

Adolescent Bullying: Abuse or Free Speech?

Overview

Description

In this assignment, students will research the topic of adolescent bullying through the lenses of victims, perpetrators, witnesses, parents, school officials, and the government. Students will examine the causes, consequences, legal actions, and results of both verbal and cyberbullying, with emphasis on US examples that have resulted in court cases or settlements.

Final Product: Students will individually research and write a 2-3 page summary about at least three individual incidences of bullying. Then, working in groups, they will approach the problem from the perspectives of a stakeholder described above. Each group will propose a legal or community action solution to the problem of adolescent verbal and cyberbullying that reflects their conclusions.

Subject

US Government

Task Level

Grade 12

Objectives

Students will:

- Explain their perceptions, opinions, and what they believe to be the opinions of other peers regarding the problem of adolescent bullying.
- Discuss the significance of civic participation in our society.
- Perform independent research using collected primary and secondary sources.
- Gather, analyze, and interpret findings.
- Use knowledge of civil liberties and the courts to interpret research.
- Cite relevant information and events to support arguments or solutions.
- Write an individual report with policy recommendations on the problems of verbal and cyberbullying.
- Use findings to produce a group-generated product that presents a solution to the problem of verbal or cyberbullying.

Preparation

- Read the Instructor Task Information and the Student Notes.
- Plan and arrange for computer lab time during class.
- Prepare student copies of Student Notes pages and the *Task Card: Guiding Questions for Doing the Research* handout.
- Visit several sites with antibullying videos (i.e., <http://www.stopbullying.gov/videos>, <http://www.pacer.org/bullying/video/>, <http://www.nsteens.org/videos/cyberbullying>, <http://www.care2.com/causes/4-bullying-videos-that-will-bring-you-to-tears.html>) and decide which ones would be the most appropriate for your class. Prepare to show and discuss those that you deem best.
- Obtain a recording of excerpts from the lyrics of Eminem’s rap song, “Brain Damage.” (Other examples from pop culture may be substituted.)

NOTE: Edit for obscene language, but keep the clean lyrics relevant to Eminem being bullied by a classmate named DeAngelo Bailey. Both the complete lyrics to the song and the entire court decision can be found in the State of Michigan Court of Appeals case No. 252123, dated April 14, 2005, in a link on the site listed below. Obtain a summary of DeAngelo Bailey’s \$1 million lawsuit against Eminem in a Michigan court and the rationale for the ruling in favor of Eminem. A part of the decision states that the lyrics cannot be taken literally. See: http://appellate.typepad.com/appellate/2005/04/eminem_v_bailey.html

- Check the websites and resources that students will use to gather their research, and decide which cases or types of cases to assign or allow students to select. Concentrate on cases involving adolescents that have been heard by the courts or that have reached a settlement in the United States, being sure to include Texas cases. *Encourage students to identify and include cases involving verbal bullying so that free speech can be an issue in the discussion.*

NOTE: These do not necessarily need to be true court cases written in legal jargon, but rather instances and reports of bullying that are easier to find and less complicated to interpret. This allows work to go faster so that more cases can be analyzed to draw conclusions and make generalizations.

- Select a variety of case types, using keywords and suggested websites, such as:
 - **Raven Days’**
<http://www.ravendays.org/court.html> (bullying→court cases)
 - **Bully OnLine**
<http://www.bullyonline.org/schoolbully/caselaw.htm>
 - **The Boston Globe**
http://www.boston.com/news/nation/articles/2009/12/14/judge_rules_students_cruel_remarks_online_are_not_unconstitutional/

