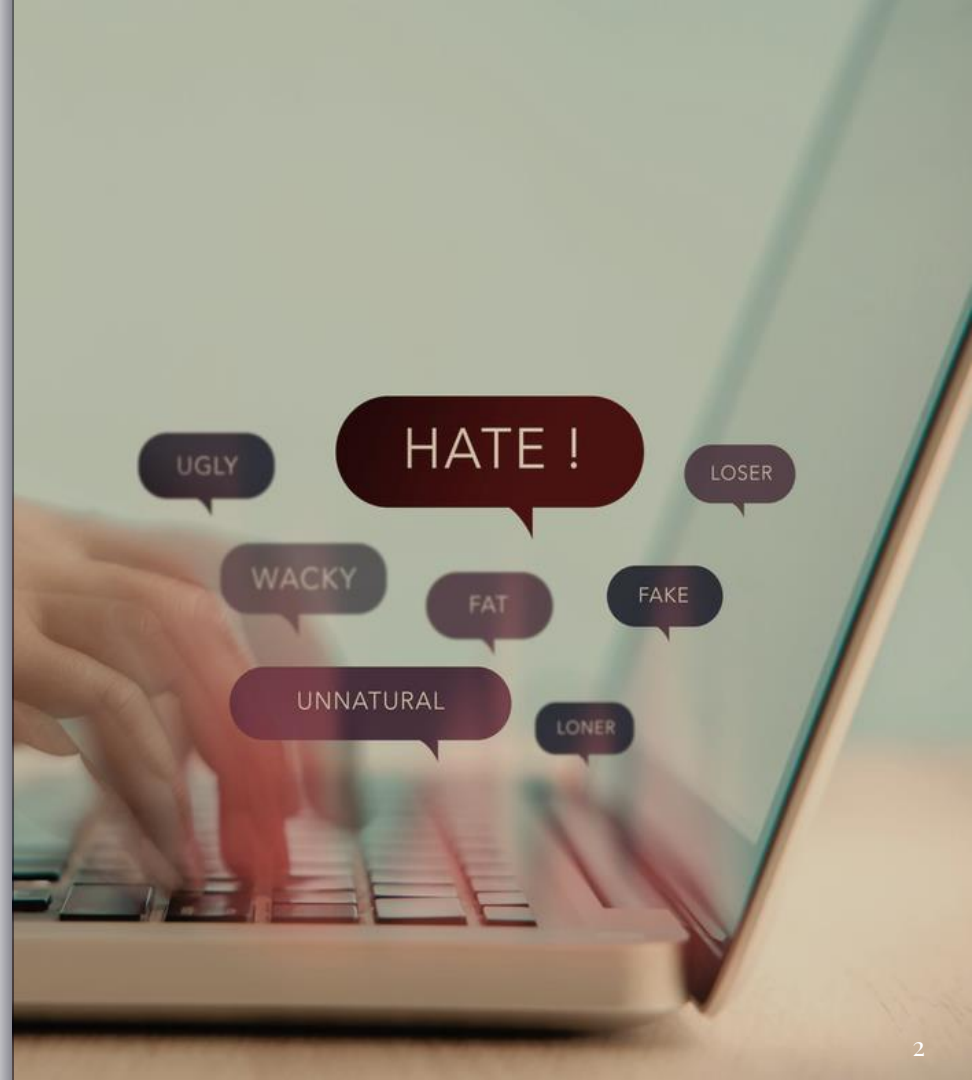


## *Introduction: Cyberbullying*

- What is cyberbullying?
- Details of cyberbullying
- Statistics



# FIFTEEN APPS

## PARENTS SHOULD KNOW ABOUT

### MEETME



MEETME IS A DATING SOCIAL MEDIA APP THAT ALLOWS USERS TO CONNECT WITH PEOPLE BASED ON GEOGRAPHIC PROXIMITY. AS THE APP'S NAME SUGGESTS, USERS ARE ENCOURAGED TO MEET EACH OTHER IN PERSON.

### GRINDR



GRINDR IS A DATING APP CATERED TOWARDS GAY, BI, AND TRANSGENDER PEOPLE. THE APP GIVES USERS OPTIONS TO CHAT, SHARE PHOTOS AND MEET UP BASED ON A SMART PHONE'S GPS LOCATION.

### SKOUT



SKOUT IS A LOCATION BASED DATING APP AND WEBSITE. WHILE USERS UNDER 18 YEARS OLD ARE UNABLE TO SHARE PRIVATE PHOTOS, KIDS CAN EASILY CREATE AN ACCOUNT USING A DIFFERENT AGE.

