cases/5647> .

About the document: In 2012 Robert Bishop, a high school student, was arrested and charged with one count of cyberbullying under North Carolina's cyberbullying statute for Facebook postings he had made about a classmate. He was tried and convicted but appealed his conviction, arguing that the statute violated his right to free speech. He lost two appeals before taking his case to the North Carolina Supreme Court in 2016. The court reversed Bishop's conviction, finding that it violated the First Amendment's guarantee of free speech. This is an excerpt from the court's opinion.

Posting information on the Internet—whatever the subject matter—can constitute speech as surely as stapling flyers to bulletin boards or distributing pamphlets to passersby—activities long protected by the First Amendment. ... Such communication does not lose protection merely because it involves the “act” of posting information online, for much speech requires an “act” of some variety—whether putting ink to paper or paint to canvas, or hoisting a picket sign, or donning a message-bearing jacket. ... Nor is such communication subject to any lesser protection simply because it occurs online. As the United States Supreme Court has made clear, **the protections of the First Amendment extend in full not just to the Internet, ... but to all new media and forms of communication that progress might make available.** ... Accordingly, we conclude that [one provision] of North Carolina's cyberbullying statute implicates the First Amendment because that provision restricts speech and not merely conduct. ...

Editor's Note: The North Carolina law applies to online speech, and free speech protections include online speech.

... [T]he statute sweeps far beyond the State's legitimate interest in protecting the psychological health of minors. Regarding motive, the statute prohibits anyone from posting forbidden content with the intent to “intimidate or torment” a minor. However, neither “intimidate” nor “torment” is defined in the statute, and the State itself contends that we should define “torment” broadly to reference conduct intended “to annoy, pester, or harass”. ... The protection of minors' mental well-being may be a compelling governmental interest, **but it is hardly clear that teenagers require protection via the criminal law** from online annoyance. ...

Editor's Note: The state should not try to protect youths from hurtful speech by making that speech a criminal act.

... [Portions of the statute] could criminalize behavior that a robust contemporary society must tolerate because of the First Amendment, even if we do not approve of the behavior. **Civility, whose definition is constantly changing, is a laudable goal but one not readily attained or enforced through criminal laws.** In sum, however laudable the State's interest in protecting minors from the dangers of online bullying may be, North Carolina's cyberbullying statute “create[s] a criminal prohibition of alarming breadth”. ... [T]he statute prohibits a wide range of online speech—whether on subjects of merely puerile interest or on matters of public importance—and all with no requirement

that anyone suffer any actual injury. In general, “[i]t is rare that a regulation restricting speech because of its content will ever be permissible”. ...

Editor's Note: We may all want people to behave in polite and respectful ways to each other, but the state cannot force people to behave that way through criminal law.

Responsibility at Home

While schools and communities struggle to define their roles in preventing bullying, many people believe that the real responsibility to stop bullying starts at home. Parents need to educate their children about appropriate online and offline behavior. Most parents support efforts by schools to prevent bullying, but others are less supportive. They may think bullying behaviors are not as bad as the school is making them out to be. Or they may not believe that their child could be involved in bullying. Some parents may be unfamiliar with the constantly changing

Page 95

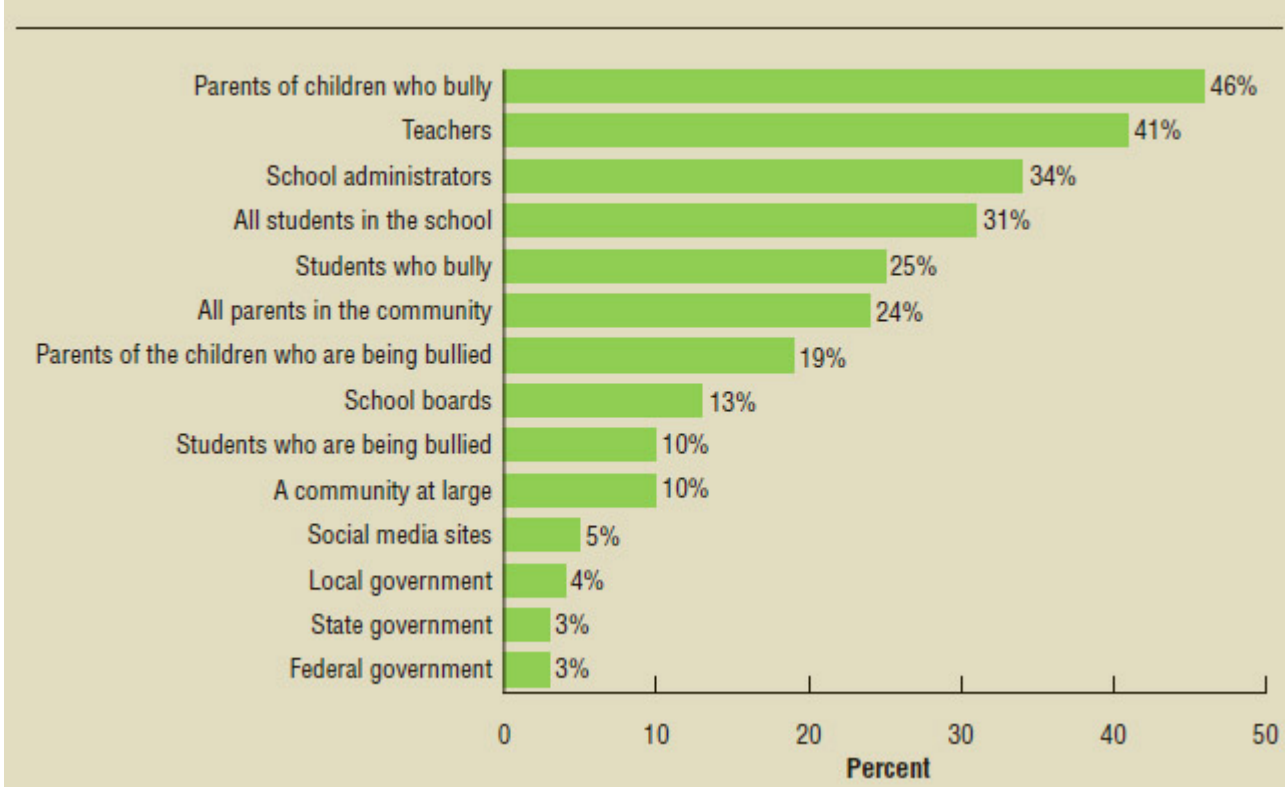
technology that teens use to communicate. While some try to monitor their teens online, many do not—or cannot.

