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AN EMBEDDED CASE STUDY OF THE PROPOSED MEGAN MEIER CYBERBULLYING PREVENTION STATUTE & THE PROPOSED TYLER CLEMENTI HIGHER EDUCATION ANTI-HARASSMENT STATUTE

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AN EMBEDDED CASE STUDY OF THE PROPOSED MEGAN MEIER
CYBERBULLYING PREVENTION STATUTE & THE PROPOSED TYLER
CLEMENTI HIGHER EDUCATION ANTI-HARASSMENT STATUTE

A Dissertation
Presented to
the Graduate School of
Clemson University

In Partial Fulfillment
of the Requirements for the Degree of
Doctor of Philosophy
Educational Leadership

by
James E. Vines
May 2015

Accepted by:
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ABSTRACT

The purpose of this embedded case study was to understand why the proposed Megan Meier Cyberbullying Prevention statute and the Tyler Clementi Higher Education Anti-Harassment statute did not pass. The data for the study was conducted through direct observations of congressional committee hearings, document analysis and open-ended interviews. The proposed Megan Meier Cyberbullying Prevention statute addresses cyberbullying by imposing criminal sanctions. The proposed Tyler Clementi Higher Education Anti-Harassment Statute seeks to provide federal grants to institutions of higher education to implement anti-harassment programs.

The findings revealed that vague terminology, language dealing with LGBT people and sexual orientation as well as free speech issues kept the two proposed statutes from moving through the legislative process. The role of religion was found to have a significant impact on the beliefs of policy-makers which influences how they view legislation.

Keywords: policy, cyberbullying, advocacy coalitions, federal statutes, Megan Meier, Tyler Clementi

DEDICATION

This dissertation is dedicated to God for always watching over me, and giving me the strength to continue forward. To all of my younger cousins, remember that if you are determined, you can create your own path and be successful. Finally to my wonderful family: My Mother, Grandma, Andre, and Barry. Thank you for helping to raise me, support me, and being there for all of my smiles, and tears. Without you I could have never made this far in my academic journey.

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CHAPTER I

INTRODUCTION

In recent years cyberbullying has become a major concern for students, school administrators, parents, and policy-makers. Patchin and Hinduja (2010) postulated there is a need to examine cyberbullying because “as technology evolves, so do many of the problems faced by those who have access to it” (p. 615). The advances in technology have provided a new venue for bullying behavior to occur. Kowalski and Limber (2007) found that bullying occurred in chat rooms, through e-mail and instant messages. Although taking place online, cyberbullying can be just as damaging as traditional bullying.

Willard (2006) noted that cyberbullying may produce even more damage to youth, with such consequences ranging from low self-esteem, anxiety, anger, depression, school absenteeism, poor grades, an increased tendency to be violent against others, and youth suicide. Many, who experience cyberbullying, also face traditional face-to-face bullying. According to Hinduja and Patchin (2009), 42% of victims of cyberbullying were also victims of traditional bullying” (p. 61). In addition, cyberbullying victims often felt frustrated, sad, angry, scared and embarrassed. Given the impact of cyberbullying many states have adopted anti-bullying laws and policies.

The U.S. Department of Education (2011) and the Berkman Center for Internet & Society at Harvard University (Sacco, Silbaugh, Corredor, Casey, and Doherty, 2012) both conducted studies examining state level anti-bullying laws. The two reports revealed inconsistencies in regards to how states address bullying incidents, how incidents

are reported, and how bullying is defined. The two reports highlight what is being done at the state level to address bullying concerns.

Although there are anti-bullying state laws and policies, currently there are no federal laws addressing cyberbullying. This study seeks to fill a gap in and add to the body of literature by conducting an explanatory embedded case study of the proposed Megan Meier and Tyler Clementi Anti-Harassment statutes. The proposed statutes are the only two to make it on the Congressional agenda, but neither of them has moved passed the committee stage.

Statement of the Problem

The ease of accessibility to technology has made it possible for traditional bullying to take an online form. School officials struggle with how to deal with off-campus online behavior which has an impact to the school environment. Hinduja and Patchin (2011) noted that a “key issue facing educators with respect to cyberbullying prevention and response is the extent to which school officials have the right to restrict student expressions or to discipline for behavior or speech deemed inappropriate” (p. 72). As laws lag far behind the advances in technology, policymakers have the daunting task of creating policies to address cyberbullying, while not infringing on the rights of students.

Purpose of Study

The purpose of this explanatory, embedded case study is to understand why the proposed Megan Meier Cyberbullying Prevention statute and the Tyler Clementi Higher Education Anti-Harassment statute did not pass. Through analysis the study speculated

how it could have been done better. Although there are a number of state policies addressing cyberbullying, no federal legislation has been passed. The study seeks to understand how cyberbullying became a major issue, how it got on the agenda, and why the two proposed statutes have not been passed.

Research Questions

The following research questions were addressed:

- What factors contributed to the proposed Megan Meier Cyberbullying Prevention statute not passing?
- What factors contributed to the proposed Tyler Clementi Higher Education Anti-Harassment statute not passing?
- How do advocacy coalition efforts illuminate what has happened to these two proposed statutes in the legislative process?
- How do policy influencers interpret the proposed Megan Meier Cyberbullying Prevention statute?
- How do policy influencers interpret the proposed Tyler Clementi Higher Education Anti-Harassment statute?
- How do the theoretical perspectives illuminate what has happened to these two proposed statutes in the legislative process?
- How does the VPP Model illuminate what has happened to these two proposed statutes in the legislative process?

Significance of Study

The safety and well-being of students is a top priority for school officials. The issue of cyberbullying must be addressed as it has an impact on the school environment, and hinders a student's ability to enjoy the freedom of a safe school setting (Paul, Smith & Blumburg, 2012). Currently, there are no federal laws addressing cyberbullying, however there are a number of state laws. The state laws vary as to how to deal with a cyberbullying incidents, but school officials continue to wonder how to deal with off campus behavior that impacts the campus environment. The study seeks to add to the current body of knowledge by building on what we already know about states laws, and go a step forward to examine the proposed Megan Meier Cyberbullying Prevention and the Tyler Clementi Anti-Harassment federal statutes.

Assumptions

The researcher must acknowledge the assumptions they possess before conducting research. It is my assumption that cyberbullying is a concern not only for school children, but for school administrators, parents, policymakers and needs to be addressed. In addition, the researcher is passionate about cyberbullying legislation, which is a critical factor in deciding to conduct this research. As the researcher, I put my own personal views aside to objectively examine the proposed statutes in the legislative process. The researcher also made assumptions based on the theoretical framework used in the study.

Utilizing aspects of the Anderson's 5 Stages of the Policy Process Model, The Advocacy Coalition Framework, Kingdon's Three Streams Model Three Streams Model,

and the Proceduralist Theory, the researcher made the assumption that a combination of these four assisted in accurately portraying what happened with the proposed Megan Meier and Tyler Clementi statutes. A synthesis of all four theoretical frameworks guided the study in order to answer the research questions.

Limitations

The study had several limitations. In regards to interviews, participants had a unique worldview or perspective which relates to how they make sense of policies. The documents collected were limited based on what was publicly available for the researcher. The committee hearings did not discuss the proposed Megan Meier Cyberbullying Prevention statute or the proposed Tyler Clementi Higher Education Anti-Harassment Statute, but were critical for examining aspects of the legislative process in action.

The study focused on three out of the five stages from Anderson (2011) model. The researcher was unable to examine implementation and evaluation as the two proposed statutes have not been passed.

Epistemology

Conducting research requires an understanding of your epistemology. Kelly (2006) stated “Epistemology is the study of knowledge, underlies any discussion of research methodology, complementary and otherwise” p. 33). As a researcher, I have adopted interpretivism as my epistemology. The interpretivist model suggests that there are many truths, reality is subjective and constructed, and it is more about understanding the world (Sipe & Constable, 1996). The interpretivist view frames the way the

researcher gathered information for the study. Interpretivism relies on interactions with others, and is very humanistic (Sipe & Constable, 1996). The humanistic aspect aligns with conducting interviews. It is important to speak with coalitions and committee representatives in order to reveal their truths. Direct observations allowed the researcher to step back to see committees in action, and what goes on behind the scenes for policy-making.

Definition of Terms

Act – *Legislation that has been passed by both houses of Congress, has received presidential review, and has become public law* (CQ Press, 2008, p. 340).

Agenda Setting – *The process by which problems and alternative solutions gain or lose public and elite attention, or the activities of various actors and groups to cause issues to gain greater attention or to prevent them from gaining attention* (Birkland, 2001, p. 265).

Amendments – *Proposals to alter or rewrite legislation being considered by Congress* (CQ Press, 2008, p. 10)

Bill – *The primary method, or vehicle, that congress uses to enact laws. A bill becomes a law if passed in identical form by each house and signed by the president, or passed over a president's veto* (CQ Press, 2008, pp. 41-42).

Bullying – *Aggressive behavior occurring over a period of time with the intent to harm or disturb and there is an imbalance of power* (Nansel, Overpeck, Pilla, Ruan, Simons-Morton, & Scheidt, 2001, p. 2094).

Committee Hearings – *Formal proceeding which allows committee members to hear testimony on a bill from witnesses. Witnesses can range from bill sponsors, federal officials, pressure groups, public officials, private citizens, and even celebrities* (Davidson & Oleszek, 2006, p. 216).

Committee Report – *A document submitted to report on a measure. The report explains the measure's purpose, describes provisions and any amendments recommended by the committee, and presents arguments for its approval* (CQ Press, 2008a, p. 1286).

Cyberbullying - *The willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices* (Hinduja & Patchin, 2009, p. 121).

Enactment – *The act of putting a decision, such as legislation or regulation, into effect* (Birkland, 2011, p. 267).

Laws – *Each bill that is passed and signed by the president, or passed over the presidential veto becomes a law* (CQ Press, 2008, p. 325).

Legislation – *A bill or resolution that Congress uses as a vehicle to create a law or state policy* (CQ Press, 2008, p. 339).

LGBT – *An acronym for lesbian, gay, bisexual and transgender* (Human Rights Campaign, 2015).

LGBTIQ – *An acronym Lesbian, gay, bisexual, transgendered, intersexed, and queer/questioning* (Savage & Harley, 2009, p. 1)

Policy – *A statement by government of what it intends to do or not to do, such as a law, regulation, ruling decision, or order, or a combination of these* (Birkland, 2011, p. 269).

Problem – *An undesirable situation that, according to people or interest groups, can be alleviated by government action* (Birkland, 2011, p. 27).

Slip Law – *The first official publication, in single-sheet or pamphlet form, of a statute following its enactment* (Bacon, Davidson, & Keller, 1995, p. 2202).

Statute - *A law established by an act of a legislature* (Dewhirst, 2007, p. 490).

Subcommittee – *Subunits of committees responsible for gathering information, overseeing the federal bureaucracy, and fine tuning the details of legislation. Provide highly specialized knowledge to members of the full committee* (Dewhirst, 2007, pp. 492-493).

Vetogate - *The many points in the legislative process where proposed legislation can be stopped* (Eskridge, Jr., 2012, p. 1).

Theoretical Framework

The study was guided by Anderson's 5 Stages of the Policy Process Model, the Advocacy Coalition Framework, Kingdon's Three Streams Model, and the Proceduralist Theory. Eskridge, Jr. et al., (2003) stated "no one theory fully describes the rich and complex world of legislatures, lawmakers, interest groups, and constituents (p. 48). All four were synthesized into the Vines Policy Process Model (VPPM) in order to critically examine what happened with the two federal statutes in the legislative process.

Anderson's 5 Stages of the Policy Process Model

The policy process is very complex, but Anderson (2011) viewed the policy process as a "sequential pattern of activities or functions" (p. 3). To understand the policy process in a systematic way, Anderson (2011) developed a five stage model .

These are: Stage 1: Policy Agenda refers to the problems that receive the serious attention of public official. Stage 2: Policy Formulation refers to the development of acceptable proposed courses of action for dealing with a public problem. Stage 3: Policy Adoption refers to the support for a specific proposal so that a policy can be authorized. Stage 4: Policy Implementation refers to the application of the policy by the government's administrative departments. Stage 5: Policy Evaluation refers to the efforts by the government to determine the effectiveness of an adopted policy (Anderson, 2011, p. 4).

Advocacy Coalition Framework

The Advocacy Coalition Framework (ACF) consists of “three foundation stones: (1) a macro-level assumption that most policy making occurs among specialists within a policy subsystem but that their behavior is affected by factors in the broader political and socioeconomic system; (2) a micro-level model of the individual that is drawn heavily from social psychology; and (3) a meso-level conviction that the best way to deal with multiplicity of actors in a subsystem is to aggregate them into advocacy coalitions” (Sabatier & Weible, 2007, p. 191-192). Subsystem refers to actors from both private and public organizations that have an interest in a policy issue. The actors within the subsystem are put together in coalitions which share basic values and beliefs.

Kingdon's Three Streams Model

Kingdon's (2011) three streams model focuses on agenda setting. The problem stream refers to issues that require government action. Problems highlight the need to address a particular issue. “Problems come to the attention of government decision makers through systematic indicators... Such indicators abound in the political world

because both government and nongovernmental agencies routinely monitor various activities and events” (Kingdon, 2011, p. 90). The policy stream relates to possible alternative and solutions to a problem. The alternatives are developed by a “community of specialist: researchers, congressional staffers, people in planning and evaluation offices and in budget offices, academics, interest group analysts” (Kingdon, 2011, p. 116). The political stream had a direct impact on setting the political agenda. The political stream is “composed of such things as public mood, pressure group campaigns, election results, partisan or ideological distribution in Congress, and changes of administration” (Kingdon, 2011, p. 145). “The confluence of all three streams—problems, policies and politics—opens a window during which there is a real chance that majority policy change can ensue” (Kingdon, 2011, p. 242).

Proceduralist Theory

The Proceduralist Theory of the Legislative Process was influenced Madisonian Principles. In the Federalist paper #51 James Madison proposed the idea of checks and balances to address the issue of factions or organized political subgroups (Fairfield, 1981). The core of Madison’s idea was that one branch of government would not possess enough power to influence the others. The three branches of government would be independent from each other, however the three would have to work together to govern. Congress passes laws, the president enforces laws, and the courts interpret the laws (Fairfield, 1981).

The Proceduralist Theory focuses on the role of vetogates in the legislative process. Vetogates refer to the areas where proposed legislation can be stopped in the

legislative process (Eskridge, Jr. et al., 2001). Vetogates have been described as choke points in the legislative process. Eskridge, Jr. et al., (2001) identified six choke points: (1) kill the bill in committee; (2) if committee approval cannot be avoided, stop the bill before full chamber consideration; (3) if full chamber consideration occurs, kill the bill there by filibustering it in the Senate, by amending it to death, or by outright defeating it on the chamber floor; (4) if one chamber has approved the bill, exploit the veto opportunities in the other chamber to prevent it from passing an identical measure; (5) if the other chamber produces a similar but not identical bill, amend or defeat it at the conference committee stage or in an interbranch summit; (6) if all else fails, persuade the President to veto it and then work against congressional effort to override veto (p. 66).

Vines Policy Process Model (VPPM)

The researcher developed a policy model which is a synthesis of: (1) Anderson's 5 Stages of the Policy Process, (2) The Advocacy Coalition Framework, (3) Kingdon's Three Stream Model, and the (4) Proceduralist Theory. All four are incorporated into the research in an effort to understand how cyberbullying became a national concern. The VPPM is utilized to explain how the two statutes got on the agenda. The researcher utilized the model illustrate how the two proposed statutes moved through the legislative process.

Methodology

A qualitative, explanatory, embedded case study approach was chosen for this research. Case study is a reliable design as it one of the "principal means by which inquiry is conducted in the social sciences" (Thomas, 2011, p. 511). In this research, the

units being studied are the proposed Megan Meier Cyberbullying Prevention and the Tyler Clementi Higher Education Anti-Harassment statutes. According to Yin (2009) an embedded case study design is needed when the study “gives attention to a subunit or subunits” (p. 50). In this research, the subunits being studied were: (a) the House Committee on the Judiciary’s subcommittee on Crime Terrorism and Homeland Security; (b) Health Education, Labor and Pensions Committee; (c) House Committee on Education and the Workforce; (d) advocacy coalitions; and (e) documents germane to the two proposed statutes.

Research Design

Research Setting. The site for this explanatory, embedded case study is Washington D.C. “Officially founded on July 16, 1790, Washington, DC is unique among American cities because it was established by the Constitution of the United States to serve as the nation’s capital. From the beginning, it has been embroiled in political maneuvering, sectional conflicts, and issues of race, national identity, compromise and, of course, power” (Washington.org, 2012, p. 1). The location of Washington D.C. is ideal for gathering information for the study.

Participants. The researcher relied on a stratified purposeful sampling format to recruit participants. Stratified purposeful sampling allows the researcher to “illustrate characteristics of particular subgroups of interest and facilitate comparisons” (Patton, 2002, p. 244). For this study, participants were recruited based on their role in the policy process in regards to the proposed Megan Meier Cyberbullying Prevention and Tyler Clementi Anti-Harassment statutes. Participants included: (a) members from the House

Committee on the Judiciary's subcommittee on Crime Terrorism and Homeland Security; (b) Health Education, Labor and Pensions Committee; (c) House Committee on Education and the Workforce; (d) representatives from coalitions whom are opponents and proponents of the two proposed statutes, and (e) reporters who have been writing articles on the two proposed statutes. The purposeful sampling method allowed the researcher to gain a rich and rich understanding of the two statutes in the policy process.

The study consists of multiple units of analyses which included: (a) The House Committee on the Judiciary's subcommittee on Crime Terrorism and Homeland Security; (b) Health Education, Labor and Pensions Committee; (c) House Committee on Education and the Workforce; (d) advocacy coalitions; and legislative documents germane to the two proposed statutes.

Data Collection Procedures

Data collection was a vital component to the research process. Data collection was necessary for the researcher to obtain, and record information which informed the study. Collecting the right sources ensured the research questions were effectively answered. The researcher relied on multiply sources of data in order to gather information, and ensure triangulation. Testing one source of information against another allowed the researcher to dispel any alternative explanations (Fetterman, 2010). Triangulation enriched the study because multiple sources can corroborate the same facts (Yin, 2009). The researcher relied on collecting documents, conducting interviews, and direct observations in order to analyze the two proposed statues in the legislative process.

DOCUMENT COLLECTION

The researcher collected committee reports, and hearings, bills, floor statements, congressional debates, and newspaper articles pertaining to the two proposed statutes. The benefit of collecting documents is that “enables a researcher to obtain language and words of the participants (Creswell, 2009, p. 180). Documents are significant to case study research in that it is stable and can be reviewed repeatedly (Yin, 2009). The documents were a vital component to the research as they specifically focused on the two proposed statutes. Above all, examining documents ensured the researcher was well informed about the two proposed statutes before conducting interviews.

Interviews

The researcher relied on a standardized open-ended interview format (Patton, 2002). The open-ended questions format is beneficial because “participants answer the same questions; thus increasing comparability of responses” (Patton, 2002, p. 349). Open-ended questions allowed the participants to formulate the answer and give the response in their own words (Ballou, 2008). Open-ended question also helped in building rapport with the participant (Ballou, 2008).

All interviews were audio recorded. The raw audio files were saved in a password protected electronic file. After recording, the researcher transcribed each interview. The transcriptions were typed, and saved in a password protected electronic file. The names of participants, and any possible identifiers were changed to pseudonyms. The participants were sent an electronic copy of the transcripts. The participants received an electronic copy of their transcript. Each participant was given

two weeks in order to make any edits or changes to the interview transcripts. All participants received a follow-up e-mail, thanking them for their time and contribution to the study.

The interviews were conducted face-to-face, but due to geographic locations, and scheduling some interviews were over the phone, or via Skype. Skype is free, downloadable software which allows user to make free calls (Skype, 2014). Skype can be beneficial when face-to-face meetings are inhibited by geographic location. King and Horrocks (2010) referred to Skype as a remote interview technology. Skype users can make voice and video calls from anywhere in the world. In addition, Skype offers call recording. Skype provides a way to have an inexpensive and robust connection (Woo, 2008).

Whether completed face-to-face or via Skype, interviews were utilized to uncover beliefs and values of coalitions. In addition, interviews allowed the researcher the ability to gain the perspectives of Congressional committee members as well as proponents and opponents of the two proposed statutes.

Observations

The researcher relied on direct observation of the congressional committees in action. According to Patton (2002), “qualitative inquiry means going into the field” (p. 48). My role was what Creswell (2009) referred to as a complete observer. As a complete observer, the researcher only observes and does not participate. The complete observer role is ideal as the researcher would be unable to participate in the Congressional Committee meetings. In addition, by not participating, the researcher was

able to take and maintain a rich and descriptive field notes of what is going on in the committee. Direct observations were beneficial as they cover events in real time (Yin, 2009). The researcher observed committee meetings in order to see an aspect of the policy process in action. Direct observation allowed the researcher to gain an understanding about the values of the committee based upon items they have on the agenda.

Organization of Chapters

Chapter One is an introduction to the overall study. Chapter Two provides an overview on literature relating bullying, cyberbullying, state policies, influential legal cases, and the proposed Megan Meier Cyberbullying Prevention and the Tyler Clementi Higher Education Anti-Harassment statutes. In addition the chapter two outlines the theoretical framework which guides the study. Chapter Three provides an overview of methodology for the study. Chapter Three outlined the research design, and data collection techniques utilized to address the research questions for the study. Chapter Four revealed the findings and codes which emerged from observations, document analysis, and interviews. Chapter Five provided a discussion of the findings. The chapter provided recommendations for policy-makers, teachers, researchers, and parents as well as recommendations for future research.

CHAPTER II

REVIEW OF LITERATURE

Introduction

The purpose of this chapter is to identify key themes from literature relating to both traditional bullying and cyberbullying. The chapter provides a historical context for bullying and cyberbullying. This section highlights concerns regarding both bullying and cyberbullying which includes: aggression, prevalence, emotional and psychological outcomes, health concerns, online behavior, impact in adolescence and adulthood, student perspectives, and joint efforts needed to address bullying.

After outlining the impact of bullying and cyberbullying, the chapter reviews two major reports which examined current state laws on bullying. This section provides an overview of significant court cases. The court cases are vital as they set a legal precedence regarding school official's ability to address issues relating to speech, online behavior, bullying, and harassment. This section gave an account of bullying incidents lead to the suicides of young people. The suicides drew more attention on the damaging impact of cyberbullying. The chapter gives background on Megan Meier and Tyler Clementi, as well as the two proposed pieces of legislation which bear their names. Finally, this section illustrated how Anderson 5 Stages of the Policy Process, The Advocacy Coalition Framework, Kingdon's Three Streams Model, and the Proceduralist Theory of the Legislative Process were utilized in order to examine the proposed Megan Meier Cyberbullying Prevention and The Tyler Clementi Higher Education Anti-Harassment statutes.

Bullying

Traditional. The term bully was first used in the 1530s, and meant sweetheart (Harper, 2013). The word has Dutch origin from the word “boel” meaning brother. Throughout the 17th century, bully was used as a term for fine fellow, blusterer and harasser of the weak (Harper, 2013). In act 4, Scene 1 of Henry V, the term bully is used to reference a boy. The character Ancient Pistol stated “I kiss his dirty shoe, and from my heart-string, I love that lovely bully” (Shakespeare, 1896, p. 64). In the 18th century the word bully was used to describe a pimp or villain (Crawford, 1999). Crawford (1999) stated “in hockey, bullying off is used to describe an aggressive contest between two people: the stronger or more skilled wins” (p. 86).

Limber and Small (2003) reported that “historically, bullying among school children has not been a topic of significant public concern,” (p. 445). Bullying is a part of school culture, and often may be overlooked. According to Hart (2004) “until recent years, bullying was viewed by most parents and educators as a typical part of growing up” (p. 1115). This view on bullying stems from three general beliefs: (1) assertive beliefs; e.g., children would not be bullied or picked on if they would stand up for themselves; (2) bullying is normative behavior that helps children learn social norms; and (3) avoidant beliefs; e.g., children would not be bullied or picked on if they avoided mean kids (Kochenderfer-Ladd & Pelletier, 2008, p. 433).

A dear colleague letter for the U.S. Department of Education stated “bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims and create conditions that negatively affect learning,

thereby undermining the ability of students to achieve their full potential” (Ali, 2010, p. 1). Despite these assertions, Brown (2008) found that “more than 5.7 million teens in the United States are estimated to be a bully, a target of bullying, or both” (p. 44). Bullying is a concern because it can be abusive and humiliating, as well as destructive (Wight, 2008). Hinduja and Patchin (2009) outlined three forms of traditional bullying. Physical bullying which includes kicking, pushing, hitting, gesturing or invading the personal space of another person in an unwelcomed manner. Verbal bullying is displayed through teasing, insults, cursing, threatening and unkind words or expressions toward another person. Relational bullying is displayed through rejection, exclusion, and social isolation.

CYBERBULLYING

Cyberbullying continues to be a topic discussed in the media. In 2003 there were less than twenty mentions of cyberbullying in the media. In 2009, that number of mentions reached almost two hundred (Kowalski, Limber, & Agatston, 2012). The rise in mentions occurred after the Columbine High School shooting.

The shootings, which occurred at Columbine High School in Littleton, Colorado on April 20, 1999, has been called the “worst school shooting in American history” (Cullen, 2004, p. 1). A few days later, on April 28, 1999, a similar incident took place at W.R. Myers High School in Alberta, Canada. It was this incident that prompted Canadian educator, and parent Bill Belsey to take action. Belsey created www.bullying.org with three primary goals: (1) to help people, especially young people, learn that they are NOT alone in dealing with bullying in their lives; (2) to help them

realize that being bullied is NOT their fault and that they CAN do something positive about it; and (3) allow people to connect in a safe, moderated online community where they can share original stories, poetry, drawings, music, animations and videos (Belsey, 2006). Belsey has been credited with coining the term cyberbullying, creating the website www.cyberbullying.ca, which seeks to educate and bring awareness about cyberbullying.

DEFINING CYBERBULLYING

Although there are varying definitions of cyberbullying, the study followed the definition developed by Hinduja and Patchin. Hinduja and Patchin (2009) defined cyberbullying as the “willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices” (p. 121). A person may use the internet or a cellphone to send text messages, post videos, or images. Even if a situation occurs off school grounds, schools have a duty to address cyberbullying, which results in a disruption to the school-learning environment (Hinduja & Patchin, 2009).

Literature Specifically on Traditional Bullying

Meta-Analysis Studies. Several meta-analysis studies has examined the impact of bullying. Ttofi, Farrington, Lösel, and Loeber (2011) stated that “school bullying is a pervasive problem worldwide, which leads to psychosocial problems for young children. Although Ttofi et al., (2011) found that school bullying is a problem, but peer intervention program are not effective. Misguided interventions include programs that promote working with peers to resolve bullying. Ttofi and Farrington (2011) stated these programs increase the likelihood of victimization.

Nakamoto, and Schwartz (2010) found that bullied students are more likely to earn lower grades and score lower on standardized achievement tests. Reijntjes, Kamphuis, Prinzie, Boelen, Van der Schoot, and Telch (2011) found that Peer victimization puts young people at risk for both externalizing and internalizing behaviors. Externalizing behaviors related to aggression, and acting out. Internalized behavior refers to depression and anxiety (Reijntjes, Kamphuis, Prinzie, Boelen, Van der Schoot, & Telch, 2011).

Gini and Pozzoli (2013) conducted a meta-analysis of 30 longitudinal and cross-sectional studies on bullying. The researchers investigated the link between being bullied and the psychosomatic complaints in children and adolescents. Psychosomatic problems can range from pain in the body, tiredness, hypochondriasis, and conversion disorder (Frank and Powell, 1967). Based on the meta-analysis, Gini and Pozzoli found that bullied children and adolescents are at a higher risk to develop psychosomatic issues. The issues stay with the children well into adulthood. Due to the physical risk involved, Gini and Pozzoli (2013) advocate for viewing bullying as a health concern in order to address this growing epidemic.

Cook, Williams, Guerra, Kim, and Sadek (2010) conducted a meta-analysis on 153 'previous studies on bullying. Cook et al., (2010) examined factors that predicted bullying and victimization in children and adolescence based on 3 bully status groups: (1) bullies; (2) victims; and (3) bully victims. Based on the findings the typical bully had social competence and academic challenges. In addition, bullies possess negative attitudes and beliefs about others. The typical victim lacks adequate social skills, and has

difficulty solving social problems. The victim is noticeably rejected and isolated by peers. The typical bully victim has negative attitudes about their self and others. The bully victim can be rejected and isolated by peers. In addition, the bully victim can be negatively influenced by peers with whom he or she interacts (Cook, et al., 2010, pp. 75-7612).

Aggression. Bender and Lösel (2011) sought to examine the link between school bullying and long term criminal and anti-social behavior. The participants of the Erlangen-Nuremberg Study on School Bullying consisted of 63 males. Bender and Lösel relied on the OlweusBully/VictimQuestionnaire to assess bullying. The outcome measures included: (a) self-reported delinquency, (b) violence, (c) aggressiveness, (d) drug use, (e) impulsivity, and (f) psychopathy. The results revealed that those who are bullies in school were more likely to engage in other delinquent behavior, violence, drug use and develop anti-social issues. Bender and Lösel (2011) found that perpetrators of physical bullying were at an increased level for risk factors as opposed to the perpetrators of verbal/indirect bullying. Physical bullies had a square root (r) value of 0.46 in regards to unstable work life compared to just 0.05 for verbal/indirect bullies. Physical bullies had a higher r value for violent offense (0.73) and psychopathy checklist (0.71).

Prevalence. The Indicators of School Crime and Safety is an annual report published by the Bureau of Justice Statistics and the National Center for Education Statistics. The 2012 report represents data collected during the 2009-2010 school year. The report includes data on the following topics: (a) victimization at school; (b) teacher injury; (c) bullying and cyber-bullying; (d) school conditions; (e) fights; (f) weapons; (g)

availability and student use of drugs and, alcohol; (h) and student perceptions of personal safety at school. The types of crimes are broken down based on 21 indicators. Bullying and cyberbullying anywhere falls under Indicator 11. According to the authors, Indicator 11 “examines the daily or weekly occurrence of student racial/ethnic tensions, bullying, sexual harassment of other students, sexual harassment of other students based on sexual orientation or gender identity, verbal abuse of teachers, acts of disrespect for teachers other than verbal abuse, and widespread disorder in the classroom. The report examined the occurrences of gang and cult or extremist group activities during the school year” (Robers, Kemp, & Truman, 2013, p. 32).

The data on bullying and cyberbullying includes schools which reported the activity as happened either once a week or daily. The percentage of public schools in the city reporting student bullying was 27. Suburban public schools were 19.9, towns 26.2, and rural public schools were 21.2 (see Figure 1.1) (Robers, Kemp, & Truman, 2013, p. 33).

The following are percentage of public schools reporting selected types of cyberbullying problems occurring at school or away from school daily or at least once a week, by school level. Primary schools: 1.5 reported cyberbullying among students, 0.9 reported the school environment is affected by cyber-bullying, and 0.9 reported that staff resources are used to deal with cyberbullying. Middle schools: 18.6 reported cyberbullying among students, 9.8 reported the school environment is affected by cyberbullying, and 8.5 9 reported that staff resources are used to deal with cyberbullying. High School: 17.6 reported cyberbullying among students, 9.9 reported the school environment

is affected by cyber-bullying, and 8.6 reported that staff resources are used to deal with cyberbullying (see Figure 2.1) (Robers, Kemp, & Truman, 2013, p. 33).

The percentage of females ages 12-18 who reported being the subject of harassing text messages were 6.5, while males were only 2.4. (see Figure 3.1) (Robers, Kemp, & Truman, 2013, p. 49). The report found that 64.5% of students reported being bullied at school once or twice in a school year; while 71.9% reported being cyber-bullied once or twice in a school year (see Figure 4.1) (Robers, Kemp, & Truman, 2013, p. 49).

The percentage of White students ages 12-18 cyberbullied anywhere was 10.6. Black students account for 7.0. Suburban schools accounted for 10.0 percentage of total cyberbullying incidents. Rural schools accounted for 8.9, and urban schools 7.3 (see Figure 5.1) (Robers, Kemp, & Truman, 2013, p. 136).

The percentage of White students ages 12-18 bullied at school or cyberbullied anywhere was 33.5. Black students accounted for 28.5 percentage. Rural schools accounted for 31.1 percentage of total bullying and cyberbullying incidents. Suburban schools accounted for 30.8, and urban school 26.6 (see Figure 6.1) (Robers, Kemp, & Truman, 2013, p. 134).

Psychological Outcomes. King, Horwitz, Berona, and Jiang (2013) examined the baseline functioning of suicidal adolescents based on bullying groups: bully perpetrators and non-bullies. The participants for the study included 433 suicidal adolescents ages 13-17 years old, who were psychiatrically hospitalized from 2002-2005. To assess the functioning of the participants King et al., (2013) relied on a number of measures: (1) The Suicidal Ideation Questionnaire-Junior (SIQ-JR); (2) The Children's

Depression Rating Scale-Revised (CDRS-R); (4) The Beck Hopelessness Scale (BHS); (5) The Multidimensional Anxiety Scale for Children (MASC); (6) The Personal Experiences Screen Questionnaire (PESQ); (7) The Child and Adolescent Functional Assessment Scale (CAFAS); and (8) The Youth Self Report (YSR).

King et al., (2013) found “the bully-perpetrator group had significantly higher baseline scores than the non-bully group for suicidal ideation (SIQ-JR), substance abuse (PESQ), and overall functioning impairment” (CAFAS Total) (p. S45). Overall, the bully-perpetrator group had higher rates of psychosocial impairment. The impairment affected the bully-perpetrators in their home, school, work and interpersonal relationship. The findings from King et al., (2013) shed light on the linkage between bullying and suicidal thoughts.

To determine if bullying behavior in high school increases the chances for depression and suicide, Klomek, Kleinman, Altschuler, Marrocco, Amakawa, and Gould (2013) assessed 2,342 participants suicidal ideation. The participants ranged from ages 13-18, and were all enrolled in high school in Nassau, Suffolk, and Westchester counties in New York State. Males made up 58% of the participants, which is due to one of the high school being a parochial all-boys school. Klomek et al., (2013) relied on the following measures when conducting screening and follow-up assessments: Beck Depression Inventory (BDI-IA), Suicidal Ideation Questionnaire (SIQ-JR), Suicide Attempt History derived from the depression module of the Diagnostic Interview Schedule for Children (DISC-IV), Drug Use Screening Inventory (DUSI), Columbia

Impairment Scale (CIS), and a question regarding the Bullying/Bullied experiences which was derived from the World Health Organization study on youth health.