- http://www.boston.com/news/education/k_12/articles/2010/05/04/antibully_la_w_may_face_free_speech_challenges/
- **The National Coalition Against Censorship**
<http://ncacblogger.wordpress.com/2010/01/08/schools-punishment-runs-afoul-of-first-amendment-freedoms-online-j-c-v-beverly-hills-unified-school-district/>
 - **Los Angeles Times**
<http://articles.latimes.com/2010/mar/18/local/la-me-cyber-speech18-2010mar18>
 - **Bully Police USA**
<http://bullypolice.org/> (lists bullying cases by cities in each state)
 - **The Texas Senate**
www.senate.state.tx.us/75r/senate/members/dist21/pr05/p090605a.htm
 - **iSafe**
<http://www.isafe.org/>
 - **Stop Bullies!**
<http://stop-bullies.com> (See cyberbullying suicide (bullycide) of Megan Meier; subsequent Megan Meier Cyberbullying Prevention Act; and the judgment against cyber prankster Lori Drew. Other recent cases of bullycidicides include Carl Joseph Walker-Hoover, Jared High, and Jaheem Herrera.)
- Consider inventing hypothetical instances by having students describe anonymously (on paper with no identifying information) instances of bullying they have heard about or been a part of. Once anonymous responses from students are collected, the instructor will share selected instances with class and facilitate discussion. Or include video clips or excerpts from texts describing cases of bullying that were not heard by the legal system or were never reported. These examples will allow a discussion about why victims kept silent.

Prior Knowledge

- Students need to review the rights set out in the First Amendment in order to recognize when those rights are being violated in the cases researched.
- To better understand their research, students need some background regarding how legal redress is sought in the United States through local school boards and through municipal, county, state, or federal courts.
- Students need to know how to use the Internet and locate reliable search engines, websites, and databases to research specific cases of bullying and freedom of speech issues in verbal and cyberbullying.
- Students should be able to work both independently and in small groups to accomplish individual responsibilities and contribute to group tasks.

Key Concepts and Terms

- Alleged
- Assault and battery
- Bullycide
- Civil and criminal suits
- Civil liberties
- Civil rights
- Court opinion
- Cyberbullying
- Defendant
- Discrimination: gender, race, socioeconomic class, sexual preference
- Freedom of speech
- Harassment
- Hate crimes
- Legal grounds
- Libel
- Perpetrator
- Plaintiff
- Precedent
- Prosecute
- Rite of passage
- Slander
- Verdict

Time Frame

This assignment will require two to three weeks of class time, plus time for student research and group work outside of class. Depending on the type of campus, the schedule of the entire project may take longer due to student access to computers and research. In the first few days, introduce and discuss the topic. Explore videos and appropriate background information to set the foundation. Then move to some of the legal ramifications of bullying by exploring the Eminem case—first the lyrics and then the actual case (one to two days). In the last few days of this week, explain the assignment, have students select or assign research topics, and have students begin preliminary in-school research. Students will require one week outside of class to work on this project. During that time, you may continue in-class review and instruction on topics that support this project (such as civil liberties or how the court system works). The final week or two of class time is spent preparing and making group presentations. Allow one final day to wrap up the topic and discuss possible solutions.

Instructional Plan

Getting Started

Learning Objectives

Students will:

- Explain their perceptions, opinions, and what they believe to be the opinions of their peers regarding the problem of adolescent bullying.
- Use knowledge of civil liberties and the courts to interpret research. Foster a greater understanding of civil rights and civil liberties along with the distinction between the two.
- Discuss the significance of civic participation in our society. Briefly discuss the theory of social capital and how bullying may chip away at social capital built in communities.

Procedure

1. Discuss as a class the topic of in-school bullying and whether it is simply a commonly endured adolescent rite of passage, an illegal abuse, or something in between. Which civil liberties are at issue? What protections should/does the victim have? Does the bully have freedom of expression? Is the topic more prevalent now? Why or why not?
2. Show and discuss videos on the issue. Focus on the reasons for and the consequences of bullying. Discuss myths and truths associated with the definition of bullying. Allow for personal experiences, either as a victim or as a perpetrator, to inform the definition in order to explore the more emotional aspects of bullying.
3. Listen to, read, and discuss edited lyrics from Eminem's rap "Brain Damage," describing school bullying by DeAngelo Bailey. Include lyrics such as "I was harassed daily by this fat kid named DeAngelo Bailey. An eighth-grader who acted obnoxious, so every day he'd shove me into the lockers." Discuss Eminem's possible motivation or purposes for composing the song. Does it have wide appeal? Why or why not?
4. Discuss the slander lawsuit filed against Eminem by Bailey. What were the legal grounds for the suit? What was the legal basis for the verdict in favor of Eminem? Do students agree or disagree with the DeAngelo case and with the verdict? What does it tell us about First Amendment rights?
5. In relation to the Eminem verdict, explain the concept of poetic or artistic license (not listed in lesson key concepts and terms). Ask students to discuss the veracity of artistic creations and how artistic expression relates to First Amendment rights. Point out that freedom of speech may apply to both the

bully and the victim and that when bullying occurs on school property, the school takes on the role of the government.

