Cyberbullying, Sexting, and Predators, Oh My!
Addressing Youth Risk in the Digital Age
in a Positive and Restorative Manner

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Young people have embraced the Internet and cell phones as a tool for socializing. They send messages and text, create a social networking profile, post personal news, and interact. Much of this activity is fun and beneficial. The majority of young people make positive choices and are not at risk or being harmed.[1]

Unfortunately, some young people may get into risky or hurtful situations. Research studies have demonstrated that the young people at greater risk when using digital technologies are those who are at greater risk in general. This is risk behavior that is now manifesting in a new environment.

Digital Risk

Digital Aggression (Cyberbullying)

Use of digital technologies to intentionally engage in hurtful acts directed towards another.

- Forms of cyberbullying include:
  - Flaming. Online fights.
  - Harassment. Direct hurtful messages.
  - Denigration. Harmful material posted or sent to others.
  - Outing. Sending or posting private damaging digital material.
  - Trickery. Tricking someone into providing damaging digital material that is then disseminated.
  - Exclusion. Excluding someone from an online group.
  - Cyberstalking. Acts that generates fear.
- Key insight from the research:[2]
  - A significant concern affecting a minority of young people with different degrees of severity. Reported incident rates in academic research range from 6% to 72%--depends on how the questions are asked and study designed. In surveys that ask, generally around 50% of respondents indicate they were not overly distressed. Situations are closely intertwined with face-to-face hurtful interactions--continuation, retaliation, or mutual conflict. Not anonymous.
  - Those involved as aggressors or targets generally have other risk factors.[3] Lack of self-

regulation appears to be a significant concern.
  - Most young people do not report to adults.[4] They are far more likely to tell a friend. Lack of reporting appears to be related to their own ability to resolve the problem or desire to do so, fear of overreaction, and the lack of trust that adults can effectively help them.
  - There appear to be two kinds of youth who engage in hurtful behavior.[5] Socially marginalized youth who appear to be fighting against a community that has excluded them. Socially connected youth who use aggression to control others and achieve social status.
- Research on bullying, has raised significant concerns about the effectiveness of school intervention.
  - The Youth Voice Project found only 42% of students who were bullied at moderate to very severe level reported this to the school.[6] After reporting, things got better only 34% of the time. Things got worse 29% of the time.
  - Bradshaw, et. al. reported that a significant majority of students (around 60%) believe school staff make things worse when they intervene in bullying situations, whereas very few school staff (under 7%) thought this.[7]

Digital Threats or Distress

Posting information that is a direct threat or "leakage" indicating emotionally distress and the potential for violence against self or others.[8] Material can range from a joke to an imminent threat.

- Two important issues:
  - Sometimes the threat is not real or has been resolved. Adults must avoid overreacting.
  - Young people are most likely to see this material. They must know how to recognize serious situations and the importance of reporting. This can be facilitated with an online reporting tool.
- There is a relationship between bullying and suicide, but there are generally many factors involved.[9] Young people who are engaged in aggression, both as aggressors and targets, also appear to be at higher risk of suicide.

- Messages to students that bullying/ cyberbullying is causing suicide could lead to contagion because more youth may think that if they are being bullied, suicide is an option they should consider.
• Digital aggression can lead to school violence.
  - A recent report suggested two-thirds of school violence incidents were initiated by digital aggression.[10]

Digital Abuse

Abusive and controlling use of digital technologies in the context of abusive personal relationships.[11]
• Abusive use of technologies includes:
  - Excessive controlling texting.
  - Sexual harassment, including requests for revealing images.
  - Intrusion into private communications including demanding access and limiting communications with others.