The baseline screening allowed Klomek et al. (2013) to place the participants in the following categories: (a) Suicide-At-Risk Only, (b) Suicide-At-Risk & Bully Perpetrator, (c) Suicide-At-Risk & Victim of Bullying, and (d) Suicide-At-Risk & Bully-Victim. The findings revealed that participants in the Suicide-At-Risk & Bully Perpetrator category had higher rates for substance abuse. In addition, the Suicide-At-Risk & Bully Perpetrators had a mean of 21.6 for depression, 26.4 for suicide ideation and 21.5 for functional impairment. The study found that participants who bullied others and suffered from other issues such as substance abuse and depression were significantly more likely to be functionally impaired as adults.

Copeland, Wolke, Angold, and Costello (2013) provided the weighted percentages of young adult psychiatric outcomes. The results revealed that 10.2% of victims had depressive disorders and 21.5% for bully/victims. Twenty-four point eight percent of bully/victims had suicidality and 9% for victims. Twenty-four point two percent of victims, and 32.2% of bully/victims had anxiety disorders. Thirty-eight point four percent of bully/victims, and 13.1% of victims had panic disorders. The findings showed that 29% of bullies and 22.9% of bully/victims had alcohol disorder. In addition, 24.8% of bullies and 16.1% of bully/victims had marijuana disorders.

Substance Abuse. Radliff, Wheaton, Robinson, and Morris (2012) examined the link between bullying and substance use among middle and high school students. The

participants consisted of sixth through twelfth graders attending schools in the Safe and Drug Free Consortium of a large Midwestern county.

The researchers utilized the Primary Prevention Awareness, Attitude, and Use Survey (PPAAUS) developed by the Education Council, Safe and Drug Free Schools Consortium. The 152-item questionnaire addressed issues such as school climate, risky behavior, bullying, and substance use. The PPAAUS was administered by trained teachers and school staff to 100,416 students; however, only 78,333 surveys were useable. At the middle school level, the male to female participant ration was about even. At the high school level, there were 51% female participants and 49% male participants.

The results revealed that at the middle school participants who identified as bullies had the highest use for cigarettes (10.5%), alcohol (14.8%) and marijuana (11.4%). The second highest usage for middle-schoolers came from participants identified as bully-victims, cigarettes (9.3%), alcohol (12.7%), and marijuana (6.1%) (Radliff, Wheaton, Robinson, & Morris, 2012). Despite the high usage of bully and bully-victims at the middle school level, the percentages only increase at the high school level.

Bullies at the high school level had 25.8% usage of cigarettes, 52.6% for alcohol, and 31.7% for marijuana. Bully-victim had 27.4% usage for cigarettes, 53.5% for alcohol, and 29.2% for marijuana. The results from Radliff et al., (2012) reinforced that bullying is an issue that not only affects students emotionally and physically, but bullying can lead to risky behavior. Student who identified as bully and bully-victim had increased substance use both at the middle school and high school level.

Issues in Adulthood. Wolke, Copeland, Angole and Costello (2013) conducted a study on peer bullying in adolescence and its impact on adulthood. The participants consisted of three cohorts of children ages 9, 11, and 13 and their primary caregiver from 11 counties in western North Carolina. In total, 1,420 children participated in the study (1,071 non-American Indian children, and 349 American Indian). Wolke et al. (2013) relied on additional assessments once the participants reached ages 16, 19, 24, and 26 years old. Wolke et al. (2013) categorized the participants in one of four of the following: (a) Neither, (b) Bully, (c) Victim, and (d) Bully/Victim. The results revealed that participants who were categorized as a bully-victim had increased chance of being diagnosed with psychiatric disorder. The bully-victim had higher rates for smoking, drug and alcohol use, and obesity. In addition, 38.2% of bully-victims has no high school diploma, 41.1% had no college degree, and 46.1% had no best friends and lacked confidence in adulthood.

Prevention. Olweus and Limber (2001) evaluated the Olweus Bullying Prevention Program. The program was aimed at lowering bullying incidents that occurred in schools. The main goal was to build a sense of community among students. The program first started in Norway, and later used in schools in the United States. In fact, South Carolina was the first state to implement the Olweus Bullying Prevention Program. Later, other states such as Washington, California and Pennsylvania implemented and evaluated the Olweus program. The evaluation results from the South Carolina study revealed a 16% decrease in the percentages of students who stated they had been bullied.

While the Olweus program illustrated key results, the authors warn of some pitfalls. According to Olweus and Limber one challenge to the program is getting the buy-in from school staff as well as parents. The authors caution that this can be a problem for other bullying prevention programs as well. The authors stated that there has been no evaluation of the Olweus Bullying Prevention Program, or any other program in regards to academic achievement.

Literature Specifically on Cyberbullying

Psychological Outcomes. Willard (2006) noted that cyberbullying may produce even more damage to youth, with such consequences ranging from low self-esteem, anxiety, anger, depression, school absenteeism, poor grades, an increased tendency to violate against others, and youth suicide. The psychological outcomes were similar to the outcomes of traditional bullying.

Kowalski and Limber (2013) conducted a survey study involving students in grades 6-12 from two schools in rural Pennsylvania. The study examined student involvement in traditional bullying and cyberbullying. Based on self-reported responses, students were grouped as bully only, victim only, bully/victim, or not involved. The study examined co-occurrence of involvement in traditional bullying and cyberbullying. In addition, the study investigated the overlap of the two forms of bullying.

The results revealed that traditional bullies were more likely to be an online bully. In fact, the study revealed that male participants classified as bully/victim experienced a higher degree of depression, anxiety, and suicidal ideology. Kowalski and Limber (2013) argued that the psychological outcomes from cyberbullying can have a negative on a

student's academic performance. The work of Willard (2006) and Kowalski and Limber (2013) further illustrate that the outcomes of cyberbullying are as damaging as traditional bullying.

Bullying and Harassment. Limber and Small (2003) advocated for not grouping bullying with harassment. Harassment referred to gestures, actions which tend to annoy, alarm, and verbally abusing another person (Black, Nolan, & Connolly, 1979), but harassment does not mention the power imbalance between the perpetrator and victim. The article also noted that simply classifying bullying, as harassment can be confusing to school policies that already have a statement against harassment.

Ybarra and Mitchell (2008) conducted a study on the frequency of internet harassment. The researchers utilized the Second Youth Internet Safety Survey, and they used a sample of 1,500 household across the United States. The participants ranged from 10-17 years old. The researchers measured harassment perpetration. The study found that almost one in three youth reported harassing someone online at least once (Ybarra & Mitchell, 2008). Six percent of the participants reported frequently harassing someone over the Internet. The female participants were 50% more likely to be limited perpetrators; however boys were three times more likely to be frequent perpetrators.

In a mixed-methods study, Allen (2012) examined text messaging and cyberbullying among high school students. The study found that text messages can generate more drama, especially within a small group. Students were more likely to use text message to make derogatory comments as opposed to say it to the person's face. The study found that text messages can be used as a form of "social-relational aggression

referred to as ‘alliance building’ where one student tries to get a group of friends to dislike or exclude another person, certainly a behavior that contributes to conflict and may qualify as aggression or even bullying” (p. 109).

Sturgis (2014) found that “cyberbullies often target gays, women, or people of color. Students who are different in some way (race, ethnicity, sexual orientation, religion or appearance) or high profile students (athletes, student government officers) are often the most vulnerable” (p. 1).

Sexual minorities who experience frequent bullying, and harassment are at a higher risk for a short life expectancy. Hatzenbuehler, Bellatorre, Yeonjin, Finch, Muenning, and Fiscella, (2014) examined the mortality rates of sexual minorities. The results found that sexual minorities living in high-prejudice communities were more likely die from suicide, homicide/violence and cardio vascular diseases versus sexual minorities living in low-prejudice communities.

Online Behavior. Kowalski and Limber (2007) conducted a study to examine electronic bullying among middle school students. The participants included 3,767 middle school students ranging from grad 6-8. The schools were located in the northwestern and southeastern region of the United States. Participants were given the Olweus Bully/Victim Questionnaire. The study found that bullying took place in chat rooms, through e-mails and instant messages. Eleven percent of the participants reported being bullied electronically as least once in past couple of months.

Patchin and Hinduja (2010) postulated there is a need to examine cyberbullying because “as technology evolves, so do many of the problems faced by those who have

access to it” (p. 615). The researchers distributed surveys in 2007 to 1,963 students from 30 middle schools in order to examine cyberbullying and self-esteem. The participants were recruiting from a large school district in the United States. The ages ranged from 10-16 years old. The researchers utilized “Rosenberg’s (1965) validated measure of self-esteem, which included a variety of questions designed to estimate one’s level of self-esteem? (Patchin & Hinduja, 2010, p. 617). The study found that 18.3% of students received upsetting e-mails from someone they knew. Thirty percent of the participants admitted to being the target of a cyberbullying incident more than once. The findings revealed that both targets of cyberbullying as well as perpetrators had low levels of self-esteem; but the study found that cyberbullying victimization lead to a much lower level of self-esteem. Patchin and Hinduja (2010) argued there needs to be bullying prevention programs in schools with specific attention to cyberbullying. Also, school officials needs to intervene to address issues of cyberbullying.

Student Voices. Agatston, Kowalski, and Limber (2007) provided a brief report on students’ perspectives on cyberbullying. The researchers conducted focus groups with 150 students from two middle school and two high schools. The schools were located in Cobb County School District of Marietta, GA. The ages of the participants ranged from 12-17 years old. The focused groups revealed that if a cyberbullying incident occurred they would not report it do to fear of having their cellphones taken away, and is against school policy for students to use a cellphone during school hours. Students stated they were more likely to report cyberbullying to a parent versus a school official, but the students expressed a fear of parents taking away their electronic devices. The students

felt one of the best ways to address an online incident is to block the sender or simply ignore the message.

Vandebosch and Van Cleemput (2008) conducted 53 focus groups with 279 young participants to gain a deeper understanding of cyberbullying. The participants ranged from 10-19 years old. The study found that the participants believed that cyberbullies set out to hurt another person's feelings. The participants stated cyberbullying can occur via the internet or mobile phone through repeated attempts towards a target. In addition, participants who admitted to cyberbullying others stated that they knew their target in real life. The targets of cyberbullying were described as the "shy, small or strange kid" (Vandebosch & Van Cleemput, 2008, p. 501). Cyberbullies chose these targets because of their weakness. The weakness of the target relates back to the power imbalance discussed by Limber and Small (2003). The study is significant because it illustrates the fact that young people are aware of the unique characteristics of cyberbullying.

Hinduja and Patchin (2009) investigated the issue of cyberbullying through an online survey. In 2005, the researchers distributed an online survey and received a response from 7,000 participants. Hinduja and Patchin (2009) specifically focused on 4,000 respondents who were under the age of 18. Due to the overwhelming number of female respondents, the researchers created a subsample of 15,000 respondents to avoid bias. Together the researchers used online surveys to uncover correlations between cyberbullying and traditional bullying. Hinduja and Patchin (2009) found that "forty-two percent of victims of cyberbullying were also victims of traditional bullying" (p. 61).

The study revealed that cyberbullying victims often felt frustrated, sad, angry, scared and embarrassed. Despite these feelings, victims had trepidations about reporting these incidents. Participants felt if they told their parents their cellphones, computers, or other electronic devices would be taken away. The fear of electronic devices being taken away was also highlighted by Agatston, Kowalski, and Limber (2007). Participants feared parents were not well informed in order address the incident, especially in a calm fashion. Participants felt teachers were shy about addressing issues that occurred off school grounds. Other concerns were the unlikelihood law enforcement would intervene “unless a clear violation of the law can be articulated” (Hinduja & Patchin, 2009, p. 61).

Joint Effort. Carroll (2008) discussed the need for the school committee, administrators, counselor and local authorities to join forces with the technology staff of the school. The reason for this being school administrators will have in-depth insight into school issues in regards to safety however may be unfamiliar with the function of the school district’s Internet System. If the two sides join forces, it helps each side become educated in areas they lack knowledge in, and help better serve the student population in regards to cyberbullying.

The Law and Bullying

State Laws/Policies on Bullying

From 1999 to 2010, over 120 bills were enacted by state legislators across the United States with the intent to address bullying, and enhance school safety (Stein, 2003). Although there have been a number of bills passed in past decade, very few studies have been conducted to analyze these laws. The U.S. Department of Education and the

Berkman Center for Internet & Society at Harvard University both conducted analyses of state bullying laws and policies. The studies are vital as they draw attention to ways states are working to combat and address bullying. In addition, the studies highlight the inconsistencies that exist between state laws.

The U.S. Department of Education Report

While examining state bullying laws, the U.S. Department of education focused on how state legislation defined bullying. In Colorado “bullying means any written or verbal expression, or physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicle, at a designated school bus stop, or at school activities or sanctioned events” (ED, 2011, p. 134-135).

In Indiana “bullying means overt, repeated acts or gestures, including: (1) verbal or written communication transmitted; physical acts committed; or any other behaviors committed; by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student (ED, 2011, p. 137)

In Missouri “bullying means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property. Bullying may consist of physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts (ED, 2011, p. 139).

In New Jersey harassment, intimidation or bullying means 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. The characteristics includes: “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” (ED, 2011, p. 140).

In South Carolina “harassment, intimidation, or bullying means a gesture, an electronic communication of written, verbal, physical, or sexual act that is reasonably perceived to have the effect of: (a) harming a student physically, or emotionally or damaging a student’s property or placing a student in reasonable fear of personal harm or property damage; (b) insulting or demeaning a student or group of students causing substantial disruption in or substantial interference with, the orderly operation of the school (ED, 2011, p. 142).

The definitions mentioned highlights the inconsistencies which exist between state laws. Some states based their definition from the Tinker case which relates to causing a substantial disruption to the school environment. Other states tend to group bullying with harassment and intimidation. Although some states tend to group these definitions, there needs to be a clear and separate definition for bullying, harassment, and intimidation in state laws. Limber and Small (2003) argued that classifying bullying as harassment can be confusing as many school policies already have a statement addressing harassment. A separate bullying definition is needed as harassment does not reference the power imbalance which exists between the perpetrator and victim (Limber and Small,

2003). While the U.S. Department of Education put some attention on definition, the Berkman Center focused on categorizing state bullying laws.

Berkman Center for Internet & Society Report

The report from the Berkman Center for Internet & Society also examined state bullying laws. Sacco, Silbaugh, Corredor, Casey, and Doherty (2012) reported that Delaware, Massachusetts, New Hampshire, and Texas are the only states to recognize or address the role of power imbalance in their laws (p. A-4). In regards to defining bullying, Alabama, Colorado, Florida, Indiana, Massachusetts, Nebraska, Ohio, and Vermont requires bullying to be repetitive, systematic, or continuous (Sacco et al., 2012, p. A-1). Connecticut, Kansas, Kentucky, Massachusetts, Rhode Island, and Utah have provisions which define cyberbullying more broadly and specifically (Sacco et al., 2012, p. A-7-A-8). For a detailed description of these definitions (see Appendix A). Florida, Nevada, Texas, Utah and Vermont refer to harassment and bullying, but defines them separately (Sacco et al., 2012, p. A-14-A-15). For a detailed description see (Appendix B).

Connecticut, Louisiana, Maryland, Massachusetts, New Hampshire, New Jersey, Oklahoma, Pennsylvania, Rhode Island, Tennessee, and Utah included provisions explicitly extending schools' ability to reach at least some incidents of bullying occurring outside of school or other school-related locations (Sacco et al., 2012, p. A-22-A-25). For a detailed description (see Appendix C).

The studies conducted by the Department of Education and the Berkman Center highlight the current state laws and policies on bullying. While some states are more

progressive with their laws, other states only minimally address the issue. The studies revealed that, the way a school official in Florida handles a bullying incident is quite different than one in Massachusetts or California. The lack of consistency means school officials may be unclear about boundaries for handling a bullying incident. Knowing what actions school officials are allowed to take is important, given the fear of legal recourse. The varying state laws give validation for the need to conduct research on bullying laws at the federal level.

Legal Responsibility

The advances in technology and online communication produce complex legal issues, particularly for school administrators. The Supreme Court proclaimed the Internet a unique and wholly new medium (O’Neil, 2008), but laws have not caught up to this new medium. Hinduja and Patchin (2011) stated a “key issue facing educators with respect to cyberbullying prevention and response is the extent to which school officials have the right to restrict student expressions or to discipline for behavior or speech deemed inappropriate” (p. 72).

“Bullying may trigger legal responsibilities for schools under the civil rights laws enforced by the Office of Civil Rights (OCR) and the Department of Justice (DOJ) that prohibit discrimination and harassment based on race, color, national origin, sex, disability, and religion” (Duncan, 2010, p. 1). Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin (U.S. Department of Justice, 2013). Title IX of the 1972 Education Amendments, prohibits discrimination on the basis of sex (U.S. Department of Labor, 2013). Section 504 of the Rehabilitation Act

of 1973 (U.S. Dept. of Health and Human Services, 2006) as well as Title II of the Americans with Disability Act 1990 (Americans with Disabilities, 2010), prohibits discrimination on the basis of disability.

School leaders are faced with the challenge of addressing cyberbullying issues while not infringing on the rights of students. “The legal aspect of cyberbullying is critically important because school leaders need to know how courts judge their work in addressing cyberbullying” (Hvidston, Hvidston, Range, & Harbour, 2013, p. 2). Despite the complexities faced by school officials, “the U.S. Supreme Court has not yet specifically addressed cyberbullying in any of its decisions” (Hvidston et al., 2013, p. 3). However, there have been a number of court cases which address issues of harassment, 1st Amendment Rights, and the duty of school officials.

Relevant Court Decisions

U.S. Supreme Court Cases

In the case of *Davis v. Monroe County Board of Education* (1999) the “U.S. Supreme Court ruled that under Title IX, schools and school districts may be liable for student-on-student harassment with deliberate indifference” (Willard & Alley, 2008, p. 200). Legally, deliberate indifference is when you have a reckless disregard for someone’s actions (*Davis v. Monroe County Board of Education*, 1999). A school official may have knowledge of harassment taking place, but does not attempt to address the issue. By not addressing the issue the school official puts the well-being, health, and safety of the student at risk. In regards to the case of *Davis v. Monroe County Board of Education*, the court found that the school officials have a duty to intervene particularly

when the harassment has a direct effect on a student's education (*Davis v. Monroe County Board of Education*, 1999).

The case of *Tinker v. Des Moines Independent Community School District* was argued in 1969, but is still widely cited today. Two students (a brother and sister) and their friend created a plan to wear black armbands to school to protest the Vietnam War. The school principal got word of the plan, and implemented a school policy that anyone wearing black armbands would be suspended. The three students decided to wear the armbands to school and were suspended. The students filed a suit in the U.S. District Court in Iowa. The court ruled in favor of the school district. The students appealed, and went to the U.S. Court of Appeals. The court of appeals ended in a tie, and later the case went to the U.S. Supreme Court. The U.S. Supreme Court ruled that the school would not prohibit symbolic or political speech unless the speech would result in a material and substantial disruption of normal school activities (*Tinker v. Des Moines Independent Community School District*, 1969). The Tinker Test has been applied to other cases. In addition, the language of substantial disruption of schools activities can be found in current education policies.

Although some cases still apply the Tinker Test, there have been situations where incidents occur that do not result in a disruption to the school environment. One example is the case of *Layshock v. Hermitage School District* in Pennsylvania. In this case, a high school student made an online parody of his high school principal. The principal found out about this, and suspended the student. The student was forced to finish high school at an alternative program. A federal judge ruled that the suspension was unconstitutional,

and violated the students' 1st Amendment Rights. The court did not see where the online parody had a substantial disruption on the school environment (*Layshock v. Hermitage School District*, 2007). The Layshock case is an excellent example of how you can apply the Tinker Test, but it works in the favor of the student.

The 2007 case of *Morse v. Frederick* dealt with First Amendment Rights of Students. The students at Juneau-Douglas High School, in Alaska, were allowed to leave class to watch the passing of the Olympic Torch. However, Joseph Frederick and his friends decided to stand on the sidewalk across the street from the school. At the exact moment the television cameras were around, Frederick and his friends held a banner which read Bong Hits 4 Jesus. During this time, the Principle, Deborah Morse, went across the street and took the banner away. Frederick was suspended on the grounds of violating the school district's anti-drug policy.

In 2002 Frederick filed a lawsuit against the principle and the school board claiming his right to free speech had been violated. The U.S. District Court in Alaska ruled that Morse and the school board did not violate Frederick's First Amendment Rights. The court held that the principle had reason to interpret the banner as violating the school's policy on drug use. Frederick appealed and the case was taken to the Ninth Circuit Court. The Ninth Circuit Court reversed the decision stating that the banner was not sponsored or endorsed by the school, it did not occur at an official school activity, and the banner was not made as part of the curriculum, for example an art class (*Morse v. Frederick*, 2007).

State Cases

The 2007 case of *Wisniewski v. Board of Education of the Weedsport Central School District* dealt with online speech. An eighth grader named Aaron Wisniewski created an instant message buddy icon from his home computer. The icon depicted a pistol firing at a man's head and the caption, "Kill Mr. VanderMolen." Mr. VanderMolen was one of Aaron's teachers. The school was informed of the buddy icon and Aaron was suspended. The Wisniewski family filed a lawsuit alleging the school violated Aaron's First Amendment Rights. The Northern District Court ruled in favor of the school. Aaron specifically named a teacher at the school, so the court ruled that the school had the right to take action due to the foreseeable nature of the incident. The icon created a serious threat, which is not protected by the First Amendment. The Wisniewski's filed for an appeal. The 2nd Circuit court affirmed the ruling of the lower court (*Wisniewski v. Board of Education of the Weedsport Central School District*, 2007).

In the 2012 case of *R.S. ex rel. S.S. v. Minnewaska Area School District*, a student was disciplined for a Facebook post. A minor only identified as R.S. posted a comment on Facebook about a hall monitor at her school. The principle was informed of the post, and gave R.S. detention, calling the actions of R.S. impermissible bullying. In a separate incident R.S. was called in for questioning about concerns of sexual conversations between R.S. and another student. While being questioned by school employees and a Deputy Sheriff, who demanded R.S. provide her e-mail and Facebook password. Once R.S., provided the information, the school officials searched through R.S.'s profile. R.S.

and her mother filed a lawsuit in federal court against the school. The court ruled that school can only discipline students for comments made off school ground if it is a true threat or would pose a safety risk to the school environment (R.S. ex rel. S.S. v. Minnewaska Area School District, 2007). The court did not see where R.S.'s comments would have produced a safety risk or was a threat so her comments are protected under the First Amendment.

In the case of *J.S. v. Blue Mountain School District*, a student was disciplined for a fake MySpace profile. J.S. was an eighth grade student at Blue Mountain School District who was disciplined for the school's dress code violation. After being disciplined, J.S. created a MySpace profile of her principle. Although J.S. did not use any personal identifiers, J.S. did use the official picture of his principle, taken from the school's website. The fake profile included references to sex addiction. The profile was public, but then made private only to 22 other students. One of the students informed the principle of the website, and suspended J.S. for ten days. J.S.'s parents filed a federal civil lawsuit against the school alleging the school violated J.S.'s first amendment rights. The district court in Pennsylvania ruled in favor of the school district. J.S.'s parents filed for an appeal. The third circuit court ruled in favor of J.S. The courts looked to *Tinker* for the decision. The court stated that applying the *Tinker* Test to off-campus speech could lead to school disciplining students for any expression regardless of when or where it happens. The court's ruling was also based on the inability for the school to illustrate how the profile caused a substantial disruption to the school environment (*J.S. v. Blue Mountain School District*, 2011). The school district appealed the ruling to the US

Supreme Court. On January 17, 2012, the Supreme Court declined to hear the case. The original ruling in favor of J.S. stood (ACLU, 2015).

In the case of *Kowalski v. Berkeley County Schools*, a high school student was disciplined for her MySpace discussion group. Kara Kowalski created a discussion group titled “Students Against Shay’s Herpes” or S.A.S.H., which Kowalski and her friends used to make negative comments about another classmate. The discussion group was made on Kowalski’s home computer, outside of school hours. The parents of the student being discussed in the group were made aware of the page. The parents filed a complaint with the school. The school conducted an investigation and found Kowalski in violation of the Student Code of Conduct against harassment, bullying, and intimidation. Kowalski filed suit against the school for allegations of violating her First Amendment Rights. The district court ruled that while the page was made at home, the school was justified in disciplining Kowalski. The court stated that Kowalski not only wrote vulgar and offensive comments, but served as a catalyst for other students to participate. Kowalski filed for an appeal on grounds of emotional distress, and violation of her First Amendment Rights. The 4th U.S. Circuit Court of Appeals upheld the decision from the lower court. The court ruled that Kowalski’s MySpace discussion group was connected to the school environment, and the school had the right to discipline the student (*Kowalski v. Berkeley County Schools*, 2011). The court viewed the discussion group as online harassment, and thus the school did not violate Kowalski’s First Amendment Rights.

The case of *LaVine v. Blaine School District* involved James LaVine, an 11th

grader at Blaine High School, in Washington State. LaVine wrote a poem titled *Last Words*, which depicted the feelings of a student after shooting several of his classmates. The poem was not a class assignment or an extra credit project. However, LaVine wanted feedback on the poem from the English teacher. The teacher was alarmed by the poem, particularly due to the fact a school shooting occurred at Thurston High School, in Oregon. The English teacher reported the poem, to the school counselor and Vice-Principle. After consulting with school officials, and local authorities, the decision was made to expel LaVine

LaVine filed charged against the school district claiming a violation of First Amendment Rights. LaVine argued that keeping the explosion in his filed could hinder her future career prospects. The school disctrict allowed LaVine to return to school after psychological evaluation. Although he was able to return, LaVine sued the school for violation of his 1st Amendment Rights. The ruling by the federal district court was in favor of LaVine (LaVine v. Blaine School District, 2001).

The school district, felt that they had a right to expel LaVine due to the potential harm that could have been caused at school. Blaine School District filed an appeal in the Ninth Circuit Court. The Ninth Circuit court agreed that the school took the appropriate steps by expelling LaVine. The Ninth Circuit court ruled that the school viewed the poem as a potential disruption to the school environment (LaVine v. Blaine School District, 2001).

LaVine tried to make an appeal for U.S. Supreme Court, but the court declined to hear the case (Hudson Jr, 2004). The declining of the appeal meant that the ruling by the

Ninth Circuit court in favor of the school district stood.

In the case of *J.S. v. Bethlehem Area School District*, an eighth grader named Justin Swidler created a website titled *Teacher Sux*. The website mocked the Principle, Thomas Kartsotis as well as an algebra teacher, Kathleen Fulmer. In addition, the website included a link where other could contribute \$20 for a hit man for the algebra teacher. The Bethlehem Area School District was informed of the website. After the school district held a hearing, it was ruled that Justin would be expelled. Justin filed a suit against the school district claiming his First Amendment Rights had been violated. In 1999, Judge Robert E. Simpson Jr. ruled in favor of the school district. The Judge ruled that the website was disruptive and hindered the education process. J.S. appealed. However, the Commonwealth Court of Pennsylvania upheld the ruling from Judge Simpson. Finally, the case was taken to the Supreme Court of Pennsylvania. In 2002 the Supreme Court of Pennsylvania upheld the previous rulings. The court found the website to cause a disruption to the school environment. In addition, Mrs. Fulmer had to take medical leave from work. In addition, students who visited the website developed a negative perception of both the Mr. Kartsotis and Mrs. Fulmer (*J.S. v. Bethlehem Area School District*, 2002).

The case of *Harper v. Poway Unified School District* in California helped outline the duty of school of officials to protect vulnerable students. In this case a student was disciplined for wearing an anti-gay t-shirt to school. The court ruled that speech protected outside of a public school is not necessarily protected on school grounds. The courts found that the school was justified in their responsibility to protect vulnerable

students. In addition, the court stated that these messages infringe on the right of other public school students who have a right to be free of attacks while on school grounds (Harper v. Poway Unified School District, 2006).

The case of *D.C., a Minor, etc. et al., Plaintiffs and Respondents v. R.R., a Minor, etc., et al.* was viewed as a hate crim. In this case a minor, who is only identified by the initials D.C. created a website to promote his acting and singing career. A couple of D.C.'s classmates found out about the website and posted comments: "I'm going to kill you, "Faggot", and I want to rip out your heart and feed it to you" (D.C., a Minor, etc. et al., Plaintiffs and Respondents v. R.R., a Minor, etc., et al., 2010). The father of D.C. went to the police. However, the police told him there was nothing they could do because the classmates were protected by their freedom of speech. D.C.'s father took out a lawsuit for defamation of character for calling his son a homosexual, and emotional stress. The California court viewed this as a hate crime, and rule the classmates were not protected under Free Speech. In addition, the court stated that the threats were sentences, composed at a computer over a period of seven minutes (D.C., a Minor, etc. et al., Plaintiffs and Respondents v. R.R., a Minor, etc., et al., 2010).

Lessons from Relevant Court Decisions

The relevant cases illustrate that school officials are able to intervene if a situation leads to a substantial disruption of the school environment. The courts cases also show that school officials have a duty and responsibility to protect vulnerable students such as Lesbian, Gay, Bisexual and Transgendered (LGBT) students. School administrators would not be violating a student's freedom of expression rights, if that expression or

speech were an attack or threat to other students. In addition, School officials are responsible for the welfare of students.

While the Tinker case has been applied in other legal cases, King (2010) highlighted the need to bring Tinker into the internet age. Currently, it is difficult for public school officials to combat cyberbullying due to lack of judicial clarity (King, 2010). Schools are in a balancing act in trying to determine whether to intervene or not. The courts play a significant role in helping to give clarity to the perplexing issue of cyberbullying. King (2010) states that the courts should weigh in on the following factors: (a) whether the online content was created at school or using school resources; (b) whether the content was viewed on campus; (c) the extent to which students discussed the content on campus; (d) the measures taken by the school in response to the incident; and (e) the appropriateness of the school's reaction.

The issue of addressing cyberbullying does not solely rest within the judicial system, but educators play a significant role as well. Hinduja and Patchin (2011) provided four key guidelines for school officials to follow when trying to address cyberbullying incidents: (1) did it cause a substantial or material disruption to learning; (2) did it interfere with the educational process or school discipline; (3) did the person use school-owned technology to harass; (4) did the person threaten other students or infringe on their civil rights (p. 76). Above all, there is a need to have clear guidelines for schools to adhere to in regards to online speech.

King (2010) acknowledged that cyberbullying is a complex issue facing lawmakers, educators as well as parents. King (2010) stated "the issue requires an

innovative, multidisciplinary approach that tackles the problem from a variety of angles, both legal and nonlegal” (p. 874). The key to effective ways to combat cyberbullying will require a holistic approach. While policymakers may view cyberbullying as an urgent matter, King (2010) argued that it is vital to “avoid the temptation to enact knee-jerk legislation that may be overly broad or create unintended consequences that restrict freedom of speech” (p. 848).

American Education Research Association Report

The American Education Research Associational Research Association (AERA) has taken steps towards addressing bullying. In 2013 the AERA Task Force on the Prevention of Bullying in Schools, Colleges and Universities released a report titled Prevention of Bullying in Schools, Colleges and Universities: Research Report and Recommendations. The Task Force was created due to the growing concern in schools as well as the health risks associated with bullying. The report covers legal rights, school climate, and school safety education. In addition the report examines current bullying policies and prevention programs.

Bullying has an impact not only on students but the school environment. “Bullying is part of a larger phenomenon of violence in schools and communities. Educators and scholars should not limit themselves to the traditional definition” (AERA, 2013, p. 7). The bullying report from AERA stated that we should be concerned with cyberbullying due to its able ability to send out information to a massive amount of people, which only intensifies the humiliation of targeted students (AERA, 2013). The report posited that improving school climate is key for addressing the issues of bullying.

The report suggested the collaboration of teachers, administrators, staff, students, and parents are needed to combat bullying concerns.

In regards to policy recommendations, the AERA report stated that it is important from a legal perspective to have a clear distinction between bullying and harassment. The idea of not grouping harassment with bullying was highlighted earlier by Limber and Small (2003). According to AERA “research is needed about how laws and legal policies related to bullying and harassment are understood or perceived. Understanding the impact and implementation of law and the role and relevance of a supportive legal context is fundamental to addressing bullying and harassment and making changes where necessary” (pp. 33-34). The statement from the American Education Research Association legitimizes the need for an analysis of the proposed Megan Meier Cyberbullying Prevention and the Tyler Clementi Higher Education Anti-Harassment statutes.

From Shootings to Suicide

The 1999 shootings at Columbine could be considered one of the worst school tragedies in history. Although there were other school shootings prior, Columbine stood out from the rest. Birkland and Lawrence (2009) postulated that “what made Columbine distinctive was its scale of casualties and spectacular, acute period of crisis complete with dramatic TV images of students and teachers fleeing the school and SWAT officer descending on a school in a non-Southern, largely White suburb” (p. 1420). Columbine increased public awareness and opinion on issues such as school violence, school safety,

gun control, and bullying. Since Columbine, there have been many suicides involving young children, which garnered national attention on bullying (Marr & Field, 2001).

Bullying Incidents Which Lead to Suicide

Ryan Patrick Halligan. In 2003, Ryan Patrick Halligan of Vermont was only 13 years old when he took his own life. Ryan was constantly bullied by other classmates. Ryan's classmates not only spread rumors pertaining to his sexuality, but also sent homophobic instant messages. The summer before eighth grade, Ryan began communicating online with a popular girl in his class. The girl made Ryan believe they were dating. Ryan opened up to her and revealed very personal things to her. On the first day of school, in a very public fashion, Ryan was informed it was all a joke. In fact, the girl copied and pasted the conversations with Ryan to her friends. The girl and all her friends saw it as a huge joke. On October 7, 2003 Ryan hanged himself at home in his bathroom and was found by his sister. Despite the tragic death of Ryan, Ryan's family stated they do not blame his death on one person or situation. Ryan suffered from depression, he was bullied, had his sexuality questioned, and heartbroken and humiliated by a girl he thought liked him. Ryan's family feels it was the culmination of these events which lead to Ryan's tragic end. Ryan's dad lobbied for bullying laws in Vermont (Halligan & Halligan, 2013).

Rachael Collins Neblett. Rachel Neblett was a 17 year student at Bullitt East High School in Kentucky. She was a MySpace, and was being bullied online. Rachel received anonymous, threatening e-mails through her MySpace account. In October 2006, Rachel received a message that said "I'm not going to put you in the hospital, I'm

going to put you in the morgue” (Unger, 2013, p. 1). On October 9, 2006 Rachel took her own life by shooting herself in the chest in her parent’s bedroom. Rachel used her father’s .38-caliber gun. Donna and Mark Neblett, Rachel’s parents, believe that it was cyberbullying which lead to their daughter’s suicide (Unger, 2013).