### WHATSAPP



WHATSAPP IS A POPULAR MESSAGING APP THAT ALLOWS USERS TO SEND TEXTS, PHOTOS, MAKE CALLS AND VIDEO CHATS WORLDWIDE. WHATSAPP USES AN INTERNET CONNECTION ON SMART PHONES AND COMPUTERS.

### TIKTOK



TIKTOK IS A NEW MOBILE DEVICE APP POPULAR WITH KIDS USED FOR CREATING AND SHARING SHORT VIDEOS. WITH VERY LIMITED PRIVACY CONTROLS, USERS ARE VULNERABLE TO BULLYING AND EXPLICIT CONTENT.

### BADOO



BADOO IS A DATING AND SOCIAL NETWORKING APP WHERE USERS CAN CHAT, SHARE PHOTOS AND VIDEOS AND CONNECT BASED ON LOCATION. WHILE THE APP IS INTENDED FOR ADULTS ONLY, TEENS ARE KNOWN TO CREATE PROFILES.

### BUMBLE



BUMBLE IS SIMILAR TO THE POPULAR DATING APP TINDER. HOWEVER, IT REQUIRES WOMEN TO MAKE THE FIRST CONTACT. WHILE IT HAS BEEN KNOWN TO USE BUMBLE TO CREATE FAKE ACCOUNTS AND FALSIFY THEIR AGE.

### SNAPCHAT



SNAPCHAT IS ONE OF THE MOST POPULAR APPS IN RECENT YEARS. WHILE THE APP PROMISES USERS CAN TAKE A PHOTO/VIDEO AND IT WILL DISAPPEAR, NEW FEATURES INCLUDING 'STORIES' ALLOW USERS TO VIEW CONTENT FOR UP TO 24.

### KIK



KIK ALLOWS ANYONE TO CONTACT AND DIRECT MESSAGE YOUR CHILD. KIDS CAN BYPASS TRADITIONAL TEXT MESSAGING FEATURES. KIK GIVES USERS UNLIMITED ACCESS TO ANYONE, ANYWHERE, ANYTIME.

### LIVE.ME



LIVEME IS A LIVE STREAMING VIDEO APP THAT USES GEOLOCATION TO SHARE VIDEOS SO USERS CAN FIND OUT A BROADCASTER'S EXACT LOCATION. USERS CAN EARN COINS AS A WAY TO BUY MINORS FOR PHOTOS.

### HOLLA



HOLLA IS A SELF PROCLAIMED ADDICTING VIDEO CHAT APP THAT ALLOWS USERS TO MEET PEOPLE ALL OVER THE WORLD IN JUST SECONDS. REVIEWERS SAY THEY HAVE BEEN CONFRONTED WITH RACIAL SLURS, EXPLICIT CONTENT AND MORE.

### WHISPER



WHISPER IS AN ANONYMOUS SOCIAL NETWORK THAT PROMOTES SHARING SECRETS WITH STRANGERS. IT ALSO REVEALS A USER'S LOCATION SO PEOPLE CAN MEET UP.

### ASK.FM



ASK.FM IS KNOWN FOR CYBER BULLYING. THE APP THAT USES GEOLOCATION TO ALLOW USERS TO ALLOW UNKNOWN PEOPLE TO ASK THEM QUESTIONS.

### CALCULATOR%



CALCULATOR% IS ONLY ONE OF SEVERAL SECRET APPS USED TO HIDE PHOTOS, VIDEOS, FILES AND BROWSER HISTORY.

### HOT OR NOT



HOT OR NOT ENCOURAGES USERS TO RATE YOUR PEOPLE. CHECK OUT PEOPLE IN THEIR AREA AND CHAT WITH STRANGERS. THE GOAL OF THIS APP IS TO HOOK UP.

## What is cyberbullying?

Cyberbullying is the digital version of traditional bullying and began with the advent of the internet. The National Crime Prevention Council defines cyberbullying as "the process of using the Internet, cell phones or other devices to send or post text or images intended to hurt or embarrass another person." [33]

Cyberbullying has gained the attention of parents, educators and legislators worldwide after online harassment led to multiple teen suicides. Since then, the Department of Education and Centers for Disease Control released a federal definition of bullying in 2014, but there is still no federal definition of *cyberbullying*. Bullying itself is "a form of youth violence and an adverse childhood experience (ACE)," of which there are three primary factors:

- Unwanted aggressive behavior.
- Observed or perceived power imbalance.
- Repetition or high likelihood of repetition of bullying behaviors. [8][9]

Comparison to traditional bullying:

- Persistent – No relief for victims of cyberbullying due to constant access with electronic devices.
- Permanent – Once information is posted and public, it's hard to have it removed, if reported, creating an online reputation that follows many through to other areas of life, like college and employment.
- Hard to Notice – Cyberbullying occurs digitally, so it's difficult to know when it's happening. [34]

