

# Cyberbullying

## Faculty Guide

Virginia State Bar Young Lawyers Conference



**CHILDREN AND THE LAW COMMISSION  
YOUNG LAWYERS CONFERENCE  
VIRGINIA STATE BAR**

**CYBER-BULLYING PRESENTATION**

**AGENDA**

1. Introduction
2. Attorneys will break-out into small groups with students and analyze scenarios
3. Regroup as a class and discuss the scenarios
4. Guest speakers will discuss what happens when certain acts are both cyber-bullying and crimes
5. Conclusion

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1. Presentation Description and Suggestions
2. Definitions and the Law
3. Scenarios for Discussion (with answers)
4. Cyberbullying Resources and Contact Information



## DESCRIPTION

- **Event:** Children and Law Commission Cyber-bullying Presentation
  
- **Objectives:**
  - For students to understand that certain acts may constitute as both criminal acts and cyber-bullying
  - Public awareness of online issues and crimes that impact children
  - Provide the students in a criminal law class in high school an opportunity to practice their legal analytical skills that they have been working on this year
  
- **Audience:** High school students
  
- **Presentation Format and Information:** This presentation will be interactive, meaning the students break out in small groups with an attorney leading the discussion, the speakers will discuss the relevant Virginia criminal codes, etc.

## PRESENTATION SUGGESTIONS

1. Introduction: Introduce each speaker, give a brief overview of cyber-bullying, and purpose of event
  
2. Break-out into small groups with students
  - a. Distribute handouts to students and analyze the scenarios
  - b. Ask a student to volunteer to speak on behalf of their group and share what the group concluded when class re-groups
  - c. FYI
    - i. If there is not enough time to discuss both fact patterns, groups can split the scenarios and do different ones
    - ii. Materials, such as scenarios and laws can be given to students before the event to leave more time for discussion during the event
  
3. Regroup the class and discuss the fact patterns
  - a. A student from each group can discuss what their group concluded
  - b. Could re-emphasize how certain acts could be both cyber-bullying and criminal activity to transition into the next part of the presentation
  
4. Discuss what happens when certain acts are both cyber-bullying and crimes
  - a. Speakers could use a fact pattern that they discussed with students to illustrate this point
  
5. Conclusion

## **Definition of Cyber-bullying.**

According to the Cyberbullying Research Center, cyber-bullying is defined as “willful and repeated harm inflicted through the use of computers, cellphones, and other electronic devices.” ([http://www.cyberbullying.us/cyberbullying\\_fact\\_sheet.pdf](http://www.cyberbullying.us/cyberbullying_fact_sheet.pdf))

Additionally, the National Crime Prevention Council states, that cyber-bullying is similar to other types of bullying, except it takes place online and through text messages sent to cell phones. Cyberbullies can be classmates, online acquaintances, and even anonymous users, but most often they do know their victims.”

(<http://www.ncpc.org/topics/cyberbullying/what-is-cyberbullying>)

### **§ 18.2-427. Use of profane, threatening, or indecent language over public airways or by other methods.**

Any person who uses obscene, vulgar, profane, lewd, lascivious, or indecent language, or makes any suggestion or proposal of an obscene nature, or threatens any illegal or immoral act with the intent to coerce, intimidate, or harass any person, over any telephone or citizens band radio, in this Commonwealth, is guilty of a Class 1 misdemeanor.

“Over any telephone” includes, for purposes of this section, any electronically transmitted communication producing a visual or electronic message that is received or transmitted by cellular telephone or other wireless telecommunications device.

(<http://lis.virginia.gov/cgi-bin/legp604.exe?000+cod+18.2-427>)

### **§ 18.2-60. Threats of death or bodily injury to a person or member of his family; threats to commit serious bodily harm to persons on school property; penalty.**

A. 1. Any person who knowingly communicates, in a writing, including an electronically transmitted communication producing a visual or electronic message, a threat to kill or do bodily injury to a person, regarding that person or any member of his family, and the threat places such person in reasonable apprehension of death or bodily injury to himself or his family member, is guilty of a Class 6 felony. However, any person who violates this subsection with the intent to commit an act of terrorism as defined in § [18.2-46.4](#) is guilty of a Class 5 felony.