Jessica “Jessie” Logan. Jessica “Jessie” Logan was an 18 year old senior at Sycamore High School in Ohio. At the time she was dating 19 year old Ryan Salyers. While dating, Jessie sent her boyfriend nude photos of herself from the neck down. After the two broke up, Ryan forwarded the pictures to his friends at Sycamore and Loveland High Schools. Jessie was taunted through text messages referring to her as a whore, slut, and porn queen (Kranz, 2009). The situation caused Jessie emotional distress, and she would skip school. On July 3, 2008 Jessie hung herself in her bedroom. According to Kranz (2009) “Jessie’s parents are attempting to launch a national campaign seeking laws to address “sexting” - the practice of forwarding and posting sexually explicit cell-phone photos online. The Logans also “want to warn teens of the harassment, humiliation and bullying that can occur when that photo gets forwarded” (p. 1).

Carl Joseph Walker-Hoover. Carl Hoover was a student at the New Leadership Charter School in Springfield, Massachusetts. Hoover, while only 11 years old was on the football team, excelled academically, was involved in his church, and was a boy scout, but in school, Hoover was taunted by his classmates being referred to as gay, fag, and girlie (James, 2009). The taunting became too much, and on April 6, 2009, Carl Hoover hung himself with an extension cord on the second floor of his home. He was found by

his mother, Sirdeaner Walker (James, 2009). Carl Hoover was only 11 years old, and 11 days away from his 12th birthday.

Phoebe Nora Mary Prince. Phoebe Nora Mary Prince spent most of her life in Ireland, but in 2009 her family moved to Massachusetts. Prince was a 15 year old freshman at South Hadley High School. Although a new student, Phoebe began a short relationship with a senior football player. Unbeknownst to Prince, a group of girls were upset about the relationship and determined to make her high school career hell. The girls were “dubbed the Mean Girls by Massachusetts newspapers” (Kennedy, 2010, p. 1). The Mean Girls wrote hateful messages such as “whore” and “Irish slut” on Twitter, Craigslist, Facebook, and Formspring (Kennedy, 2010). The bullying did not only occur online but in school as well. Prince had her books knocked out of her hand, she was threatened, harassed, and even had objects thrown at her. All of the bullying reached a tragic end. On January 14, 2010 one of the Mean Girls threw a can of Red Bull on Prince as she walked home from school. The same day Prince hung herself, and her body was discovered by her 12-year old sister. Despite her death many people continued to post negative comments on Prince’s Facebook Memorial page (Kennedy, 2010). The tragic loss of Prince sparked the Massachusetts state legislature to pass stricter anti-bullying laws.

Rebecca Ann Sedwick. “I’m jumping, I can’t take it anymore” (Almasy, Segal, & Couwels, 2013) were the last words written by Rebecca Sedwick before committing suicide. In September 2013 Rebecca, only 12 years old, jumped from an abandoned cement factory in Lakeland, Florida (Almasy et al., 2013). Rebecca was bullied for over

a year and half before her death. The bullying began when, 14 year old Guadalupe Shaw, was upset that Rebecca had previously dated her current boyfriend. Shaw physically attacked Rebecca, and sent her harassing messages. In addition, Shaw convinced 13 year old Katelyn Roman, Rebecca's former best friends, to bully Rebecca as well (Almasy et al., 2013). Others girls at the school also contributed to bullying Rebecca in fear they would get bullied themselves. Rebecca received messages telling her to kill herself, that she was ugly, and she should drink bleach and die. The bullying was so intense, Rebecca's mother, Tricia Norman, transferred her daughter to another school. After her daughter's death, the message "Yes IK I bullied REBECCA nd she killed herself but IDGAF", was posted to Facebook (Almasy, et al., 2013). IK is internet slang meaning I know, and IDGAF means I don't give a f*** (Almasy, et al., 2013).

The previous six incidents highlight the tragic consequences from online bullying. Fearing there is no escape young people are taking their own life to get away from the torment. The six stories, serve as a reminder of the way technology is impacting our lives. All six stories gained a lot of media attention, but it was the stories of Megan Meier and Tyler Clementi that gained national attention. Both incidents lead to the two proposed statutes in Congress.

Megan Taylor Meier's Story

Lori Drew was a 47 year old mother from O' Fallon, Missouri. Drew lived in the same neighborhood as Megan Meier, a young girl who a friend of Drew's daughter Sarah. Lori Drew became concerned after she felt Megan had started rumors about Sarah. In an attempt to get the truth, Lori Drew, Sarah, and Drew's co-worker, Ashley

Grills, worked together in order to create a fake Myspace account. The account was created under the name Josh Evans. In September 2006, Drew used the profile to communicate with Megan. Megan believed she was communicating with a 16-year-old boy, who seemed to like her. On October 16, 2006 their exchange went sour when Josh told Megan, who was already on antidepressants, that the world would be better without her. On that same day Tina Meier, who was the mother of Megan, reported that her daughter hung herself from her bedroom closet. On May 15, 2008 Drew was indicted with conspiracy, and three counts of accessing protected computers without authorization violating the Computer Fraud and Abuse Act (CFAA) created in 1986 (EFF, 2008).

Tyler Clementi's Story

On August 28, 2010 Tyler Clementi and his new college roommate, Dharun Ravi, moved into room 30 of Davis Hall on the campus of Rutgers University. On September 16, 2010 Clementi sent a text message to his roommate Ravi asking to have the room to himself. Clementi had a 25-year old unidentified male guest over. On September 29, 2010, Clementi sent a text to Ravi, again asking to have the room to himself. Ravi goes to the room of Molly Wei, who is a friend, and a fellow student at Rutgers, while Clementi has the room to himself. Ravi utilized Wei's computer, to connect to his computer's iChat. Ravi turns on the webcam to see what is occurring in his room. Ravi's webcam revealed that Clementi was kissing another man. According to Wei, she watched the webcam as well but only for a few seconds (Schweber, 2012). After discovering the events occurring in his room Ravi went to his Twitter page. Ravi tweeted, "roommate asked for the room until midnight. I went into Molly's room and

turned on my webcam. I saw him making out with a dude. Yay” (Huffingtonpost, 2012, p. 1). After the tweet, Wei sent an instant message to her boyfriend, Austin Chung. In regards to Clementi, Wei wrote “He’s NICE but he’s kissing a guy right now/like THEY WERE GROPPING EACH OTHER EWWW” (Huffingtonpost, 2012, p. 1). After 10:00pm Ravi left Wei’s room. Later, Wei gets a visit from her friends Cassandra, Cicco, and a friend of Cicco’s (Curry, 2012). While in the room, they turn iChat back on. The women saw Clementi and the unidentified man shirtless, and turned off the iChat.

Clementi saw Ravi’s Twitter account the next day, which referenced the first encounter. Later, Clementi had an online chat with a friend, Hannah Yang. During their chat, Clementi admitted that when he first saw the Twitter post he felt violated, but later he stated that nothing really happened. He did not think the incident was so bad because his roommate did not “record or anything, but just took a five sec peep” (Koenigs & Shearn, 2012, p. 4). Despite Clementi viewing the situation as not a big deal, Yang, through a number of online instant message conversations, finally convinced Clementi to report the incident (Koenigs & Shearn, 2012).

On the afternoon of September 21st, Clementi sent a text to Ravi asking to have the room from 9:30 p.m. until midnight. Later that evening, Ravi tweeted “Anyone with iChat, I dare you to video chat me between the hours of 9:30 and 12. Yes, it’s happening again” (Huffingtonpost, 2012, p. 1). At 7:44pm Clementi discovers Ravi’s tweet. Clementi unplugs Ravi’s computer, during his second encounter in his room. Clementi has his male guest over at 10:19pm. Clementi sent a text at 11:48p.m., to alert Ravi his guest has left. At midnight, Clementi wrote a formal e-mail to the resident adviser.

Clementi commented on how Ravi illegally-captured video of him both on September 19 and September 21. In the e-mail, Clementi takes direct quotes from Ravi's twitter account. Clementi wrote "I feel that my privacy has been violated and I am extremely uncomfortable sharing a room with someone who would act in this wildly inappropriate manner" (Huffingtonpost, 2012, p. 1).

The next day on September 22 at 6:00pm Clementi boarded a university bus to the train station. Tyler took a train into New York City to go to the George Washington Bridge in Manhattan. Using his cellphone, Clementi updated his Facebook page to say "jumping off the gw bridge sorry" (Huffingtonpost, 2012, p. 1). Later, Ravi sent two texts messages that were never seen by Clementi. Ravi's first text stated, "I'm sorry if you heard something distorted and disturbing but I assure you all my actions were good natured." At 8:57p.m., fifteen minutes after Clementi jumped off the bridge, Ravi sent a final text message "I've known you were gay, and I have no problem with it. In fact one of my closest friends is gay, and he and I have a very open relationship. I just suspected you were shy about it which is why I never broached the topic. I don't want your freshman year to be ruined because of a petty misunderstanding, it's adding to my guilt. You have a right to move if you wish but I don't want you to feel pressured to without fully understanding the situation" (Huffingtonpost, 2012, p. 1).

The Impact of Meier and Clementi

Megan Meier and Tyler Clementi were two of the many incidents of cyberbullying which resulted in suicide, but one thing separated their suicides from the rest. The stories of Megan Meier and Tyler Clementi resulted in high profile court cases

which received national attention. After the impact of these two cases, two proposed statutes made its way on the Congressional agenda.

Megan Meier Cyberbullying Prevention Act H.R. 6123

The Megan Meier Cyberbullying Prevention Act (H.R. 6123) (see Appendix D) was introduced under the 110th Congress on May 22, 2008 by Linda T. Sánchez.

Sánchez is a Democrat from California. Sánchez has been a sponsor for other pieces of legislation such as the Bullying and Gang Reduction for Improved Education Act, and the Safe Schools Improvement Act. The bill had 5 co-sponsors (see Appendix E). The goal of the bill is to amend title 18, United States Code with respect to cyberbullying (H.R. 6123, 2008).

Title 18 addresses crime and criminal procedures. The bill would seek to amend the federal criminal code to impose criminal penalties on anyone who transmits in interstate or foreign commerce a communication intended to coerce, intimidate, harass, or cause substantial emotional distress to another person, using electronic means to support severe, repeated, and hostile behavior (H.R. 6123, 2008). Communication is defined as the electronic transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. In addition, electronic means refers to any equipment dependent on electrical power to access an information service, including email, instant messaging, blogs, websites, telephones, and text messages (H.R. 6123, 2008).

The bill was established due to the suicide of Meier as well as six significant findings: (1) four out of five of United States children aged 2 to 17 live in a home where

either they or their parents access the Internet; (2) youth who create Internet content and use social networking sites are more likely to be targets of cyberbullying; (3) electronic communications provide anonymity to the perpetrator and the potential for widespread public distribution, potentially making them severely dangerous and cruel to youth; (4) online victimizations are associated with emotional distress and other psychological problems, including depression; (5) cyberbullying can cause psychological harm, including depression; negatively impact academic performance, safety, and the well-being of children in school; force children to change schools; and in some cases lead to extreme violent behavior, including murder and suicide; and (6) sixty percent of mental health professionals who responded to the Survey of Internet Mental Health Issues report having treated at least one patient with a problematic Internet experience in the previous five years; 54 percent of these clients were 18 years of age or younger (H.R. 6123, 2008). On May 22, 2008, the bill was referred to House Committee on the Judiciary. On July 28, 2008 the bill was referred to the Subcommittee on Crime, Terrorism, and Homeland Security (H.R. 6123, 2008).

Subcommittee on Crime, Terrorism, and Homeland Security. According to the House Committee on the Judiciary website “The Subcommittee on Crime, Terrorism, Homeland Security, and Investigations shall have jurisdiction over the following subject matters: (a) Federal Criminal Code; (b) drug enforcement; (c) sentencing, parole and pardons; (d) internal and homeland security; (e) Federal Rules of Criminal Procedure; (f) prisons; (g) criminal law enforcement; and (h) other appropriate matters as referred by the Chairman, and relevant oversight” (Committee on the Judiciary, 2013).

Re-introducing the Megan Meier Cyberbullying Prevention Act

The bill was re-introduced as H.R. 1966 in 111th Congress on April 2, 2009 again by Representative Linda T. Sánchez (D-CA). The second time, the bill had twenty co-sponsors. (see Appendix F). For full text of H.R. 1966, see Appendix G. On April 2, 2009, the bill was referred to the House Committee on the Judiciary. On May 26, 2009, the bill was referred to the Subcommittee on Crime, Terrorism, and Homeland Security (H.R. 1966, 2009).

Tyler Clementi Higher Education Anti-Harassment Act S. 3960

The Tyler Clementi Higher Education Anti-Harassment Act S. 3960 (see Appendix H) was introduced on November 17, 2010 by Frank R. Lautenberg of New Jersey. The bill included five co-sponsors (see Appendix I). On November 17, 2010, the bill was read twice and referred to the committee on Health, Education, Labor, and Pensions (HELP) (S 3960, 2010).

Health, Education, Labor, and Pensions Committee. The HELP Committee is comprised of the three subcommittees: (1) The Children and Families, (2) Employment & Workplace Safety; and (3) Primary Health and aging. The HELP committee has “jurisdiction over the country’s health care, education, and employment and retirement policies” (Senate.Gov, 2013). The committee is assigned any legislation which relates to the following twenty subjects: (1) measures relating to education, labor, health, and public welfare; (2) aging; (3) agricultural colleges; (4) arts and humanities; (5) biomedical research and development; (6) child labor; (7) convict labor and the entry of goods made by convicts into interstate commerce; (8) domestic activities of the American

National Red Cross; (9) equal employment opportunity; (10). Gallaudet University, Howard University, and Saint Elizabeth hospital; (11) individuals with disabilities; (12) Labor standards and labor statistics; (13) Mediation and arbitration of labor disputes; (14) Occupational safety and health, including the welfare of miners; (15) Private pension plans; (16) Public health; (17) Railway labor and retirement; (18) Regulation of foreign laborers; (19) Student loans; and (20) Wages and hours of labor (HELP Committee, 2013).

Tyler Clementi Higher Education Anti-Harassment Act H.R. 6425

On November 18, 2010 Representative Rush Holt of New Jersey introduced the Tyler Clementi Higher Education Anti-Harassment Act H.R. 6425. The bill had 6 co-sponsors (see Appendix J). The bill was referred to the House Committee on Education and the Workforce (H.R. 6425, 2010).

Education and the Workforce Committee. The House Committee on Education and the Workforce is comprised of the Subcommittee on Early Childhood, Elementary, and Secondary Education, The Subcommittee on Workforce Protections, The Subcommittee on Higher Education and Workforce Training, and the Subcommittee on Health, Employment, Labor and Pensions ” (Education and Workforce Committee, 2013a). The Education and the Workforce Committee oversee programs which impact millions of people particularly school teachers, small business owners, students and retirees (Education and Workforce Committee, 2013a). The Education and the Workforce Committee was established on March 21, 1867, and was originally called the Committee on Education and Labor. The committee was created during the aftermath of

the Civil War and the growth of American industry. On December 19, 1883, the Committee on Education and Labor was divided into two standing committees: Committee on Education and Committee on Labor.

Throughout the years, the committee has had different titles. On January 4, 1995, the Committee was renamed the Committee on Economic and Educational Opportunities. On January 7, 1997, the Committee was renamed the Committee on Education and the Workforce. On January 5, 2007 the name changed to Committee on Education and Labor; finally on January 5, 2011, the Committee was given its current name, the Committee on Education and the Workforce (Education and Workforce Committee, 2013).

H.R. 6425: An Overview. The goal of House Resolution 6425 (2010) is to prevent harassment at institutions of higher education. The bill draws attention reporting harassment. According to House Resolution 6425 (2010) harassment is defined as “conduct, including acts of verbal, nonverbal, or physical aggression, intimidation, or hostility (including conduct that is undertaken in whole or in part, through the use of electronic messaging services, commercial mobile services, electronic communications, or other technology” (p. 1). The bill aims to have institutions of higher education within the U.S. to develop a Disclosure of Campus Security and Harassment Policy and Campus Crime Statistics.

Institutions must publish the report, and provide a statement of policy regarding harassment. The bill outlined the following four procedures which institutions of higher education must adhere to: (a) procedures for timely institutional action in cases of alleged

harassment, which procedures shall include a clear statement that the accuser and the accused shall be informed of the outcome of any disciplinary proceedings in response to an allegation of harassment; (b) possible sanctions to be imposed following the final determination of an institutional disciplinary procedure regarding harassment; (c) notification of existing counseling, mental health, or student services for victims or perpetrators of harassment, both on campus and in the community; and (d) identification of a designated employee or office at the institution that will be responsible for receiving and tracking each report of harassment by a student, faculty, or staff member (H.R. 6425, 2010).

H.R. 6425 Anti-harassment Grant Program. An institution or a group of institutions within the same state may apply for the grant through the Secretary of Education. The grant can be awarded for up to 3 years and potentially can be rewarded for up to 2 years. An institution can use the grant in an effort to initiate, improve, or expand programs: (1) to prevent the harassment of students at institutions of higher education; (2) at institutions of higher education that provide counseling or redress services to students who have suffered such harassment or students who have been accused of subjecting other students to such harassment; or (3) that educate or train students, faculty, or staff of institutions of higher education about ways to prevent harassment or ways to address such harassment if it occurs. The institution would be responsible for evaluating the program as well as submitting a report to the Secretary of Education (H.R. 6425, 2010).

The report would be due six months after the end of the grant period. In

addition, within a year, the Secretary of Education would be responsible for submit a report to Congress. The report shall include a set of best practices for addressing harassment at institutions of higher education. The report by the Secretary of Education would be distributed to institutions of higher education, and other interested parties. Despite not being enacted, the act would later resurface in 2011, and 2013, while holding firm to its original goals (H.R. 6425, 2010).

Tyler Clementi Higher Education Anti-Harassment Act S. 540

On March 10, 2011, the Tyler Clementi Higher Education Anti-Harassment Act S. 540, was introduced in the Senate by Frank R. Lautenberg of New Jersey. The act included 9 co-sponsors (see Appendix K). The bill was read twice and referred to the Committee on Health Education, Labor, and Pensions (S. 540, 2011).

Tyler Clementi Higher Education Anti-Harassment Act H.R. 1048

On March 11, 2011, Rush Holt of New Jersey sponsored the Tyler Clementi Higher Education Anti-Harassment bill (H.R. 1048, 2011). The bill had 42 co-sponsors (see Appendix L). On March 11, 2011 the Tyler Clementi Higher Education Anti-Harassment bill was referred to the House Committee on Education and the Workforce. On March 21, 2011 the bill was referred to the Subcommittee on Higher Education and Workforce Training (H.R. 1048, 2011).

Subcommittee on Higher Education and Workforce Training (HEWT). The Subcommittee on Higher Education and Workforce Training has jurisdiction over education and training beyond the high school level including, but not limited to: (a) higher education; (b); postsecondary student assistance and employment services; and (c)

the Higher Education Act. The committee also oversees issues regarding Title IX of the Education Amendments of 1972 (Education and the Workforce Committee., 2013b).

Tyler Clementi Higher Education Anti-Harassment Act S. 216

Frank R. Lautenburg introduced S. 216 on February 4, 2013. The bill had 5 co-sponsored (see Appendix M). The bill was read twice on February 4, 2013 and was referred to the Committee on Health, Education, Labor and Pensions (S. 216, 2013).

Tyler Clementi Higher Education Anti-Harassment Act H.R. 482

Rush Holt introduced H.R. 482 on February 3, 2013. The bill had twenty-nine co-sponsors (see Appendix N). On February 4, 2013, the act was referred to the House Committee on Education and the Workforce. On April 23, 2013, the act was referred to the subcommittee on Higher Education and Workforce Training (H.R. 482, 2013). For the latest version of the Tyler Clementi Higher Education Anti-Harassment Act (see Appendix O).

THEORETICAL FRAMEWORKS

This study was guided by Anderson's 5 Stages of the Policy Process, the Advocacy Coalition Framework, Kingdon's Three Streams Model and the Proceduralist Theory. The study drew on all four in order to help understand the complex policy process. Eskridge, Jr. et al., (2003) stated "no one theory fully describes the rich and complex world of legislatures, lawmakers, interest groups, and constituents (p. 48). For this reason, all four are synthesized into the Vines Policy Process Model in order to critically examine what is happening with the proposed Megan Meier Cyberbullying Prevention and Tyler Clementi Anti-harassment statutes.

Frameworks, Models and Theories

It is important to distinguish the difference between a framework, model and theory. Frameworks identify the elements and general relationships for theoretical analysis (Ostrom, 2011, p. 8). A model “involves making precise assumptions about a limited set of variables and parameters to derive precise predictions about the results of combining these variables using a particular theory” (Ostrom, 2011, p. 8). A theory “makes assumptions that are necessary for an analyst to diagnose a specific phenomenon, explain its processes, and predict outcomes” (Ostrom, 2011, p. 8). Incorporating each into the study assisted the researcher in critical thinking. Tarvis (2010) outlined eight guidelines for critical thinking:

- (1) Ask questions; be willing to wonder. Be willing to be creative;
- (2) Define Terms. Clearly identify the problem;
- (3) Examine the evidence. Is valid? Is it reliable?;
- (4) Analyze assumptions and biases. What biases or values does the researcher have;
- (5) Avoid emotional reasoning. Just because you feel strongly about an issue does not mean your view is right;
- (6) Don't oversimplify. Dig deeper past the obvious;
- (7) Consider other interpretations. Before coming to a conclusion, think alternative explanations; and
- (8) Tolerate uncertainty. Be willing to accept other explanations based on evidence.

Anderson's 5 Stages of the Policy Process

Anderson (2011) viewed the policy process as a “sequential pattern of activities or functions” (p. 3). To understand the policy process, Anderson (2011) developed a five stage model (see Appendix P). These steps include the following: Stage 1: Policy Agenda refers to the problems that receive the serious attention of public official. Stage 2: Policy Formulation refers to the development of acceptable proposed courses of action for dealing with a public problem. Stage 3: Policy Adoption refers to the support for a specific proposal so that a policy can be authorized. Stage 4: Policy Implementation refers to the application of the policy by the government's administrative departments. Stage 5: Policy Evaluation refers to the efforts by the government to determine the effectiveness of an adopted policy (Anderson, 2011, p. 4).

Advocacy Coalition Framework (ACF)

In 1988, Sabatier and Jenkins-Smith introduced the Advocacy Coalition Framework (see Appendix Q) at a Policy Sciences symposium (Weible, Sabatier, & McQueen, 2009). The Advocacy Coalition Framework outlined four relatively stable parameters which are key to the policy change process: (1) basic attributes of the problem area; (2) basic distribution of natural resources; (3) fundamental sociocultural values and social structure; and (4) basic constitutional structure (rules) (Sabatier & Weible, 2007, p. 191). The four parameters are important because they are stable and they set the stage for how policy change can occur.

The Advocacy Coalition Framework (ACF) consists of “three foundation stones: (1) a macro-level assumption that most policy making occurs among specialists within a

policy subsystem but that their behavior is affected by factors in the broader political and socioeconomic system; (2) a micro-level model of the individual that is drawn heavily from social psychology; and (3) a meso-level conviction that the best way to deal with multiplicity of actors in a subsystem is to aggregate them into advocacy coalitions” (Sabatier & Weible, 2007, p. 191-192). Subsystems refers to actors from both private and public organizations that have an interest in a policy issue. The actors within the subsystem are put together in coalitions which share basic values and beliefs. According to Sabatier and Weible (2007), “ACF predicts that stakeholder beliefs and behavior are embedded within informal networks and that policymaking is structured, in part, by the networks among important policy participants” (p. 196). The framework maps out the belief systems of policy elites and analyzes “the conditions under which policy-oriented learning across coalitions can occur” (Sabatier, 2007, p. 10). The ACF outlines four ways for policy change:

- (1) External Shocks refer to changes in socioeconomic conditions, public opinion, systemic governing coalition, and policy decisions and impacts from other subsystems (Sabatier and Weible, 2007, p. 191)
- (2) Internal Shocks refer to changes within the policy subsystem. The shock confirms policy core beliefs in the minority coalition and increases doubt within dominant coalition (Sabatier & Weible, 2007, p. 205)
- (3) Policy-oriented learning is defined as “relatively enduring alternations of thought or behavioral intentions that result from experience and/or new information and that are concerned with the attainment or revision of policy objectives” (Sabatier & Jenkins-Smith, 1999, p. 123).
- (4) Negotiated agreements refer to policy change which can happen between actors and agencies based on prescription. A key prescriptor is the importance of building trust between coalitions in order to arrive at an agreement (Sabatier & Weible, 2007, p. 206-207).

The Advocacy Coalition Framework puts attention on the interaction between the competing coalitions especially as it relates to negotiating. Coalitions will remember

more of their losses versus wins. Sabatier and Weible (2007) stated this thinking produces the devil shift which is the tendency for “actors to view their opponents as less trustworthy, more evil, and more powerful” (p. 194). In the event that competing coalitions get too hostile in an effort to come to an agreement, they can rely on policy brokers. Policy brokers from each coalition works together in order to compromise and find an agreement to satisfy both coalitions. The ACF helped to uncover issues, objectives and values of coalitions opposed to or proponents of the proposed Megan Meier Cyberbullying Prevention and Tyler Clementi Higher Education Anti-Harassment statutes.

Kingdon’s Three Streams Model

John Kingdon introduced the Three Streams concept in his 1984 work *Agendas, Alternatives and Public Policies* (see Appendix R). Kingdon was influenced by the Garbage Can Model of organizational decision making developed by Cohen, March, and Olsen (1972). Cohen et al. (1972) focused on the complex relationship between problems, solutions, choices and participants. Cohen et al. (1972) stated:

To understand processes within organizations, one can view a choice opportunity as a garbage can into which various kinds of problems and solutions are dumped by participants as they are generated. The mix of garbage in a single can depends on the mix if cab available, on the labels attached to the alternative cans on what garbage is currently being produced, and on the speed with which garbage is collected and removed from the scene. (p. 2)

The focus of Kingdon’s model is agenda-setting. The items which gets on the congressional agenda, means that Congress has recognized an issue. “An agenda is a collection of problems, understandings of causes, symbols, solutions, and other elements

of public problems that come to the attention of members of the public and their government officials” (Birkland, 2001, p. 106). The Three Streams Model outlines how issues get on the political agenda (Kingdon, 2011). The first stream Kingdon (2011) outlined is the problem stream. The problem stream refers to issues that require government action. “Problems come to the attention of government decision makers through systematic indicators... Such indicators abound in the political world because both government and nongovernmental agencies routinely monitor various activities and events” (Kingdon, 2011, p. 90). The second stream Kingdon (2011) outlined is the policy-proposal stream. The policy-proposal stream relates to possible alternative and solutions to a problem. The alternatives are developed by a “community of specialist: researchers, congressional staffers, people in planning and evaluation offices and in budget offices, academics, interest group analysts” (Kingdon, 2011, p. 116). The third stream Kingdon (2011) outlined is the political stream. The political stream is “composed of such things as public mood, pressure group campaigns, election results, partisan or ideological distribution in Congress, and changes of administration” (Kingdon, 2011, p. 145).

Kingdon (2011) stated when all three streams align, a policy window opens during which there is a real chance that majority policy change can occur. Although the three align for policy change, the window does not stay open forever. Zahariadis (1999) found that the window may close because: (a) policymakers might feel that they have addressed the issue; (b) no action related to the proposed policy occurred; (c) no

alternative decisions about the policy; (d) those who helped open the window no longer are in power; and (e) the major event has passed.

A limitation of the streams metaphor is that it does not describe the policy process beyond the opening of the window of opportunity (Sabatier, 1991). Sabatier's statement validates the need to incorporate the Proceduralist Theory into the study in order to explain what is happening with the proposed statutes in Congress.

Proceduralist Theory

The Proceduralist Theory of the Legislative Process was influenced Madisonian Principles. In the Federalist paper #51, James Madison proposed the idea of checks and balances to solve the issue of factions or organized political subgroups (Fairfield, 1981). The core of the Madison's idea is that one branch of government would not possess enough power to influence the others. The three branches of government would be independent from each other, but the three would have to work together to govern. Congress passes laws, the president enforces laws, and the courts interpret the laws (Fairfield, 1981).

Article I Section 7 of the U.S. Constitution sets the bicameral requirement by stating a bill cannot become a law unless adopted by both the House and Senate. However, according to Eskridge, Jr. et al., (2001) there are procedural doors that bills must pass through before being enacted. Eskridge referred to these doors as vetogates.

Vetogates refer to the areas where proposed legislation can be stopped in the legislative process (Eskridge, Jr. et al., 2001). Vetogates have been described as choke points in the legislative process. Eskridge, Jr. et al., (2001) identified six choke points for

bills: (1) kill the bill in committee; (2) if committee approval cannot be avoided, stop the bill before full chamber consideration; (3) if full chamber consideration occurs, kill the bill there by filibustering it in the Senate, by amending it to death, or by outright defeating it on the chamber floor; (4) if one chamber has approved the bill, exploit the veto opportunities in the other chamber to prevent it from passing an identical measure; (5) if the other chamber produces a similar but not identical bill, amend or defeat it at the conference committee stage or in an interbranch summit; and (6) if all else fails, persuade the President to veto it and then work against congressional effort to override veto (p. 66).

For statutory interpreters vetogates need to be examined in order to determine who to pay attention to when examining legislative history documents. The documents include statements both from gatekeepers and coalitions regarding the likelihood that a bill would pass through all vetogates.

Vines Policy Process Model

The researcher developed the Vines Policy Process Model (VPPM) (see Appendix S). The three stages of the Vines Policy Process Model are influenced by Anderson's 5 Stages of the Policy Process. Although Anderson has five stages, the VPPM only focuses on the first three stages. The rationale for this is because the proposed Megan Meier Cyberbullying Prevention and the Tyler Clementi Higher Education Anti-Harassment statutes have not been enacted. Therefore, it is not possible to examine implementation and evaluation at this time.

The VPPM explored how both of the proposed statutes made it on the Congressional agenda, and where they are in the legislative process. The first step was to identify how cyberbullying got on the agenda. Understanding agenda setting is vital because “no political system can balance the intensity of policy attention with the severity of problem so long as the agenda space is constrained...Collective action cannot occur before collective attention is directed at a problem” (Jones and Baumgartner, 2005, p. 231). In Kingdon’s (2011), model the Problem Stream is formed through the interrelation of indicators, feedback, and focusing events, but an issue would not be addressed unless efforts made by coalitions deem it necessary to be solved. Stage 1 of the VPPM focuses on the interplay of indicators, feedback and focusing events and the efforts of the coalitions.

While acknowledging the role of the Kingdon’s (2011) three streams model, the VPPM highlights the importance of coalitions in regards to informing and influencing the three streams. According to Anderson (2011), coalitions help build attention regarding a certain topic. It is the grass root work, research, and mobilization efforts by coalitions which help highlight an issue, and provide possible alternatives to the issue. Finally, many coalitions engage in research which helps inform policymakers. For this research, it is important to examine the role coalition’s play in helping to inform the three streams. When the three streams align, a policy window opens which permits some matters to reach a government agenda, but once the window opens neither the Advocacy Coalition Framework nor Kingdon’s model provided an explanation for what happened to the proposed statutes or predicted an outcome. The inability to predict an outcome justified

the need to incorporate the Proceduralist Theory of the Legislative Process into the model. The Proceduralist Theory is utilized to explain what is going on with the proposed statutes in Congress. The Proceduralist Theory highlights the obstacles a bill must pass through to become a law. In addition, the Proceduralist Theory outlines vetogates or “chokepoints” which are different points where a proposed legislation can be stopped.

The Vines Policy Process Model utilized components from Anderson’s (2011) five Stages of the Policy Process, Kingdon’s (2011) Three Streams Model, the Advocacy Coalition Framework (Sabatier and Jenkins-Smith, 1983), and the Proceduralist Theory of the Legislative Process (Eskridge, Jr. et al., 2001). The Vines Policy Process Model helped to shape the picture of how proposed legislation gets on a congressional committee agenda. The model describes the stages a proposed statute must pass through in order to become a law. A detailed description of the Vines Policy Process is provided in Chapter four.

CHAPTER III

METHODOLOGY

INTRODUCTION

The methodology used in this study is outlined in this chapter. This study is an explanatory, embedded, case study of the proposed Megan Meier Cyberbullying Prevention & the Tyler Clementi Higher Education Anti-Harassment Statutes. In this chapter, the purpose of the study and research questions are repeated. The research design is explained including setting, participants, and units of analysis. The data collection procedures utilized in the study were described. Additionally, in this chapter the process of how a bill becomes a law is briefly outlined as sections of that process are critical to the study. Finally, the limitations of the study as well as the subjectivity of the researcher are described in this chapter.

RESEARCH METHODOLOGY

A qualitative, explanatory, embedded case study approach was chosen for this research. Case study is a reliable design as it one of the “principal means by which inquiry is conducted in the social sciences” (Thomas, 2011, p. 511). In this research, the units being studied are the proposed Megan Meier Cyberbullying Prevention and the Tyler Clementi Higher Education Anti-Harassment statutes. According to Yin (2009), an embedded case study design is needed when the study “gives attention to a subunit or subunits” (p. 50). In this research, the subunits being studied are:

1. House Committee on the Judiciary’s subcommittee on Crime Terrorism and Homeland Security

2. Health Education, Labor and Pensions Committee
3. House Committee on Education and the Workforce
4. Advocacy coalitions
5. Legislative documents germane to the two proposed statutes.

PURPOSE STATEMENT

The purpose of this embedded case study is to understand why the proposed Megan Meier Cyberbullying Prevention and the Tyler Clementi Higher Education Anti-Harassment statutes did not pass. Through analysis the study uncovered issues which kept the two proposed statutes stalled in the legislative process. Although there are a number of state policies addressing cyberbullying, no federal legislation has been passed. The study sought to understand how cyberbullying became a major issue, how it got on the agenda, and why the two proposed statutes have not been passed.

RESEARCH QUESTIONS

The following research questions were addressed:

- What factors contributed to the proposed Megan Meier Cyberbullying Prevention statute not passing?
- What factors contributed to the proposed Tyler Clementi Higher Education Anti-Harassment statute not passing?
- How do advocacy coalition efforts illuminate what has happened to these two proposed statutes in the legislative process?
- How do policy influencers interpret the proposed Megan Meier Cyberbullying Prevention statute?

- How do policy influencers interpret the proposed Tyler Clementi Higher Education Anti-Harassment statute?
- How do the theoretical perspectives illuminate what has happened to these two proposed statutes in the legislative process?
- How does the VPPM illuminate what has happened to these two proposed statutes in the legislative process?