# Cyberbullying Overview



## Cyberbullying Tactics:

- Harassment
- Cyberstalking
- Exclusion
- Masquerading/impersonation
- Trolling
- Doxing
- Name calling
- Slander & rumors
- Sharing of private/explicit images
- Threats of violence [31][34]

## Impacts of Cyberbullying:

- 70%+ of kids between ages 12–17 impacted
- Avoiding social situations
- Leaving social media
- Not wanting to go to school
- Depression
- Anxiety
- Loss of friendships
- Academic problems
- Eating disorders
- Sleep difficulties
- Substance abuse
- Reputational damage
- Suicide [31][34]

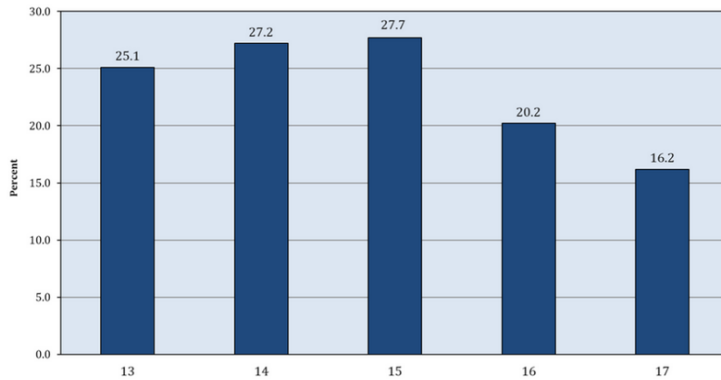
## Common sites and apps:

- Social Networking
  - Instagram, Facebook, Twitter
- Video game chat rooms
  - Discord, Roblox, Twitch
- Instant/Direct Messaging
  - WhatsApp, WeChat, Snapchat
- Video sharing platforms
  - LiveMe, TikTok, YouTube, YouNow
- Dating apps
  - Grindr, MeetMe, YUBO
- Message boards/online forums
  - Amino, Reddit
- Apps for anonymity
  - Chatroulette, Kik, Omegle, Sarahah, Whisper
- Email [31][34]

# Statistics by Age<sup>[14]</sup>

# CYBERBULLYING

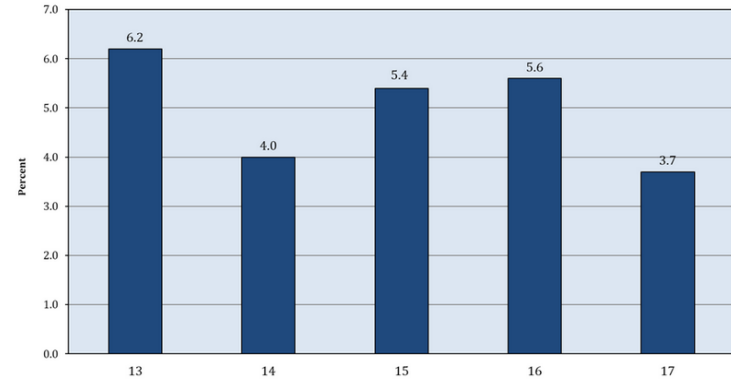
Recent Cyberbullying Victimization by Age



Sameer Hinduja and Justin W. Patchin (2021)

Cyberbullying Research Center  
cyberbullying.org

Recent Cyberbullying Offending by Age



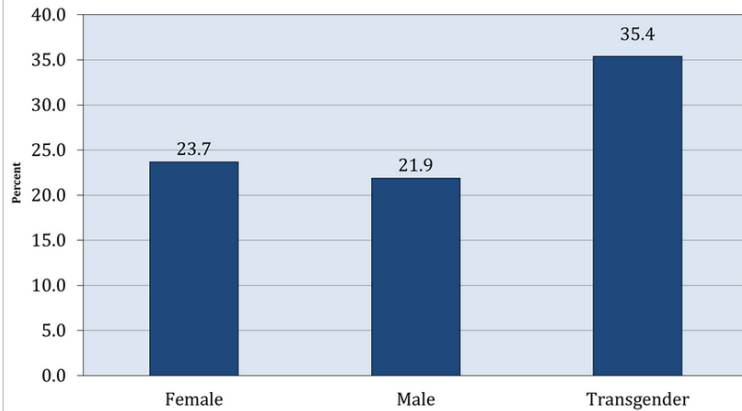
Sameer Hinduja and Justin W. Patchin (2021)