Digital Exploitation

Many teens use digital technologies to form personal relationships and may engage in non-abusive, consensual sexually-related interactions.
• However, concerns in this area include:
  - Relationships ground in fantasy that can lead to unrealistic expectations or become abusive.
  - Coercive pressure to provide revealing images (sexting).
  - Distributing revealing images that were provided privately
  - Grooming leading to sexual interactions--by an adult or teen, stranger or acquaintance.
  - Sex trafficking.
• Key insight from the research:
  - Digital exploitation most often fits the model of statutory rape.[12] The publicity about online strangers who engage in deception or track young people based on personal contact information is inaccurate. Arrests for online predation accounted for 1% of all arrests for sexual abuse of minors in 2006.[13]
  - It is, however, important to address how someone might engage in online grooming, which likely will include overly friendly messages, overly eager efforts to form a relationship, discussions about sex, and requests for a revealing images.
  - The reported rate at which teens have been receiving unwanted sexual communications online has been steadily declining from 19% in 2000, 13% in 2005, to 9% in 2010.[14] Increased

interactions on social networking sites with known friends is likely a factor in the decrease.
- Recent research indicates that *% of teens have engaged in sexting (not the oft-reported 20%).[15] Pressure to provide is often a factor.[16] Girls and boys appear to be equally involved, but images of girls are more likely to go "viral." Laws against the creation, possession, and distribution of child pornography were not enacted to address this situation. Eighteen year olds are at high risk of an egregious criminal response. They can have sex, but can't sext.

Unsafe Digital Communities

Unsafe digital communities involve communities that support self-harm, such as anorexia or self-cutting, or engage in criminal activity or support hatred or violence, such as gangs and hate groups.[17]
• These groups appear to have common features:
  - Provide emotional support for marginalized youth.
  - Include older teens and young adults who act as "mentors."
  - Adopt symbols to foster group identity.
  - Use online rituals to foster group identity.
  - Exclude those who do not abide by norms.
  - Rationalize self-harm or harmful behavior.
• Not all online groups that attract vulnerable teens are dangerous. Marginalized youth may also find healthy environments where they share more unique interests with others.

Digital Environment

Features of this digital environment can have a challenging or positive impact in terms of prevention and intervention. These features include:

• *Permanence of Digital Material.* Can lead to greater harm because material is permanently available for others to see. Provides "early warnings" and supports more effective investigation and accountability.

• *Anonymity.* Makes it easier to avoid detection. Allows young people to anonymously seek help.

• *Wider Dissemination of Hurtful Material.* Can cause greater harm because more people see the material. Knowledge that many can see inappropriate actions may inhibit negative acts.

• *Networked Community with Many Participants.* Can increase hurtful involvement by others. Groups can be mobilized to stop the harm.

- *Wider Social Engagement.* Can bring young people into contact with people who they do not know face-to-face who may not be safe. Allows socially marginalized youth to find supportive digital communities.
- *Change in Power Balance.* May lead to retaliatory aggression by those with less power, because it feels safer. Allows those with less social power to better challenge those who abuse power.

The Times they are A-Changin'

Older "evidence-based" bullying and other risk prevention practices often focus on increasing adult involvement and control.[18]
- School officials create policies.
- School staff increases supervision.
- Teachers teach students not to engage in bullying or risk behavior
- Students are told to report concerns to adults.
- Schools are warned against teaching students conflict resolution or peer mediation skills in some bullying prevention programs.
- School staff detect bullying or concerns are reported by students.
- Principals discipline students.

How do these practices translate to the digital age?
- School officials are not creating the rules for the web sites or technology services.
- Adults are not present in teen digital online communities, nor do they have easy access to text messages, so supervision is impossible.
- Teens will ROFL (roll on the floor laughing) if teachers try to directly teach "Internet safety" because they know most adults do not fully understand their digital world.
- "Tell an adult" often translates to "admit you are a wimp." Teens want to resolve their own problems. Teens most often tell friends about digital concerns, not adults. Teens will not seek adult assistance if doing so could make things much worse, which the research evidence demonstrates happens.
- Punitive interventions that generate anger can lead to digital retaliation that can be accomplished anonymously or by enlisting the support of online friends over whom a school has no authority.

Effective Prevention & Intervention

There are three foundational issues to effectively address youth risk in the digital age.

Local Accountability & Continuous Improvement

The lack of evidence-based best practices to address digital-based concerns means that districts must assume greater local responsibility to ensure the likelihood of success of their local programs.
- Ground your prevention and intervention approach in available research insight.
- Use practices that have demonstrated effectiveness in other risk prevention, specifically focusing on reinforcing positive social norms, enhancing effective skills, and engaging witnesses.
- Conduct a local needs assessment to determine students' norms, practices, negative incidents, and risk and protective factors. Use this data to develop objectives.
- Assess effectiveness through periodic local data collection.