6. Review/teach about civil liberties/civil rights and the First Amendment rights around the issue of bullying as per the discussion. Discuss specific cases in which the rights of alleged bullies were upheld (especially as related to cyberbullying) and the primary justifications for these decisions.
7. Discuss what steps a victim can take to seek relief, where it would begin (schools), and where it could end. This requires some understanding of how redress can be appealed at a higher-level court.
8. Discuss how bullying can be stopped or how the bullying problem can be solved. Have students look at the problem through the various lenses of who might have the power to stop it.

Investigating

Learning Objectives

Students will:

- Perform independent research using collected primary and secondary sources.
- Gather, analyze, and interpret their findings.
- Use knowledge of civil liberties and the courts to help interpret research.

Procedure

1. Assign to each student, or instruct students to select, three individual cases of verbal or cyberbullying to research. Because students need to discover patterns and draw conclusions, researching a rich variety of available cases is optimal (see the Preparation section for possible resources).
2. Have students use the *Task Card: Guiding Questions for Doing the Research* handout to guide their research into this topic.
3. Have students research and collect data to find trends, such as victim identity, prejudices towards certain groups, school-level response, etc. Have students begin to organize their data from a variety of perspectives. They might sort cases based on whether they resulted in a court case, the type of discrimination, the type of bullying, whether it resulted in bullycide, etc.

Drawing Conclusions

Learning Objectives

Students will:

- Cite relevant information and events to support arguments or solutions.

- Write an individual report with policy recommendations on the problems of verbal and cyberbullying.
- Use findings to produce a group-generated product that presents a solution to the problem of verbal or cyberbullying.

Procedure

1. Guide students to categorize their findings in order to recognize trends and similarities. From these, they will begin to formulate conclusions and perhaps observe other problems (e.g., laws or lack thereof).
2. Direct students to report individual findings in a 2–3 page summary, including policy recommendations. Discuss appropriate formats for reporting findings and making suggestions to policy makers.
3. Encourage students to formulate questions unanswered by the data collected. For example: Why do so many cases of bullying go unreported?
4. Organize students to work in assigned groups where they will have multiple samples of cases from which to draw conclusions. Have them begin to work on solutions as a group.
5. Supervise the group as they work on their project and brainstorm a solution to the problem of verbal or cyberbullying from a viewpoint of each group's choosing. Students could choose viewpoints such as a lawyer or legislator, parent, school administrator, or a group of student citizens proposing a community action program.
6. As a group, discuss possible solutions to bullying. Be sure to consider any barriers that might interfere with the implementation of the solutions and how these barriers should be addressed. Decide what to do with these recommendations (send to the principal, a local congressional representative, an online organization, etc.).

Scaffolding/Instructional Support

The goal of scaffolding is to provide support to encourage student success, independence, and self-management. Instructors can use these suggestions, in part or all together, to meet diverse student needs. The more skilled the student, however, the less scaffolding that he or she will need. Some examples of scaffolding that could apply to this assignment include:

- Consider recruiting guest speakers who have had first-hand knowledge of bullying (i.e., law enforcement officers, victims (adult or youth), parents, etc.).
- Prepare an alternative legal case to examine instead of or in addition to the *Eminem* case that relates to student interests.
- Demonstrate to students the paths or search engines used to locate information about the topic.
- Model critical reading and discussion when discussing lyrics and the lawsuit.
- Review current court cases related to free speech and civil liberties as they relate to this topic.
- Get individual updates on student research progress to verify that the articles students are reading are helping them to generalize and form conclusions.
- Prepare additional student task cards with guiding questions that will lead students to scaffold their research and thinking processes. (See the *Task Card: Guiding Questions for Doing the Research* handout.)
- Ask for progress updates on individual research topics and findings to decide how to assign students into groups. This will ensure that group members have a variety of information to share in order to draw conclusions.
- Meet with students throughout the project to discuss needs, questions, or problems.

Solutions

The information below is intended to help you assess students' final work products. It may not represent all possible strategies and ideas. The accompanying scoring guide provides specific examples of ways a student might demonstrate content understanding and mastery of cross-disciplinary skills.