Cyberbullying Research Center  
cyberbullying.org

# Statistics by Gender <sup>[14]</sup>

# CYBERBULLYING

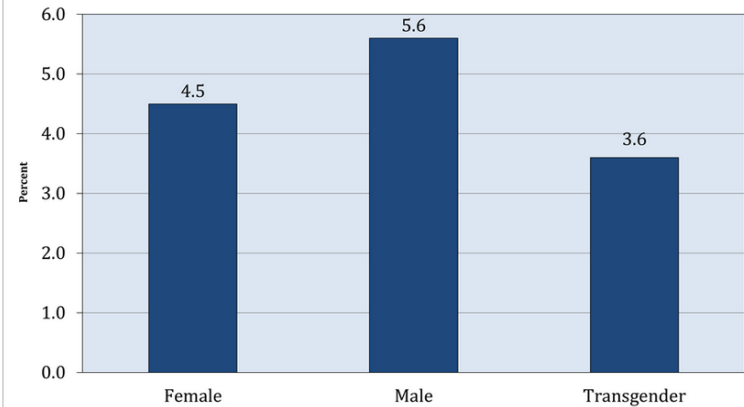
**Recent Cyberbullying Victimization by Gender**  
(Nationally representative sample of 2,546 U.S. 13-17 year-olds)



Sameer Hinduja and Justin W. Patchin (2021)

Cyberbullying Research Center  
cyberbullying.org

**Recent Cyberbullying Offending by Gender**  
(Nationally representative sample of 2,546 U.S. 13-17 year-olds)



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cyberbullying.org

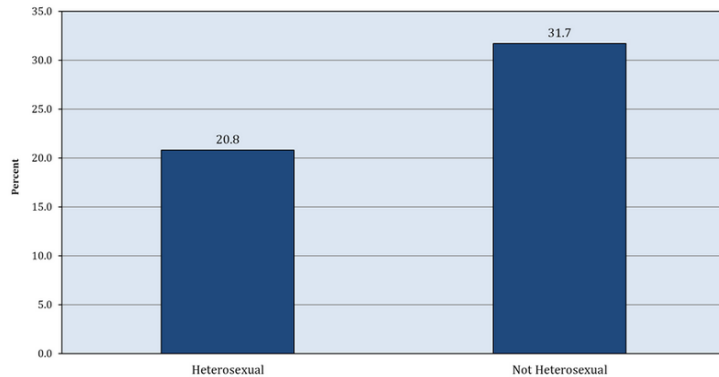


# Statistics by Sexual Orientation <sup>[14]</sup>

# CYBERBULLYING

**Recent Cyberbullying Victimization by Sexual Orientation**

(Nationally representative sample of 2,546 U.S. 13-17 year-olds)

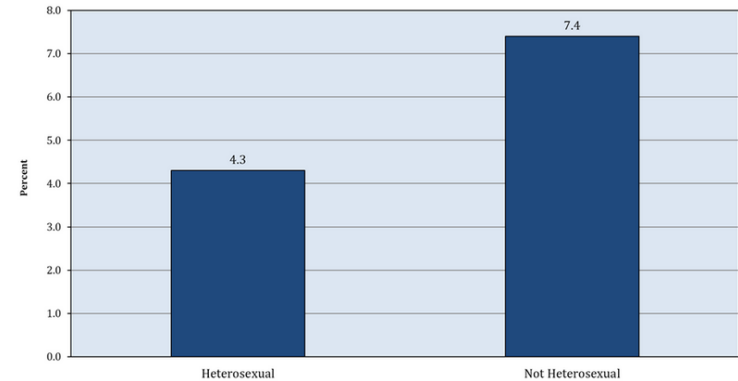


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**Recent Cyberbullying Offending by Sexual Orientation**

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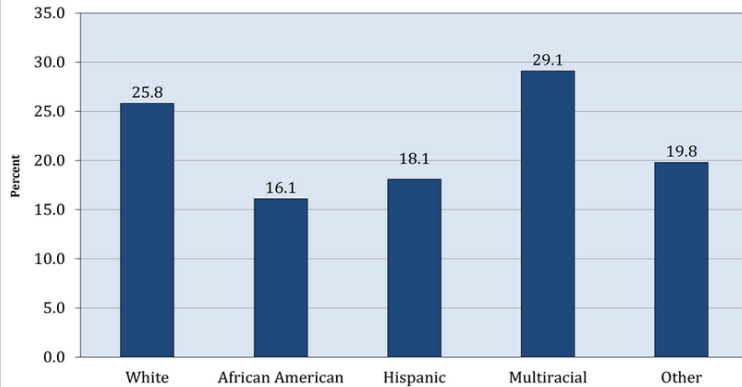
Sameer Hinduja and Justin W. Patchin (2021)