In 2013 the town of Monona, Wisconsin, introduced a new plan to prevent bullying by making parents directly responsible for their children's behavior. The town passed an ordinance that allows police to fine parents who fail to deal with their kids' bullying. The fine for a first bullying offense starts at \$114. Parents of repeat offenders can be fined up to \$177 per incident. After Monona announced this ordinance, similar measures were passed by other Wisconsin towns. The towns' police chiefs said they were

Page 96

trying to respond to “rising suicide rates among bullied teens” and shootings by “kids who say bullying pushed them to their limits.” After three years, however, it was unclear whether these ordinances had any effect on reducing bullying. By 2016 a few parents had received warning letters, but none had actually been fined. [12](#)

Who Is Responsible for Preventing or Combating Bullying in Schools?



When Americans were asked to identify the people they felt are most responsible for preventing bullying in school, the top response was the parents of children who bully. Note: Multiple Responses Allowed.

SOURCE: Harris Poll, 2014

Although bullying is nothing new, it is evolving at a rapid pace. Technology has opened a new channel for bullying, with a wide reach. As fast as new technologies

Page 97

arrive, new ways to bully will emerge. Therefore, efforts to create a more understanding and accepting environment for young people—at school, at home, and in the community—may be the most effective in preventing bullying from starting at all.

THINK ANALYZE ENGAGE

Do you think that parents should be fined if their child is found responsible for bullying? Compare and contrast ways in which parents could be held responsible for their children's behavior.

See related Printables and Worksheets here.

Notes

1. Waasdorp, Tracy Evian, et al. "Ten-Year Trends in Bullying and Related Attitudes Among 4th to 12th Graders." *Pediatrics*, May 2017.
2. Seaman, Andrew M. "Bullying May Be Decreasing in U.S. Schools." [Reuters.com](https://www.reuters.com/article/us-bullying-school-idUSKBN17X2F4) , May 1, 2017. www.reuters.com/article/us-bullying-school-idUSKBN17X2F4 .
3. Seaman, "Bullying May Be Decreasing in U.S. Schools."
4. Jeong, Seokjin, and Byung Hyun Lee. "A Multilevel Examination of Peer Victimization and Bullying Preventions in Schools." *Journal of Criminology* (2013), Article ID735397.
5. Trowbridge, Alexander. "Are Anti-Bullying Efforts Making It Worse?" [CBSNews.com](https://www.cbsnews.com/news/are-anti-bullying-efforts-making-it-worse/) , October 10, 2013. www.cbsnews.com/news/are-anti-bullying-efforts-making-it-worse/ .
6. Trowbridge, "Are Anti-Bullying Efforts Making It Worse?"
7. Delano, Jon. "Pennsylvania House Passes Bill On Cyber Bullying." CBS Pittsburgh, February 24, 2015. <http://pittsburgh.cbslocal.com/2015/02/24/pennsylvania-housepasses-bill-on-cyber-bullying/> .
8. Editors. "Cyberbullying Calls For New Weapons: Our View." *USA Today*, October 23, 2013. <http://www.usatoday.com/story/opinion/2013/10/23/rebecca-sedwick-suicidecyberbullying-criminal-editorials-debates/3173189/> .
9. Connell, Nadine. "Criminal Charges Don't Deter Bullies: Opposing View." *USA Today*, October 23, 2013. <http://www.usatoday.com/story/opinion/2013/10/23/bullyingbullies-rebecca-sedwick-nadine-connell-editorials-debates/3173171/> .
10. Gavin, Robert. "Court: Albany County Cyberbullying Law Is Too Broad." *Times Union*, July 1, 2014. <http://www.timesunion.com/local/article/Top-court-strikes-downcyberbullying-law-5592594.php> .
11. Blythe, Anny. "NC Cyberbully Law Unconstitutional, NC Supreme Court Says." *News & Observer*, June 10, 2016. <http://www.newsobserver.com/news/local/crime/article82997747.html> .
12. Irby, Kate. "There's No Proof That Fining a Bully's Parents Works, But More Cities Want to Do It Anyway." *Miami Herald*, May 5, 2016. <http://www.miamiherald.com/news/nation-world/national/article75752612.html> .

Full Text: COPYRIGHT 2018 Gale, Cengage Learning

Source Citation (MLA 8th Edition)

Mooney, Carla. "What's the Issue Today: Bullying." *Bullying*, Gale, 2018, pp. 83-97. Unlocking Current Issues. *Gale In Context: Middle School*, https://link.gale.com/apps/doc/CX3672300016/MSIC?u=nysl_li_baldwin&sid=MSIC&xid=31e5d4ab. Accessed 28 Jan. 2020.

Gale Document Number: GALE|CX3672300016