Embracing Digital Youth is pioneering the use of web-based survey techniques to support needs assessment, social norms instruction, and evaluation. Professionals can view the current survey instrument at: <https://www.surveymonkey.com/s/CyberSavvysurvey>

This survey assesses students' attitudes and behavior when using digital technologies, as well as actual experiences as a target, participant, or witness to situations involving digital aggression, abuse, or exploitation. The survey is designed to serve three objectives:
- *Needs assessment and planning. Provide insight into local norms and practices, as well as local incidents to guide planning.*
- *Instruction. Use evidence of local norms and practices for constructive student instruction.*
- *Evaluation. Periodically use the survey to support evaluation by assessing changes in attitudes and behavior.*

Importance of Peers

Because young people are in a position to detect concerns of others and most often tell their friends about problems, not adults, it is necessary to focus on efforts to increase positive witness responses.
- Integrate the role of peers in prevention and intervention initiatives:
  - Universal education that focuses on positive peer norms and effective strategies.
  - Secondary prevention that empowers peers to help resolve negative situations by providing targets with support and advise,

engaging in conflict resolution, and protesting harm.
- Tertiary intervention by adults made possible because peer witnesses know to report serious or unresolved situations.

Nancy Willard's new book, Cyber Savvy: Embracing Digital Safety and Civility (Corwin Press), provides professional guidance for teachers on a constructive approach for universal education to address issues.

Embracing Digital Youth is also currently implementing and evaluating an innovative approach to encourage helpful allies. The Be a Friend ~ Lend a Hand project is designed to be a student-led initiative to increase student intervention when they witness hurtful behavior.

Research in peer intervention has discovered three key factors that positively influence peer involvement:
- *Affective empathy.*
- *Effective skills.*
- *High social status within school community-- which appears to be the controlling factor.*

Be a Friend ~ Lend a Hand strives to increase students's skills in responding. Students are encouraged to report serious concerns, reach out to be kind to the person targeted, and privately or publicly say stop. The program also seeks to impact the social status factor by promoting the positive perspective students have of those who step in to help others.

Effective Investigations and Restorative Interventions

Because digital situations could involve continuation, retaliation, or mutual conflict it is imperative these situations be effectively investigated. Recent research is raising questions about the effectiveness of school responses to student aggression. Legal standards can limit actions in some off-campus speech situations.
- Fully investigate situations to fully understand the dynamics between the participants.
- Use restorative interventions that hold everyone accountable for harm and that focus on resolution and reconciliation.

Embracing Digital Youth has developed an adaptation of restorative practices to be used in situations of bullying, cyberbullying, and other conflict situations. This approach includes two levels of intervention:
- *An approach to use for mild to moderate situations involving students.*
- *A more comprehensive approach designed to be implemented by a district-level mental*

health professional to resolve the more serious situations, including those involving student online attacks on school staff.

Legal Issues

There are a number of legal standards that must inform the development of policies and the investigation and intervention process.
- *Student Off-Campus Speech.* Federal courts have consistently held that school officials can formally respond to student off-campus speech that has, or reasonably could, cause a substantial disruption on campus.[19] Case law supports the conclusion that this includes situations that have or could lead to violence, overall interference with the delivery of instruction, or significant interference with the ability of any other student to fully participate in school activities.
  - But if student speech has targeted staff, the school will need to demonstrate that a significant interference with the delivery of instruction or school operations has occurred or is reasonably foreseeable.[20] Courts have consistently looked to the degree to which the education of the students was negatively affected, not the offensiveness of the speech or the negative impact on the authority of school staff.
  - It is very important to have a provision in district policy that specifically addresses off-campus speech to survive a challenge ground in lack of due process due to lack of notice.[21]
- *District Responsibility.* Schools have a responsibility under civil rights laws to prevent student-on-student harassment that is so severe that it deprives a student of the right to receive an education.[22] While there is no case law, if a school has actual knowledge that a student is being denied a right to an education by another student's off-campus speech combined with hurtful interactions at school, failure to intervene could be considered deliberately indifference.
- *Search and Seizure & Miranda Rights.* Students have a significant expectation of privacy in the digital records on their personal devices and a right against self-incrimination.
  - Reasonable suspicion is likely sufficient for school official search.[23] But school officials can only search records related to the suspicion, not all records on the device.[24]
  - When law enforcement becomes involved, the standard shifts to probable cause.[25]

- Students and their parents should likely be advised of their right to refuse consent to search without a search warrant because consent must be knowing and voluntary.
- If a student is a focal suspect in a criminal act and law enforcement is involved, that student must be promptly informed of his or her constitutional right to remain silent and have an attorney.[26]

Comprehensive School Approach

The following is a research-guided approach that is grounded in best practices in bullying, violence, and suicide prevention, combined with insight into digital behavior of youth and legal issues.