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cyberbullying.org

# Statistics by Race<sup>[14]</sup>

# CYBERBULLYING

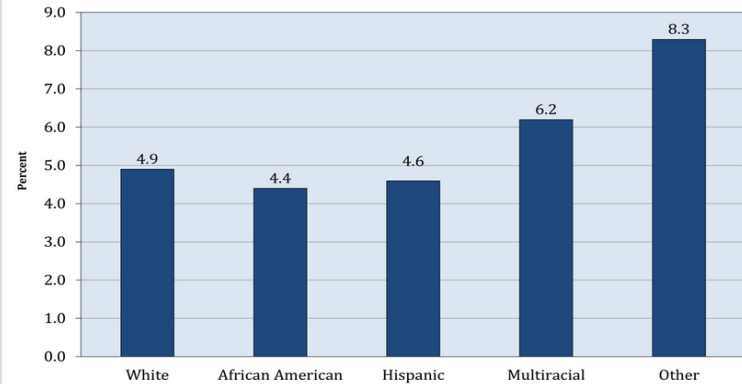
**Recent Cyberbullying Victimization by Race**  
(Nationally representative sample of 2,546 U.S. 13-17 year-olds)



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**Recent Cyberbullying Offending by Race**  
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## *Background:*

- Bullycide
- Timeline
- Legislation
- Court Cases

# Bullycide

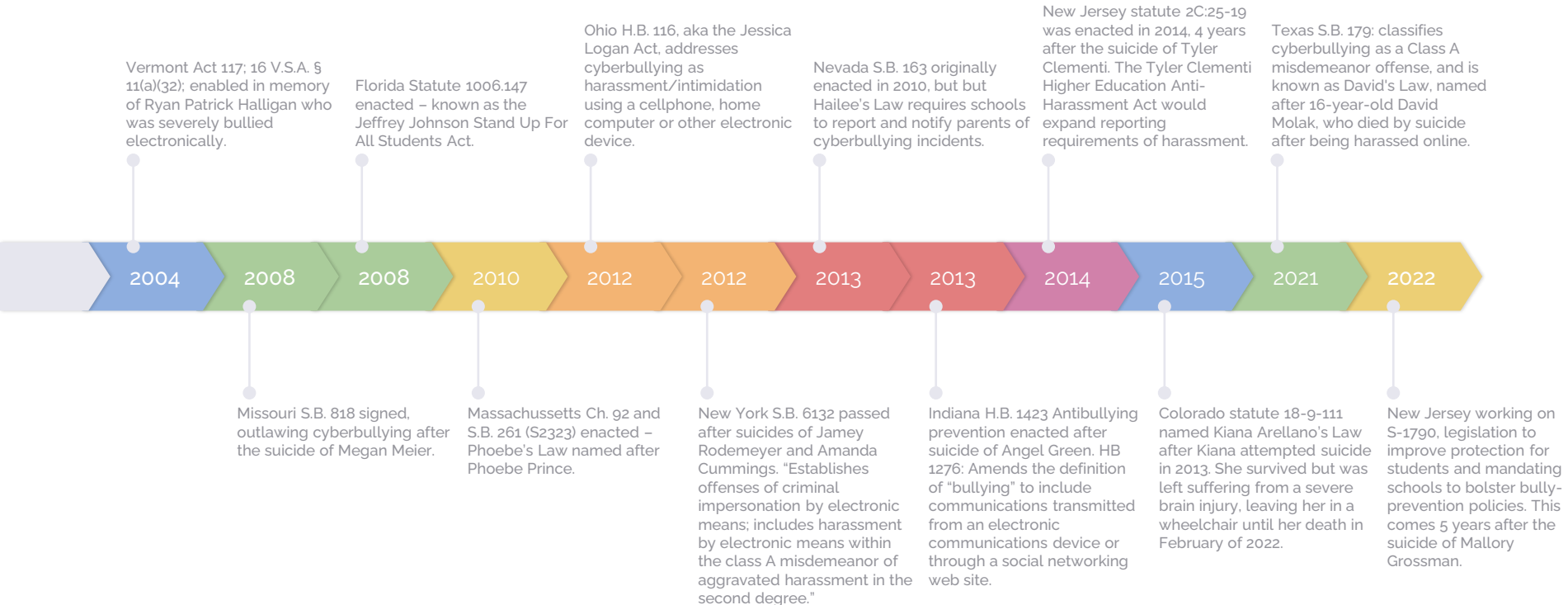
The term 'bullycide' refers to severe incidents of bullying that result in the victim committing suicide. Below are names and faces of a few who took their own lives and prompted action by the courts: [11][12][21][26][30][32]