Table 1 provides an overview of how data sources were used in order to answer the research questions.

TABLE 1.
RESEARCH QUESTIONS AND DATA SOURCES

Research Questions	Data Sources
1. What factors contributed to the proposed Megan Meier Cyberbullying Prevention statute not passing?	Documents, Interviews
2. What factors contributed to the proposed Tyler Clementi Higher Education Anti-Harassment statute not passing?	Documents, Interviews
3. How do advocacy coalition efforts illuminate what has happened to these two proposed statutes in the legislative process?	Documents, Interviews, Observations
4. How do policy influencers interpret the proposed Megan Meier Cyberbullying Prevention statute?	Documents, Interviews
5. How do policy influencers interpret the proposed Tyler Clementi Higher Education Anti-Harassment statute?	Documents, Interviews
6. How do the theoretical perspectives illuminate what has happened to these two proposed statutes in the legislative process?	Interviews, Observations
7. How does the Vines Policy Process Model illuminate what has happened to these two proposed statutes in the legislative process?	Documents, Interviews, Observations

RESEARCH DESIGN

Research Setting. The site for this explanatory, embedded case study is Washington D.C. Washington, D.C. is the Nation's Capital and home to the U.S. Congress. "Officially founded on July 16, 1790, Washington, DC is unique among American cities because it was established by the Constitution of the United States to serve as the nation's capital. From the beginning it has been embroiled in political maneuvering, sectional conflicts, and issues of race, national identity, compromise and, of course, power" (Washington.org, 2012, p. 1). The location of Washington D.C. was ideal for gathering information for the study.

Documents. The researcher collected documents relating to the two proposed statutes. Documents were retrieved documents online by searching for scholarly journal and newspaper articles related to the two statutes. The researcher used the GovTrack to get the full text of each statute. GovTrack is a website which helps ordinary citizens find and track bills in the U.S. Congress and understand their representatives' legislative record (GovTrack, 2015)

Interviews. The researcher needed to gain access to proponents and opponents of the two proposed legislation. The study relied on information gathered by interviewing those in favor and against the passage of the two proposed federal statutes. The proponents and opponents were selected for interviews based on their knowledge and expertise about the two proposed statutes. The participants were contacted through e-mail, as well as by telephone in order to set up interviews.

Observations. Washington D.C. is where all of the committee meetings are held. In order to gain access to the meetings, the researcher traveled to one central area. Washington D.C. eliminated the need to travel to multiple locations in order to observe committees in action.

Participants. The researcher relied on a stratified purposeful sampling format to recruit participants. Stratified purposeful sampling allows the researcher to “illustrate characteristics of particular subgroups of interest and facilitate comparisons” (Patton, 2002, p. 244). For this study, participants were recruited based on their role in the policy process in regards to the proposed Megan Meier Cyberbullying Prevention and Tyler Clementi Higher Education Anti-Harassment statutes. The purposeful sampling method allowed the researcher to gain a rich and in-depth understanding of the two statutes in the policy process. All participants and their affiliated organizations were converted to pseudonym in order to protect their identity.

Participant Recruitment. Participants were recruited based on their knowledge of the two proposed statutes, their role in the policy-process, or their role with organizations that supported or were against the two statutes. Potential participants were contacted by e-mail to inform they about the study. After a two week time span the researcher followed-up an e-mail and phone call to try to set up an interview. A vital resource for participant recruitment was a journalist who had an interest in cyberbullying. The journalist did not take part in interviews, but was willing to assist the researcher in gaining access to important individuals regarding the two proposed statutes. The researcher received three rejected invitations to take part in the study. The reasons

ranged from not having the time to have an interview, organization not willing to take part in the study, and not having enough information on both statutes to have an interview. The researcher was successful through e-mails, and phone calls to conduct interviews with twelve participants. The list of participants included:

Abby. Abby is the Executive Director of Young Lives Matter. She is an outspoken advocate for anti-bullying education, and federal anti-bullying legislation. She has worked with Congressional members on anti-bullying laws. Abby's interview was conducted through Skype.

Aiden. Aiden is a Child Advocate Lawyer for Youth Legal Assistance Law Firm. Aiden provided a legal perspective to understanding the two proposed statutes. Aiden is opposed to federal anti-bullying legislation which does not align with the U.S. Constitution. Aiden's interview was conducted face-to-face.

Billy. Billy is the Co-Director of the International No-Bully Research Center. Billy's original research has helped to bring international attention to cyberbullying issues. Billy is supportive of programs which educate people on proper online behavior. Billy is opposed federal legislation which criminalizes bullying behavior. Billy's interview was conducted through Skype.

Barbara. Barbara is the Director of Respectable Online Behavior. She provided her perspective on what is needed to address online dangers, other than passing legislation. Barbara is opposed to anti-bullying legislation, and feels more education in school about positive online use is the best approach. Barbara's interview was conducted through Skype.

Carl. Carl is a former Congressional Assistant for the U.S. Senate. Carl offered first-hand knowledge of the process for developing and proposing legislation. Carl is very supportive of passing federal anti-bullying legislation. Carl's interview was conducted through Skype.

David. David is a State Assembly Member in the Northeast region of the United States. He is a supporter of federal anti-bullying legislation. David discussed the process of getting state anti-bullying law passed. David's insight helped to shape the bigger picture of getting anti-bullying legislation passed at the federal level. David's interview was conducted over the phone.

Evan. Evan is the VP for Public Policy and Law Division for the Constitutional Preservers. Evan has written numerous articles dealing with protecting 1st Amendment Rights in institutions of higher education. Evan is opposed to vague anti-bullying laws. Evan supports strengthening current laws on harassment versus creating new ones. Evan's interview was conducted over the phone.

Gavin. Gavin is the Public Policy Manager for the National Gay Rights Consortium. Gavin discussed his policy work and tracking legislation regarding safe school environment for LGBT students. Gavin is supportive of passing federal anti-bullying laws. Gavin's interview was conducted over the phone.

Hunter. Hunter is an Anti-Bullying Activist for the Unity in Our Schools Foundation. Hunter brought first-hand knowledge about advocacy as a spokesperson, and advocate for the LGBT community. He is an outspoken advocate for passing federal

anti-bullying legislation. Hunter has a close relationship with the Clementi family.

Hunter's interview was conducted over the phone.

Ian. Ian is a State Assembly Member in the Midwestern region of the United States. Ian has experience in higher education and passing state bullying laws. Ian supports the passage of federal anti-bullying legislation. His background in policy passage and higher education was particularly helpful for examining the Tyler Clementi statute. Ian's interview was conducted over the phone.

Jamal. Jamal is the Executive Director of the Gay and Lesbian Community Center in the South. Jamal detailed his involvement working with community and state leaders to ensure the rights and protection of LGBT youth. Jamal supports federal anti-bullying legislation. Jamal also support educational programs to help promote acceptance of others. Jamal's interview was conducted over the phone.

Marvin. Marvin is the Director of Civil Rights & Policy-Planning Division for the Protectors of Religious Freedom & Civil Rights. Marvin is a supporter of federal anti-bullying legislation. Marvin provided insight on his organization's work with anti-bullying legislation. Marvin's interview was conducted face-to-face.

The purposeful sampling method allowed the research to gain a rich and in-depth understanding of the two statutes in the policy process.

DATA COLLECTION

Data was gathered through document collection, interviews, and direct observations. All three techniques were used to gather information and examine the units of analysis. In this study, the units of analysis were proposed Megan Meier

Cyberbullying Prevention and the Tyler Clementi Higher Education Anti-Harassment statutes. The subunits of analysis were:

1. House Committee on the Judiciary's subcommittee on Crime Terrorism and Homeland Security
2. Health Education, Labor and Pensions Committee
3. House Committee on Education and the Workforce
4. Advocacy coalitions
5. Legislative documents germane to the two proposed statutes.

Lincoln and Guba (1985) stated "a unit of analysis should accomplish two goals. First, the unit of analysis should reveal information relevant to the study and stimulate the reader to think beyond the particular bit of information. Second, the unit should be the smallest piece of information about something that can stand by itself. The unit should be interpretable in the absence of any addition information other than a broad understanding of the context in which the inquiry is carried out" (p. 345). The researcher analyzed each unit separately in order to gain a full and rich understanding of the two statutes in the policy process. The researcher analyzed all units together, and uncovered common codes.

DOCUMENTS

The researcher collected transcripts from committee hearings, transcripts of witness testimony, scholarly journal articles, copies of the two proposed statutes, and newspaper articles. Documents provided the background information needed on the two proposed statutes. Examining the documents was necessary to uncover the will of

Congress (Wald, 1995). The actions of Congress can determine whether a bill gets passed or not.

Committee hearings were significant as they contain the views of various parties who testify regarding proposed legislation (Davidson & Olsezek, 2006). Congressional debates were important as they contain the transcripts of arguments both for and against proposed legislation (CQ, Press, 2008). Newspaper articles assisted in identifying journalists who had reported on the two proposed statutes. Collecting documents “enables a researcher to obtain language and words of the participants (Creswell, 2009, p. 180). Documents were significant to case study research because they are stable and can be reviewed repeatedly (Yin, 2009). Documents that pertained to the two proposed statutes were an integral component to conducting this study. Above all, examining documents ensured that the researcher was well informed before attempting to conduct interviews.

INTERVIEWS

The researcher relied on a standardized open-ended interview format (Patton, 2002). The open-ended questions format was beneficial because “participants answered the same questions; thus increasing comparability of responses” (Patton, 2002, p. 349). Open-ended questions allowed the participants to formulate their answer and give the response in their own words (Ballou, 2008). Open-ended question also helped to build rapport with the participants (Ballou, 2008). All interviews were conducted through the summer and fall of 2014. Interviews were conducted face-to-face, via Skype, and over the telephone (See Appendix U for interview protocol and request for participants).

Skype is free, downloadable software which allows user to make free video calls (Skype, 2014). Skype can be beneficial when face-to-face meetings are inhibited by geographic location. King and Horrocks (2010) referred to Skype as a remote interview technology. Skype users can make voice and video calls from anywhere in the world. In addition, Skype offers call recording. Skype also provides a way to have an inexpensive and robust connection (Woo, 2008).

Telephone interviews were conduct due to limitations in geographic location, and personal preference of the interviewee. Opdenakker (2006) noted telephone interviews allow the researcher to contact hard to reach populations, and it provides wide geographic access.

Whether completed face-to-face or through Skype or by phone, interviews uncovered the beliefs and values of coalitions. Through interviewing the researcher gained the perspectives of proponents and opponents of the two proposed statutes.

OBSERVATIONS

The researcher relied on direct observation of the congressional committees in action. Patton (2002) stated “qualitative inquiry means going into the field” (p. 48). My role in this study is what Creswell (2009) referred to as a complete observer. As a complete observer, the researcher observed and did not participate. The complete observer role was ideal as the researcher was unable to participate in the Congressional Committee meetings. As a non-participant, the researcher took and maintained rich and descriptive field notes on what occurred during the committee hearing. Direct observations were beneficial as they covered events in real time (Yin, 2009).

As a complete observer, the researcher had to gain access to the committee meetings. Congressional hearings were open to the public. The only time they were not open to the public is when a closed meeting is called (CQ Press, 2008). While the public may attend, seating was limited to the first forty individuals (Digital Media Law Project, 2013). The two proposed statutes were not discussed in observed committee hearings, but the researcher attended the hearings to see how the committee members interact. The researcher assessed the values of the committee based on what was on the agenda. Above all, attending a committee hearing enhanced the research by observing an aspect of the policy process in action in regards to how a bill becomes a law.

How a Bill Becomes a Law. Legislation can be introduced in the House and Senate by a member of Congress. Once the bill has been introduced it gets referred to the appropriate committee for review. If the bill pertains to more than one topic, it can be referred to more than one committee. The full committee cannot handle every piece of legislation which comes up, thus many bills are handled by subcommittees. Before taking the bill back to the full committee, the subcommittee holds a committee hearing. CQ Press (2008), outlined that “committee hearings help set the legislative agenda and shape its political tone” (p. 346). The subcommittee deliberates and suggests rewrite or amendments through a process known as marking up a bill (CQ Press, 2008). Once all revisions have been approved the bill is sent to the House and Senate for approval. Floor debates occur in both the House and Senate regarding the bill. A proposed statute must have a majority votes in both the House and Senate in order to be pass. If the bill gets the majority vote, it receives House and Senate approval and is sent to the President of the

United States. The final stage is the enactment where the President signs the bill into law. For a complete illustration of how a bill becomes a law (see Appendix T).

DATA ANALYSIS

As stated earlier this explanatory, embedded case study is guided by Anderson's 5 Stages of the Policy Process, the Advocacy Coalition Framework, Kingdon's Three Streams Model and the Proceduralist Theory. All four were synthesized into the Vines Policy Process Model to critically examine what is happening with the proposed Megan Meier Cyberbullying Prevention and Tyler Clementi Anti-harassment statutes. For Merriam (2009) understanding the theory or hypotheses of a study is necessary before starting analysis. The object was to achieve a perfect fit between the hypothesis and the data (Merriam, 2009, p. 206).

Yin (2009) postulated that it is best to have a general analytic strategy when conducting case study research. As the VPPM examined the proposed statutes in the policy process, the researcher analyzed information gathered from documents, interviews, and observations. Merriam (2009) stated that the first step in case study data analysis was bringing all collected materials together.

The researcher utilized Miles and Huberman (1994) sourcebook to code all documents, interviews and observations. The sourcebook provided the researcher a fluid, systematic and organic way to uncover common codes. The process included taking all raw data, and reducing through a system of bracketing. The brackets can be in the forms of charts or tables as a way to help the researcher uncover the relevant pieces of information. The researcher developed brackets and assigned raw data into specific

categories. Once all data was assigned to a separate bracket or category, the researcher re-examined the data. The reexamination helped the researcher develop the common codes which helped to tell the story of what happened to the two statutes in the policy process.

Documents. After collecting and examining all of the relevant documents, the researcher summarized the data in a clear and concise format. The researcher conducted a thematic analysis on the documents (Merriam, 2009). The researcher was able to develop a coding scheme to reveal the important aspects of the documents. The analysis provided answers to the research questions. According to Merriam (1998), data analysis was like having a conversation with the data. The documents cannot speak to me, but the researcher examined the documents in order to tell the rich and in-depth story of the two proposed statutes.

Interviews. All interviews were audio recorded, and transcribed. Transcribing allowed the researcher to have a written transcript of each interview. The transcripts were analyzed to identify common codes. The researcher relied on Miles and Huberman (1994) to uncover codes that emerged from the transcripts. The sourcebook from Miles and Huberman (1994) provided a systematic way to analyze the transcripts. The researcher relied on the method of bracketing to sort through, organize, and analyze information gathered from the interviews (Miles & Huberman, 1994).

The audio files, and electronic transcripts were kept in a password protected Microsoft Word file. The files were labeled based on the pseudonym assigned to each participant. Each participant received an electronic copy of the transcript from their

interview. Participants were given the opportunity to read over their transcripts, and make any necessary changes. None of the participants had substantive changes to their transcript. The researcher did follow-up after interviews to fact check spelling, and acronyms heard while transcribing. Interviews helped to provide an in-depth description of what happened to these two statutes in the policy-process, and served as the third piece to the puzzle to ensure triangulation in the study. Triangulation enriched the study because multiple sources corroborated the same facts (Yin, 2009).

Observations. Direct observations allowed the researcher to see an aspect of the policy process in action. During observations the researcher took field notes, and documented what occurred in the hearing. As mentioned earlier, committee meetings were open to the public. The researcher was able to take notes, and photos to capture specific details from the hearing. In addition, the researcher was able to describe the room setting for the hearing. The field notes were systematically organized, and examined for significant patterns. The field notes were systematically classified into codes. The codes helped not only describe the data, but interpret the data as well (Merriam, 2009). The information gathered from field notes helped validate information gathered from documents and interviews. Together all three were organized into a chain of reasoning to explain what happened to the two proposed statutes in the legislative process.

LIMITATIONS

The study had several limitations. In regards to interviews, each participant has a unique worldview and perspective which related to how they made sense of policies. The

documents collected were limited based on what was publicly available during the summer and fall of 2014. Observations were critical for seeing aspects of the legislative process in action, but the topics for the committee hearings were not the proposed Megan Meier Cyberbullying Prevention statute or The Tyler Clementi Higher Education Anti-Harassment statute. The study focused on three out of the five stages from Anderson's (2011) model, because the two proposed statutes have not been passed thus implementation and evaluation could not be examined.

SUBJECTIVITY STATEMENT

The researcher is an African-American male who was born and raised in Washington, D.C. Some may consider Washington, D.C. the mecca for Congress and the Federal Government. It was my upbringing that gave me a passion for the political world and for government. At an early age, I had an appreciation for the policy process and the role that government plays in our lives. As a young child, I was able to have a tour of the White House, meet Senators, and tour the United States Capitol.

In 2001, I took that passion with me to college. As an undergraduate, my major was Political Science. It was my undergraduate education that set the foundation, and gave me my first formal training for analyzing policies. It was there that I was able to understand the major role politics plays in human life. In relation to my research interest of analyzing policies, the researcher realized early on that policies impact our lives on many levels. Since policies affect our lives, it is important that we know who is in office, and who is responsible for creating and enacting legislation.

As the researcher, I relied on my counseling background for conducting interviews. Counseling has helped me understand how to work with a variety of people. In addition, it allowed me the opportunity to develop communication skills. The counseling program afforded me opportunity to practice my communication skills in mock group and one-on-one sessions. As the researcher, I felt conducting mock counseling sessions is similar to conducting face-to-face interviews while doing research. The counseling background has helped me sharpen my skills of probing during questioning, as well as observing and interpreting body language. In addition, I plan to use those counseling skills to help set a positive tone for the interview, and build a great rapport with the participant. My background plays a major role in how I view my research.

Conducting research requires an understanding of your epistemology. “Epistemology is the study of knowledge” (Kelly, 2006 p. 33), underlies any discussion of research methodology, complementary and otherwise” (Kelly, 2006, p. 33). Understanding knowledge is important because it relates to how people view reality. As a researcher, I adopted interpretivism as my epistemology. Interpretivism helped to build a friendly rapport with interviewee, and see things from their perspective. “The interpretivist model is more natural, (dis)cursive; less “uptight;” more inviting and use-friendly” (Sipe & Constable, 1996, p. 154). The interpretivist model suggests that there are many truths, reality is subjective and constructed, and it is more about understanding the world. It relies on interactions with others, and is very humanistic (Sipe & Constable, 1996). The humanistic piece came into play, as I conducted interviews.

Finally, my interest in cyberbullying goes back a few years. I became aware of this topic in 2010 when I had a conversation with one of my mentors. My mentor and I were discussing issues in higher education, and he asked me how I felt about the Rutgers University incident. At the time, I had no idea what he was talking about, and he proceeded to give me a brief overview. At first, I was in shocked at the thought of a young college student taking his own life. After our conversation, I began to do research for articles online so I could get a full understanding of the story. I was emotionally moved as I read the story. It was then that I knew that this would make a great topic to research. I figured if one story could spark such an emotional reaction, then it was worth researching more in-depth.

CRITERIA FOR EVALUATING RESEARCH

Writing the findings of a research study is critical. The researcher ensured that the findings were reported in a clear and concise format. Also, the researcher took into consideration the audience. The audience critically examines findings to determine if they are worth taking into consideration. Lincoln and Guba (1985) referred to persuading the audience as trustworthiness. Lincoln and Guba (1985) developed a list of four criteria for evaluating research to establish trustworthiness: (1) internal validity; (2) external validity; (3) reliability, and; (4) objectivity (p. 290).

INTERNAL VALIDITY

During data analysis the researcher incorporated pattern matching procedure to uncover common codes. The researcher uncovered codes as a way to explain what was going on with the two proposed statutes. The researcher compared findings from

observations, documents, and interviews in order to reveal common codes and ensure triangulation.

EXTERNAL VALIDITY

The researcher provided a detailed description of how the theoretical frameworks worked together to explain what happened to the two proposed legislation. The Vines Policy Process Model provided a visualization of how the theories, models and frameworks guided this study. The model could be used in another study. Findings that were proven to be generalizable only strengthen the creditable of the study (Yin, 2009).

RELIABILITY

Reliability means “demonstrating that the operations of a study can be repeated with the same results” (Yin, 2009, p. 40). The researcher kept detailed notes on the data collection and analysis process to ensure reliability. The researcher created a password protected electronic word file to store all information. Keeping a systematic research plan, the study was able to be replicated to ensure reliability.

OBJECTIVITY

The researcher ensured objectivity through documents, interviews, and direct observations to answer the research questions. The researcher utilized the technique of member checking after interviews to make sure the voice of the participants were fully captured. Lincoln and Guba (1985) argued that member checking this is the most crucial technique for establishing credibility for research studies. According to Yin (2009), the researcher needs to establish a chain of evidence both during data collection and writing up the findings. The researcher collected multiple documents, conducted interviews of

coalition members both for and against the passage of the two proposed statutes. The researcher observed different committee hearings to see the policy process in action.

CHAPTER IV

FINDINGS

PURPOSE OF CHAPTER

The purpose of chapter four is to reveal the findings for the study. The findings were based on observations of U.S. Congressional Committee hearings, analysis of documents specific to the proposed Megan Meier Cyberbullying Prevention Statute and the proposed Tyler Clementi Anti-Harassment Higher Education statute. The third data collection component included interviews. The interviews were conducted with both advocates and opponents for the two proposed statutes. The researcher relied on multiple sources of data in order to gather information, and ensure triangulation. Testing one source of information against another allowed the researcher to dispel any alternative explanations (Fetterman, 2010). Triangulation enriched the study because multiple sources corroborated the same facts (Yin, 2009).

INTRODUCTION

Much like the policy process, qualitative data analysis is an ongoing, and nonlinear process, but having a systematic way to collect and analyze your data can make the analysis process smoother. The researcher utilized the coding analysis technique of Miles and Huberman (1994) in order to make sense of the data. The raw field notes from my observations were collected, and reduced the data down to only the necessary information. Although the data was reduced, all raw field notes were kept, and stored in a password protected compute file. The coding technique outlined by Miles and Huberman Miles (1994) provided a systematic way to manage the data.

The researcher utilized the coding method to keep data organized during the study. “Codes are tags or labels for assigning units of meaning to the descriptive or inferential information compiled during a study” (Miles & Huberman, 1994, p. 56). The coding process allowed the researcher to examine chunks of data, and turn them into meaningful codes. The codes for observations were utilized to build, and tell the story of attending a committee hearing. Miles and Huberman (1994) suggested developing metaphors in order to make a comparisons. The researcher developed metaphors and similes to compare and contrast between a Senate Committee and House Committee hearings.

COMMITTEE OBSERVATIONS

I use the following statement to discuss the findings of the committee observations. Nothing is Washington is automatic when it comes to policy-making. This statement highlights the complex nature of how things work in Congress, and serves as an introduction to my findings during the committee hearing observations. The committee hearings I observed were the Health, Education, Labor and Pensions Senate Committee, held in room 430 of the Dirksen Senate Office Building. I also attended the House Committee on the Judiciary hearings, held in room 2175 of the Rayburn House Office Building. My observations were conducted during the summer of 2014 under the 113th Congress.

GENERAL OBSERVATIONS IN CONGRESS

The following is an overview of the general things I experienced while attending a Congressional committee hearing. My goal is to tell the story of what happens from

waiting outside the committee hearing, until the committee chair bands the gavel signifying the end of the hearing. A video of congressional committee hearings can be found online, but it fails to capture the unique dynamics that occur off camera. My purpose for telling the story paints a picture of the experience for anyone who has ever wondered what it is like to attend a committee hearing as a general member of the public. Anyone who has attended a congressional committee hearings can read this, and relate to the things I experienced.

Line Standers. While standing in line waiting for the committee hearings to start, I learned another way money plays a powerful role in politics. The first step in gaining access to a committee hearing, is arriving early enough to secure one of the forty seats available to the public. In the event all seats are taken, individuals can choose to sit in an observation area, and watch the hearing on television. Members of the public are encouraged to arrive at least an hour early, or earlier for any hearing that may draw a big crowd. I arrived early to ensure I would get a seat, dressed up in a nice shirt and tie to blend in with the Congressional crowd. In addition to dressing the part, I had my small bag with pens and a notepad to take observational notes.

Once I arrived, there were a few people already waiting, and they were dressed in t-shirt and jeans. I thought this was an amazing sight to see an average constituent here to attend the hearing, and be informed. Slowly, others started to arrive, and dressed quite professionally. By this time, I was not the first person in line, but clearly ahead of all the people behind me ensuring I would get one of the forty coveted seats. While waiting, people were staring at their phones, and some made minor small talk. I was able to

engage by speaking with people in my immediate area in the line. The people in line worked in various offices on Capitol Hill. They were interns, groups of colleagues who were responsible for reporting back to their office about the hearing, or individuals who had a genuine interest in the particular subject matter for the hearing.

The line waiting produced a number of silos as people talked in small groups in order to pass the time. In some cases, people covered their mouths, or talked very low to prevent others from hearing the conversation. The person in front of me never attended a committee hearing, but was waiting on one of his seasoned colleagues to join him. I was able to build a good rapport with these two, and we traded business cards.

Before the start of the committee hearing a number of people walked past everyone in line, and went right to the front. The people walking are dressed in professional attire, and look as if they could be Senator, or Representatives in Congress. Once they got to the front of the line, I noticed that the individuals who were dressed in t-shirts, and jeans, left the line, and walked away. The dynamic confused me, so I inquired from my new found friends, what was going on. It was at this point that I learned that the individuals in t-shirt and jeans are called line-standers. They are hired by an outside company in order to hold places in line for lobbyists. Line-standers typically are people who are homeless, or in a transitional home. Line-standers are paid, and wait in line as long as they are needed. Paying for a line-stander ensured lobbyists, lawyers, and members of non-profit organizations who have an interest in the subject of the hearing agenda get a seat for the committee hearing. Lobbyists maximize their influence because instead of wasting time waiting in line, they made the rounds on Capitol Hill trying to

persuade legislators. Line-standers are utilized both for Senate and House Committee meetings.

While reflecting on the Line Standing experience, I thought about what utilizing line-standers represented. The individuals who use the service are sending a message of their status within the policy-process. The message is that they are far too important to arrive early with the general public. The general public has to take time out of their day and arrive extra early to ensure one of the coveted forty seats in the main hearing room. I imagine the kind of conversations that could occur if the line-standing service was not available. The lobbyist or people who have a genuine interest in the topic, could engage in a social, everyday conversation with the public. Perhaps the lobbyist fear a heated political debate may happen with the idle time waiting in line. The line standing service further highlights the role of money in politics. The average person could pay for the line standing service, but that would be an out of pocket expense. Based on the experience, I do believe that the line-standing service creates a definite divide between the power of the lobbyist, the congressional staffers, and the general public

The Chair. In the House and the Senate, the Chair reigns supreme. The Chair of the committee holds a great deal of power, because of the ability to set the committee agenda. The Chair for the Senate Committee Hearing was Senator Harkin (D-IA), and House Subcommittee on Health, Education and Labor, and Pensions hearings was chaired by Rep. Roe (R-TN). The Chair is the captain of the committee ship. The Chair of the committee sets the agenda, which dictate which pieces of legislation the committee will review and vote on. The number of witnesses who are brought in to provide

testimony for the hearing is determined by the chair. No matter how many committee members, or witnesses are present, the hearing does not start until the chair arrives. If the committee chair is absent, they can appoint a member of the committee member to serve as chair. I was able to see this practice in action during the May 13, 2014 full Senate committee hearing on Strengthening Minority Serving Institutions: Best Practices and Innovations for Student Success. Senator Kay Hagan (D-NC) served as chair for the hearing. Serving as chair for this hearing is appropriate as Hagan represents North Carolina, which is home to the largest number of Historically Black Colleges and University. The chair takes into consideration the subject of the hearing when deciding who to appoint as chair in their absence.

The powerful role of the chair is reinforced through literature. My observations of the committee chair in action, aligns with literature on the role of the chair. The chair calls meetings, establishes agendas, schedules hearings, files committee reports, acts as floor manager, controls the committees budget, and serves as a spokesperson for the committee (CQ Press, 2008). The committee chair represents power. The chair runs the show, and nothing starts before he or she arrives. Members of the committee do not give a statement unless called on by the chair. The chair introduces each witness to give their testimony. Through observations, I was able to see how the committee chair keeps the hearings running like a well-oiled machine. As a floor manager, the chair has to make sure no one speaks out of turn, no one runs over the allotted time when giving a statement. The chair of the committee is the key figure that you want to get to know, especially if you are a member of an advocacy group. Advocacy groups who are working

to get a piece of legislation on the agenda of a particular committee should reach out to the chair. Ultimately it is the chair who determines if a proposed legislation ever sees the light of day.

Legislative Staffers. Legislative Staffers hold a great deal of power because of the close working relationship they have with the Senators and Representatives. If you want to gain access to your Representative staffers can be a great resources. Legislative Staffers have knowledge on particular legislative matters, and Representatives rely on staffers to keep them informed. Staffers have the responsibility of keeping up with the daily schedules of the Representatives and Senators.

The Representatives and Senators are the stars of the show, but backstage are the legislative staffers who keep things in order. The legislative staffers have power. The staffers work very closely with the committee members, and acquire necessary knowledge about items on the agenda. The power of the staffers should not go underestimated. You could say that it is young people who really run Capitol Hill. The staffers looked to be twenty-something, fresh out of college, and trying to get their foot in the door to the political arena. The staffers run the offices for the Congress, they are the ones who respond to all communications regarding their representatives, and they are in attendance at committee hearings. The legislative staffers are the gatekeepers, and they determine who gains access to the Senators and Representative. The interesting thing about the staffers is that during the hearings the committee members, particularly the chair, would turn around to get clarification or information from the staffers. The staffers are responsible for keeping up-to-date on accurate information and statistics regarding the

subject of the hearing. Watching the dynamic between the committee members and their staffers, I got the sense their relationship is built on trust.

The staffer and their Congressional representative have a close-knit relationship. The representative relies on the staffer not only for information, but assisting in completing important tasks. The staffers assist in organizing hearings, planning agendas, preparing reports which representatives rely on for up-to-date information and statistics (CQ Press, 2008). The importance of the role of the staffer was vivid during observations. Staffers would come out to ensure the room was set-up properly before the start of the hearing. The staffers sat behind the committee members during the hearing, especially the staffer who has the most knowledge about a particular piece of legislation being debated in committee (CQ Press, 2008). The knowledge of the staffers explained why during the hearing committee members would turn around to ask their staffer a question, or get clarification. Due to the amount of knowledge the staffers possess, and the fact they are in charge of keeping up with the Representative's schedule, it cannot be said enough the power which legislative staffers possess. The trusting relationship is very valuable because legislative staffers have access to sensitive information. The legislative staffers serves as the gatekeeper to policy-makers. In order to get an opportunity to meet directly with a state Representative or Senator the legislative staffer is the person to reach. Legislative staffers have power because they control who has or gets access to policy-makers.

The Proceedings. The committee hearing proceedings were a cross between a Student Government Meeting, and a Court proceedings. The formality of the committee

hearing reminded me of a Student Government meeting. The banging of the gavel to start the meeting, and the formal process of waiting to be called on to speak. The hearing is similar to a Court proceedings, because the Chair acts like a judge who controls the management of the meeting. The chair, much like a judge ensures witnesses are given enough time to speak, and committee members are allowed to ask questions.

Before the start of the hearing, the audience, which includes the witnesses, members of the media, and forty people who were lucky enough to secure a public seat, sits and waits as the committee members slowly enter the room. Before all the members enter, a few legislative staffer are milling around the room, and making sure the room is in order. The committee members enter from a side door, with legislative staffers right behind them. As the committee takes their seat, the staffers sit behind members on benches. The committee hearing does not begin until the committee chair has arrived. Although the hearing does not begin until the chair arrives, other committee members are free to arrive once the hearing has started, and some leave before the hearing is over. The late arrival, and early departure is simply due to their schedule, and some hearings overlap.

The hearing begins when the chair bangs the gavel and calls the meeting to order. Once the hearing starts, the chair provides an opening statement. After the opening statement, the floor is open to statements from the committee members. The chair recognizes each committee member separately to have the floor, which in committee hearings means to speak. The members have microphones which they speak into. The

microphone ensures the entire room can hear them. Following committee member statements, the chair introduces each of the witnesses.

The witnesses sit at a long table facing the committee with their backs to the audience. The witnesses are allotted a time frame to address the committee, with a prepared written statement. Small boxes with a microphone and timer are provided to the witnesses. They speak into the microphone by pressing a button, and the small box acts as a timer so there is enough time for each witnesses. As stated earlier, the chair sets the number of witnesses (CQ Press, 2008). During my observations, I have seen as little as two witnesses to as many as eight for a hearing. After all witnesses have given their testimony, the chair opens the floor for questions from the committee.

The witness for a committee hearing resembles a court room witness. In the 1962 movie *Advise & Consent*, which focuses on a committee hearing regarding a Presidential nomination for Secretary of State, the committee chair turns to the witness and asks if he is ready for the interrogation. As an observer it seems serving as a witness can be both fulfilling, yet nerve-racking experience as you speak before the committee.

The questioning portion consists of each committee member being recognized by the chair to ask questions. The committee is free to ask questions to all witness, or one specific witness. The witnesses are provided time to give a response to the questions. Once all committee members have asked all of their questions, the floor is given back to the chair to make closing statements. The chair thanks the witnesses for their testimony, and provides a brief statement. The chair closes the hearing by banging the gavel.

The proceedings of a committee hearing are necessary to keep order and keep everyone on target. As mentioned earlier, the chair serves as the floor manager to ensure the process is operating smooth and efficiently. The House and Senate conducted hearings in a similar systemic way. As an observer, two things came to mind as I sat through the hearings. The first thought was that the hearing felt like a perfectly choreographed dance, no one ever went out of step. The second thought was that the hearing reminded me of Student Government participation, and following Roberts Rules of Order for each meeting. Roberts Rules of Order offers guidance on parliamentary procedures for conducting meetings (Robert, 2000). All the way down to the closing of the hearing with the chair banging the gavel, this put me right back into my years as a Student Government Representative.

Post Proceedings. Once the committee hearing was over, the committee members walked over, greeted, shook hands, and thanked the witnesses for their time. The committee members also engaged in small talk with the witnesses as well as the audience. Generally, people wait in line behind each other if they are trying to get some face time with one of the committee members. The committee members are open to the public, there are no security guards, or rope separating everyone. The experience is quite friendly, and I was able to get a picture with Senator Tom Harkin (D-IA). Harkin was the Committee Chair of the Senate Health, Education, Labor, and Pensions committee during one of the Senate committee hearings (See Appendix V). The committee members continue to talk to people, shake hands, and take pictures until one of their staffers comes

by. Once the staffer arrives this is a sign it is time for the committee member to leave and go back through the side door.