Comprehensive Multidisciplinary Planning

• Engage in comprehensive planning involving school administrators, counselor/psychologists, health teachers, educational technology specialists, school nurses, and school resource officers. The comprehensive approach should address:
  - Universal prevention through policies and education for all students, staff, and parents.
  - Secondary prevention that focuses on developing student capacity for effective responses to digital risk situations, conflict resolution, and adult detection of concerns.
  - Tertiary intervention that is ensures effective reporting and investigation and is focused on restorative interventions.
• Establish a web site that provides student with links to national, state, and local services that provide information, support, and crisis response to all youth health and well-being concerns.

Needs Assessment

• Conduct a student survey or focus groups to identify positive norms and practices, negative incidents, and to provide insight into underlying risk and protective factors.

Policy & Protocols Review

• Review and revise all policies and protocols related to situations that involving digital risk. These policies and protocols will govern the actions of school officials and law enforcement when investigating and intervening.
  - *Bullying and Harassment Policy*. Include language in the district policy that ensures students and parents have notice the school will intervene in situations where off-campus speech has or could cause a substantial disruption at school or interfere with the rights of students to be secure. Additionally, include provisions that require a full investigation,

encourage restorative interventions, and ensure post-incident evaluation.
  - *Threat Assessment and Suicide Prevention Protocols*. Revise these to address the fact that threatening material is posted online.
  - *Cell Phone and Imaging Devices*. Develop reasonable policies to restrict harmful use on campus.
  - *Law Enforcement and Mental Health Involvement*. Develop a protocol with local law enforcement and community mental health professionals for investigation and intervention of the more significant concerns. Protect students' constitutional rights. Promote community-based restoration.
  - *Encourage Reporting of Serious Concerns*. Set up a web-based reporting vehicle for students to report any concerns.

Professional Development

• Implement a "tiered" approach to accomplish the necessary professional development.
  - Key district educators require a high level of expertise in the area of these concerns, including an understanding of the legal issues.
  - All safe school personnel require insight into approaches to effectively detect, investigate, and intervene.
  - Teachers who are instructing students about digital safety require insight into the concerns necessary to effectively teach safe and responsible digital behavior.
  - All other staff require a general understanding within the context of the professional development they receive related to bullying prevention and youth risk.

Parent and Community Outreach

• Facilitate parent and community outreach through newsletters, parent workshops, and "just-in-time" resources at school.
  - Reinforce the importance of encouraging their child to be a helpful ally.
• Provide outreach to community mental health professionals, community organizations, and the media.

Student Education, Investigations, Restorative Interventions

• See below.

Evaluation

• Use a "continuous improvement" approach for evaluation based on local data.
  - It is especially important to evaluate the effectiveness of school intervention efforts in specific situations.

Student Education

Nancy Willard's book, *Cyber Savvy: Embracing Digital Safety and Civility* (Corwin Press) provides insight into how to effectively provide universal education on these issues.

- Cyber Savvy youth:
  - Keep Themselves Safe. They understand the risks-and they know how to avoid getting into risky situations, to detect whether they are at risk, and to effectively respond.
  - Present a Positive Image. They present themselves online as someone who make positive choices.
  - Respect Others. They respect the rights, privacy, and property of others and treat others with civility.
  - Take Responsibility for the Well-being of Others. They help others and report serious concerns to a responsible adult.
- Establish a multidisciplinary committee that includes educational technology specialists, school librarians, health teachers, school mental health personnel, and school resource officer to guide delivery of instruction.
- Use a constructive education approach that engages students in learning from their peers and developing their own personal standards.
  - This can be accomplished through student discussions, use of older students to teach younger students, and messaging ground in the insight into positive norms and practices.
- Incorporate these three key components:
  - Reinforce Positive Norms. Universal education must promote the positive norms and effective practices held by the majority of the students.
  - Strengthen Effective Skills. Help students gain effective skills, including problem-solving and decision-making in a digital environment.
  - Encourage Helpful Allies. Encourage students to provide support to a peer who is engaging in risky behavior or being harmed, challenge irresponsible or hurtful behavior, and report unresolved or serious concerns. Emphasize the positive perspective of helpful allies.