Ryan Halligan - age 13 (2003)  
Jeffrey Johnson - age 15 (2005)  
Megan Meier - age 13 (2006)  
Jessica Logan - age 18 (2008)  
Phoebe Prince - age 15 (2010)  
Justin Aeberg - age 15 (2010)  
Tyler Clementi - age 18 (2010)  
Jamey Rodemeyer - age 14 (2011)

Amanda Cummings - (2011)  
Kiana Arellano - age 13 (2013)  
Angel Green - age 14 (2013)  
Hailee Lamberth - age 13 (2013)  
David Molak - age 16 (2016)  
Mallory Grossman - age 12 (2017)  
Channing Smith - age 16 (2019)  
Nate Bronstein - age 15 (2022)



# Timeline <sup>[2][3][10][15][25][26]</sup>





## *Legislation:*

What are the consequences of cyberbullying - is it illegal?

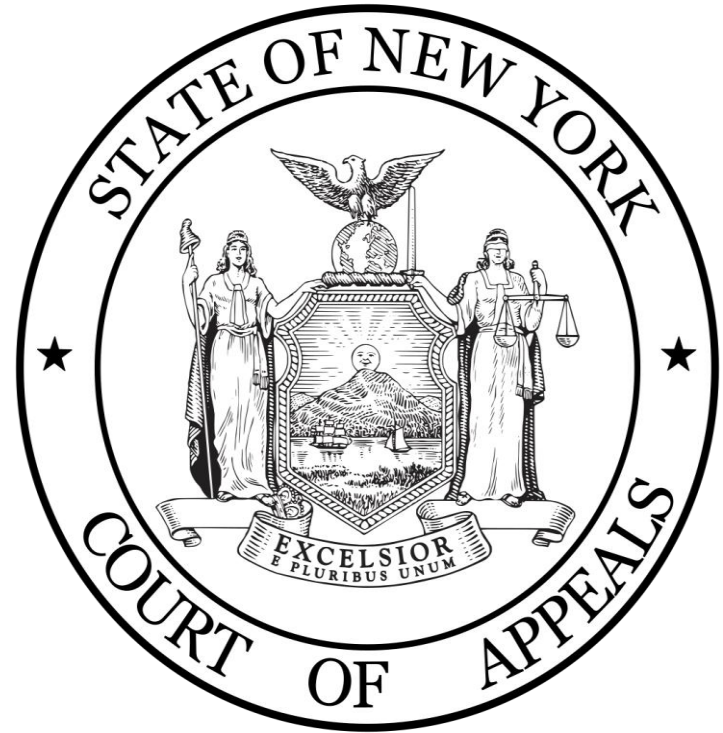
- There is no federal cyberbullying law.
- Every state has bullying statutes, and all but Alaska and Wisconsin have amended them to explicitly include cyberbullying. [13]
- Most state laws call for a school-level response to bullying, and schools can impose penalties on cyberbullies, but the laws and penalties vary from state to state. This includes the ability to discipline off-campus student behavior which substantially disrupts the learning environment.



## *People v. Marquan (New York Court of Appeals) 2014*

16-year-old Marquan M. posted pictures of his classmates with sexually suggestive comments about their personal lives.

- The Court found that the law was written in a way that affected adult free speech as well.
- Albany County conceded that the law also violated the First Amendment because it was written too broadly.
- There were dissenting opinions that believed the vague part of the law could be stricken.
  - Felt that majority focused too much on the poor wordsmanship instead of the intent.





## *State v. Bishop (North Carolina Supreme Court) 2016*

Dillion Price was cyberbullied by Robert Bishop. Dillon's mom found the posts and contacted law enforcement.