The fact that the committee members take time to interact with the witnesses and audience brings a personal engagement aspect to the committee hearings. During the hearing, the focus is on handling the important business of the day, and the members seem so close, yet so far away. The members are seated, right in front of you, yet they are accompanied by their staffers, and they have a private door which they use to enter, and exit the meeting. It was refreshing to see the political figures, smiling, having non-political small talk with the audience. The interaction goes beyond talking, the committee members also posed for pictures.

The general observations of Congress provided a lot of insight into the policy process. Whether you are a proponent or opponent of a particular piece of legislation, you need to know which committee discusses certain bills. Knowing the committee and its members lets you know which representatives to contact, and which representative is the chair of the committee. Getting in contact with the legislative staffers of the chair is critical because researching out to the chair can help determine whether a bill gets on the committee agenda. Reaching out to senators and representatives can make your voice heard. If you make close enough contact with the senator's or representative's office you could be asked to serve as a witness for an upcoming committee hearing. Testimony of witnesses can assist in informing the public about a particular topic, and helping in shaping the views of the committee members.

SUMMARY OF GENERAL OBSERVATIONS

The observations helped in telling a story about how policy-making works. The committee hearings are open to the public, but in order to secure one of the 40 seats arriving early increases the chances of securing a seat, but lobbyists whether they are proponents or opponents of a legislation, pay a company in order to secure a spot. Lobbyists pay money because they are too busy trying to get some time with the legislative staffers to gain access to the Senators and Representatives. Lobbyists do not have time to waste waiting in line early because they are trying to have influence on what items get on the committee agenda. Lobbyists know direct access to Senators and Representatives is unlikely, so they target the legislative staffers who have access and influence among the Senators and Representatives. As mentioned earlier, the legislative staffers have knowledge of particular legislation, which often times comes from lobbyist or advocacy groups. The staffers then take this knowledge to the Senators and Representatives in order to keep them well informed on constituents' issues. The Senators and Representatives take this information to help determine which issues need the most attention. If the Senator or Representative serves as Chair of a committee, they can have the power to put items on the agenda which will be discussed at a committee hearing. During a committee hearing witnesses, whether for or against a legislative initiatives are invited to provide testimony. The witnesses can be the same lobbyists who paid to have line standers so they can have influence on policy. The lobbyist then has gone from trying to get face time with the Representatives, to sitting in the middle of the

policy-making process as a witness during a committee hearing. These observations helped shape the researcher's picture of what goes on in the policy-making arena.

OBSERVATIONS SPECIFIC TO THE SENATE

During my observations, there were some specific experiences that can be found in both the House and Senate, but some aspects of the observations are specific to each chamber of Congress. In this section, I focus exclusively on the room setting for the Senate Congressional Committee hearing. The description below is focused on room 430 of the Dirksen Senate Office Building. Room 430 was where I had to go for my Senate observations. The room setting is vital because from the entry to the room, the aesthetic down to décor, it all gives life and meaning to the type of business that is conducted in this arena.

The Room Setting. As mentioned earlier, committee hearings follow a formal procedure. The room setting gives off an ambience of a place where serious business is conducted. The business that occurs inside the room, is not to be taken lightly, and no one is allowed to enter, unless access is granted.

Before entering the Senate Committee hearing room, a legislative aide comes out, and opens the door to allow people to enter. The general public was not allowed to enter on their own. We had to wait until someone in an authority position gave us entrance into the room. The fact the general public could not enter without permission, added to the atmosphere of a place of serious business being conducted. The entrance to the hearing room included two large wooden doors with three square panels on each. The door was slightly cracked open, with two regular size door knobs. To the right of the

door was a sign which read No Smoking, No Eating, No Drinking. Just above the sign, a square plaque read Committee on Health, Education, Labor, and Pensions Hearing Room. Below the word room, there was a picture of a person in a wheelchair and to the right read “this room is equipped with an assistive listening system. Please silence all electronic devices before entering”. Below the sign is the Dirksen Senate room 430 Building abbreviated (SD 430).

The entire room was carpeted, and gave off the ambiance that this was a place for business. As you walk in, there are five rows consisting of four black chairs in each. There is a small aisle and to the left is an identical set up. On each side of the chairs are two large wooden tables. The tables are properly marked press only. Members of the press are allowed to attend committee hearings, but are not included in the forty seat limit. On the table where the press sits are copies of the opening statement from the Chair, as well as brief testimony from the witnesses. It is important to note that although these copies sit on the Press table, attendees of the hearing can read and take copies as well.

The room was slightly dark, as all of the curtains were closed, but since it was during the day, enough light was in so that you could see others. Eight golden colored goblets hang around the room serving as the light. All of the windows in the room were large, and almost reached the ceiling. All of the windows were covered with curtains. In the very front of the row of chairs sat a long table with five seats. The seats were reserved for the witnesses. The table was covered with a green fabric. On top of the fabric were five wooden boxes with a microphone and three buttons. The buttons are

used to help the witnesses keep time while speaking. Green light means go, Yellow is a one minute warning, and Red means your time is up. Right in front of the table was a big open semi-circle space. In the middle of the semi-circle sits the court reporter. The reporter is hired by the committee and is responsible for taking dictation, and providing a transcript of the hearing.

The circle consisted of twenty-one large black swivel chairs. Just behind the center of the semi-circle where the chair of the committee sat, were two flag post. One was the American Flag, the other a U.S. Senate Flag. Above the flags was the Senate Seal. Directly below the Chair's seat was a wooden box with an opening in the middle. Inside the box was a camera which moved left and right throughout the hearing. The camera is there to video record the hearing. As mentioned earlier, those who are unable to get a seat can watch the hearing from an observation room. The hearings are also streamed online, and are available through the committee's webpage.

OBSERVATIONS SPECIFIC TO THE HOUSE

As mentioned earlier, there are observations that were general to both chambers of Congress, but there were aspects of the congressional committee hearings that were specific to the House and Senate. In this section, I focus exclusively on the room setting for the House Congressional Committee hearing. The description below is focused on room 2175 of the Rayburn House Office Building. Room 2175 was where the hearing was held. The room setting in the House is quite different from the aesthetic and décor that was observed in the Senate room. Although the two rooms vary in style, and set-up,

a description of the room gives life and meaning to the type of business that is conducted in this arena.

The Room Setting. The room setting for the House, much like the Senate, is formal, and lets people waiting to enter know that this is a place where serious business is conducted. Outside the hearing door is a square plaque that reads Committee on Education and the Workforce, and below that is the room number 2175. The two staffers come out from the hearing room, and they have a sign. They mount the poster board sign on a tripod. The sign reads, line starts here, with a blue arrow pointing down. The top of the sign reads Education and & the Workforce Committee with a picture of the top of the Capitol building. Once the sign has been placed, the two staffers go back inside the hearing room, and the few of us who are in line continue to wait until the start of the hearing.

The doors to the hearing room have a light brown, wooden color with two large door handles, one on each door. The doors of the committee hearing room did not appear to be as grand as the Senate hearing room. However, that does not take away from the fact that both are venues where serious business is conducted. Before the start of business, a staff member opens the door, and allows the line-standers to enter the room. In the center rows of black chairs are divided by an aisle. On each side of the aisle are four rows of eight black chairs. At the very back of the room, a long row of chairs is placed against the back of the wall. The front row chairs have a special flap hanging over the edge of the chair which reads reserved for witnesses. The chairs are where they witnesses sit before they take a seat at the witness table during the hearing.

On the right side of the chairs there is a long, square, wooden table with black chairs around it. The table has a name plaque stating it is reserved for the media. Handouts for the hearings are also on the table. On the left side of the chairs is a long, square wooden table with the name plaque with Minority Staff on it. Legislative staffers for the minority party Representatives sit here during the hearing.

The room is adorned with paintings of former Representatives mounted on the wall. The paintings include Representatives standing at their desk, with either an American or state flag in the background. The side walls each have a screen mounted which displays live video of committee hearings. The wall facing the audience includes long, blue curtains. In the center of one of the curtains there is an opening which has a projector. Just below the projector is the heart of the room where the committee members and witnesses sit during the hearing.

The committee members sit on a two tier seating platform. The chair's seat is in the center, and slightly elevated from the rest of the committee members. The first tier has two side with ten black swivel chairs on each. The first tier also include an opening with a direct path to the Chair's seat. The top tier has the Chair in the center with two sides of ten black swivel chairs. The committee seats have wooden boxes attached in front of the seat with a microphone. The microphone is used when a member has the floor. On the right of the committee seats is a door with an American flag next to the entrance. The door is where the staffers, and committee members enter and exit the hearing room.

Directly in-between the committee seats, and the witness table, there is a motion camera. The camera which rotates throughout the hearing. In front of the camera is where the witnesses sit during the hearing. The witnesses sit at a long wooden table. The left side of the table has a small desk reserved for the court reporter. The witness sit in black chairs with four wheels on the bottom. The table includes a name plaque for each witness, a microphone box, and a timer box.

SUMMARY OF ROOM SETTING

The room setting reinforced my position that attending a congressional committee hearing is similar to attending a court hearing. The proceedings are formal, and the chair, much like a judge, runs the entire show. The general public enters once they are given permission by the legislative staffer. The authoritative role is very similar to a bailiff. No matter how many people are present, the court hearing does not start until the judge arrives. A committee hearing does not start until the chair arrives. The chair of the committee calls on the committee members, and witnesses one at a time to speak. The chair role, again is similar to the judge who runs the court hearing, and gives the plaintiff and defendant each the same time to give their testimony. The committee hearing room, much like a court room, is a place where serious business is conducted.

DOCUMENTS

“Swimming pools can be dangerous for children. To protect them, one can install locks, put up fences, and deploy pool alarms. All of these measures are helpful, but by far the most important thing that one can do for one’s child is to teach them to swim” – Honorable Richard Thornburgh. Thornburgh used this quote in a 2002 report titled

Youth, Pornography & the Internet. The report was led by the National Research Council (Thornburgh, 2002). The quote works as an introduction to the findings from documents relating to the proposed Megan Meier Cyberbullying Prevention Statute.

The quote from the Honorable Richard Thornburg was used in a witness statement from Nancy Willard, who is an outspoken opponent of federal cyberbullying laws. Willard is an advocate for education, and teaching students how to be smart and respectful when using technology. Willard gave her testimony during the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security hearing held on September 30, 2009. The topic was Cyberbullying and other Online Safety Issues for Children. During this hearing H.R. 1966, the Megan Meier Cyberbullying Prevention Act was discussed.

DOCUMENTS COLLECTED AND ANALYZED FOR THE PROPOSED MEGAN MEIER CYBERBULLYING PREVENTION STATUTE

Documents collected and analyzed included the full text of the proposed Megan Meier Cyberbullying Prevention statute, full transcripts from the 2009 House subcommittee on Crime, Terrorism, and Homeland Security hearing titled “Cyberbullying and other Online Safety Issues for Children”, as well as online news articles, blogs, newsletters. The transcripts included both oral and written testimony from witnesses.

The witness panel consisted of Congresswoman Linda Sánchez (D-CA), who introduced the proposed Megan Meier Cyberbullying Prevention statute; Congresswoman Debbie Wasserman Schultz (D-FL), who supports programs to educate parents and

students about internet crime safety; Judi Warren, President, Web Wise Kids is strong advocate for educational programs for online safety. Warren's testimony was in favor of the proposed Megan Meier statute. Robert O'Neil, Law Professor Emeritus at the University of Virginia, argued that the proposed Megan Meier statute has good intentions and is on the right track, but shared his legal concerns because cyberbullying has not previously applied in a criminal context. Harvey Silverglate, an opponent of the proposed Megan Meier statute is an Attorney and scholar for the CATO Institute. Nancy Willard is the Director of The Center for Safe and Responsible Internet Use. Willard strongly opposed the proposed Megan Meier statute, but supports educational program to promote positive internet use. John Palfrey, who is a Law Professor at Harvard Law School, is strongly opposed to legislation which criminalizes online speech. Palfrey advocated for addressing the behavior of minors, and working with parents, and teachers to combat cyberbullying issues. Congressman John Culberson (R-TX) was expected to serve as a witness, but "due to an unavoidably detainment, Rep. Culberson was unable to attend the hearing or submit a written testimony" (Cyberbullying and other, 2009, p. 21). The documents assisted in answering the research questions, and helping to shape the story of the proposed Megan Meier Cyberbullying Prevention statute in the policy-process. Table 2. provides a full list of documents analyzed pertaining to the proposed Megan Meier Cyberbullying Prevention Statute.

TABLE 2.

**PROPOSED MEGAN MEIER CYBERBULLYING PREVENTION STATUTE
LIST OF DOCUMENTS ANALYZED FOR THE STUDY**

Bayard, S. (2008, June 6). The (proposed) <u>megan meier</u> cyberbullying prevention act is crazy. <i>Digital Media Law Project</i> . Retrieved March 2014, from http://www.dmlp.org/blog/2008/proposed-megan-meier-cyberbullying-prevention-act-crazy	H.R.1966: <i>Cyberbullying and other online safety issues for children</i> : Hearing before the Subcommittee on Crime, Terrorism, and Homeland Security 111 th Cong. 33 (2009c) (testimony of Debbie Wasserman Schultz)	Kotler, S. (2009, May 14). Cyberbullying bill could ensnare free speech rights. <i>FoxNews</i> . Retrieved March 2014, from http://www.foxnews.com/politics/2009/05/14/cyberbullying-ensnare-free-speech-rights/
<i>Cyberbullying and other online safety issues for children</i> : Hearing before the Subcommittee on Crime, Terrorism, and Homeland Security, 111 th Cong. 1 (2009)	H.R.1966: <i>Cyberbullying and other online safety issues for children</i> : Hearing before the Subcommittee on Crime, Terrorism, and Homeland Security 111 th Cong. 56 (2009d) (testimony of Harvey A. Silverglate)	Kravets, D. (2009, September 30). Cyberbullying bill gets chilly reception. <i>Wired</i> . Retrieved March 2014, from http://www.wired.com/2009/09/cyberbullyingbill/
H.R.1966--111 th Congress: <i>Megan meier cyberbullying prevention act of 2009</i> . (2009). Retrieved from http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.1966 :	H.R.1966: <i>Cyberbullying and other online safety issues for children</i> : Hearing before the Subcommittee on Crime, Terrorism, and Homeland Security 111 th Cong. 47 (2009e) (testimony of Judi Westberg Warren)	Nimmo, K. (2009, June 27). Thought crime bills threaten talk radio. <i>BlacklistedNews</i> . Retrieved March 2014, from http://www.blacklistednews.com/Thought_Crime_Bills_Threaten_Talk_Radio/4661/0/5/5/M.html
H.R.1966: <i>Cyberbullying and other online safety issues for children</i> : Hearing before the Subcommittee on Crime, Terrorism, and Homeland Security 111 th Cong. 38 (2009) (testimony of Robert O' Neil)	H.R.1966: <i>Cyberbullying and other online safety issues for children</i> : Hearing before the Subcommittee on Crime, Terrorism, and Homeland Security 111 th Cong. 102 (2009f) (testimony of Nancy Willard)	Pike, T. Rev. (2009, June 23). New adl bill attack america. <i>National Prayer Network</i> . Retrieved March 2014 from http://www.truthtellers.org/alerts/newadlhtebillsattackameri.htm
H.R.1966: <i>Cyberbullying and other online safety issues for children</i> : Hearing before the Subcommittee on Crime, Terrorism, and Homeland Security 111 th Cong. 126 (2009a) (testimony of John Palfrey)	H.R.6123--110 th Congress: <i>Megan meier cyberbullying prevention action of 2008</i> . (2008). Retrieved from http://thomas.loc.gov/cgi-bin/query/z?c110:H.R.6123 :	Shibley, R. (2009, May 15). Cyberbullying bill could make fire illegal. <i>Foundation for Individual Rights in Education</i> . Retrieved March 2014 from http://www.thefire.org/cyberbullying-bill-could-make-fire-illegal/
H.R.1966: <i>Cyberbullying and other online safety issues for children</i> : Hearing before the Subcommittee on Crime, Terrorism, and Homeland Security 111 th Cong. 21 (2009b) (testimony of Linda T. Sánchez)		

SUMMARY OF TABLE 2.

Table 2. included a list of the documents analyzed for the proposed Megan Meier Cyberbully statute. The documents are vital to the study because they provide transcripts of witness testimony from the 2009 House subcommittee on Crime, Terrorism, and Homeland Security hearing on titled “Cyberbullying and other Online Safety Issues for Children”. The transcripts allowed the researcher to examined actual statements from experts in the field regarding the proposed Megan Meier statute. The online newspaper articles provided more insight into the beliefs on the necessity for the proposed Megan Meier Cyberbullying Prevention Statute. Through a detailed analysis, the researcher was able to uncover the following codes which emerged from the documents.

CODING SPECIFIC TO THE MEGAN MEIER CYBERBULLYING PREVENTION STATUTE

Analyzing documents relating to the proposed Megan Meier Cyberbullying Prevention Statute allowed the researcher to understand the different barrier that prevented the statute from passing. The following are the significant codes that emerged from the data.

CODE 1: VARYING DEFINITION OF CYBERBULLYING

The findings from the observations outlined committee hearing proceedings. The transcripts from the 2009 House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security revealed that this hearing followed the same format. The Chair of the committee began with opening statements. During his opening statement Chairman Robert C. “Bobby” Scott (D-VA) defined cyberbullying. Rep. Scott stated cyberbullying

can consist of rumors or lies, a publication of something meant to be private, or the impersonation of another person. Or it can encompass more problematic speech, involving threats, stalking, or predatory behavior (Cyberbullying and other, 2009). After making his statement, he opened the floor to ranking member Louie Gohmert (R-TX). According to Rep. Gohmert cyberbullying is characterized as intending embarrassment, annoyance, or humiliation to the victim (Cyberbullying and other, 2009). The two varying definition stood out to me because Rep. Scott focused on rumors, and stalking, but Rep. Gohmert mentioned embarrassment and humiliation. The two statements on bullying do not mirror each other, contributing to the growing debate on cyberbullying. The Chair and Ranking Member represent the top leadership in the committee, however their definition on bullying vary. The Chair and Ranking member do not share the same definition, yet teachers and school administrators are expected to understand cyberbullying and address incidents when they occur. The varying definitions by experts in the field reveal how complicated the issues of cyberbullying can be. A formal definition that can be used across the board can help parents, students, and teachers, policy-makers and researchers better understand the issue.

CODE 2: BELIEFS ON CYBERBULLYING

One of the guiding theories for this study is the Advocacy Coalition Framework. A key component of the ACF is the beliefs of those involved in the policy process. Larry Magid is the Co-Director for ConnectSafely.org, and has the belief that “You can’t legislate against meanness it’s Contextual” (Kotler, 2009). Ranking Member Gohmert

also shared a similar belief in regards to legislation not being the answer to combat cyberbullying.

Representative Gohmert's beliefs ranged from putting the focus on parents, and the behavior children learn at home. Gohmert asked "Why do our teenagers and even their parents think this is acceptable behavior? What are we teaching our young people in our homes and schools about treating others with respect, as you would want to be treated (Cyberbullying and other, 2009). Gohmert also questioned whether federal funding was a wise investment by asking "do we need to spend federal money on problems whose true resolution begins at home? Congress should not try to replace the parent or the teacher (Cyberbullying and other, 2009). In his concluding remarks of his opening statement, Gohmert stated "responsible parenting would be a good answer. Accountability for our actions is the answer. Arming young people with confidence and sense-worth to ignore the school Internet bully may be the answer (Cyberbullying and other, 2009).

Examining these statements is critical because as a ranking member of the subcommittee, Representative Gohmert has influence in his leadership role. Representative Gohmert makes it clear that his beliefs are that Congress should not fund efforts to address an issue he feels is best handled at home. Gohmert's statement focused on what parents are teaching their children about respecting others and proper behavior. Finally, he mentions arming young people with the confidence to ignore internet bullies. Gohmert's statements come off as a bit of victim blaming. Arming young people with confidence and self-worth could be interpreted as it is the kid's fault for being weak, and they should toughen up. By asking why teenagers or their parents think this is acceptable

behavior, translates to saying parents are not doing as good job. Gohmert is making a statement to parents that they are not teaching their children, and if they did a better job, we would not have online bullies.

As mentioned earlier in the literature, one of the general perspectives on bullying is the assertive belief. According to Kochenderfer-Ladd and Pelletier (2008) the “assertive belief claims that children would not be bullied or picked on if they would stand up for themselves” (p. 333). The findings reveal that Representative Gohmert holds this assertive belief. The assertive belief that Gohmert holds is a contributing factor to the proposed Megan Meier Cyberbullying Prevention Statute not moving through the legislative process. The beliefs among members in Congress is not the only barrier, many individuals have trouble with the harsh criminal punishments.

CODE 3: JUDICIAL ISSUES WITH THE PROPOSED MEGAN MEIER CYBERBULLYING PREVENTION STATUTE

Earlier in Chapter 2, the proposed Megan Meier Cyberbullying Prevention Statute was outlined under section H.R 6123. The bill seeks to amend the federal criminal code to impose criminal penalties on anyone who transmits in interstate or foreign commerce a communication intended to coerce, intimidate, harass, or cause substantial emotional distress to another person, using electronic means to support severe, repeated, and hostile behavior (H.R. 6123, 2008). Despite its intention, there are several people who argue the proposed statute in going down a road that will be plagued with judicial issues due to the possible over criminalization of young people.

In her witness statement, Judi Warren, President, Web Wise Kids advocated we should avoid criminalization of youth-to-youth communications (H.R.1966: Cyberbullying and other, 2009e). John Palfrey, who is a Law Professor at Harvard noted that criminalizing a broad swath of online speech is not the right general approach. Filling our prisons with teenagers and young adults who have been teasing one another is plainly unattractive (H.R.1966: Cyberbullying and other, 2009a).

The chair of the committee, Bobby Scott, drew attention to the fact that the label felon lasts a lifetime, and we need to be extremely careful before proceeding down this path (Cyberbullying and other, 2009). Representative Louie Gohmert outlined his concern over how far the criminalization would stretch. According to Gohmert “the law could target the mean-spirited liberals in the blogosphere that are attacking myself and my family” (Kravets, 2009, p. 2). Although the statute is geared towards young individuals, Representative Gohmert sheds light on the fact that these felony charges could potentially be brought against online bloggers or journalists who publish articles bashing others.

The proposed Megan Meier Cyberbullying Prevention Statute has not been re-written nor does it address these judicial concerns. A possible recommendation is for Linda T. Sánchez, the original drafter of the statute, is to go back, and evaluate how effective criminal charges will be for a young person. Sánchez could consider civil charges, or maybe even counseling or community service. If Sánchez continues to move forward in her quest to get this statute through the legislative veto-grates, she is going to need to find the best way to address judicial issues. In addition to the judicial issue of

whether charging a young person as a felon for online speech is a step in the right direction, the proposed statute also faces issues relating to the language.

CODE 4: VAGUE LANGUAGE IN THE PROPOSED MEGAN MEIER CYBERBULLYING PREVENTION STATUTE

The current language used in the proposed statute does not sit well with a number of people. The language in the statute has been deemed too broad, vague, and comes up short in regards to the specific definition of certain terms.

Eugene Volokh, who is a UCLA law professor, questioned the overbroad definition of online harassment, “what does severe, hostile, and repeated behavior mean?” (Kotler, 2009, p. 1). Judi Warren also shared Mr. Volokh’s concerns as she stated there is a need to separate actions of kids versus actions of adults (H.R.1966: Cyberbullying and other, 2009e). Harvey Silvergate from the CATO Institute discussed his concerns with specific language as well. According to Silvergate “terms such as “intimidate, harass, or cause substantial emotional distress” are used in a criminal statute to define verbal conduct that can land one in federal prison. A typical citizen cannot be expected to understand how and where to draw a line, not only because of the inherent vagueness of the terms, but also because in this instance the prohibited conduct involves solely speech – and people are taught that speech is free in America (H.R.1966: Cyberbullying and other, 2009d). Silvergate highlights the confusion that exists between proposed statutes that would discipline speech and the fact that from a very young age Americans are taught the 1st Amendment protects of the freedom of speech.

Robert O’Neil, who is the Director of the Thomas Jefferson Center for the Protection of Free Expression suggested that the statute needs to be rewritten in order to figure out how to separate speech that is constitutionally protected from speech that may be punished consistent with First Amendment (H.R.1966: Cyberbullying and other, 2009). Finally, Chairman Scott suggest “as we attempt to regulate speech, we must be careful not to violate the constitutional right to free speech and due process” (Cyberbullying and other, 2009, p. 2).

The proposed Megan Meier Cyberbullying Prevention Statute faces challenges in the way the statute is written, and how it would fair when put up against the protection ensured by the Constitution. A revision of the statute would be needed in order to sufficiently address the issues regarding specifically defining harassment and intimidation. The findings reveal that a significant rewrite is needed. Without a re-write, the current version of the proposed statute does not have a chance of making it through the legislative process.

Despite these challenges of beliefs, judicial and language issues, and varying definitions all hope is not lost. The proposed Megan Meier Cyberbullying Prevention statute made it on the Congressional Agenda, and there are members in Congress who support the statute. The statute has members of advocacy groups in support, and there is a possibility for policy change to occur.

The documents revealed several recommendations that were uncovered to help address the issues of cyberbullying. The recommendations ranged from the need for funding, to more education programs for teachers, students and police. Miles and

Huberman (1994) suggested creating a main category when one or more codes connect to a larger theme. In order to provide a clear understanding of recommendations, the researcher categorized recommendations on how to address cyberbullying issues as the main category, with three subcodes: Education in Schools, Funding for Educational Programs and Collaborative Approach to Addressing Cyberbullying.

CODE 5: RECOMMENDATIONS ON HOW TO ADDRESSING CYBERBULLYING ISSUES

Subcode. 1: Education in Schools. A number of people have spoken out in regard to the need for education as the appropriate way to address cyberbullying concerns. John Palfrey, noted that the most effective approach is education, with a view toward getting toward the root cause of bullying and establishing social norms (H.R.1966: Cyberbullying and other, 2009a). Palfrey suggested focusing on behavior, and how to teach people to use digital media and not solely on technology (H.R.1966: Cyberbullying and other, 2009a). He feels education is crucial. Parents, teachers, and other adult mentors need to intervene with the young people in their lives, to give guidance about how to interact with one another and lead by example.

John Morris, member of the general counsel for the Center for Democracy and Technology stated “cyberbullying is most appropriately handled with more education in school” (Kotler, 2009). According to Representative Debbie Schultz (D-FL) there is no one answer or silver bullet. We must teach children how to be good cyber-citizens (H.R.1966: Cyberbullying and other, 2009c). Schultz stance dovetails with Ranking

Member Gohmert and his belief on the role of parents, and teaching children good behavior.

Nancy Willard offered several suggestions for bullying education. Nancy Willard felt schools are the best venues for education and outreach to parents (H.R.1966: Cyberbullying and other, 2009f). Nancy Willard stated education needs to shift from generating fear to providing guidelines on how parents can be actively and positively involved (H.R.1966: Cyberbullying and other, 2009f). In her testimony Willard added, our nation's schools need to establish 21st Century learning environment, enriched with interactive Web 2.0 technologies, including blogs, wikis, pod/video casting, and interest networks. Schools should also provide universal digital media safety and literacy (DMSL) education so that all young people will understand risks and protective strategies and engage in safe behavior. The purpose is to help students learn how to have respect for others (H.R.1966: Cyberbullying and other, 2009f).

Subcode 2: Funding for Educational Programs. Judi Warren was very outspoken in her statement on funding. Ms. Warren feels there should be funding for educational programming and training is needed to equip educators and law enforcement with tools needed to teach children to safely, securely and ethically use the Internet and a variety of technologies (H.R.1966: Cyberbullying and other, 2009e).

Nancy Willard advocated for restoring funding to state and local safe schools programs. Also Congress could provide discretionary grants to state and local education agencies to stimulate innovative curriculum and instruction (H.R.1966: Cyberbullying and other, 2009f). Nancy felt that effectively addressing these concerns, requires a

comprehensive funding of the safe schools and communities programs in states, districts, and local communities to address new risks to young people presented by new technologies (H.R.1966: Cyberbullying and other, 2009f).

Subcode 3: Collaborative Approach to Addressing Cyberbullying. John

Palfrey provided a number of recommendations for addressing the issue of cyberbullying from many angles. Palfrey felt education, technology and law reform all have a role to play. He urges technology companies to assist in the efforts. He felt large social networking sites can help set a tone for behavior by explaining the type of online behavior which is acceptable, and which behavior is not acceptable (H.R.1966: Cyberbullying and other, 2009a). Education, intervention by social networks, technology, and law reform each have a role to play.

SUMMARY OF THE CODING FOR THE PROPOSED MEGAN MEIER CYBERBULLYING PREVENTION STATUTE

The proposed Megan Meier Cyberbullying Prevention Statute has the potential to get passed, but faces barriers to get through the legislative process. A re-write of the legislation needs to occur, one which addresses flushing out vague terms, and ensuring that the language specifically addresses minors, while at the same time safeguarding 1st Amendment Rights. Linda T. Sánchez considered bringing together a group of policy-makers, teachers, and cyberbullying scholars in order to assist in the drafting of this new piece of legislation (H.R. 1966, 2009b).

The documents analysis revealed that a new piece of legislation alone will not be enough to address the complex issue of cyberbullying. Legislation, along with

educational program in addition to funding for those programs would be effective.

Earlier, I discussed Ranking Member Gohmert's beliefs about the role of the parent and the behavior children learn at home. Based on the findings, Representative Debbie Schultz (D-FL) and other cyberbullying experts such as Nancy Willard, who is the Director of The Center for Safe and Responsible Internet Use, felt educating children on proper online usage is a great strategy to combat cyberbullying. Whether it's new laws, educational programs, or funding for those programs, the one clear message is that there is no easy answer or quick fix.

The coding which emerged from the analysis of documents revealed that combating cyberbullying is not an easy task, and must be addressed from multiple angles. A rewrite is needed in order to address the issue of vague language used in proposed Megan Meier statute. Advocates of the proposed statute argue that laws are needed in order to have a systematic way to address cyberbullying incidents. The need to have a unified way to address cyberbullying is necessary, because state laws are inconsistent in detailing how to handle a cyberbullying incidents. The inconsistencies in state laws were outlined in Chapter 2 from the reports by The U.S. Department of Education (2011) and the Berkman Center for Internet & Society at Harvard University. Opponents of the proposed Megan Meier Cyberbullying Prevention statute advocated for educational programs that would educate students about proper technology use, and online behavior. Opponents felt that laws alone, especially laws imposing criminal sanctions on cyberbullying, are not an effective way to combat bullying. The findings revealed that a

collaborative approach which includes well-crafted laws, and educational programs for the school, parents, and law enforcements.

**DOCUMENTS COLLECTED AND ANALYZED FOR THE PROPOSED TYLER
CLEMENTI ANTI-HARASSMENT HIGHER EDUCATION STATUTE**

Documents collected for analysis included the full text of the proposed Tyler Clementi Anti-Harassment Higher Education statute, scholarly journal articles, articles from organizations such as GLAAD, which is formally known as the Gay, Lesbian Alliance Against Defamation, the Foundation for Individual Rights in Education, and online newspaper articles including the HuffingtonPost and the New York Times. The documents assisted in answering the research questions, and helping to shape the story of the proposed Tyler Clementi Anti-Harassment statute in the policy-process. Table 3. provides a full list of documents analyzed pertaining to the proposed Tyler Clementi Anti-Harassment Higher Education Statute

TABLE 3.

**PROPOSED TYLER CLEMENTI ANTI-HARASSMENT HIGHER EDUCATION
STATUTE LIST OF DOCUMENTS ANALYZED FOR THE STUDY**

Adam, S. (2012, March 18). The dharun ravi case: Law upheld, justice denied? <i>Huffington Post</i> . Retrieved April 2014 from http://www.huffingtonpost.com/sunil-adam/dharun-ravi-case_b_1355504.html	Creeley, W. (2011a, March 11). Problematic 'tyler clementi higher education anti-harassment act' returns to congress. <i>Foundation for Individual Rights in Education</i> . Retrieved April 2014 from http://www.thefire.org/problematic-tyler-clementi-higher-education-anti-harassment-act-returns-to-congress/	Murray, R. (2014, September 22). Four years later, the family of tyler clementi is making a difference in all our lives. <i>Gay and Lesbian Alliance Against Defamation (GLAAD)</i> . Retrieved October 2014 from http://www.glaad.org/blog/guest-post-four-years-later-family-tyler-clementi-making-difference-all-our-lives
Billitteri, T.J. (2010). Preventing bullying: Do anti-harassment laws violate students' rights? <i>CQ Researcher</i> , 20(43), 1013-1036.	Human Rights Campaign. (2014, March 28). Tyler clementi higher education anti-harassment act. <i>Human Rights Campaign</i> . Retrieved from http://www.hrc.org/resources/entry/tyler-clementi-higher-education-anti-harassment-act	New York Times. (2012, March 16). Tyler clementi update. <i>The New York Times</i> . Retrieved April 2014 from http://topics.nytimes.com/top/reference/timestopics/people/c/tyler_clementi/index.html
Carlin, S. (2014, September 21). Clementi family become advocates after suicide. <i>Utah Online News</i> . Retrieved October 2014 from http://www.ksl.com/?nid=157&sid=31651913	Levesque, B. (2014, March 27). Higher education anti-harassment act reintroduced in U.S. Senate. <i>LGBTQ Nation</i> . Retrieved April 2014 from http://www.lgbtqnation.com/2014/03/higher-education-anti-harassment-act-reintroduced-in-u-s-senate/	Signorile, M. (2012, May 21). Ravi, romney, and anti-gay bullying: What a difference 50 years make. <i>Huffington Post</i> . Retrieved April 2014 from http://www.huffingtonpost.com/michelangelo-signorile/ravi-romney-and-anti-gay_b_1533300.html
Creeley, W. (2014, March 31). Tyler clementi act: Still well-intentioned, still a threat to free expression. <i>Foundation for Individual Rights in Education</i> . Retrieved April 2014 from http://www.thefire.org/tyler-clementi-act-still-well-intentioned-still-a-threat-to-free-expression/	Lukianoff, G. (2010, November 23). Tyler clementi higher education anti-harassment act threatens free speech on campus. <i>Foundation for Individual Rights in Education</i> . Retrieved April 2014 from http://www.thefire.org/tyler-clementi-higher-education-anti-harassment-act-threatens-free-speech-on-campus-2/	Williams, S. (2011, March 16). Tyler clementi higher education anti-harassment act reintroduced in Congress. <i>Care2</i> . Retrieved April 2014 from http://www.care2.com/causes/tyler-clementi-anti-harassment-act-reintroduced-in-congress.html
Creeley, W. (2011, April 10). Why the tyler clementi act threatens free speech on campuses. <i>Chronicle of Higher Education</i> . Retrieved April 2014 from http://chronicle.com/article/Why-the-Tyler-Clementi-Act/127062/	McGuinness, W. (2013, April 5). University of houston smear campaign publicizes student candidate's gay status. <i>Huffington Post</i> . Retrieved April 2014 from http://www.huffingtonpost.com/2013/04/05/university-of-houston-smear-campaign_n_3020987.html	Zemke, K. (2012, August 24). After gay son's suicide, mother finds blame in herself and in her church. <i>The New York Times</i> . Retrieved April 2014 from

SUMMARY OF TABLE 3.