Investigation

School officials, as well as law enforcement if involved, must take the time to fully investigate any digital risk situation. School officials can use digital evidence to more fully understand the situation, but this evidence could be deceptive or not disclose the entire situation. It is important to gain an understanding of the entire situation-- including face-to-face interactions, as well as digital. Follow these steps:

- *Preserve Digital Evidence.* Gather and preserve the digital evidence and determine the identity of individuals involved.
  - If someone is anonymous or it appears a fake profile has been created, look for lesser-involved students who are identifiable and question them, promising confidentiality.
  - Law officers have greater ability to determine identities through a subpoena, if the matter involves criminal activity.
  - Watch out for fake profiles designed to get someone into trouble.
- *File an Abuse Report.* Once the materials have been preserved, file an Abuse Report on the site to get any hurtful or inappropriate materials removed.
- *Review the Situation.* Review the digital material and gain insight from the participants to assess what is happening online, as well as underlying relationship concerns.
  - Determine who is playing what role in this situation, with what apparent motivation.
  - Look closely to determine whether online incident is a continuation of--or in retaliation for--other hurtful interactions between the parties.
  - Determine whether the evidence gathered raises concerns that any student, target or aggressor, may pose a risk of harm to others or self.
  - A staff member who is a target of hurtful material should never handle the investigation.
  - If a staff member has been targeted and the situation demonstrates any evidence of serious concerns, the investigation should be conducted by district-level personnel. This student may be at higher risk--or may have been subjected to hurtful behavior by the staff member who the student targeted.
- *Investigate in Collaboration.* If it appears that there is an imminent threat of violence, contact law enforcement and initiate a protective response in accord with threat assessment plan. If there appears to be an imminent threat of suicide, follow suicide prevention protective plan. Situations involving sexting or exploitation will require law enforcement and child protective services involvement in accord with protocol that has been developed.
- *Document the Situation.* If the situation involves off-campus speech, to avoid litigation

challenges, it is important to document the following:

- *Nexus*. The connection between student's off-campus speech and members of the school community. This includes noting all associated on-campus negative activities.
- *Interference with Rights of Other Students*. How off-campus speech is interfering with the rights of another student or students to be safe and receive an education.
- *Substantial*. Why the interference is "substantial," not merely an inconvenience or situation that has caused offense.
- *Reasonably Foreseeable Disruption*. If disruption has not occurred, solid reasons why disruption can be predicted.
- *Interference With Other Student to Receive an Education*. Must be demonstrated based on both that student's subjective perspective and an objective observer perspective.

Restorative Interventions

Recent research, as well as litigation, has raised concerns about the effectiveness of school responses to student aggression. Students will not seek adult assistance if doing so could make things much worse. Punitive interventions that generate anger can lead to digital retaliation that can be accomplished anonymously or by enlisting the support of online friends over whom a school has no authority. It is imperative to shift from a punishment-based approach to restorative interventions.[27]

- Punishment-based approaches ask these questions:
  - Who did it?
  - What "rule" was broken?
  - How should the offender be punished?
- Restorative interventions view transgressions as harm done to people and communities. Restorative approaches ask these questions:
  - What is the harm to all of the parties involved and to the community?
  - What needs to be done to repair the harm?
  - Who is responsible for this repair?
  - What needs to occur to prevent similar harm in the future?

Discussions with Targets of Aggression

Students who are targeted online are also likely experiencing--or could be causing--difficult relationships at school. Discuss what has happened online and relationship issues at school. If a hostile environment exists at school, make sure this, and the school's protective responses, are well documented.

- Discuss with target what response by the aggressor could help to restore well-being. Make sure the intervention plan is something the target agrees with. Recognize the target is at risk of retaliation as a result of reporting to the school.