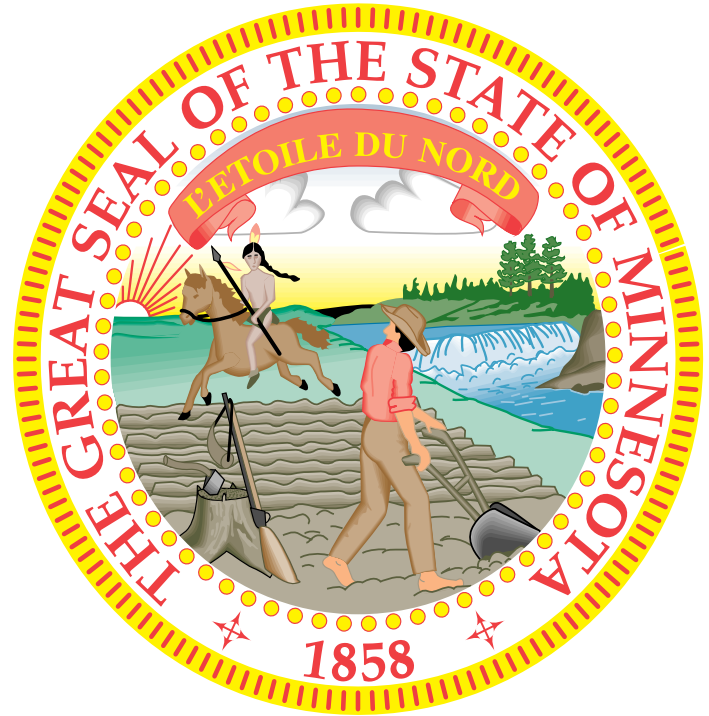
- Was convicted of cyberbullying per the NC law for 30 days, got 4 years' probation.
- Supreme Court of NC decided that the conviction based on the cyberbullying law was unconstitutional.
  - Justice Robin Hudson wrote "...the statute's scope is not sufficiently narrowly tailored to serve the state's asserted interest in protection children from the harms resulting from online bullying." (Staff, Findlaw) [28]
- The verdict was unanimous and reversed both lower court's decision.

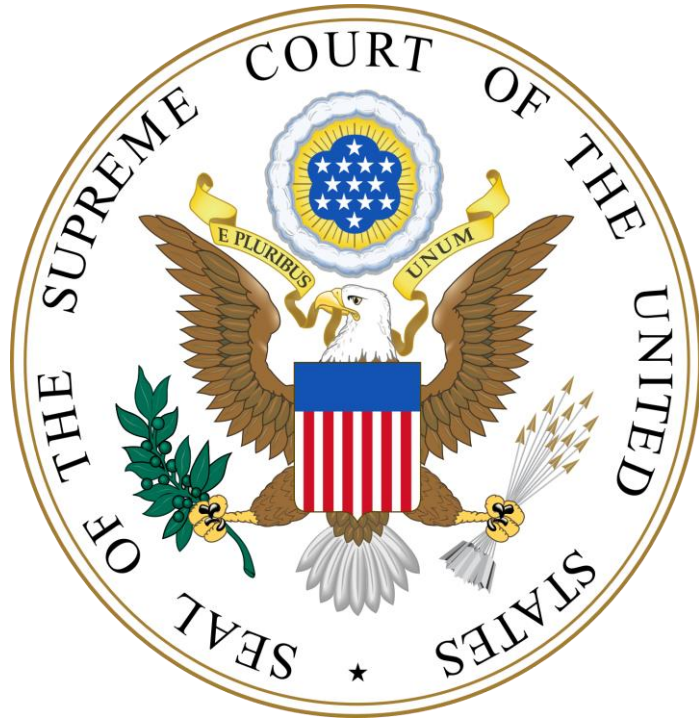


## *In the Matter of the Welfare of A.J.B., Child (Minnesota Supreme Court) 2019*

A.J.B. tweeted about M.B., explicitly going after his autism and sexuality.

- Was convicted under mail harassment laws.
- Two lower courts convicted him; Supreme Court of Minnesota reversed it on the law being applied too broadly.
- Felt that this could apply to speech that the poster didn't know would intimate or threaten a person.
- Supreme Court did mention that by narrowing the law or creating a new specific law to cyberbullying may be okay.





## *Mahanoy Area School District v. B.L. (United States Supreme Court) 2021*

B.L. used the Snapchat app to use vulgarity and profanity against the cheer team and school.

- Was off campus and outside of school hours.
- District Court and Court of Appeals used Tinker case to rule in favor of B.L.
- Supreme Court affirmed rulings but on different grounds citing First Amendment rights.
  - Not disruptive to school.
  - No decline in team morale.
  - School wasn't *in loco parentis* at the time of the incident.

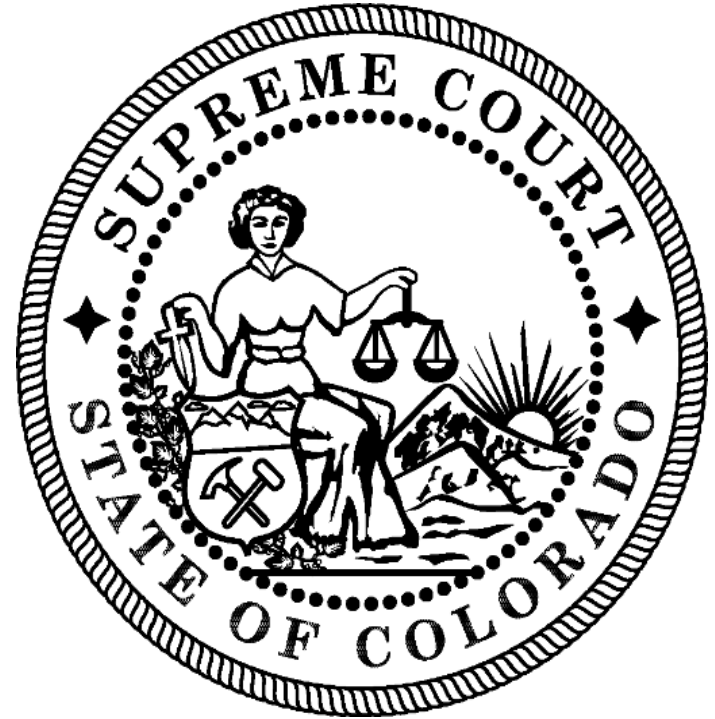
In the end, the US Supreme Court decided that the cyberbullying action the school took was done in violation of B.L.'s free speech.