The documents analyzed for the Tyler Clementi Anti-Harassment Higher Education statute represent the different viewpoints of both opponents and proponents. The documents aided in telling the story of how Tyler Clementi's suicide went from an issue on the campus of Rutgers University, to a national concern regarding cyberbullying, and hate crimes against LGBT youth.

Unlike the proposed Megan Meier Cyberbullying Prevention Statute, there has not been a committee hearing on the proposed Tyler Clementi-Anti Harassment Higher Education Statute. Due to the lack of congressional transcripts, the researcher relied on scholarly journal articles, newspaper articles, advocacy organization's website, and blogpost which helped to provide an in-depth analysis of the proposed Tyler Clementi statute.

CODING SPECIFIC FOR THE TYLER CLEMENTI ANTI-HARASSMENT HIGHER EDUCATION STATUTE

"Universities should not only be institutions of learning, but places of compassion and respect as well. The purpose of our legislation, named in memory of Tyler Clementi, is to support colleges as they put in place and strengthen anti-harassment and anti-bullying programs. We can't legislate tolerance but we can work to make campuses a more positive and safe atmosphere". The quote is from former New Jersey Congressman Rush Holt, Jr. In 2013 Representative Holt introduced the proposed Tyler Clementi Anti-Harassment Higher Education Statute in the House under the 113th Congress. I use the

quote as an opening to discuss the findings from documents relating to the proposed Tyler Clementi Anti-Harassment Higher Education Statute.

CODE 1: BROAD LANGUAGE IN THE PROPOSED TYLER CLEMENTI ANTI-HARASSMENT HIGHER EDUCATION STATUTE

The proposed Tyler Clementi Anti-Harassment Higher Education Statute suffered the same issues as the proposed Megan Meier Cyberbullying Prevention Statute in regards to the language in the bill. The bill defines harassment as behavior that create[s] a hostile or abusive educational environment at an institution of higher education (H.R. 482). The bill still lacks full definition specific terms.

Greg Lukianoff is the President of the Foundation for Individuals Rights in Education (FIRE). Lukianoff is strongly opposed to the proposed Tyler Clementi Statute. Lukianoff noted the Tyler Clementi Act fails to define what constitutes a hostile or abusive educational environment. The lack of definition ultimately leaves the decision up to college administrators (Lukianoff, 2010). Will Creeley, who is the Vice-President of Legal and Public Advocacy for FIRE has written extensively about the language in the proposed Tyler Clementi statute. Much like his colleague, Greg Lukianoff, Mr. Creeley is an opponent of the proposed Tyler Clementi Statue due to the 1999 Supreme Court ruling in the case of *Davis v. Monroe County Board of Education*.

The Davis ruling by Justice O'Connor includes an objectively offensive component, which means a reasonable person would find the behavior offensive (*Davis v. Monroe County Board of Education*, 1999). Creeley worries that the proposed Tyler Clementi Anti-Harassment Higher Education statute would leave it up to individual

students to determine harassment behavior as opposed to following harassment defined by Davis Supreme Court decision (Creeley, 2011).

Mr. Creeley is concerned that the language would not meet Supreme Court precedence set by the 1999 Davis ruling. The proposed Tyler Clementi Higher Education Anti-Harassment statute does not hold up to the harassment requirement of being objectively offensive, set by the case of Davis v. Monroe County Board of Education (Creeley, 2011a).

Davis v. Monroe County Board of Education is a Supreme Court case which was summarized under the great cases section in chapter two. The Davis case was significant because it addressed student-on-student harassment policies. The U.S. Supreme Court ruled that under Title IX, schools and school districts may be liable for student-on-student harassment when school administrators act with deliberate indifference (Willard & Alley, 2008).

The deliberate indifference refers to when a school is aware of harassment but does not address it they must address the issue. The 1999 Davis decision is one that is still used as the guiding rule for developing harassment policies. If the language in the proposed Tyler Clementi Anti-Harassment Higher Education Statute is passed as it is written, it would mean presenting institutions of higher education with a legal dilemma of adhering to the Tyler Clementi Act, or violating a Supreme Court ruling (Creeley, 2011).

The Tyler Clementi Anti-Harassment Higher Education Statute still has room for changes, and a new version could be drafted in order to meet the Davis standard. Despite potential future efforts to re-vise the statute, there are many opponents who feel the

proposed statute is unnecessary. These opponents feel that there are policies already in place to address issues of harassment.

CODE 2: REDUNDANCY OF PROPOSED TYLER CLEMENTI ANTI-HARASSMENT HIGHER EDUCATION STATUTE

Mr. Creeley, who is firmly opposed to the statute, detailed numerous reasons why the proposed Tyler Clementi Anti-Harassment Higher Education statute is redundant. The argument is built on the premise that there are already harassment policies in place. Colleges and universities that receive federal funding have been required to maintain policies that address discrimination harassment under Titles VI and IX of the Civil Rights Act of 1964 (Creeley, 2011a).

Mr. Creeley adds to this argument by stating “cyberbullying is already prohibited because school policies refer to discriminatory harassment, intimidation, true threats or other behavior that is unprotected or illegal” (Creeley, 2011a, p. 3). Currently, under Title IX of the Education Amendments of 1972 sexual harassment that is directed towards gay or lesbian students is sufficiently serious to limit or deny a student’s ability to participate in or benefit from the school’s program is prohibited (U.S. Department of Labor, 2013). Mr. Creeley has highlighted the current laws that are in place to protect students from harassment, particularly vulnerable students who are LGBT. The results from the documents reveal that some opponents of the proposed statute feel that it is better to implement what harassment laws that are already in place, and not pass redundant legislation. While institutions of higher education have policies to protect students against harassment regardless of sexual orientation, race, religion or disability,

there still needs to be policies that address the complex nature of online behavior.

Perhaps the Tyler Clementi proposed statute may be redundant, but we still need up-to-date policies which address the ever growing advances in technology. As individuals find new avenues for harassment, there needs to be policies in place to adequately address these issues. Despite not passing, and being re-introduced in Congress, Tyler Clementi's suicide did spark a response both from Rutgers University and the Clementi family.

CODE 3: RESPONSE AFTER THE SUICIDE OF TYLER CLEMENTI

An article from the New York Times discussed the response from Rutgers University. Rutgers responded with a plan to introduced gender-neutral housing co-ed dorm rooms for gay, lesbian, and transgendered students who request it – and training staff in suicide awareness (New York Times, 2012). Rutgers was not alone in their efforts to respond to Tyler's suicide. Tyler's parents Joseph (Joe) and Jane Clementi established the Tyler Clementi Foundation. The purpose of the foundation is to build support for LGBT and vulnerable youth through partnerships and legislative advocacy, as well as having family members speak to different organizations and groups to encourage more inclusive environments (Carlin, 2014). The Tyler Clementi Foundation partnered with Rutgers University to establish the Tyler Clementi Center on Rutgers campus (Carlin, 2014). Joseph Clementi stated the "Tyler Clementi Center works within the school and with outside organizations to study young people in the digital era" (Carlin, 2014, p. 2).

The response from the Clementi family is quite touching. The family decided to use their son's suicide as a way to educate others, and ensure something positive came from Tyler's Story. Partnering with Rutgers University demonstrated a commitment to changing campus culture for future students. Rutgers University also incorporated their own plans for changing campus climate with the gender-neutral and co-ed housing. While Rutgers University introduces this new housing, I wonder what does this mean for those in the Office of Residence Life. Does a specialized residence require a staff member with particular training? What happens if the proposed residence hall does not have enough students to fill all available rooms? Will a Resident Assistant be hired if they are uncomfortable with co-ed housing for gay students? Would this type of housing bring up few or more cases of harassment? In thinking about the shift in housing options, these are just a few questions that came to mind. The work of the Clementi Family, and Rutgers University were not the only factors that helped bring awareness to Tyler's story.

CODE 4: NATIONAL AWARENESS FOR LGBT ISSUES

The Tyler Clementi story gained international attention, and part of my research was to understand how this happened. Through the analysis I found that the unique story gained attention due to other stories of teen suicides, and the work of gay rights organizations.

The discussion on Tyler's suicide was found on national news to the White House. An article by the New York Times reported that "the suicide of Tyler Clementi focused national attention on the victimization of gay, lesbian, bisexual, and transgendered youth. Public figures including Ellen DeGeneres and President Obama

spoke out about the tragedy, and New Jersey legislators enacted the nation's toughest law against bullying and harassment in January 2011 (New York Times, 2012). According to Seth Adam, who is the Director of Communications from GLAAD, "before 2010, LGBT bullying wasn't a major talking point. The conversation after Clementi's death ignited an expansion of LGBT bullying awareness and mixed with a larger culture shift that allowed other LGBT issues to gain momentum" (Carlin, 2014, p. 2). Seth's argument was supported by a statement from Sean M. Kosofsky. Kosofsky is the Executive Director of the Tyler Clementi Foundation. Kosofsky stated "a string of high profile related suicides in the fall of 2010 galvanized international attention to bullying and victimization of Lesbian, Gay, Bisexual, Transgender, Queer, Questioning and Intersex (LGBTQI) young people (Murray, 2014, p. 1).

The suicide garnered attention from many gay rights organizations as well. Organizations such as the National Women's Law Center, the Anti-Defamation League, The American Association for University Women (AAUW), the National Gay and Lesbian Task Force Action Fund, the National Center for Transgender Equality, The Gay, Lesbian, and Straight Education Network (GLESEN) and the Trevor Project all played a part in bringing attention to this issue (Human Rights Campaign, 2014). The message from the gay rights organizations was that attention need to be put on the social pressures that drive gay teenagers to kill themselves (New York Times, 2012).

As mentioned earlier, the parents of Tyler worked to turn a negative situation into a positive one. To help bring more awareness to this issue, Jane Clementi gave a keynote address in 2013 at a small conference of Christians on LGBT issues, which helped to

bring awareness of hate crimes against gay individuals (Carlin, 2014). Jane Clementi took part in a panel at the Washington National Cathedral in 2013 with Judy Shepard (Carlin, 2014). Judy Shepard is the mother of Matthew Shepard. Matthew was a gay student at the University of Wyoming and was murdered in 1998 (Brooke, 1998). Judy has been working to build awareness about LGBT hate crimes since the death of her son (Matthew Shepard Foundation, 2014). Together, Judy and Jane are working to get the message out to the greater community.

The discussion under Code 4: National Awareness for LGBT Issues for this study provided a lot of insight into the study. The proactive response from the Clementi Family, as well Rutgers University helped to ensure a positive outcome could occur from such an unfortunate situation. Code 4 for this study uncovered the powerful role that advocacy groups play in helping to get the attention of issues. The numerous gay right organization came together in order to use this situation as a platform to highlight the issue of LGBT bullying. Code 4: National Awareness for LGBT Issues helped to understand the agenda setting process.

The Advocacy Coalition Framework, would consider Clementi's suicide an external shock which caused attention. The suicide of Tyler sparked a movement, and gay rights organizations came together in order speak on bullying issues. The organizations help create a change in the way people viewed LGBT issues, and more attention was given to the subject. Perhaps one of the most significant shocks, was the story behind Senator Patty Murray's intern.

Kristopher Sharp, an openly gay junior at the University of Houston-Downtown, was an intern for Senator Murray from January-May 2014. While at the University of Houston-Downtown, Mr. Sharp, along with his running mate Isaac campaigned for Student Government. During his campaign, someone posted flyer around campus which read “DON'T SUPPORT THE Isaac and Kris HOMOSEXUAL AGENDA” (See Appendix W). The flyer was in reference to Mr. Sharp’s HIV positive status (McGuinness, 2013). The university responded by saying there was nothing they could do. Mr. Sharp continued to run his campaign and won the election (McGuinness, 2013). Sharp did not want to pursue the matter further for any charges, however his story is another chapter in the need to fight for a welcoming campus environment for LGBT students. Mr. Sharp’s story sparked Senator Murray, along with Senator Tammy Baldwin (D-WI), who is first openly gay Senator, to reintroduce the proposed Tyler Clementi Anti-Harassment Higher Education Statute (Levesque, 2014). The momentum gained from the LGBT organizations helped to build advocacy and get the push needed to get the proposed statute on the congressional agenda. The proposed Tyler Clementi Higher Education Anti-Harassment statute has not been heard in committee.

Summary of Tyler Clementi Coding

The Tyler Clementi Anti-Harassment Higher Education statute gained momentum because of advocacy coalition working to bring awareness, but the statute has yet to be heard before committee. If the proposed statute hopes to make it through the legislation process, it will have to be re-written to align with current Supreme Court Precedence.

Although the proposed statute has not passed, it serves as a tool to understand the legislative process.

Through document analysis, the researcher was able to uncover the beliefs of advocate and opponents of the proposed Tyler Clementi Anti-Harassment Statute. The proposed Tyler Clementi statute has not reached a committee hearing. The researcher had to rely on documents through newspaper and journal articles in order to get an in-depth perspective and background. The analysis helped shape the story of how the death of Tyler Clementi brought national attention on cyberbullying, youth suicide, and the harassment of LGBT people. The findings from the Tyler Clementi coding revealed that there continues to be a struggle between religious beliefs and acceptance of the LGBT community.

Prior to Tyler suicide, there were advocacy groups that were focused on the number of teen suicides. Examination of this phenomenon was already gaining momentum. After Tyler's suicide, his family used this as an opportunity to establish a foundation to help educate others and promote tolerance. Rutgers University took steps to help address to help address campus climate. The attention was not just about Tyler's suicide, but LGBT advocacy organizations used this as an opportunity to discuss the bigger society issue of gay bullying and harassment. The efforts of policy-makers who could introduce legislation to Congress helped put in on the agenda. I also found that the big piece from this came from telling stories. The stories of the teens who committed suicide sparked the discussion. The story of Clementi's suicide moved celebrities and even the President to speak on issues related to LGBT youth. The story of Mr. Sharp's

experience at the University of Houston-Downtown prompted Senator Murray to take legislative action by reintroducing the proposed Tyler Clementi Higher Education Anti-Harassment statute.

I started the research thinking I would find the one thing which was the reason the proposed Tyler Clementi Anti-Harassment Higher Education statute did not make it on the legislative agenda. However, the findings revealed that advocacy coalitions play a vital role to get Congressional attention. The endless efforts of Tyler's parents to tell his story, the story of other young teen suicides, the large support from advocacy groups, the attention on larger societal issues of harassment, and finally an intern with a close connection to a Congressional leader who could springboard the issue onto the Congressional agenda.

INTERVIEWS

The researcher relied on a standardized open-ended interview format (Patton, 2002). The open-ended questions format was beneficial because "participants answered the same questions; thus increasing comparability of responses" (Patton, 2002, p. 349). Open-ended questions allow the participants to formulate their answer and give the response in their own words (Ballou, 2008). Open-ended question also helped to build rapport with the participants (Ballou, 2008). All interviews were conducted through the summer and fall of 2014. Interviews were conducted face-to-face, via Skype, and over the telephone. Skype is free, downloadable software which allows user to make free video calls (Skype, 2014). Skype can be beneficial when face-to-face meetings are

inhibited by geographic location. Telephone interviews were conducted due to limitations in geographic location, and personal preference of the interviewee.

All interviews were audio recorded, and transcribed. Transcribing allowed the researcher to have a written transcript of each interview. The transcripts were analyzed in order to identify common themes. The researcher relied on Miles and Huberman (1994) in order to help uncover themes that emerged from the transcripts. The sourcebook from Huberman and Miles (1994) provided a systematic way to analyze the transcripts.

The audio files, and electronic transcripts were kept in a password protected Microsoft Word file. The files were labeled based on the pseudonym assigned to each participant. Each participant received an electronic copy of the transcript from their interview. Participants were given the opportunity to read over their transcripts, and make any necessary changes. None of the participants had substantive. The researcher did follow-up after interviews to fact check spelling, and acronyms heard while transcribing. Interviews not only helped to provide an in-depth description of what happened to these two statutes in the policy-process. Also, interviews served as the third piece to the puzzle to ensure triangulation in the study. Triangulation enriches the study because multiple sources can corroborate the same facts (Yin, 2009).

OVERVIEW OF PARTICIPANTS

The researcher conducted twelve interviews during the summer and fall of 2014. The interviews lasted from a half hour to one hour. The participants provided different perspectives on the two proposed statutes, and the policy-making process. Below is a

brief overview of each participant. Table 4. provides a detailed overview of each participant. The participant's name and affiliated organizations have been converted to pseudonym in order to protect their identity.

Abby. Abby is the Executive Director of Young Lives Matter. She is an outspoken advocate for anti-bullying education, and federal anti-bullying legislation. She has worked with Congressional members on anti-bullying laws. Abby's interview was conducted through Skype.

Aiden. Aiden is a Child Advocate Lawyer for Youth Legal Assistance Law Firm. Aiden provided a legal perspective to understanding the two proposed statutes. Aiden is opposed to federal anti-bullying legislation which does not align with the U.S. Constitution. Aiden's interview was conducted face-to-face.

Billy. Billy is the Co-Director of the International No-Bully Research Center. Billy's original research has helped to bring international attention to cyberbullying issues. Billy is supportive of programs which educate people on proper online behavior. Billy is opposed federal legislation which criminalizes bullying behavior. Billy's interview was conducted through Skype.

Barbara. Barbara is the Director of Respectable Online Behavior. She provided her perspective on what is needed to address online dangers, other than passing legislation. Barbara is opposed to anti-bullying legislation, and feels more education in school about positive online use is the best approach. Barbara's interview was conducted through Skype.

Carl. Carl is a former Congressional Assistant for the U.S. Senate. Carl offered first-hand knowledge of the process for developing and proposing legislation. Carl is very supportive of passing federal anti-bullying legislation. Carl's interview was conducted through Skype.

David. David is a State Assembly Member in the Northeast region of the United States. He is a supporter of federal anti-bullying legislation. David discussed the process of getting state anti-bullying law passed. David's insight helped to shape the bigger picture of getting anti-bullying legislation passed at the federal level. David's interview was conducted over the phone.

Evan. Evan is the VP for Public Policy and Law Division for the Constitutional Preservers. Evan has written numerous articles dealing with protecting 1st Amendment Rights in institutions of higher education. Evan is opposed to vague anti-bullying laws. Evan supports strengthening current laws on harassment versus creating new ones. Evan's interview was conducted over the phone.

Gavin. Gavin is the Public Policy Manager for the National Gay Rights Consortium. Gavin discussed his policy work and tracking legislation regarding safe school environment for LGBT students. Gavin is supportive of passing federal anti-bullying laws. Gavin's interview was conducted over the phone.

Hunter. Hunter is an Anti-Bullying Activist for the Unity in Our Schools Foundation. Hunter brought first-hand knowledge about advocacy as a spokesperson, and advocate for the LGBT community. He is an outspoken advocate for passing federal

anti-bullying legislation. Hunter has a close relationship with the Clementi family.

Hunter's interview was conducted over the phone.

Ian. Ian is a State Assembly Member in the Midwestern region of the United States. Ian has experience in higher education and passing state bullying laws. Ian supports the passage of federal anti-bullying legislation. His background in policy passage and higher education was particularly helpful for examining the Tyler Clementi statute. Ian's interview was conducted over the phone.

Jamal. Jamal is the Executive Director of the Gay and Lesbian Community Center in the South. Jamal detailed his involvement working with community and state leaders to ensure the rights and protection of LGBT youth. Jamal supports federal anti-bullying legislation. Jamal also supports educational programs to help promote acceptance of others. Jamal's interview was conducted over the phone.

Marvin. Marvin is the Director of Civil Rights & Policy-Planning Division for the Protectors of Religious Freedom & Civil Rights. Marvin is a supporter of federal anti-bullying legislation. Marvin provided insight on his organization's work with anti-bullying legislation. Marvin's interview was conducted face-to-face.

Overview of Table 4.

Table 4. provides a detailed overview of each participant. The participant's name and affiliated organizations have been converted to pseudonym in order to protect their identity. The table includes the official title of each participant, pseudonyms for organizations, the purpose of the organization, and the specific expertise the participant brought to the study. A brief overview of each participant was provided, and Table 3

bring more information about the participants together to make it easier for the reader to follow.

Table 4.

Participant List *

Name	Title	Organization	Purpose of Organization	Expertise of Participant
Abby	Executive Director	Young Lives Matter	A foundation dedicated to educating parents, teachers and students on responding to cyberbullying	Outspoken advocate and has worked with Congressional members on anti-bullying laws
Aiden	Child Advocate Lawyer	Youth Legal Assistance Law Firm	Specializes in civil claims pertaining to bullying and cyberbullying	Provided a legal perspective to understanding the two proposed statutes
Billy	Co-Director	International No-Bully Research Center	Conducts research, and provides online information on cyberbullying and its impact on youth	Original research on has helped to bring international attention on cyberbullying issues
Barbara	Director	Respectable Online Behavior	Examines digital usage and the dangers youth face	Provide insight on what is needed to address online dangers other than legislation
Carl	Former Congressional Assistant	U.S. Senate	The Senate writes and passes laws, and represent the constituents of their state	Offered first-hand knowledge of the process for developing and proposing legislation
David	State Assembly Member	State Assembly	The assembly is part of the state legislature. The members pass laws which impacts residents in the state	Discussed the process of getting state bullying law passed
Evan	VP for Public Policy and Law Division	Constitutional Preservers	Protecting the Constitutional Rights of Young Adults	Written numerous articles dealing with protecting 1 st Amendment Rights in institutions of higher education
Gavin	Public Policy Manager	National Gay Rights Consortium	Policy advocates for safe school environment for LGBT students	Discussed policy work and tracking legislation regarding safe school environment for LGBT students
Hunter	Anti-Bullying Activist	Unity in Our Schools Foundation	Promotes a safe and inclusive school environment for vulnerable students particularly LGBT youth	Brought first-hand knowledge as a spokesperson, and advocate for the LGBT community
Ian	State Assembly Member	Legislative Assembly	The assembly is part of the state legislature. The members pass laws which impacts residents in the state	Experience in higher education and passing state bullying laws
Jamal	Executive Director	Gay and Lesbian Community Center in the South	Educates the community and advocates for LGBT rights	Detailed his involvement working with community and state leaders to ensure the rights and protection of LGBT youth
Marvin	Director of Civil Rights & Policy Planning Division	Protectors of Religious Freedom & Civil Rights	Policy advocates for social justice, anti-semitism, religious freedom and civil rights for all people	Discussed his organization's work with writing anti-bullying legislation
*All names and organizational information have been converted to pseudonyms				

INTERVIEW CODING

The section on interview coding begins with a quote from Miles and Huberman. Codes are tags or labels for assigning units of meaning to the descriptive or inferential information compiled during a study. “Codes are usually attached to chunks of varying size – words, phrases, sentences or whole paragraphs” (Miles & Huberman, 1994, p. 56). Miles and Huberman (1994) stated codes should be: (1) mutually exclusive meaning codes should be distinct and not overlap; (2) Valid meaning the codes reflect what is being researched; and (3) Exhaustive meaning all relevant data should fit into the code. The researcher relied on the coding process by Miles and Huberman (1994) which assisted in going through the raw interview data in order to produce relevant codes.

The interviews included perspectives from both advocates and opponents of the two proposed statutes. Specific details from interviews were found in the following set of codes. The coding from interviews revealed that policy-makers, researchers, and advocacy groups all differ on the definition of cyberbullying. The lack of consistency in the definition adds to the dilemma of how to best combat cyberbullying. The interviews reinforced findings from the document analysis relating to issue in vague language in the two proposed statutes. The coding from interviews supported the notion that awareness building begins locally, and large advocacy groups help build momentum to get the attention of policy-makers.

CODE 1: DEFINITION OF CYBERBULLYING

Interviewee Billy referred to particular behaviors when defining cyberbullying. The behavior can be sending text messages, or posting on social media, or commenting or

other things, are done repeatedly in a way that causes harm to a particular target. Barbara defined cyberbullying as repeated or persistent or pervasive, hurtful behavior that has caused significant distress, in another student, that's interfering with their, education and activities in school. It's being hurtful and using digital technologies to do so.

Interviewee Aiden defined cyberbullying as “unwanted communication via online communications, social networking sites, text, any kind of electronic device that harasses, psychologically impacts, targets core characteristics of a person in a manner that’s unwanted and intentional”.

Interviewee Abby stated “cyberbullying means the use of electronic communications, so it’s not just social media. Cyberbullying is conducted through gaming devices, through cellphones, through any electronic communication. When someone repeatedly tries to hurt, humiliate, threaten, annoy, stalk, harass another person, it is considered cyberbullying”.

Abby later added to this definition by stating that even one time can be hurtful. It can be humiliating, it can damage, and that’s where her organization is trying to get people to understand that part of it. Interviewee Carl defined cyberbullying as “whenever you are making a young person or individual feel uncomfortable to the point where they're no longer able to do things that they were doing before. In the context of university, I think that whenever a student can’t go to class, whenever they don't feel comfortable in class, whenever they, don't feel comfortable eating at lunch or, or they can’t participate, as they would be able to do, otherwise”. Interviewee Hunter defined cyberbullying as a “basic power struggle that involves targeting an individual or a group

of people. Cyberbullying is carried out through the use of the internet, through the use of social media platforms like Facebook and twitter and Instagram. It involves the use of cell phones, and text messaging”.

The definition of bullying from the participants varied from acknowledging the using of electronic devices, to the inability for students to participate in school activities. The varying definition contributes to the difficulty in figuring out best practices for addressing cyberbullying incidents. The lack of consistency in the definition of cyberbullying calls attention for the need to have a clear and formal definition. Policy-makers, researchers, and advocacy groups do not have a clear definition, and this has a direct impact on school teachers and administrators who struggle with how to identify and address cyberbullying incidents.

CODE 2: OVERCRIMINALIZATION OF CYBERBULLYING IN THE TWO PROPOSED STATUTES

Interviewee Billy argued that passing a criminal law, is unlikely to deter other students from engaging in these behaviors, because students just don’t think like that, they’re not going stop and say I’m not going to cyberbully, because there’s this law that says I better not do it, but they will listen to their teachers, and their parents and their friends.

Billy continued by adding it would be useful to have federal legislation that clarifies the role of schools in responding to this behavior, in reaffirming their authority in responding to behaviors that occur away from school, and also, perhaps most

importantly, providing resources to schools to carry out some of the necessary work in terms of cyberbullying prevention and response.

Interviewee Barbara stated “one of the reasons organizations like the National School Board Association (NSBA) and educators, advocating for criminalization of cyberbullying is that the school administrators don't want to have to deal with cyberbullying incidents”. The data indicated that there are hurtful situations that include both in-person and digital harm. Barbara also adds that the response from NSBA is that if it's digital and the incident occurs off-campus it's not my job. Barbara stated that the response from NSBA is essentially not taking responsibility for the interpersonal relationships between students. I have just heard this enough from administrators and it makes me angry.

Interviewee Marvin stated that the Protectors of Religious Freedom & Civil Rights does not support the Megan Meier Act. “We do not support making it a federal crime to be involved in cyberbullying. We don't support it at a state level. We don't support it in high schools. We would not support it at the federal level”.

The overcriminalization of cyberbullying does not set well with opponents, and even with those who are in support of passing federal anti-bullying legislation. Opponents like Barbara and Billy did not see anything positive coming from giving young people a criminal record over online bullying. The overcriminalization language is found more in the proposed Megan Meier Cyberbullying Prevention statute. The code on overcriminalization suggest that the Megan Meier statute would have a harder time being enacted if it keeps the criminalization penalties.

CODE 3: ISSUES WITH LANGUAGE USED IN THE PROPOSED STATUTES

Interviewee Aiden stated that Harassment is always a component of cyberbullying legislation and we can learn a lot from the 1999 Davis case. The case talks about student-on-student sexual harassment to be actionable, you must establish sexual harassment of students that is so severe, pervasive, objectively offensive, and so undermines, and detracts from the victim's educational experience. Aiden felt that's pretty strong language. In the Megan Meier statute, there seems to be quite a difference. There's a high threshold in Davis, and there seems to be ambiguity in the Megan Meier statute. Aiden's concern about language is shared by interviewee Evan.

Interviewee Evan works for the Constitutional Preservers and wanted to make sure that federal legislation dealing with bullying and harassment follows the Supreme Court's definition set in the Davis v. Monroe County Board of Education. The Davis case was outlined earlier in the Great Cases section of Chapter 2. The court defined student-on-student harassment as conduct so severe, pervasive, and objectively offensive, and then so undermines and detracts from the victim's educational experience that the victim students are effectively denied equal access to an institution's resources and opportunities. Ignoring the objectively offensive piece can create major legal issues.

Interviewee Aiden's impression of the Tyler Clementi Statute, was that it really defines things pretty coherently and concisely. It also used language that is specific that tracks Federal legislation. The Tyler Clementi Statute talked about race, color, national origin, sex, disability, they actually do gender identity.

Interviewee Marvin stated that the Tyler Clementi Act is not likely to get passed because of sexual orientation and gender identity and there's a lot of members of Congress that won't vote for anything that has the word sexual orientation in it.

The issues with language is a major barrier from keeping the proposed statutes from getting passed. Aiden mentioned his concern over language that does not align with the decision in the 1999 Davis case. Chapter 2 provided an overview of the Davis v. Monroe County Board of Education case. In the interviews, the Davis case is referenced in regards to keeping the objectively offensive component in federal anti-bullying legislation.

The language code also revealed that specific terms referencing LGBT issues, or sexual orientation makes some policy-makers uneasy. The code sheds light on the added work that needs to be done to effectively communicate to policy-makers the importance of protecting vulnerable students, especially the LGBT students.

CODE 4: THE ROLE OF RELIGION AND CONGRESSIONAL BELIEFS

Interviewee Hunter shared with me a story where he attended a political function in New York. A New York Representative informed Hunter that it would be hard to get republicans to come over and support the Tyler Clementi statute. The NY Representative informed Hunter there were only a few people that were supporting the bill now, but didn't think they would get any more on board, and they were being very, opposed. Hunter stated that he recognized that God and religious beliefs are a big issue. Hunter knows that the biggest struggle for legislators is between religion and supporting LGBT youth.

Interviewee Ian stated there is a partisan gridlock happening in Congress right now. There are some ideological differences, people on the right say you can't legislate mindset. People on the left advocate for inclusive protection of LGBT people. The issue is more political ideologies which are informed by religious, or demographic identities which impacts decision-making.

Code # 4 on titled The Role of Religion and Congressional Beliefs aligned with the Advocacy Coalition Framework which focuses on the beliefs of policy-makers. Policy-makers are influenced by their religious affiliation. The religious beliefs impact the way policy-makers examine proposed legislation. The code provides more insight for advocacy groups who are working to get the two proposed statutes passed. In order for the two proposed statutes to make their way through the legislative process, it will be important to determine how to balance the beliefs of the policy-makers with the need to have effective anti-bullying legislation.

CODE 5: BUILDING AWARENESS FOR PROPOSED LEGISLATION

Interviewee Gavin stated one of the best ways to be able to pick up additional co-sponsors is for representatives to actually hear directly from constituents. Gavin's suggestion was to make sure to reach out to your members of Congress and have them co-support the bill. Gavin thinks things like educating the public, writing letters to the editor, of their local newspaper about a bill and sort of building awareness plus the fact that there is a piece of legislation out there, and that is something that could be affective as well.

Interviewee Marvin added that the federal government is not the only actor. There is local action like talking to your school board. Even if your state does not have an anti-bullying statute, a school district can adopt their own. Marvin also notes that it is really necessary for there to be coalitions. Every piece of legislation that has ever passed that has any meaning behind it, passed because there was a coalition of groups that supported it. So, you need people to care about this bullying prevention.

Interviewee Jamal shared a story about his experience with getting policies passed. The Gay and Lesbian Community Center in the South worked to get an ordinance passed to protect LGBT in the workplace. It took six years, but they finally got it passed. Jamal stated it took us finding the right people. Lobbying and advocacy is kind of sometimes finding the trigger, by finding that thing that really affects one particular council person. It is kind of all about building momentum, building a consensus, and swaying individual members to your side. And that's partly why it took so long, we had to find the right argument for each individual council member. And it didn't pass unanimously. So there's still people, you know, who voted against supporting the LGBT ordinance, but we had enough votes to pass.

Code #5 titled building awareness for proposed legislation draws attention on the need for building support from the ground up. The policy-makers are the big actors. The observations taught us that the Committee Chair is a key person to have in support of your initiative because of the chair's ability to set the agenda. Although policy-makers are important to help a piece of legislation pass through the legislation process, it is important to note the importance of building awareness in your community and local

organizations. In the case of the proposed Tyler Clementi and the Megan Meier statutes awareness was built by sharing the story of these two young people who took their own life after online bullying and harassment issues.

CODE 6: THE NEED FOR FEDERAL LAWS ADDRESSING CYBERBULLYING

Interviewee Abby said “there is a need for federal laws because not everyone copes the same, not everybody deals with the things that people say about them in the same way. We don’t know what their home life is like, we don’t know how they feel, we don’t know what they are struggling with. And so that’s what I try to get people to understand is that, we all cope differently, and that you can use your opinion, and your freedom of speech, but if you use it to now threaten, annoy, harass, and target another person, that’s not your right, it’s not okay to do that, and keep it to yourself”.

Interviewee Billy stated that federal laws would make it easier because he conducts training in schools all across the United States and abroad, but it’d be easier to have some consistency and clarity from the federal level. I conduct trainings with different teachers, educators in different states about what the law is because it would be consistent.

Interviewee Ian stated “there a need for federal legislation, due to the fact that there are states, within the United States who don't feel the need to address cyberbullying. Like any other form of education, we think that the kid kids should be free in schools and school activities, and that we have a role to play in that”.