Necessary Elements

Students should contribute thoughtfully to the class discussion: key points, illustrations, and questions about bullying in school.

Group-generated solutions can be in the form of rules, legal measures, community action projects, prevention, and so on. If any of these solutions involve freedom of speech or expression issues, they must be discussed as possible limitations on the groups' proposed solutions.

Students should systematically conduct detailed investigations of specific cases of bullying and cite valid examples that support their analysis of bullying. Any data sources used should be cited accurately internally and on a Works Cited page.

Students should submit a report that clearly describes the complex problem of bullying and proposes a solution that is backed by evidence. The argument should be persuasive and backed by sufficient evidence to support their conclusions about bullying. Students should use information they have gathered to identify trends in bullying, such as the identity of victims, the forms that bullying takes, and prejudice toward certain groups.

Key Connections

Students should be able to clearly define bullying and distinguish between the subjective and objective elements involved with the topic.

Students should recognize the biases and insecurities that cause and are caused by bullying. Since this is a problem in the realm of the student—be it at school via text messaging or through the Internet—invite students to suggest their own solutions. Solutions to the problem of bullying may be found, in part, by students working creatively in groups.

Students should be able to see various points of view in analyzing these cases. For example, sometimes the victim becomes a perpetrator, or a perpetrator's rights may also be in question. (See issues with Lori Drew in her use of MySpace.)

Common Misconceptions

Students will tend to focus on the victims or bullies but should consider the perspectives of all of the stakeholders, including the victims, perpetrators, witnesses, parents, school officials, and the government to address the complexity of the issue.

TCCRS Cross-Disciplinary Standards Addressed

Performance Expectation	Getting Started	Investigating	Drawing Conclusions
<i>I. Key Cognitive Skills</i>			
A.1. Engage in scholarly inquiry and dialogue.	✓	✓	✓
B.1. Consider arguments and conclusions of self and others.	✓		✓
B.2. Construct well-reasoned arguments to explain phenomena, validate conjectures, or support positions.		✓	✓
B.3. Gather evidence to support arguments, findings, or lines of reasoning.		✓	
D.1. Self-monitor learning needs and seek assistance when needed.	✓	✓	✓
D.2. Use study habits necessary to manage academic pursuits and requirements.	✓	✓	✓
D.3. Strive for accuracy and precision.	✓	✓	✓
D.4. Persevere to complete and master tasks.	✓	✓	✓
E.1. Work independently.		✓	✓
E.2. Work collaboratively.	✓		✓
F.1. Attribute ideas and information to source materials and people.		✓	
F.2. Evaluate sources for quality of content, validity, credibility, and relevance.		✓	
F.3. Include the ideas of others and the complexities of the debate, issue, or problem.		✓	✓
<i>II. Foundational Skills</i>			
A.4. Identify the key information and supporting details.		✓	✓
A.5. Analyze textual information critically.		✓	
B.1. Write clearly and coherently using standard writing conventions.			✓
B.2. Write in a variety of forms for various audiences and purposes.			✓
B.3. Compose and revise drafts.			✓

C.2. Explore a research topic.		✓	✓
C.4. Evaluate the validity and reliability of sources.		✓	
C.5. Synthesize and organize information effectively.		✓	✓
C.6. Design and present an effective product.			✓
C.7. Integrate source material.			✓
C.8. Present final product.			✓
D.1. Identify patterns or departures from patterns among data.		✓	✓
E.1. Use technology to gather information.		✓	
E.3. Use technology to communicate and display findings in a clear and coherent manner.			✓
E.4. Use technology appropriately.			✓

TCCRS Social Studies Standards Addressed

Performance Expectation	Getting Started	Investigating	Drawing Conclusions
<i>I. Interrelated Disciplines and Skills</i>			
C.3. Explain and analyze the importance of civic engagement.	✓		✓
E.1. Identify different social groups (e.g., clubs, religious organizations) and examine how they form and how and why they sustain themselves.	✓	✓	
E.2. Define the concept of socialization and analyze the role socialization plays in human development and behavior.	✓		✓
E.4. Identify and evaluate the sources and consequences of social conflict.	✓	✓	✓
F.1. Use a variety of research and analytical tools to explore questions or issues thoroughly and fairly.		✓	
F.2. Analyze ethical issues in historical, cultural, and social contexts.	✓		✓

