

New Laws on Cyber-Harassment (Part 2)

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Back in October, our Firm contributed a piece defining the New Laws on Cyber-Harassment. This month we are going to discuss another increasing problem which is similar to Cyber-Harassment – Cyber-Bullying. Cyber-bullying is defined as communications or postings by minor(s) on social or digital media or using cyber-technology to threaten, hurt, embarrass, intimidate or target another minor using a variety of electronic devices such as cell phones, e-mail, text messages, social networking sites or websites. Victims can be bullied online any day or time of the week and internet postings can be viewed by a vast audience in a short period of time and can be extremely difficult to remove. Bullying involves an imbalance of power and/or strength and often results in the victim exhibiting signs of depression, low self-esteem, anxiety, suicidal ideation, and isolation.

The New Jersey Legislature adopted the Anti-Bullying Bill of Rights Act which provides for the implementation by each school district of a policy strictly prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus.

Additionally, the Act requires “electronic communication” to be included in school districts' harassment and bullying prevention policies, which, under the statute includes a telephone, cellular phone, computer, or pager, which include the internet.^[1] Cyber-bullying is defined within the statute as “...any gesture, any written, verbal or physical act, or any **electronic communication**, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students.

According to the 2013 Indicators of School Crime and Safety report prepared by the Bureau of Justice Statistics and the National Center for Education Statistics Institute of Education Sciences, approximately 28 percent of students between the ages of 12 and 18 report being bullied at school every school year, and 6 percent of students in grades 6 through 12 have experienced cyber-bullying, 16 percent of high school students were electronically bullied in the past year, and 55.2 percent of LGBT students have experienced cyber-bullying.[2] In June 2014, 14.8 percent of students reported being cyber-bullied through a variety of ways including websites, texting, e-mail, chat rooms or instant messaging. This is unacceptable. No child should be bullied either in person or via electronic communications. Every child should be able to attend school and have a social life free of fear, embarrassment or threats.

Ramifications of cyber-bullying could include criminal charges, reprimands at the school level, or a civil suit for monetary compensation for any harm sustained by the victim including social, financial or emotional. If you are or become aware of anyone who is being cyber-bullied, report it to the National Center for Missing & Exploited Children's Cyber-Tipline at cybertipline.com. [3]

[1] [N.J.S.A. §18A:37-14](#).

[2] Bullying Statistics and Information @ <http://americanspcc.org/bullying/statistics-and-information>.

[3] [Id.](#)