The decision did state there may be times where cyberbullying may trump free speech but didn't take it up at this time.

## *People v. Moreno (Colorado Supreme Court) 2022*

Though unusual, this case is between a man and his ex-wife, whom he constantly emailed vulgar and disparaging remarks. This continued to where he posted on her Facebook account.

- Supreme Court struck the words “intended to harass” (Bradbury, Shelly) [5] from the 2015 law.
- Found that those words step on people's First Amendment rights.
- It would impede those in speech that was constitutionally protected under the Colorado and U.S. Constitutions.





## *Analysis:*

- What are the options?
- Which are strongest?
- Weakest?
- Why?
- Are there alternative ways of thinking about it?

# *What are the options?*

Option 1 - The status quo: The country can have a mismatched patchwork of laws in each State. It would then take the courts to decide how to define cyberbullying. In our previous discussion, the courts have ruled against State laws and regulations based on the First Amendment and free speech.

Option 2 - Federal definition of cyberbullying: Once that definition is created, a law can be enacted that makes it a crime to engage in cyberbullying. The States in turn can use that definition to tighten up their laws and regulations. Again, the courts do have to determine if the laws are acceptable.

Option 3 - NOT defining cyberbullying and use other laws on the books, such as harassment, defamation and discrimination, to prosecute offenders. An offshoot of this is to make cyberbullying a special type of crime, like hate crimes.

Option 4 - Rewrite existing State laws and focus on specificity so First Amendment rights aren't trampled on but are strong enough to prosecute a person.



[illegible]

*Which are the strongest?*

While we don't feel that this is the only way to combat cyberbullying, it gives guidance to the States and what their definitions are. By the federal government taking the lead, it gives more credence to their own laws and regulations.

Finally, the federal government is a late player in this game. It can look at the arguments that were given before the various courts and make laws that will work with the First Amendment.



## *What are the weakest?*

We believe that the weakest solution would be to do nothing.

Doing nothing won't solve the issue. It continues the cycle of bullying and perpetuates the issues these children face.

We're seeing laws being invalidated because they interfere with the First Amendment. States can continue to let their laws be invalidated, which doesn't solve the problem. However, the courts are saying that the States have options to change those laws to better account for free speech.

We feel that this is not really a solution that is tenable.



# *What are the alternatives?*

The alternative way of thinking about this is to use tried-and-tested laws.

We do mention that an option is to not create cyberbullying laws and use laws that are already created. In the case of cyberbullying, we can use discrimination, defamation and harassment laws. These laws are a little more established. It would be safer to use these laws because the courts have seen cases and have ruled what's constitutional and what isn't. It could be a great way of prosecuting those that commit these heinous actions.

Another alternative is to strengthen the educational system to be able to report instances of cyberbullying off campus. Not to be the ones to press the charges against the perpetrator but to notify law enforcement that there may be an issue. Also, bring the subject up with the parents when they notice something going on, but they can't be the ones that press the charges or hand out the punishment.





**STOP CYBERBULLYING**

## *Conclusion:*

### *Important*

- People are being harmed by the cruelty of these attacks.
- People are literally dying due to cyberbullying.

### *Background*

- No federal definition or law.
- Most States have laws, but they are being challenged in the court system.
- Most being overturned on First Amendment grounds.
- Many parties believe that the laws need to be tightened so unintentional cyber bullying isn't included.



**STOP CYBERBULLYING**

## *Conclusion:*

### *Analysis*

- 4 options: status quo, federal inclusion, rewrite State laws, use harassment and defamation laws.

### *Recommendation*

- We would go with the strongest option which is for the federal government to step into cyberbullying laws.
  - Define the term.
  - Create a law that respects the First Amendment.
  - States can use that as their template.
  - Can learn from mistakes of the States laws.



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