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Cyberbullying and the First Amendment

Bullying has been a problem for children in school for a long time, but in more recent years it has expanded to the internet. Cyberbullying now means that bullies can harass others while hiding behind a screen. This occurs in and out of school, so schools cannot always put a stop to it. When online bullying happens outside of school hours, schools face uncertainty about when and how to regulate students' behavior. However, if schools don't get involved, cruel words typed outside of school can cause many kinds of problems when students return, where principals are obligated to act in order to often need to prevent their schools from becoming hostile environments. Because the border between school and outside world has become more porous, principals need the flexibility to respond online and off school grounds. Because cyberbullying can have a direct impact on what happens in school and on school grounds, where school authorities clearly have jurisdiction, their efforts to restrict students' words online are not a violation of students' First Amendment rights.

Cyberbullying does happen outside of school, so we can understand that there is an argument to be made that principals do not have the right to get involved. Some, for example, might look to the *Layshock v. Hermitage School District* decision as restricting any action schools can take because, "it would be a dangerous and unseemly precedent to allow the state, in the guise of school authorities, to reach into a child's home and control his/her actions there to the same extent that it can control that child when he/she participates in school sponsored

activities” (mtsu.edu). Some argue thus argue that what happens outside of a school building is not a school’s problem, that such actions would violate that student’s First Amendment rights.

From this point of view, kind of activity not sponsored by schools should not be dealt with by principals. This would leave principals helpless to curb online harassment. However, this kind of thinking sets the scene for multiple kinds of problems happening *in* schools, whether or not that is where the cyberbullying happens. If schools are so limited, , there will be no end to the torment a bully can inflict on other kids. Students should be able to report any kind of bullying if it is affecting them in any way.

Therefore, when cyberbullying occurs outside of school, there should still be school staff involvement. Although it might seem to some that this is a non-school problem, the authority of schools over cyberbullying is not a violation of students’ freedom of speech, as is clear in the *Tinker v. Des Moines* Supreme Court case. In this case, “The Court ruled that the First Amendment applied to public schools, and school officials could not censor student speech unless it disrupted the educational process” (aclu.org). With this ruling, schools were given the authority to sentence cyberbullies to consequences for sending offensive content to others outside of school. Any bullying reported to school faculty should be dealt with by schools if it is making learning more difficult in the classroom environment. Jan Hoffman states that cyberbullying “almost always occurs outside of school and most severely on weekends, when children have more free time to socialize online” (nytimes.com). Nevertheless, if a bully sends hurtful messages to someone on Sunday, that interaction can most definitely cause disruptions in school for the targeted student on Monday. If the principal does not intervene, the messages would likely increase and cause more severe problems down the line. Schools need to be safe

and secure, so if a student does not feel this way in the building because of what another student has said online, this is a problem. It is not a violation of First Amendment rights because the words said, or typed, are making someone else feel unsafe and in danger when on school grounds.

Students have a right to a good education in a non-hostile environment. David L. Hudson Jr. reminds the reader that the *Tinker* case also said, “school officials could punish students if their speech invaded the rights of other students” (mtsu.edu). If the typed words of a bully are making learning more difficult in school , the principal must have the authority to take action in giving consequences. According to StopBullying.gov, students who are bullied are more likely to experience “depression and anxiety, increased feelings of sadness and loneliness, changes in sleep and eating patterns, and loss of interest in activities they used to enjoy.” This kind of mentality can significantly decrease the morale in students and thus can affect how students perform academically. Students who are bullied are also more likely to have “decreased academic achievement—GPA and standardized test scores—and school participation. They are more likely to miss, skip, or drop out of school” (“Effects of Bullying”). There is no reason a student should have to go through that, and it can be stopped if the schools were to do something about cyberbullying. This can also affect schools themselves. It is a better idea to deal with the source of the decrease in stable mentality and academic achievement than to have a bully still causing problems in school.

Nationwide, schools have zero tolerance policies for bullying on school grounds but in a sense “school grounds” have expanded into the online environment. . Students should feel welcome when entering the school building, not scared or intimidated by words that have been

typed at them in the hours between school days. Students should see school as a source of knowledge, not a source of their anxiety. Only when cyberbullying is dealt with in and out of school can we have this ideal learning environment.

Works Cited

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