2. Any person who communicates a threat, in a writing, including an electronically transmitted communication producing a visual or electronic message, to kill or do bodily harm, (i) on the grounds or premises of any elementary, middle or secondary school property, (ii) at any elementary, middle or secondary school-sponsored event or (iii) on a school bus to any person or persons, regardless of whether the person who is the object of the threat actually receives the threat, and the threat would place the person who is the object of the threat in reasonable apprehension of death or bodily harm, is guilty of a Class 6 felony.

B. Any person who orally makes a threat to any employee of any elementary, middle or secondary school, while on a school bus, on school property or at a school-sponsored activity, to kill or to do bodily injury to such person, is guilty of a Class 1 misdemeanor.

A prosecution pursuant to this section may be either in the county, city or town in which the communication was made or received.

(<http://lis.virginia.gov/cgi-bin/legp604.exe?000+cod+18.2-60>)

## Scenario 1:

John and Victoria were in a serious relationship, but lately, they have been spending less time with each other because both were busy applying to colleges, studying for exams, and participating in after-school activities.

A few weeks ago, John and Victoria got into a fight over the phone because Victoria cancelled plans to go to the movies with John. John was upset because he already purchased tickets and was feeling lonely since they have not been spending time together. After that phone call, John, felt angry and lonely, so he called up an ex-girlfriend, Mary. John and Mary decided to watch the movie so the tickets would not go to waste. Even though Mary and Victoria used to be best friends, when John dumped Mary to start dating Victoria their friendship ended because Mary still had feelings for John. After the movies, John and Mary decided to hang out at his place and later that evening they fell asleep when they were watching TV.

Ever since John and Mary went to the movies, they were spending a lot of time with each other, even though John was officially going out with Victoria. With prom coming up, John decided to break things off with Mary because he already made plans with Victoria and their circle of friends. Mary was heart-broken, so she called up Victoria to talk things out with Victoria and let her know that John was cheating on her. Mary thought after breaking this news to Victoria that she would break up with John. However, Victoria did not believe Mary and continued going out with John.

A few days passed, but Mary could not let go of the fact that she was not with John and felt betrayed by Victoria since they used to be best friends. When Mary was having lunch at the high school cafeteria, she sent Victoria an email using her cell phone. Mary was hoping to scare Victoria and wrote to Victoria, "You stole John from me! I'm going to kick your @\$ and beat-up your parents!" Victoria was scared from this email, but does not know what to do.

## Questions:

What should Victoria do? Should she reach out and talk to anyone?

- *Open-ended discussion with students. E.g. Victoria could talk to her parents, School Counselors, Teachers, etc.*

Has anyone committed a crime? If so, what crime?

- *Yes, § 18.2-427. Use of profane, threatening, or indecent language over public airways or by other methods (Mary sent an email using her cell phone that stated, "You stole John from me! I'm going to kick your @\$ and beat-up your parents!").*
- *Red Herring: § 18.2-60. Threats of death or bodily injury to a person or member of his family; threats to commit serious bodily harm to persons on school property; penalty.*

Has anyone engaged in cyber-bullying? If so, what was the cyber-bullying?

- *Most likely no. The first call that Mary made to Victoria was to inform Victoria that John was cheating on Victoria, and there are no facts to show Mary engaged in willful harm against Victoria. During the second call, Mary had the intent to harm and scare Victoria when she threatened to hurt Mary and her parents, however, this was only one call. According to a definition of cyberbullying, “willful and repeated harm” must be inflicted.*

## Scenario 2:

Peter and Brian were in many of the same classes and studied a lot together for exams. Both were busy because they were applying for summer jobs, so they decided to save some time and instead of reviewing class materials together, they would each make outlines for different classes and share them with each other. They agreed that since Peter loved science and math he would make outlines for their Physics and Statistics classes, while Brian would make outlines for their History and Spanish classes.

Brian was relieved about using Peter's Physics notes because he was failing that class and if he did not pass the final exam he would have to take it over again in summer school, which was not an option for him because then his mom would not let him take on a summer job.

Brian spent a few days making the outlines for History and Spanish and gave them to Peter. However, Peter told Brian he would give the Physics and Statistics outlines at the end of the week, because he still needed to work on them. Since Peter had a photographic memory, he did not need to make outlines or notes for those two classes since he knew all the formulas and equations by heart, so he went online and printed-off some Physics and Statistics outlines online without reviewing the materials and gave it to Brian.

