

What is cyberbullying, exactly?

"Cyberbullying" is when a child, preteen or teen is tormented, threatened, harassed, humiliated, embarrassed or otherwise targeted by another child, preteen or teen using the Internet, interactive and digital technologies or mobile phones. It has to have a minor on both sides, or at least have been instigated by a minor against another minor. Once adults become involved, it is plain and simple cyberharassment or cyberstalking. Adult cyber-harassment or cyberstalking is NEVER called cyberbullying.

It isn't when adults are trying to lure children into offline meetings, that is called sexual exploitation or luring by a sexual predator. But sometimes when a minor starts a cyberbullying campaign it involves sexual predators who are intrigued by the sexual harassment or even ads posted by the cyberbullying offering up the victim for sex.

The methods used are limited only by the child's imagination and access to technology. And the cyberbully one moment may become the victim the next. The kids often change roles, going from victim to bully and back again.

Children have killed each other and committed suicide after having been involved in a cyberbullying incident.

Cyberbullying is usually not a one time communication, unless it involves a death threat or a credible threat of serious bodily harm. Kids usually know it when they see it, while parents may be more worried about the lewd language used by the kids than the hurtful effect of rude and embarrassing posts.

Cyberbullying may arise to the level of a misdemeanor cyberharassment charge, or if the child is young enough may result in the charge of juvenile delinquency. Most of the time the cyberbullying does not go that far, although parents often try and pursue criminal charges. It typically can result in a child losing their ISP or IM accounts as a terms of service violation. And in some cases, if hacking or password and identity theft is involved, can be a serious criminal matter under state and federal law.

When schools try and get involved by disciplining the student for cyberbullying actions that took place off-campus and outside of school

hours, they are often sued for exceeding their authority and violating the student's free speech right. They also, often lose. Schools can be very effective brokers in working with the parents to stop and remedy cyberbullying situations. They can also educate the students on cyberethics and the law. If schools are creative, they can sometimes avoid the claim that their actions exceeded their legal authority for off-campus cyberbullying actions. We recommend that a provision is added to the school's acceptable use policy reserving the right to discipline the student for actions taken off-campus if they are intended to have an effect on a student or they adversely affect the safety and well-being of student while in school. This makes it a contractual, not a constitutional, issue.