Interviewee Hunter argued “there is a need for federal laws and the Tyler Clementi Act would focus on college education, which, there really is not a lot of support

or legislation around college students, and college campuses. Instead of being a state legislation, it would be a national legislation”.

Interviewee Carl stated “we need to look at the number of young people who say they have been bullied and harassed and their graduation rates in university and in high school. We know that they're typically lower than their peers', who haven't experienced any type of bullying and harassment. So that in itself should show you that young people experiencing harassment and bullying in university, they really need to be able to have some type of protection”.

Code #6 for the study titled the need for federal laws addressing cyberbullying for revealed that there are benefits to passing federal anti-bullying legislation. Interviewee Abby was concerned that not all children deal with the impact of bullying the same way. The literature from Chapter 2 revealed that cyberbullying is damaging to youth, and the impact of cyberbullying ranges from low self-esteem, anxiety, anger, depression, school absenteeism, and poor grades, to an increased tendency to violence against others, and suicide (Willard, 2006).

Anti-bullying laws that states vary in their anti-bullying laws. States such as New Jersey have a clearly defined way of adopting anti-bullying policies in the schools. However, the state of Montana does not have any anti-bullying policy or law (Sacco et al., 2012). The inconsistencies in state anti-bullying law contributes to the need for passing federal anti-bullying laws.

Interviewee Billy summed it up best by saying federal laws, because of consistency and clarity, would make it easier to train school teachers in different school districts across the United States and abroad.

CODE 7: RECOMMENDATIONS FOR ADDRESSING CYBERBULLYING

Interviewee Aiden felt that before we attempt to pass a statute, we have to make sure the law is measurable, enforceable, and definable. Based on his experience with the Youth Legal Assistance Law Firm, there needs to be more education across the board about state anti-bullying laws.

Interviewee Abby found that during her trainings there are police officers that she encounters that do not have a clue about anti-bullying laws in her state. When Youth Lives Matter conducted surveys, the organization found that pretty much across the country, you will find about 50% of the educators don't know about the state's anti-bullying laws. Abby feels there needs to be more attention and education on how to properly address cyberbullying incidents.

Interviewee Billy felt that one way to address cyberbullying issues is to provide resources for counseling staff. A lot of schools have been stripped of their financial resources, and instead of losing another teacher they've lost counseling staff. Billy suggested the "development of a pilot program, and fund grants for evaluation of a particular program, to see as soon as there's some hope of effectiveness, then utilize those findings to help support other schools".

The coding on recommendations revealed that the passing of federal anti-bullying legislation will not be enough to effectively address cyberbullying incidents. The

findings from Code #7 titled recommendations reflected the views of Representative Debbie Schultz (D-FL). Representative Debbie Schultz (D-FL) in her witness testimony stated there is no one answer or silver bullet to addressing bullying issues.

Representative Schultz felt that if policy-makers are serious about effectively combating cyberbullying incidents, then there needs to be funding allocated to ensure all schools are equipped with the proper counseling staff. Due to the emotional and psychological damages of cyberbullying, students' need to have access to a properly trained counselor.

SUMMARY OF INTERVIEW CODING

The interviews from the twelve participants provided insight that could not be gathered from observations, and document analysis. The interviews allowed the participants to go in-depth in their discussion of the two proposed statutes. The codes which emerged from the interviews aided in helping to tell the story of how the suicides of Megan Meier and Tyler Clementi gained national attention.

The findings from the interviews reinforced the view that whether you are in support of anti-bullying laws, or opposed to them, the key to getting your voice heard is through coalition building to gain momentum for your cause. The awareness code revealed that on the road to gaining Congressional attention, it takes efforts at the local level to get build the momentum in order to make an impact at the federal level. The awareness code highlights the importance of outreach, and joining forces with those people who share your beliefs.

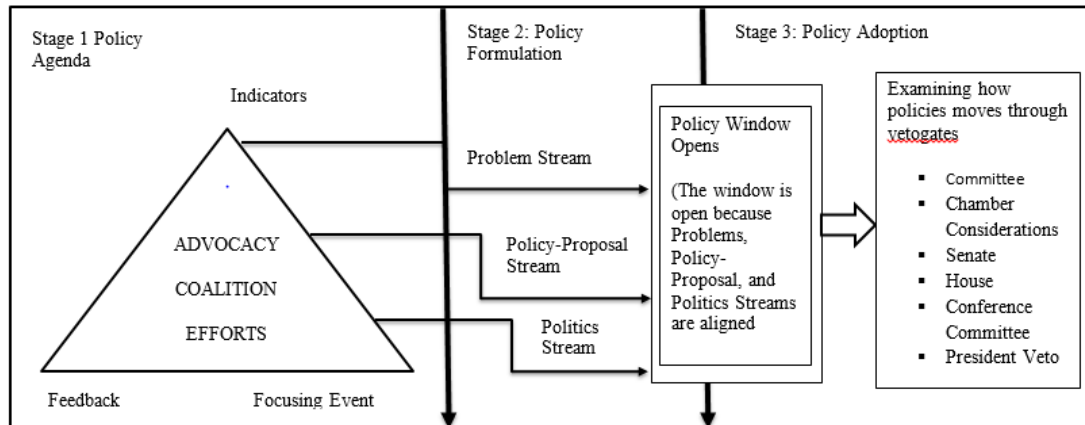
The coalition building is importance especially at the federal level. The findings from the observations detailed the importance of the role of the committee chair, and the powerful role that legislative staffers play in the legislative process. In order to get a piece of legislation on the Congressional agenda, you need to identify the key players in Congress. The idea of Congressional coalition building is not limited to the proposed Tyler Clementi and Megan Meier statutes. In the policy –making process it is important to identify the Representatives and Senators who share your interest. Even if the Representative is not from your state, you can still obtain access to them. Attending Congressional Committee hearings open to the public is a great way to get one-on-one contact with their staffers, and the Representatives as well. The findings from the observations revealed that after a committee hearing is over, members of the committee greet and speak with witnesses and attendees of the hearing.

The proposed Tyler Clementi and the Megan Meier statutes both had support from coalitions such as LGBT organizations and National Teaching Associations. Despite the coalition support vague terms that were not well defined like hostile, and severe behavior limited the progress of these proposed statutes. The findings from the coding revealed that if you seek to introduce and enact a new piece of legislation including well-defined terms, and clear language will increase the chances of moving out of the committee stage of the legislative process.

The findings from interviews revealed the crucial role that religion plays in regards to the decision made by Congress. The findings revealed that some members of Congress were reluctant to get on board with the proposed Tyler Clementi statute because

it included the term sexual orientation. Members of Congress are not easy to persuade if their religious affiliation are not aligned with the LGBT community.

VINES POLICY PROCESS MODEL (VPPM)



VPP Model Adapted from Anderson's (2011) 5 Stages of the Policy Process; Kingdon's (2011) Three Streams Model (2011); Advocacy Coalition Framework (Sabatier and Jenkins-Smith, 1983); and the Vetogates Concept in Proceduralist Theory of the Legislative Process (Eskridge, Jr. et al., 2001).

DETAILED OVERVIEW OF THE VINES POLICY PROCESS MODEL

Introduction

The researcher developed a policy model (Figure 1.) to help make sense of how the proposed Megan Meier Cyberbullying Prevention Statute and the proposed Tyler Clementi Anti-Harassment Higher Education Statue moved from a public concern to getting on the agenda of Congress. The Vines Policy Process Model utilized aspects of Anderson's 5 Stages of the Policy Process Model (2011), the Advocacy Coalition Framework (1983), Kingdon's Three Streams Model (1983), and the Proceduralist Theory (Eskridge, Jr. et al., 2001). Together, they helped to tell the story of what happened to these two proposed statutes in the legislative process.

The Vines Policy Process Model begins with Stage 1 by focusing on the work of advocacy coalitions. The Vines model builds on Kingdon's Model by putting more emphasis on the powerful roles which advocacy coalitions play in the legislative process. Stage 1: Policy Agenda refers to the problem that receive the serious attention of public officials (Anderson, 2011). In this study the serious problems looking to be addressed was cyberbullying. In the first stage, outlines a triangle with advocacy coalition efforts in the middle, and focusing events, indicators, and feedback for each side of the triangle. The focusing event, indicators, and feedback all relate to how policy-makers are made of aware of an issue.

VPPM STAGE 1: POLICY AGENDA

Stage 1 of the Vine Policy Process Model focuses on four parts. The first part puts more emphasis of the role of advocacy coalitions which is why coalitions are at the center of the triangle in. Coalitions play a big role in helping to identify indicators. Indicators are the second part of Stage 1 of the Vines Policy Process Model. Coalition can help determine an issue, or if an issue is on the rise, which are indicators. Coalitions assist in bringing attention to significant events which highlight a major concern or issue. The significant event is what is referred to as a Focusing event, and it is part 3 of Stage 1 of the Vines Policy Process Model. Finally, part 3 of Stage 1 is the Feedback. Feedback relates to the information policy-makers receive to make a decision about legislation. The policy-makers are informed by coalitions as well as researchers who study a phenomenon in order to determine how much of a problem it will be, and provide recommendations to the policy-makers. The general public can inform policy-makers by contacting them through e-mail, or calling their office.

VPPM Stage 1 - Part 1: Coalition Efforts. In the middle of the triangle with have coalition effort which relate to all of the work advocacy groups do to help shed light on an issue. The findings show that advocacy groups such as the National School Board Association were in favor of the passing of the Megan Meier Cyberbullying Prevention Statue. The National School Board Association felt the passing of the statute would give all schools a consistent way to address off campus bullying issues.

Tina Meier, Megan's mother, established the Megan Meier Foundation. The Megan Meier Foundation tours the country going to different schools to tell her

daughter's story, and educate students about bullying and cyberbullying prevention (Megan Meier Foundation, 2014).

The Tyler Clementi Anti-Harassment Higher Education statute put attention not only on bullying but bullying of LGBT Youth. As mentioned earlier from the document findings, the New York Times reported that the suicide of Tyler Clementi focused national attention on the victimization of gay, lesbian, bisexual, and transgendered youth (New York Times, 2012). Advocacy groups like the National Women's Law Center, the Anti-Defamation League, The American Association for University Women (AAUW), the National Gay and Lesbian Task Force Action Fund, the National Center for Transgender Equality, The Gay, Lesbian, and Straight Education Network (GLESEN) and the Trevor Project all played a part in bringing attention to this issue (Human Rights Campaign, 2014). Tyler's Family established the Tyler Clementi Foundation. The Tyler Clementi Foundation promotes safe, inclusive and respectful social environments in homes, schools, campuses, churches and the digital world for vulnerable youth, LGBT youth and their allies (Tyler Clementi Foundation, 2014). Together, the efforts of these organizations helped bring national attention on cyberbullying, and protection for LGBT youth. The efforts of these organizations helped to gain momentum, and get the attention of Congressional members.

VPPM Stage 1 - Part 2: Indicators. Indicators relate to the regular monitoring of an issues (Kingdon, 2011). Indicators can help determine the magnitude of a problem. An example of an indicator is the Cyberbullying Research Center under the direction of Dr. Patchin and Dr. Hinduja which provided up-to-date information on cyberbullying

research. The information from the center has been widely used when talking about cyberbullying. Indicators, do not only come from research, but they can come from news stories as well.

In 2003 Ryan Patrick Halligan of Vermont was only 13 years old when he took his own life. Ryan was constantly bullied by other classmates. Ryan's classmates not only spread rumors pertaining to his sexuality, but also sent homophobic instant messages (Halligan & Halligan, 2013). Phoebe Nora Mary Prince, whose classmates wrote hateful messages such as "whore" and "Irish slut" on Twitter, Craigslist, Facebook, and Formspring (Kennedy, 2010). The bullying became so much that Prince hung herself (Kennedy, 2010). Carl Joseph Walker-Hoover. Carl Hoover was a student at the New Leadership Charter School and was taunted by his classmates, being referred to as gay, fag, and girlie (James, 2009). The taunting became too much, and on April 6, 2009, 11 year-old Hoover hung himself with an extension cord on the second floor of his home.

The stories of young people who committed suicide serve as indicators because they drew attention on the issue of cyberbullying. The suicides of the following young people sparked conversation on the topic of cyberbullying.

VPPM Stage 1 - Part 3: Focusing Events. John Kingdon discussed how issues get the attention of the public and policy-makers. Focusing events can be an experience or crisis that draws attention to a specific concern (Kindgon, 2011). The two focusing events for this study were the suicide of Megan Meier and the suicide of Tyler Clementi. The suicide of Megan Meier drew national attention on the issue of cyberbullying. The suicide of Megan Meier put attention on the fact that many states did not have a laws

specifically addressing cyberbullying. Also, many school districts did not have a specific procedure on addressing online behavior. Passing the Megan Meier Cyberbullying Prevention statute would mean all states could impose criminal penalties on anyone who transmits in interstate or foreign commerce a communication intended to coerce, intimidate, harass, or cause substantial emotional distress to another person, using electronic means to support severe, repeated, and hostile behavior (H.R. 6123). After her death, the establishment of the Megan Meier Foundation helped to keep attention on her suicide, with the intent to prevent other suicides.

The suicide of Tyler Clementi put a different perspective on cyberbullying, because this incident occurred at the college level, but the suicide helped to put attention on the protection of LGBT students on college campus. Tyler's suicide helped to bring attention to harassment of LGBT students, and promoting a safe campus climate. The passing of the Tyler Clementi Anti-Harassment Higher Education Statute focuses on preventing harassment at institutions of higher education. In the proposed statute harassment is defined as "conduct, including acts of verbal, nonverbal, or physical aggression, intimidation, or hostility (including conduct that is undertaken in whole or in part, through the use of electronic messaging services, commercial mobile services, electronic communications, or other technology. The bill aims to have institutions of higher education within the U.S. to develop a Disclosure of Campus Security and Harassment Policy and Campus Crime Statistics. In addition, institutions must publish the report, and provide a statement of policy regarding harassment (S. 2164).

VPPM Stage 1 - Part 4: Feedback. Feedback refers to the information about a crisis that informs a policy-maker (Kingdon, 2011). Feedback is important because we cannot expect indicators to sit on a shelf, waiting for a policy-maker to read the results. It takes someone examining, and keeping up-to-date information on a particular problem. The need to have someone monitor an issue is why I put coalition efforts in the center of the triangle.

The general public can provide feedback by contacting policy-makers through e-mail, or calling their office. Members who are on a listserv for advocacy coalition receive e-mails which encourage contacting a Representative in order to get support for a specific piece of legislation.

It takes someone behind the scene researching cyberbully, examining its prevalence, and determining how much of a problem this will be in the future. As mentioned early, policy-makers rely heavily on their staffers for information on particularly policies and issues. Also, another way for policy-makers to receive feedback is through witness testimony at committee hearings.

Earlier in the document analysis for this research, the testimony of a leading expert on cyberbullying included recommendations for policy-makers for best practices in addressing these issues. The witnesses brought in their expertise from institutions of higher education, research organizations, and officials from educational cyberbullying websites.

John Palfrey has noted that the most effective approach was education, with a view toward getting toward the root cause of bullying and establishing social norms

(H.R.1966: Cyberbullying and other, 2009a). John Morris, member of the general counsel for the Center for Democracy and Technology stated “cyberbullying is most appropriately handled with more education in school” (Kotler, 2009). Representative Debbie Schultz (D-FL) there is no one answer or silver bullet. We must teach children how to be good cyber-citizens (H.R.1966: Cyberbullying and other, 2009c). The statements from Palfrey, Morris, and Representative Schultz serve as examples of feedback which informs policy-makers.

Nancy Willard stated education needs to shift from generating fear to providing guidelines on how parents can be actively and positively involved (H.R.1966: Cyberbullying and other, 2009f). The policy-makers receive feedback, and the new information from the witnesses, and they can use this to help make more informed decision about cyberbullying legislation.

It is the interplay of the work of coalitions efforts, the attention brought on by focusing events, the research that provide information on indicators that cyberbullying is a major concern, and the feedback that is given to policy makers to help provide more information on cyberbullying. I feel that we must first address the way all these work together to help get issues on the congressional agenda. Discussing their interplay, is a great transition into Anderson’s Stage 2 of the Policy Process which is policy formation.

VPPM STAGE 2: POLICY FORMULATION

Policy Formulation refers to the development of acceptable proposed courses of action for dealing with a public problem (Anderson, 2011). Stage 2 of the VPPM is focused on three different parts. Part 1 of stage 2 of the Vines Policy Process Model is

focused on the Problems Stream. Stage 2 Part 2 is focused on the Policy-Proposal Stream. Part 3 of Stage 2 is focused on the Politics Stream. All streams are taken from Kingdon's Three Streams Model. In the Vines Policy Process Model, I argue that all three streams have aligned, so the policy window is open. An open policy window means that there is an opportunity for a change in federal anti-bullying legislation.

VPPM Stage 2 - Part 1: Problem Stream. According to Kingdon (2011) the Problem Stream is formed through the interrelation of indicators, feedback, and focusing events. Using Anderson Model, I felt it was necessary to begin the discussion of the Problem Stream in Stage 1. My argument is that we have to acknowledge the efforts made by coalitions. Coalitions play such a significant role, especially within the context of this study that I felt more attention needs to be given to them. Coalitions help draw attention to an issue, they do research to help monitor an issues, and they can help educate the public and policy-makers on a particular issue. Stage 1 of the VPPM broke down the feedback, indicators, and focusing events in relation to the two statutes. Part 2 of Stage 2 of the VPPM is focused on the Policy Proposal Stream.

VPPM Stage 2 - Part 2: Policy Proposal Stream. The policy stream relates to possible alternatives and solutions to a problem. The alternatives are developed by a "community of specialists: researchers, congressional staffers, people in planning and evaluation offices and in budget offices, academics, interest group analysts" (Kingdon, 2011, p. 116). The analysis of data, uncovered some alternatives to addressing cyberbullying. Will Creeley, the Vice-President of Legal and Public Advocacy for the Foundation for Individual Rights in Education argued that federal cyberbullying

legislation is not needed. He felt that if the issue is to address harassment concerns, we should build upon laws that are already in place such as Title IX. Nancy Willard, Director of The Center for Safe and Responsible Internet Use and has written on cyberbullying argued that legislation is not the answer. She advocates that criminalization will not help resolve the bigger behavioral issue. Instead, Nancy feels that we should educate people on how to use the internet in a proper manner. The policy-proposal stream helps to outline the alternative to criminalizing cyberbullying. Instead an alternative would be education for parents, teachers, students, police officers, as well as funding school training.

VPPM Stage 2 - Part 3: Politics Stream. The political stream is “composed of such things as public mood, pressure group campaigns, election results, partisan or ideological distribution in Congress, and changes of administration” (Kingdon, 2011, p. 145). In the Politics Stream we have a few key players in Congress. Linda T. Sánchez was a key political player for the proposed Megan Meier Cyberbullying Prevention statute. Congresswoman Sánchez had been a proponent of many pieces of legislation related to the safety and well-being of children. Representative Rush Holt and Senator Frank Lautenberg felt the need to propose the Tyler Clementi Anti-Harassment Higher Education legislation since the incident occurred in the state of NJ, which each of them represented. In 2014 Senator Patty Murray and Senator Tammy Baldwin re-introduced the Tyler Clementi Anti-Harassment Higher Education statute. Senator Murray was moved by the story of her inter Kristopher Sharp, who experienced his own form of harassment as a gay student at the University of Houston-Downtown. As mentioned

earlier, a number of gay advocacy such as the National Gay and Lesbian Task Force Action Fund, the National Center for Transgender Equality, and The Gay, Lesbian, and Straight Education Network (GLESEN). Senator Baldwin is openly gay. The ideology that she brings to the Senator is immensely different from some of her straight conservative colleagues. In regards to the politics stream, it helps gay advocacy groups when they have supporters within the Senate, particularly Senators who identify as gay as well.

In regards to national mood, the media attention helped to put a spotlight on the suicides of Megan Meier and Tyler Clementi. The attention brought the issue of cyberbullying to a national level. Suddenly, people in other states were now concerned with issues in New Jersey and Missouri. The attention definitely helped to get people's attention, and gain more momentum for the cyberbullying issue.

VPPM Policy Window. The policy window serves as a connector between Stage 2 and Stage 3 of the Vines Policy Process Model. Kingdon (2011) stated when all three streams align, a policy window opens during which there is a real chance that majority policy change can occur. The policy window opens when there is a change in the national mood; there is a new problem or definition of a problem; and Congress experiences changes in administration (Kingdon, 2011). The policy window closes when no single alternatives emerge; people think it's not going anywhere; problem has been seemingly fixed; a crisis passes, or there may be a key personnel change.

While examining the proposed Megan Meier Cyberbullying Prevention statute, and the proposed Tyler Clementi Anti-Harassment statute, the findings reveal that the

policy window is open. Currently, there has been so much media attention on the suicides of Megan Meier and Tyler Clementi that proponents and opponents are debating the issue, and we still do not know the future of the statute.

The Megan Meier statute was discussed during a 2009 House subcommittee on Crime, Terrorism, and Homeland Security hearing on “Cyberbullying and other Online Safety Issues for Children. The hearing was under the 111th Congress, and since this hearing we are still discussing the issue of cyberbullying. During data collection for the study, we were under the 113th Congress, but now we are under the 114th Congress. The changes in Congress, coupled with the new election around the corner, it is uncertain where these statutes will go, which leads to the policy window being open.

Based on the findings, cyberbullying is defined differently depending if you ask a policy-maker, a researcher, or an educator. The varying definition revealed by the participants, highlight the need to for a formal definition. We do not have a consensus on what cyberbullying is, and what it looks like. The policy window is open, and that serves as the basis to need examine these statutes within the legislative process.

VPPM STAGE 3: POLICY ADOPTION.

Stage 3 of the Vines Policy Process Model explores the use of the proceduralist theory and the chokepoint, or vetogates that a bill must pass through in order to become a law (Eskridge, Jr. et al., 2001). Stage 3 includes a brief overview of the proceduralist theory, but specially focuses on the six vetogates. The vetotages are listed within the Vines Policy Process Model , but this section provides more details on each of the six vetogates.

Proceduralist Theory. Policy Adoption refers to the support for a specific proposal so that a policy can be authorized (Anderson, 2011). The Proceduralist Theory is a Madisonian Principle (Fairfield, 1981) which focuses on a system of checks and balances in government. Congress passes laws, the president enforces laws, and the courts interpret the laws (Fairfield, 1981). The Proceduralist theory detailed a number of vetogates, which each piece of legislation must pass through in order to become a law (Eskridge, Jr. et al., 2001).

Vetogates. Vetogates have been described as choke points in the legislative process. Eskridge, Jr. et al., (2001) identified six choke points for bills: (1) kill the bill in committee; (2) if committee approval cannot be avoided, stop the bill before full chamber consideration; (3) if full chamber consideration occurs, kill the bill there by filibustering it in the Senate, by amending it to death, or by outright defeating it on the chamber floor; (4) if one chamber has approved the bill, exploit the veto opportunities in the other chamber to prevent it from passing an identical measure; (5) if the other chamber produces a similar but not identical bill, amend or defeat it at the conference committee stage or in an interbranch summit; and (6) if all else fails, persuade the President to veto it and then work against congressional effort to override veto (p. 66).

The proposed Megan Meier Cyberbullying Prevention statute and the proposed Tyler Clementi Anti-Harassment Higher Education Statute have been killed in committee. Megan Meier bill has not been reintroduced since 2009. The bill died in the House Committee on the Judiciary within the Subcommittee on Crime, Terrorism, Homeland Security and Investigations (H.R. 1966, 2009). The Megan Meier

Cyberbullying Prevention statute can gain momentum if it is reintroduced by a Senator or Representative.

The proposed Tyler Clementi Anti-Harassment Higher Education statute is under the Senate Committee on Health, Education, Labor and Pensions (H.R.482, 2013). The Tyler Clementi Anti-Harassment Higher Education statute has not had a committee hearing. The proposed Tyler Clementi Higher Education Anti-Harassment statute continues to gain momentum. On March 18, 2015 the proposed Tyler Clementi statute was reintroduced in the House by Representative Mark Pocan (D-WI) and in the Senate by Senators Patty Murray (D-WA) and Tammy Baldwin (D-WI) (Human Rights Campaign, 2015a).

The observations of committee hearings reinforced the importance of the role of the chair. The chair sets the agenda, which dictates which items go before the committee. The bill can die if the committee takes no action. Although, with the start of the new congress in 2015, there is a chance that a Senator or Representative could re-introduce either of the proposed statutes. The proposed Megan Meier statute died in committee, and the proposed Tyler Clementi Anti-Harassment Higher Education statute has yet to make on the congressional agenda. Despite the lack of movement there is a component of the Advocacy Coalition Framework which gives a perspective for examining legislation. According to the Advocacy Coalition Framework it takes years to produce an outcome (Sabatier, and Jenkins-Smith, 1993)

One of the core beliefs of the Advocacy Coalition Framework is that examining policy change takes over a 10-year span (Sabatier & Jenkins-Smith, 1993). The proposed

Megan Meier Cyberbullying Prevention statute was last introduced in 2009, and the proposed Tyler Clementi Anti-Harassment Higher Education was last introduced in 2014. Due to the recent reintroduction of these proposed statutes, there is still plenty of time to monitor their progress if they get through all six vetogates in order to become a law.

SUMMARY OF VINES POLICY PROCESS MODEL (VPPM)

The Vines Policy Process Model has assisted in shaping the story of how the suicides of two young people gained national attention through the work of coalition groups, researchers, as well as Representatives and Senators in Congress. Although policy making is a complex area to study, the model provides a systematic way to lay out the key players involved and see how policy is shaped as it moves through the different stages. The model only focuses on the first three stages of the Anderson Model because the two proposed statutes have not been passed, and thus it is not possible to examine policy implementation (Stage 4) and policy evaluation (Stage 5) of Anderson's model.

In the beginning of this study, I felt that examining how an issue gets on the congressional agenda would be a matter of identifying the one incident, or the one piece of research to help get the attention of policy-makers. Examining how cyberbullying became a Congressional concern has helped me see that an issue never boils down to one item or person who helps get the attention of policy-makers. It is a complex system, but when a fluid combination of three streams align together, there is a chance for real policy change to happen.

CHAPTER V

DISCUSSION, IMPLICATIONS, RECOMMENDATIONS

Purpose of Chapter

The purpose of chapter 5 is to provide a summary of the findings from the observations, documents analysis, and interviews. The chapter provides implications for educators, policy-makers, researchers, and student affairs practitioners. The chapter provides recommendations for future research to examine policy implementation and evaluation.

Discussion of Findings

Open Policy Window. The two statutes have not been passed, but the policy window for change is open. Members of Congress are discussing the issue of cyberbullying, and best practices for protecting students. The two proposed statutes can be brought to the Congressional agenda, if a Congressional members brings it to the attention of other members in Congress. Advocate who support the two statutes must remain diligent in their efforts to see change. An example for thinking about the policy window is the Civil Rights Movement of the 60s. It took years after the start of the movement before seeing significant changes in policies, and the treatment of African-Americans. The two proposed statutes has potential to move in a direction which promotes policy changes for addressing bullying issues. The Vines Policy Process Model, and the Advocacy Coalition Framework both can aid in continuing to examine the direction of the two proposed statutes as the window is open.

Why the Window Is Open. The window is open because the three streams outlined by Kingdon's (2011) are aligned. The problem stream refers to issues that require government action. The policy-proposal stream relates to possible alternative and solutions to a problem. The political stream is "composed of such things as public mood, pressure group campaigns, election results, partisan or ideological distribution in Congress, and changes of administration" (Kingdon, 2011, p. 145).

The alignment of the three streams is reinforced in the Vines Policy Process Model, which was created during the writing of this dissertation. The Vines Model illustrated that not only did the three streams align, but the work of advocacy coalitions helped push these two proposed statutes forward to get the attention of members in the U.S. Congress. The Vines Policy Process Model put heavy emphasis on the role of advocacy coalitions. The Vines Model took aspects from Kingdon's (2011) three streams model, but enhanced it by putting more attention on the large role advocacy coalitions have in getting the three streams to align. The Vines Model also incorporated components from Anderson's (2011) Five Stages of the Policy Process, the Advocacy Coalition Framework (Sabatier, and Jenkins-Smith, 1993), and the Proceduralist Theory of the Legislative Process which focuses on the vetogates through which a proposed statute must pass through in order to become a law (Eskridge, Jr. et al., 2001).

Vetogates refer to the areas where proposed legislation can be stopped in the legislative process (Eskridge, Jr. et al., 2001). Vetogates have been described as choke points in the legislative process. Eskridge, Jr. et al., (2001) identified six choke points for bills: (1) kill the bill in committee; (2) if committee approval cannot be avoided, stop the

bill before full chamber consideration; (3) if full chamber consideration occurs, kill the bill there by filibustering it in the Senate, by amending it to death, or by outright defeating it on the chamber floor; (4) if once chamber has approved the bill, exploit the veto opportunities in the other chamber to prevent it from passing an identical measure; (5) if the other chamber produces a similar but not identical bill, amend or defeat it at the conference committee stage or in an interbranch summit; and (6) if all else fails, persuade the President to veto it and then work against congressional effort to override veto (p. 66).

Focusing Event. The suicides of Megan Meier and Tyler Clementi were the two focusing events which sparked important dialogue about cyberbullying. Focusing comes from the Kingdon (2011) model. Focusing events can be an experience or crisis that draws attention to a specific concern (Kindgon, 2011). The suicide of Megan Meier and Tyler Clementi served as the focusing events for this study. The Vines Policy Process Model highlights how the work by advocacy coalitions helped draw more attention on these events.

After the suicide of Megan Meier, the National School Board Association supported the proposed Megan Meier Cyberbullying Prevention statute because its leaders saw the need to help protect students. Megan's mother established the Megan Meier Foundation in order to tell her daughter's story, and prevent other tragedies from happening. The biggest support came from Representative Linda Sánchez (D-CA) who introduced the Megan Meier proposed legislation. Representative Sánchez was successful enough to get the proposed Megan Meier statute a Congressional hearing

which was held on September 30, 2009 in the House Judiciary Committee: Subcommittee on Crime, Terrorism, and Homeland Security.

The role of advocacy coalitions in policy-making should not be underestimated. “Every piece of legislation that has ever passed that has any meaning behind it, passed because there was a coalition of groups that supported it” (Marvin, interviewee, personal communication, September 3, 2014). This quote highlights the importance of the Vines Model’s emphasis on the work of advocacy coalitions in regards to helping to get issues on the congressional agenda. In the Vines Policy Process Model, advocacy coalitions are placed in the first stage and in the center of the triangle because they have such a powerful role in shaping policy-making.

After the suicide of Tyler Clementi, many gay rights organizations helped draw attention to the bullying of LGBT Youth. Tyler’s death continues to be used as a platform by gay rights organizations to discuss harassment of LGBT youth. After his death, Tyler’s family established the Tyler Clementi’s Foundation with the intent to educate the public about mutual respect, and to turn a tragedy into something positive. The proposed Tyler Clementi Higher Education Anti-Harassment statute gained momentum in Congress thanks to Senator Frank Lautenberg (D-NJ), Representative Rush Holt, (D-NJ), Senator Patty Murray (D-WA) and Senator Tammy Baldwin (D-WI). They all helped to get the proposed Tyler Clementi Higher Education Anti-Harassment statute introduced in the U.S. House and Senate. The proposed Tyler Clementi Higher Education Anti-Harassment statute has yet to have a Congressional Committee hearing.

Prior to the suicides of Megan Meier and Tyler Clementi the public was receiving news that youth suicide due to bullying was on the rise. The stories of Ryan Patrick Halligan, Phoebe Prince, and Carl Walker were appearing on the news. The stories served as indicators that clearly online bullying was an issue. The stories of these young victims illustrated that not only is cyberbullying an issue, but suicides showed the magnitude of the problem.

Indicators. Indicators is a concept that comes from Kingdon's (2011) three streams model. Indicators are part of Kingdon's (2011) problems stream. According to Kingdon (2011), indicators abound in the political world because both governmental and nongovernmental agencies routinely monitor various activities and events" (p. 90).

The suicides of Ryan, Phoebe and Carl served as indicators to show that youth suicide due to bullying was a concern both in this study and utilizing the Vines Policy Process Model. The stories of these three young people were in the news, and by the time the suicides of Megan Meier and Tyler Clementi occurred, the issues of youth bullying and cyberbullying were being routinely discussed. The stories of Ryan, Phoebe, and Carl helped to shape the attitude of the public about the need to address youth bullying.

Indicators reinforce the importance of the political stream in Kingdon's (2011) model because there is a shift in public mood about the dangers of youth bullying. The suicides of the young people also reinforce the importance of the Advocacy Coalition Framework (Sabatier, and Jenkins-Smith, 1993) view of examining policy change over a ten year span. Ten years ago, we did not have headline stories of young people

committing suicide due to cyberbullying. Ten years ago, it would have been difficult to get the public on board and change the view of Representatives in Congress without indicators illustrating the need to address cyberbullying.

Feedback. Members of the U.S. Congress were receiving feedback, or information that cyberbullying was a concern. In the 2009 Congressional Committee Hearing by the House Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security, committee members heard witness testimony from experts in field about the dangers of cyberbullying. Representatives in Congress also received information from the advocacy coalitions who worked to get the attention of Congress to help address cyberbullying.

The Vetogates and the Proposed Statutes

Megan Meier Proposed Statute Vetogate. In 2009, the proposed Megan Meier statute was the topic for a Congressional Committee hearing. After the hearing, the statute did not pass the committee stage. The committee stage is the first vetogate a statute must pass through if it hope to become a law. The findings from the document analysis pertaining to the Megan Meier statute revealed barriers the statute must overcome in order to make it out of the 1st vetogate.

Megan Meier Proposed Statute Barrier 1 to passaging through the vetogate. The proposed statute faces the issue of which is the best approach to addressing cyberbullying. The two options are whether to criminalizing cyberbullying behavior or to address the behavior of minors, by working with parents, and teachers to combat cyberbullying issues. Opponents of the proposed Megan Meier statute felt there is no

need to criminalize cyberbullying. Opponents argued instead that more educational programs about proper online usage are needed, and not legislation which criminalizes bullying behavior. Opponents of the proposed statute also felt criminalizing youth-to-youth communications was not the best approach. In addition to the barrier of overcriminalization, opponents of the proposed Megan Meier statute have issues with the broad language.

Megan Meier Proposed Statute Barrier 2 passing through the vetogate.