<i>II. Diverse Human Perspectives and Experiences</i>			
A.2. Evaluate the experiences and contributions of diverse groups to multicultural societies.	✓	✓	✓
B.6. Analyze how individual and group identities are established and change over time.	✓	✓	✓
<i>IV. Analysis, Synthesis, and Evaluation of Information</i>			
A.1. Identify and analyze the main idea(s) and point(s) of view in sources.	✓	✓	
A.2. Situate an informational source in its appropriate contexts (contemporary, historical, cultural).		✓	
A.3. Evaluate sources from multiple perspectives.		✓	
A.4. Understand the differences between a primary and secondary source and use each appropriately to conduct research and construct arguments.		✓	
A.5. Read narrative texts critically.		✓	
A.6. Read research data critically.		✓	
B.1. Use established research methodologies.		✓	
B.3. Gather, organize, and display the results of data and research.		✓	✓
B.4. Identify and collect sources.		✓	
C.1. Understand and interpret presentations (e.g., speeches, lectures, informal presentations) critically.			✓
D.1. Construct a thesis that is supported by evidence.			✓
D.2. Recognize and evaluate counter arguments.	✓	✓	✓
<i>V. Effective Communication</i>			
A.1. Use appropriate oral communication techniques depending on the context or nature of the interaction.	✓		✓
A.2. Use conventions of standard written English.			✓
B.1. Attribute ideas and information to source materials and authors.			✓

TEKS Standards Addressed

<i>Adolescent Bullying - Texas Essential Knowledge and Skills (TEKS): Social Studies, Government</i>
<p>113.44.c.8. Government. The student understands the structure and functions of the government created by the U.S. Constitution. The student is expected to:</p> <p style="padding-left: 40px;">113.44.c.8.F. analyze selected issues raised by judicial activism and judicial restraint.</p>
<p>113.44.c.13. Citizenship. The student understands rights guaranteed by the U.S. Constitution. The student is expected to:</p> <p style="padding-left: 40px;">113.44.c.13.A. understand the roles of limited government and the rule of law in the protection of individual rights.</p> <p style="padding-left: 40px;">113.44.c.13.B. identify and define the unalienable rights.</p> <p style="padding-left: 40px;">113.44.c.13.C. identify the freedoms and rights guaranteed by each amendment in the Bill of Rights.</p> <p style="padding-left: 40px;">113.44.c.13.E. explain the importance of due process rights to the protection of individual rights and in limiting the powers of government.</p>
<p>113.44.c.14. Citizenship. The student understands the difference between personal and civic responsibilities. The student is expected to:</p> <p style="padding-left: 40px;">113.44.c.14.A. explain the difference between personal and civic responsibilities.</p> <p style="padding-left: 40px;">113.44.c.14.B. evaluate whether and/or when the obligation of citizenship requires that personal desires and interests be subordinated to the public good.</p>
<p>113.44.c.15. Citizenship. The student understands the importance of voluntary individual participation in the U.S. constitutional republic. The student is expected to:</p> <p style="padding-left: 40px;">113.44.c.15.A. analyze the effectiveness of various methods of participation in the political process at local, state, and national levels.</p> <p style="padding-left: 40px;">113.44.c.15.B. analyze historical and contemporary examples of citizen movements to bring about political change or to maintain continuity.</p> <p style="padding-left: 40px;">113.44.c.15.C. understand the factors that influence an individual's political attitudes and actions.</p>
<p>113.44.c.16. Citizenship. The student understands the importance of the expression of different points of view in a constitutional republic. The student is expected to:</p> <p style="padding-left: 40px;">113.44.c.16.B. analyze the importance of the First Amendment rights of petition, assembly, speech, and press and the Second Amendment right to keep and bear arms.</p>
<p>113.44.c.20. Social studies skills. The student applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including electronic technology. The student is expected to:</p> <p style="padding-left: 40px;">113.44.c.20.A. analyze information by sequencing, categorizing, identifying cause-and-effect relationships, comparing, contrasting, finding the main idea, summarizing, making generalizations and predictions, and drawing inferences and conclusions.</p> <p style="padding-left: 40px;">113.44.c.20.B. create a product on a contemporary government issue or topic using critical methods of inquiry.</p> <p style="padding-left: 40px;">113.44.c.20.C. analyze and defend a point of view on a current political issue.</p> <p style="padding-left: 40px;">113.44.c.20.D. analyze and evaluate the validity of information, arguments, and counterarguments from primary and secondary sources for bias, propaganda, point of view, and frame of reference.</p>
<p>113.44.c.21. Social studies skills. The student communicates in written, oral, and visual forms. The student is expected to:</p> <p style="padding-left: 40px;">113.44.c.21.A. use social studies terminology correctly.</p>