Unfortunately, there were many typos and errors on the Physics outline that Brian studied off of and he failed Physics. When Peter found out, he felt horrible and confessed to Brian that he never made any outlines and just printed some notes he found on the internet. Peter also offered to help Brian study during summer school when he was not working his summer job. Brian was furious and told Peter that he really needed the summer job to buy a car he wanted and after yelling at Peter he walked away and went home.

When Brian got home, he was still furious at Peter and in the back of his mind, he thought Peter gave him bad outlines because he suspected Peter was trying to buy the car Brian wanted. Brian wanted to get back at Peter, so he went on Facebook and posted on both their pages that Peter has to "wear adult diapers because he pees in his sleep like a little brat."

By the next day, the post was shared by all their friends and even students they did not know. When Peter got to school and found out what happened, he felt horrible, ashamed and angry at Brian. Throughout the day, students in the hallway were pointing, whispering, and laughing at Peter. Some students even yelled out, "There goes Peter-the-pee-er!"

At the end of the day, when Peter passed by Brian, Peter gave Brian the finger. When Brian got to his locker he sent Peter a text that stated, "That was messed up. I'm going to beat your @\$ up!"

Peter responded with a text that stated, "Leave me alone bro, you're crazy." That text from Peter actually made Brian angrier. As a result Brian sent Peter a text that stated, "Wtf! I'm going to kill you!" That text scared Peter, but he did not know what to do, so he told nobody and just tried to blow it off.

Later that week, Brian sent Peter over 30 texts and voicemails. The texts and voicemails consisted of a lot of cussing and messages, such as "Watch your back bro," "I'm coming for you

tonight,” and “I’m going to beat you up.” Brian was getting scared to the point where he was having trouble sleeping and eating.

Brian is scared from all the texts and voicemails from Peter, but doesn’t know what to do.

### Questions:

What Peter should do? Should he reach out and talk to anyone?

- *Open-ended discussion with students. E.g. Andrew could talk to her parents, School Counselors, Teachers, etc.*

Has anyone committed a crime? If so, what crime?

- *Yes, § 18.2-427. Use of profane, threatening, or indecent language over public airways or by other methods. (Brian committed a crime when he sent texts, such as, “That was messed up. I’m going to beat your @\$ up!” and “I’m going to beat you up.”)*
- *Possibly § 18.2-60. Threats of death or bodily injury to a person or member of his family; threats to commit serious bodily harm to persons on school property; penalty. (Brian may have committed a crime when he sent messages to Peter, such as “That was messed up. I’m going to beat your @\$ up!” and “I’m going to beat you up,” depending on the whether the threat created “reasonable apprehension of death or bodily injury.”)*

Has anyone engaged in cyber-bullying? If so, what was the cyber-bullying?

- *Most likely yes. (Brian committed cyber-bullying because he inflicted willful and repeated harm against Peter when he sent several texts and voicemails threatening to harm Andrew. The messages got to a point where Andrew was so scarred he was having trouble eating and sleeping.)*

### Other Issues that could be addressed during discussion with students

- *Age of the parties, e.g. if the “bully” was 18 v. still a minor, which criminal stakeholders would handle the situation, etc.*
- *The consequences of being bullied, i.e. the emotional and mental impact*
- *The difference of cyber-bullying v. other forms of bullying*

## Cyber-bullying Information Resources

- <http://cyberbullying.us/>
- [http://www.cyberbullying.us/Cyberbullying\\_Scenarios.pdf](http://www.cyberbullying.us/Cyberbullying_Scenarios.pdf)
- <http://www.ncpc.org/topics/cyberbullying>
- <http://www.gspofficial.com/gsp-anti-bullying>
- [http://www.americanbar.org/groups/young\\_lawyers/initiatives/anti\\_bullying\\_initiative.html](http://www.americanbar.org/groups/young_lawyers/initiatives/anti_bullying_initiative.html)
- <https://www.facebook.com/pages/The-BULLY-Project-Virginia/401008366672292>
- <http://www.thebullyproject.com/>

## Program Contact Information

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