Discussions with Those Engaged in Aggression

The intent of a restorative intervention is to hold the person who caused harm accountable in a manner that is restorative.

- To be held accountable requires that this person:
  - Acknowledge that he or she caused harm.
  - Understand the harm as experienced by the other person.
  - Recognize that he or she had a choice.
  - Take steps to make amends and repair the harm.
  - Enunciate an intent to make changes in future behavior so that the harm will be unlikely to happen again.

Determine whether the aggressor is socially maligned or socially motivated will assist in shaping a response. Socially maligned aggressors often have emotional challenges that are not being effectively addressed. Some may be the target of hurtful acts at school--by other students or by staff.

- Ask about and develop a plan to address these challenges.
  - If the online aggressor is the target of aggression at school, by students or staff, and has not reported this or the situation has not been resolved, this issue that must be addressed.

Interventions Involving Dating Abuse

School officials may become aware of situations involving dating abuse that also involve using digital technologies for control and manipulation.

A challenge in addressing these situations is that young people in such relationships often resist adult involvement and may not have access to ongoing counseling. Online resources can provide a significant advantage in addressing these concerns. There are high quality sites that provide resources on these issues, as well as "hotline" services.[28]

- Provide students with easy access to sites that provide information and support related to dating abuse.

Supporting Students Who are Distressed

Student who have been involved in a digital aggression, abuse, or exploitation situation may need a plan to effectively deal with the emotional trauma.

- Discuss with these students possible sources of strength such as family support, friends, community support, healthy activities, and counseling.[29] Help the target plan a "next steps" strategy to tap into these sources.

- Make sure the student also knows to report any continuing challenges. Periodically check in with the student to find out how things are going. Also contact the student's teachers to ask them to be attentive to any concerns.

- In any situation where a student has had a revealing image distributed, it is essential to predict sexual harassment and have a plan of action to prevent and intervene. This will require ongoing, intensive support of the student depicted.

  - Help this student enlist the help of supportive friends. Respond to reports of harassment in a manner that is restorative and that also sends a clear message that such harassment will not be tolerated.

Law Enforcement & Mental Health Involvement

Situations involving sexting and other forms of exploitation will often require the involvement of law enforcement. Some incidents of digital aggression meet the criteria for a criminal offense, as will some situations involving threats.

The young people who are involved in these situations may often require more significant mental health intervention than is possible to expect in a school setting.

- Ensure a multidisciplinary collaboration involving law enforcement, community mental health, and the schools to intervene in these more challenging situations.

  - A Restorative Justice program that works in conjunction with the juvenile justice system can be very helpful vehicle to address sexting and egregious digital aggression situations. If there is currently not a Restorative Justice program in the community, it is strongly recommended that schools provide leadership to encourage the creation of such a program. Information resources on law enforcement-focused restorative practices are available from the U.S. Department of Justice.[30]

Evaluation of Intervention

It is exceptionally important to conduct a post-incident evaluation of every situation to ensure the effectiveness of the intervention efforts.

- Request feedback from all parties involved. In digital aggression situations, this includes the target, target's parents, aggressor, aggressor's parents, and other students who witnessed and reported.

- Evaluate individual reports to determine need for continued or corrective efforts.

- Conduct an aggregated analysis to inform school/district prevention and intervention efforts.

Embrace Civility in the Digital Age

Embrace Civility in the Digital Age (a program of Center for Safe and Responsible Internet Use) promotes approaches that will best ensure all young people become cyber savvy and that seek to address youth risk in the digital age in a positive and restorative manner.

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Nancy is author of: *Cyber Savvy: Embracing Digital Safety and Civility* (2011, Corwin Press), *Cyberbullying and Cyberthreats: Responding to the Challenge of Online Social Cruelty, Threats, and Distress* (2007, Research Press), *Cyber-Safe Kids, Cyber-Savvy Teens, Helping Young People Use the Internet Safety and Responsibly* (2007, Jossey Bass). She has also created two online courses that are presented by Knowledge Delivery Systems, Cyber Savvy: Promoting Students' Safe and Civil Internet Practice and Empowering Students Against Digital Aggression, Abuse, and Exploitation.

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27 Valuable insight comes from the International Institute for Restorative Practices. http://www.iirp.org.

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