Adolescent Bullying - Texas Essential Knowledge and Skills (TEKS): Social Studies, Government

- 113.44.c.21.B. use standard grammar, spelling, sentence structure, and punctuation.
113.44.c.21.C. transfer information from one medium to another, including written to visual and statistical to written or visual, using computer software as appropriate.
113.44.c.21.D. create written, oral, and visual presentations of social studies information.

113.44.c.22. Social studies skills. The student uses problem-solving and decision-making skills, working independently and with others, in a variety of settings. The student is expected to:

- 113.44.c.22.A. use a problem-solving process to identify a problem, gather information, list and consider options, consider advantages and disadvantages, choose and implement a solution, and evaluate the effectiveness of the solution.
113.44.c.22.B. use a decision-making process to identify a situation that requires a decision gather information, identify options, predict consequences, and take action to implement a decision.

Adolescent Bullying: Abuse or Free Speech?

Introduction

School bullying in the United States is sometimes viewed as an adolescent rite of passage to be endured, and victims may be told to “just get over it.” Your job is to thoroughly research the issue of in-school verbal bullying or cyberbullying in the United States, analyzing the cases through different “lenses.” You should consider the position of: a student at your school who witnesses bullying, a victim, a bully, a civil rights or civil liberties attorney, a judge, a parent, a school principal, or a legislator.

You will examine bullying in terms of causes, consequences, legal actions, and results, and prepare your individual findings in the form of a 2–3 page summary report that includes specific policy suggestions. Then, working with a group, choose one of the “personal lenses” listed above and formulate a group solution to the problem of verbal or cyberbullying. You will present your solution to the class.

Directions

Getting Started

1. Discuss the topic of school bullying. Recognize that even movie moguls and rock stars may have been victims of school bullies.
2. Watch and discuss videos on the issue. Focus on: the reasons for and the consequences of bullying as well as the myths and truths associated with the definition of bullying. Be prepared to explore personal experiences, either as a victim or as a perpetrator, to inform the definition.
3. Listen to, read, and discuss the lyrics from Eminem’s rap song “Brain Damage,” provided by your instructor. Discuss the ways in which bullying is a legal and civil rights issue that can be addressed in the courts.
4. As a class, discuss your attitudes toward the problem.

Investigating

1. Select three or more cases of bullying. Select cases on both in-school verbal bullying and cyberbullying to research.
2. Access library databases, such as EBSCO, or the Internet to begin collecting your data. Evaluate and cite your data sources.

3. Answer the questions provided in the *Task Card: Guiding Questions for Doing the Research* handout to help organize and analyze the data you collect.

Drawing Conclusions

1. Integrate source material to write your independent conclusions in a 2–3 page summary, and share them with your instructor as directed.
2. Prior to continuing with the final group project, revise your initial draft into the form of a report that includes your findings on bullying and policy recommendations for addressing the problem. Submit your final draft.
3. In your assigned group, compare your findings to those of your team. Discuss your proposed policy recommendations, compare and contrast them, and categorize them into types. Choose a “lens” that you want to use when proposing your group solution. Draw conclusions from your findings, and begin formulating a solution to the problem. Identify evidence to support your solution.
4. With your team, select a presentation format to address the problem and communicate your recommendations to a specific policymaking or community group. Create the presentation.
5. Give the group presentation.
6. As a group, discuss possible solutions to bullying. Consider any barriers that might interfere with the implementation of the solutions and how these barriers should be addressed. Decide what to do with these recommendations (send to the principal, a local congressional representative, an online organization, etc.).

11. What is the status of verbal or cyberbullying in the state of Texas? Have any bullying policies been adopted by your own school district to deal with this issue?

12. What creative solutions do you and your group members recommend to combat this issue? What problems do you foresee in implementing your solutions, based upon civil liberties or freedom of speech protections under the First Amendment?