There have been some questions of the overbroad definition of online harassment. It has been argued that the statute does not do a good job of explaining what severe, hostile, and repeated behavior means. There is too much ambiguity in the proposed Megan Meier statute rather than the kind of specificity found in the 1999 *Davis v. Monroe County Board of Education*. As mentioned earlier in the in Chapter 2 section on relevant cases, *Davis v. Monroe County Board of Education* set the standard for what constitutes student-on-student sexual harassment. The Davis ruling stated that sexual harassment is behavior that must be so severe, pervasive, objectively offensive, and so as to undermines, and detracts from the victim's educational experience. The proposed Megan Meier statute is not as specific in the language as the Davis ruling. If the proposed Megan Meier Cyberbullying Prevention statute is to move out of the first vetogate, which is the committee, it would have to address these barriers.

Tyler Clementi Proposed Statute Vetogate. The proposed Tyler Clementi statute gained momentum due to gay rights advocates using Clementi's suicide to highlight harassment of LGBT youth. The proposed statute has not had a congressional

hearing, but it was introduced in the 114th Congress in March 2015. The fact that the proposed statute has been reintroduced during the writing of this study reinforces the argument that the policy window is open. The proposed Tyler Clementi Statute is in the Senate Committee on Health, Education, Labor, and Pensions. During the time of this research, Senator Harkin (D-IA) was the Chair of the Committee. The committee now has a new Chair, Senator Alexander (R-TN) beginning January, 2015, the start of the 115th Congress. The findings from the observations during the research revealed, that the Chair has the power to set items on the agenda. The change in Chair could mean changes in the attitude and direction of the committee. The Advocacy Coalition Framework (Sabatier & Jenkins-Smith, 1993) focuses attention on changes in leadership and policy beliefs while the Vines Policy Process Model is focused on how changes in leadership impact policy-making and how legislation moves through the vetogates. A change in the Chair of the committee can have a direct impact on how the proposed Tyler Clementi Higher Education Anti-Harassment act moves through the vetogates. The Vines Policy Process Model is focused on how changes in leadership impact policy-making as well as with how legislation moves through the vetogates. Although the proposed statute continues to gain momentum, there are challenges it must overcome if it wishes to make it to a committee hearing, and through the vetogates.

Tyler Clementi Proposed Statute Barrier 1 to pass through the vetogate.

Opponents of the proposed Tyler Clementi statute feel it is redundant. Colleges and universities that receive federal funding have been required to maintain policies that address discrimination and harassment under Titles VI and IX of the Civil Rights Act of

1964. Opponents of the proposed statute feel it's better to strengthen what is already in place in order to best serve students at institutions of higher education.

Tyler Clementi Proposed Statute Barrier 2 to pass through the vetogate. The Tyler Clementi Act is not likely to get passed because of sexual orientation and gender identity issues. Although the proposed Tyler Clementi statute got the attention of Congress thanks to the work of gay rights advocacy groups, some members in Congress are hesitant to support the proposed statute because of language dealing with sexual orientation. The hesitation of members of Congress to support legislation offers insight into how much work advocacy coalitions have to work to make their voices heard. The Vines Policy Process model put advocacy coalitions in the center because of the hard work they must do not only to reach supporters in Congress, but to try to change the beliefs of those who are against the proposed legislation.

Tyler Clementi Proposed Statute Support in Congress. As mentioned earlier, the proposed Tyler Clementi statute was reintroduced in March 2015 under the new Congress. The proposed statute was introduced by Representative Mark Pocan (D-WI) and by Senator Patty Murray (D-WA) and Senator Tammy Baldwin (D-WI). Representative Pocan and Senator Baldwin are both openly gay representatives serving in Congress. The fact that gay rights advocacy groups helped push it to Congress, and two openly gay members in Congress support the proposed statutes means there is a chance for policy change to occur.

Today, in 2015 there are two openly gay Representatives who are supporting the proposed statute. In ten years, the U.S. Congress could have more representative from

the LGBT community. Newer members could be elected into Congress, and have more liberal views on protection for LGBT community. No matter what the make-up of the U.S. Congress will be in ten years, the Advocacy Coalition Framework argues that a policy examination would be necessary. Within that ten year span the Vines Policy Process Model seeks to examine policy change overtime as well, and how changes in leadership impacts policy-making.

Societal Issues Which Emerged in the Study

Issue #1: Beliefs on Cyberbullying in Congress. The study revealed that there are varying beliefs about cyberbullying. During the 2009 House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security Chairman Robert C. “Bobby” Scott gave his opening statement including his views on cyberbullying and his focus on rumors and stalking. During the same hearing committee Louie Gohmert (R-TX) stated that cyberbullying is characterized as intending embarrassment, annoyance, or humiliation to the victim. As emphasized in the findings from the observations, the views of the Chairman and the committee members are important because they have the power to determine the direction of the proposed statute. The findings from the observations revealed that it is especially important to know the beliefs of the Chair person. The Chair has the power to set the agenda, as well the power to simply ignore an issue and not include it on the congressional agenda.

The interesting thing about the beliefs of Chairman Scott and committee member Gohmert is that they did not mention the emotional and psychological aspect of bullying. The literature revealed bullied children and adolescents are at a higher risk to develop

psychosomatic issues. The issues stay with the children well into adulthood. Kowalski and Limber (2013) argued that the psychological outcomes from cyberbullying can have a negative on a student's academic performance. Klomek et al. (2013) found that participants who bullied others and suffered from other issues such as substance abuse and depression were significantly more likely to be functionally impaired as adults.

Issue #2: LGBT and Religion. The issue of religious views and beliefs kept emerging throughout this study. Religion plays a role in the beliefs of Congressional Representatives, and Senators which impacts their voting behavior. While conducting the study, I could not help but to continue to think about the idea of LGBT issues and religion. During a policy function, Hunter, an anti-bullying spokesperson, was informed that many Republicans were opposed to the proposed Tyler Clementi statute because of the language regarding sexual orientation.

The documents revealed that Jane Clementi, Tyler's mother, struggled with believing in her faith in the Evangelical Church, while also accepting her gay son. Ms. Clementi had to come to terms with her love for her son, and her belief that homosexuality is a sin. Jane Clementi used her son's suicide as a platform to build awareness of crimes committed against the LGBT community. She took part in a panel at the Washington National Cathedral with Judy Shepard, who lost her son Matthew Shepard in 1998 when he was killed due to his sexual orientation. Both Jane Clementi and Judy Shepard shared the experience of losing their gay sons due to LGBT harassment. In honor of their sons, they each created a foundation in their sons' name in order to promote respect and understanding for all people. Through their foundations

both women seek to build awareness about bullying and LGBT harassment by publicly speaking and telling their sons' stories. Speaking at the Washington National Cathedral was a way to address the religious community about the dangers of harassment in the LGBT population.

These circumstances relate back to Kingdon (2011), the Advocacy Coalition Framework (Sabatier and Weible, 2007) and the Vines Policy Process Model. In stage 2 of the Vines Policy Model is where we see the three streams aligned for policy formulation. The aligning of the political streams does not happen unless there are changes that come from pressure by advocacy coalitions, or by changes in public mood. The Advocacy Coalition Framework states that policy change happens over time. In order for Jane Clementi and Judy Shepard to make an impact via the political stream, they have to reach out to groups who are opponents of the LGBT community, and protective legislation for the LGBT community. Today, the two mothers continue to make speeches and while a true policy change may not occur overnight, there can be a significant impact for the future. Again, we see this illustrated in the Vines Policy Process Model through putting coalitions in the center of stage 1. The Vines Model examines how the Problem Stream, Policy-Proposal Stream, and Politics Stream (Kingdon, 2011) all come together to open a policy window, through which the proposed statutes can proceed to congressional committee, which is the first vetogate.

Issue #3: LGBT Youth and Bullying. The literature in chapter two includes stories of bullying incidents which lead to suicide. Ryan Halligan was a young male who was teased and bullied because of his perceived sexual orientation. Carl Walker-Hoover

was on the football team, academically talented but was bullied by his classmates. Carl was called gay, girly, and fag. Carl committed suicide at 11 years old. The story of Carl and Ryan serve to reinforce the importance of indicators which is discussed by Kingdon (2011) and in Stage 1 of the Vines Policy Process Model.

Chapter two in the review of literature section on bullying discussed a study by Hatzenbuehler et al. (2014) that examined the life expectancies of sexual minorities. The results found that sexual minorities living in high-prejudice communities were more likely die from suicide, homicide/violence and cardio vascular diseases versus sexual minorities living in low-prejudice communities (Hatzenbuehler et al., 2014). These finding from Hatzenbuehler et al. (2014) revealed that a LGBT person has a better chance of living longer in a community where they feel supported versus a community that does not support their lifestyle. The data is significant especially when considering that young people who are bullied often skip school, suffer academically or commit suicide. The statistics reveal that a youth who identifies or is perceived as being LGBT living in a highly religious area where it is taught that homosexuality is wrong has a shorter life expectancy. Adding into the mixture, the stories of Matthew Shepard, Tyler Clementi, Ryan Halligan, and Carl Walker-Hoover sends a disturbing message to LGBT Youth.

These studies are especially significant for those who work with LGBT youth. They are seeing that if these individuals live in an unsupportive community, they must endure the lack of support, until they can move to a more supportive and open community. Staying in the unsupportive community means that they are likely to experience a number of negative outcomes including a shortened life span, often by their

own hand. All of the statistics points to the fact that bullying among young people, especially those who are or perceived as LGBT, is a societal issue, a public health issue, and deserves to be addressed.

IMPLICATIONS

Implications for Educators. School teachers and school administrators at the K-12 level are on the front lines, and they deal with student bullying and harassment. In addition to incidents that takes place during the school day, school teachers are charged with figuring out when to intervene when an off-campus incident occurs. The ruling in the case of *Tinker v. Des Moines Independent Community School District* set the precedence that schools have a right to intervene when an incident causes a substantial disruption to the school environment, but educators continue to find themselves in a legal battle when students argue in violation of Freedom of Speech and Religious Rights (Nimmer, 1969). Educators also face an uphill battle because as the literature illustrated, there are inconsistencies which exists in state anti-bullying laws. While many states currently have anti-bullying laws or policies, reports from the Berkman Center (Sacco et al., 2012) and the U.S. Department of Education (2011) illustrated inconsistencies which exist in these laws.

Educators who find themselves confused or requiring more resources need to advocate for themselves through local, state, and federal teacher organizations. Affiliating yourself with an organizations ensures that you get up-to-date information on issues relating to schools and students. Being a member of an organization can help you connect with other individuals who share your beliefs. This powerful role of advocacy

coalitions are why they are placed at the center of the triangle in Stage 1 of the Vines Policy Process Model. Organizations like National Education Association can be a significant resource for joining together with other teachers in pursuit of the same goal.

Implications for Educational Leaders. Educational leaders at the K-12 and higher education levels can use academic organizations to advocate to members of Congress. Organizations like the University Council for Educational Administration and the Association for the Study of Higher Education can use the power of membership to gain access to Congressional staffers. Organizations can set up meetings to make the concerns and voice of their constituents heard. Academic organizations have members who research and examine cyberbullying, as well as laws and policies. Members of these organizations can work together alongside Congress to assist in address the issue of bullying in our schools.

Implications for Policy-makers. Policy-makers who are working in support of the proposed Megan Meier Cyberbullying Prevention Statute and the proposed Tyler Clementi Anti-Harassment Higher Education Statute need to consider a re-write of both bills. Document analysis and interviews revealed that the current state of both statutes will likely preclude passing constitutional review. The two proposed statutes would have to use and improve definitions of terms of harassment which align with those determined by the decision in the 1999 *Davis v. Monroe County Board of Education*. Addressing the issues of vague terminology as well as determining if cyberbullying is best viewed as a criminal issues versus civil can increase the chances of the two proposed statutes moving through vetogates and out of the committee stage of the policy-process.

Implications for Researchers. Researchers who are interested in studying cyberbullying laws at the state or local level need can start by examining the anti-bullying laws in their state. Examining the state anti-bullying laws allows the researcher to see which local representatives supported the bill. Researchers can see how each officials voted. Keeping up-to-date on your state's anti-bullying law will assist in knowing which organizations or coalitions are supporting the legislation. Researching your own state's anti-bullying can help determine how comprehensive the law is in comparison to other states. An excellent resource would be to look at BullyingPolice.org. The website provides an overview of each state's anti-bullying laws and provides grades for each state.

Researchers who are interested in following the proposed Megan Meier Cyberbullying Prevention statute and the proposed Tyler Clementi Higher Education Anti-Harassment statute can join Govtrack.us. GovTrack is a website which helps ordinary citizens find and track bills in the U.S. Congress and understand their representatives' legislative record (GovTrack, 2015). Once you track a bill, you will receive weekly updates on any action relating to the bill, and the committee which handles the issue.

The proposed Tyler Clementi and Megan Meier statutes have not been passed, as reported earlier, they have not passed through the first vetogate. The proposed Megan Meier statute has at least been considered in committee. Currently, the proposed Megan Meier Cyberbullying Prevention statute is in the House Judiciary Committee: Subcommittee on Crime, Terrorism, Homeland Security and Investigators. The proposed

Tyler Clementi Higher Education Anti-Harassment statute is in the Senate Health Education Labor and Pensions Committee. If either of the two proposed statutes make it out of committee, or gets enacted, policy researchers can begin specifically examining implementation and evaluation of the policy.

Implementation and evaluation are Stages 4 and 5 of Anderson's (2011) 5 Stages of the Policy Process Model. If either of the two proposed statutes are passed the researcher will incorporate those two stages into the Vines Policy Process Model. Incorporating implementation and evaluation will build on the Vines Policy Process Model in order to examine what happens with federal laws once they move through all vetogates.

Other kinds of research can be conducted after either one of the proposed statute is passed. Researchers can examine school climate both at the K-12 and higher education level and compare the campus climate before and after the passage of the proposed statute. The analysis anti-bullying laws opens up a wide range of possibilities for future research both at the state and federal level.

Implications for Student Affairs Practitioners. After the suicide of Tyler Clementi, Rutgers University implemented a gender neutral housing option. The housing option would allow a male and female to live together in the same room. The housing option has an impact for student affairs practitioners. Resident Assistants would have to go through specialized training for the changing landscape of the new housing arrangements. New protocols or procedures needs to be established for the Office of Student Affairs, and the campus public safety department on how to appropriately

respond to reports of abuse or rape if the attacker is the person's roommate. A gender neutral residence hall means that a new housing position needs to be created in order to address the unique concerns which arise when opposite genders are living in the same room.

Implementing gender neutral housing, would mean that Rutgers University and other institutions of higher education would have to have more guidance about how to better serve the LGBT students. The passage of the proposed Tyler Clementi statute would mean institutions of higher education would have more power on how to structure their residence halls and other student housing facilities. The Office of Student Affairs would have the ability to monitor and evaluate the effectiveness of the new policy, and new living arrangements. Overall, the policy would give the Office of Student Affairs additional resources to better serve the LGBT student body.

Recommendations If the Two Proposed Statutes Are Enacted

Educational Leaders. Educational leaders can utilized the passage of the two statutes as an opportunity to develop best practices for combating cyberbullying whether it occurs on or off campus. The passage of the two statutes would provide consistency on how school leaders can address cyberbullying concerns. Educational leaders could establish partnerships with other institutions in order to create more funding options to implement anti-bullying programs. Educational leaders can monitor the impact of the program by engaging students in discussion on campus climate, and new anti-bullying programming is being perceived by students.

Policy. Recommendation for policy is to continue to examine the two proposed statutes. School teachers, administrators, and institutions of higher education would be impacted if the two proposed statutes are enacted. Passage of the two proposed statutes would mean a change in the way cyberbullying incidents are reported, and how schools must handle incidents. The largest change if the proposed Megan Meier Cyberbullying Prevention statute were to be enacted would be the ability to charge students with a criminal offense if they are found guilty of cyberbullying. If the proposed statute is passed, policy research should be conducted to examine its effectiveness.

The passage of the proposed Tyler Clementi Higher Education Anti-Harassment statute means institutions of higher education would have the opportunity to apply for a competitive federal grant to implement or expand programs to prevent harassment of students, as well as to educate and train faculty and students. If the Tyler Clementi statute is enacted researchers could examine how harassment programs are implemented on each campus. The passage of the proposed statute would allow implementation to be evaluated. The evaluation of the statute can determine what impact the policy has for harassment and campus climate.

If both of the proposed statutes are passed, there would be an opportunity to evaluate each statute in regards to how they address bullying issues. The findings from this study revealed that opponents do not agree with criminalizing cyberbullying. Instead, they are strongly in favor of educational programs to help address cyberbullying. The Megan Meier statute would make cyberbullying a criminal offense, while the Tyler Clementi statute seeks to promote educational programs. If the two proposed statutes are

passed, researchers can conduct research regarding best practices for helping to decrease cyberbullying incidents. The researchers can use their information to inform legislators.

Practice. The Megan Meier statute would make it possible to criminalize cyberbullying. The bill is focused on young people. If the bill is enacted teachers, parents, and students would have to be educated about the new law. The proposed Megan Meier statute would need to be discussed with the entire school, and allow room for questions and answers. The researcher suggests that individuals who have been properly trained on the specific details of the proposed statute go into schools. If passed, there would need to be funding available in order to ensure all schools receive the information. Funding should come from the government, if the law is passed. Providing funding for specialized training would send the message that policy-makers have a genuine interest in protecting our students.

School districts, administrators, and especially teachers would have to be notified of the protocol when reporting the criminal act of cyberbullying. Parents need to be made aware of what their options are if their child is the perpetrator, or on the receiving end of a cyberbullying incident. Due to the complex legal issue criminalizing cyberbullying would produce, parents, and schools official should have access to free legal advice to help navigate the judicial process.

The Tyler Clementi statue would make it possible for institutions of higher education to apply for federal grant money to implement harassment prevention and training programs. Institutions of higher education need to determine which office on campus would be in charge of programing and funding. The best office would be the

Office of Student Affairs or counseling services. The offices can consider working together in order to maximize resources for effective programming.

Implementing training programs means the institution would need a new staff. The researchers suggest recruiting trainers within the campus student population. The trainers from within the campus would allow new student leaders to emerge. The student leaders should be led by a professional or a group of professionals in the field who are knowledgeable and have the experience to handle the issue of harassment prevention. Institutions of higher education also should consider whether they will use the grant money to hire an internal or external evaluator for the newly established prevention programs. The researcher suggests utilizing a combination of the two. An external evaluator can examine the institution's program with an outside critical eye, and identify areas of achievement and areas that need improvement. Working alongside the external evaluator should be an internal evaluator. An internal evaluator can help to ensure a smooth working relationship between the external evaluator, and the program staff. The internal evaluator can work with the program staff to overcome any fears they may have about the external evaluator. The internal evaluator can assist the external evaluator with gaining access to important data needed to complete the evaluation.

FUTURE RESEARCH

Further research should continue to examine the beliefs and actions of the Chair of the House Committee on Education and the Workforce: Subcommittee on Health, Education and Labor, and Pensions as well as the Chair of the Senate Committee on Health, Education, Labor and Pensions. This is particularly important because during

latter part of this research there was a shift in leadership with the beginning of the 115th Congress. The researcher recognizes that some issues may be too sensitive to discuss due to the beliefs of legislators, or the beliefs of their coalition group. However, the researcher suggest reaching out to the legislators to discuss the policy-process in order to provide more knowledge on how policies are made.

The Advocacy Coalition Framework guided the study in regards to examining the role of coalitions in the policy-making process. One of the fundamental principles of the Advocacy Coalition Framework is that it takes a time-span of ten years or more to understand policy. A ten year span is necessary to examine policy-change because beliefs in coalitions may shift, there may be changes in political leadership, and the public mood may be different (Sabatier & Weible, 2007). The researcher conducted this study during 2014 under the 113th Congress. Therefore, future research should be conducted in 2024 to reexamine possible federal cyberbullying laws. The researcher suggests examining the composition of U.S. Congress. The researcher is particularly interested in the number of openly gay or bi-sexual members serving in Congress. During the 2014 time frame of the study, Tammy Baldwin (D-WI), Jared Polis (D-CO), Sean Patrick Maloney (D-NY), Mike Michaud (D-ME), Kyrsten Sinema (D-AZ), Mark Takano (D-2012), and Mark Pocan (D-WI) were all openly gay members in the U.S. Congress. Tammy Baldwin co-sponsored the proposed Tyler Clementi Anti-Harassment Statute. The findings revealed that after Tyler Clementi suicide, gay advocacy groups such as the Human Rights Campaign, the Gay and Lesbian Straight Talk Network, and

GLADD, formally known as the Gay & Lesbian Alliance Against Defamation came out in support of the proposed Tyler Clementi Anti-Harassment statute.

In ten years, it would be interesting to see if there are more openly gay/bisexual members serving in Congress, and what that would mean for legislation relating to LGBT youth and protection. Thinking about the Advocacy Coalition Framework and the Vines Policy Process Model and the beliefs of policy-makers, a change in the number of openly gay members in Congress could have an impact on the way LGBT legislation is viewed. The number of Congressional representatives who serve as allies and are in favor of policies which support and protect the LGBT community can have an impact for future legislation. A ten year re-examination can give more knowledge on policy-making, the crafting of legislation and the progress of laws pertaining to the issue of cyberbullying.

Future recommendations include adding the last two stages of Anderson's (2011) 5 Stages of the Policy Process Model into the Vines Policy Process Model. Stage 4: Implementation and Stage 5: Policy Evaluation were not studied in this research because the proposed Megan Meier Cyberbullying Prevention statute and the proposed Tyler Clementi Anti-Harassment Higher Education statute have not proceeded through the vetogates. If passed, examining stages 4 and 5 would not only help expand the work of the Vines Policy Process Model, but provide more in-depth knowledge on the policy-making process. Examining the effectiveness of each statute can improve ways to combat cyberbullying. An examination of the statutes can develop best practices for building a positive campus climate and maintaining acceptance of others regardless of race, gender, sexuality, or disability, at the K-12 and Higher Education.

Another recommendation for future research is the tracking and analyzing the rulings in court cases making their way toward the United States Supreme Court. If the proposed Megan Meier Cyberbullying Prevention statute or the proposed Tyler Clementi Higher Education Higher Education Anti-Harassment statute is passed, they would become a federal laws. Becoming a federal law would open up a window for court cases to be brought that would test the new law. If the two statutes are passed, Stage 4: Policy Implementation and Stage 5: Policy Evaluation of Anderson's 5 Stages of the Policy Process Model can be added to the Vines Policy Process Model and can be examined for future research.

The Advocacy Coalition Framework (Sabatier, and Jenkins-Smith, 1993) focuses on policy subsystems and coalition beliefs. If the two proposed statutes are passed, any cases brought to test these laws may be appealed all the way to the U.S. Supreme Court. Therefore, future research could be conducted on the beliefs of the Supreme Court Justices underlining decisions regarding LGBT youth. The use of the Advocacy Coalition Framework and the Vines Policy Process Model argues that the beliefs of members in Congress impacts whether or not proposed statute moves through the vetogates. Examining the beliefs of judges could be of great interest for future researchers. Examining the beliefs of judges is important because as legislators pass laws, judges must uphold the law.

The Advocacy Coalition Framework (Sabatier & Jenkins-Smith, 1993) argues that it takes ten years to examine policy change. The ten years span is because of changes in public mood, changes in leadership, and changes in core beliefs of members of Congress.

The same concept can be applied to the Supreme Court decisions and other court decisions. If the two statutes are passed, a longitudinal study could be conducted on decisions of federal courts issuing rulings about these laws. This type of research could supply information on the belief systems of the Justices regarding these cases and how these beliefs impact the efficacy of the law.

CONCLUSION

The study has shown that getting the attention of Congress is not an easy task. In order to make an impact, groups and individuals must start locally, and build support through advocacy coalitions. Coalitions help to give voice to issues that need attention. A key finding from the observation portion of the study is that when trying to get on the congressional agenda it is vital to know as much as possible about the Chair of the relevant committee, and legislative staffers. Knowing the key players can move an issue from the coalitions on to the congressional agenda. A key finding from the document analysis portion of the study is to avoid vague language and broad terminology in a proposed statute. Clear language can help a proposed statute move through vetogates in order to become a law. A key finding from the interview portion of the study is the importance of the work of advocacy coalitions to influence the beliefs of those who pass the law. Advocacy coalitions work to get the attention of the legislators who have the power to make significant change.

Examining the proposed Megan Meier Cyberbullying Prevention Statute and the proposed Tyler Clementi Higher Education Anti-Harassment statute illustrated that the legislative process is complex, it takes the work of researchers, policy-makers, and

advocacy coalitions working together in order to see the law change. The researcher plans to continue to follow both of the proposed statutes, and further develop the Vines Policy Process Model.

REFERENCES

- Aftab, P. (2010). Jessie logan's story: *Sexting can lead to death*. Retrieved from <http://www.aftab.com/index.php?page=jessie-logan-s-story>
- Agatston, P. W., Kowalski, R., & Limber, S. (2007). Students' perspectives on cyberbullying. *Journal of Adolescent Health, 41*(6), S59-S60.
- Ali, R.. (2010, October 26). *Dear colleague letter: Harassment and bullying*
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>
- Allen, K. P. (2012). Off the radar and ubiquitous: Text messaging and its relationship to 'drama' and cyberbullying in an affluent, academically rigorous us high school. *Journal of Youth Studies, 15*(1), 99-117.
- Almasy, S., Segal, K., & Couwels, J. (2013). *Sheriff: Taunting post leads to arrests in rebecca sedwick bullying death*. Retrieved from <http://www.cnn.com/2013/10/15/justice/rebecca-sedwick-bullying-death-arrests/>
- American Civil Liberties Union (ACLU). (2015). *J.S. v. Blue Mountain School District*. Retrieved from <http://www.aclupa.org/our-work/legal/legaldocket/jsvbluemountainschooldistr/>
- American Education Research Association (AERA). (2013). *Prevention of bullying in schools, colleges, and universities: Research reports and recommendations*. Washington, DC: Author
- American Psychological Association. (2010). *Publication manual of the American Psychological Association (6th ed., 2nd printing)*. Washington, DC:

Author.

Americans with Disability Act. (2010). *Title II regulations*. Retrieved from

<http://www.ada.gov/reg2.html>

Anderson, J. E. (2011). *Public policymaking*. (7th ed.). Boston, MA: Wadsworth, Cengage Learning.

Bacon, D. C., Davidson, R. H., & Keller, M. (1995). *The encyclopedia of the united states congress: Volume 4*. New York, NY: Simon & Schuster.

Ball, S. J. (1990). *Politics and policy making in education*. London: Routledge.

Ballou, J. (2008). Open-ended question. *Encyclopedia of survey research methods*, 43, 548-550

Belsey, B. (2006). *Cyberbullying: An emerging threat to the “always on” generation*. Retrieved from

http://www.cyberbullying.ca/pdf/Cyberbullying_Article_by_Bill_Belsey.pdf

Bender, D., and Lösel, F. (2011). Bullying at school as a predictor of delinquency, violence and other anti-social behavior in adulthood. *Criminal Behavior and Mental Health*, 21, 99-106.

Berends, M. (2006). Survey methods in educational research, In Green, J. L., Camilli, G. & Elmore, P. (Eds.). *Handbook of complementary methods in education research* (pp. 623-640). Mahwah, NJ: Lawrence Erlbaum Associates.

Birkland, T. A. (2011). *An introduction to the policy process: Theories, concepts, and models of public policy making*. (3rd ed.). Armonk, NY: M.E. Sharpe, Inc.

- Birkland, T. A., & Lawrence, R. G. (2009). Media framing and policy change after columbine. *American Behavioral Scientist*, 52(10), 1405-1425. doi: 10.1177/0002764209332555
- Brooke, J. (1998, October 13). Gay man dies from attack, fanning outrage and debate. *New York Times*. Retrieved May 2014 from <http://www.nytimes.com/1998/10/13/us/gay-man-dies-from-attack-fanning-outrage-and-debate.html>
- Brown, T. (2008). Changes in society can prevent school bullying, In Rosenthal, B., *Bullying* (pp.43-28). Farmington Hill, MI: Greenhaven Press.
- Carroll, J. (2008). *School policies*. Farmington Hills, MI: Thomson-Gale.
- Cohen, M. L., & Olson, K. C. (2007). *Legal research in a nutshell (9th ed.)*. St. Paul, MN: Thomson/West
- Cohen, M. D., March, J. G., & Olsen, J. P. (1972). A garbage can model of organizational choice. *Administrative Science Quarterly*, 17 (1), 1-25.
- Committee on the Judiciary. (2013). *Committee on judiciary subcommittees*. Retrieved from <http://judiciary.house.gov/about/subcommittee.html>
- Cook, C. R., Williams, K. R., Guerra, N. G., Kim, T. E., & Sadek, S. (2010). Predictors of bullying and victimization in childhood and adolescence: A meta-analytic investigation. *School Psychology Quarterly*, 25 (2), 65-83.
- Copeland, W. E., Wolke, D., Angold, A., & Costello, E. J. (2013). Adult psychiatric outcomes of bullying and being bullied by peers in childhood and adolescence. *JAMA Psychiatry*, 70 (4), 419-426. doi:10.1001/jamapsychiatry.2013.504

- CQ Press. (2008). *Congress a to z* (5th ed.). Washington, DC: Author
- CQ Press. (2008a). *Guide to Congress Volume II* (6th ed.). Washington, DC: Author
- Crawford, N. (1999). Conundrums and confusion in organisations: The etymology of the word bully. *Journal of Manpower*, 20 (1/2), 86-93
- Creswell, J. W. (2009). *Research design: Qualitative, quantitative, and mixed methods approaches* (3rd ed.). Thousand Oaks, CA: Sage.
- Cullen, D. (2004, April 20). The depressive and the psychopath: At last we know why the columbine killers did it. *The Slate*, retrieved from <http://www.slate.com/id/2099203/>.
- Cyberbullying Research Center. (2012). *About us*. Retrieved from <http://cyberbullying.us/about-us/>
- Davidson, R. H., and Oleszek, W. J. (2006). *Congress & its members* (10th ed.). Washington, DC: CQ Press
- Davis v. Monroe County Board of Education, 120 F.3d 1390 (1999).
- D.C., a Minor, etc. et al., Plaintiffs and Respondents v. R.R., a Minor, etc., et al., 182 Cal. App. 4th 1190; 106 Cal. Rptr. 3d 399; 2010 Cal. App Retrieved from *LexisNexis* Academic database.
- Dewhurst, R. E. (2007). *Encyclopedia of the united states congress*. New York, NY: Facts on File
- Digital Media Law Project (DMLP). (2013). *Access to congress*. Retrieved from <http://www.dmlp.org/legal-guide/access-congress>
- Duncan, A. (2010). *Dear colleagues letter*. Retrieved from <http://www2.ed.gov/policy/gen/guid/secletter/101215.html>

- Education and the Workforce Committee (EWC). (2013). *Committee history*. Retrieved from <http://edworkforce.house.gov/committee/committeehistory.htm>
- Education and the Workforce Committee (EWC). (2013a). *Members, subcommittees and jurisdictions*. Retrieved from <http://edworkforce.house.gov/committee/subcommitteesjurisdictions.htm>
- Education and the Workforce Committee. (2013b). Subcommittee on higher education & workforce training. Retrieved from <http://edworkforce.house.gov/committee/hewt.htm>
- Electronic Frontier Foundation (EFF). (2008). *United States v. Lori Drew Case Brief*. Retrieved from http://www.eff.org/files/filenode/US_v_Drew/Drew_Amicus.pdf
- Erb, T. D. (2008). A case for strengthening school district jurisdiction to punish off-campus incidents of cyberbullying. *Arizona State Law Journal*, 40, 257-258.
- Eskridge, W. N. (2012). Vetogates and American Public Law. *Journal of Law, Economics, and Organization*, ew009. doi: 10.1093/jleo/ews009
- Eskridge, W. N. Jr., Frickey, P. P., & Garrett, E. (2000). *Legislation and statutory interpretation*. New York, NY: Foundation Press
- Eskridge, W. N. Jr., Frickey, P. P., & Garrett, E. (2001). *Cases and materials on legislation: Statutes and the creation of public policy (3rd ed.)*. St. Paul, MN: West Group
- Fairfield, R. P. (1981). *The federalist papers (2nd ed.)*. Baltimore, MD: The Johns Hopkins University Press
- Fetterman, D. M. (2010). *Ethnography: Step-by-step (3rd ed.)*. Thousand Oaks, CA: Sage.

- Frank, I., & Powell, M. (1967). *Psychosomatic ailments in childhood adolescence*.
Springfield, IL: Charles C. Thomas
- Friedmann, W. (1967). *Legal theory (5th ed.)*. London: Stevens & Sons
- Gini, G., & Pozzoli, T. (2013). Bullied children and psychosomatic problems: A meta-analysis. *Pediatrics*, 132(4), 720-729.
- Glesne, C. (2006). *Becoming qualitative researchers: An introduction (3rd ed.)*. Boston, MA: Pearson.
- GovTrack.us. (2015). *About us*. Retrieved from <https://www.govtrack.us/about>
- Halligan, J., & Halligan, K. (2010). *Ryan's story*. Retrieved from
<http://www.ryanpatrickhalligan.org/>
- Harper, D. (2013). *Online etymology dictionary: Bully*. Retrieved from
<http://www.etymonline.com/index.php?term=bully>
- Harper v. Poway Unified School District, 445 F.3d 1166 (9th Cir. 2006).
- Hart, K. (2004). Sticks and stones and shotguns at school: The ineffectiveness of constitutional antibullying legislation as a response to school violence. *Ga. L. Rev.*, 39, 1109-1154.
- Hatzenbuehler, M. L., Bellatorre, A., Yeonjin, L., Finch, B. K., Muenning, P., & Fiscella, K. (2014). Structural stigma and all-cause mortality in sexual minority populations. *Social Science & Medicine*, 103, 33-41.
- Health Education Labor & Pensions (HELP) Committee. (2013). *About help committee*. Retrieved from <http://www.help.senate.gov/about/>

- Hinduja, S., & Patchin, J. W. (2011). Cyberbullying: A review of legal issues facing educators. *Preventing School Failure: Alternative Education for Children and Youth*, 55(2), 71-78. doi: 10.1080/1045988X.2011.539433
- Hinduja, S., & Patchin, J. W. (2009). *Bullying Beyond the Schoolyard: Preventing and Responding to Cyberbullying*. Thousand oaks, California: Corwin Press.
- H.R.482--113th Congress: *Tyler clementi higher education anti-harassment act of 2013*. (2013). Retrieved from <http://www.govtrack.us/congress/bills/113/hr482>
- H.R.1048--112th Congress. *Tyler clementi higher education anti-harassment act of 2012*. (2012). Retrieved from <http://thomas.loc.gov/cgi-bin/query/z?c112:H.R.1048.IH>:
- H.R.6425--111th Congress. *Tyler clementi higher education anti-harassment act of 2010*. (2010). Retrieved from <http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.+6425>:
- H.R.1966--111th Congress: *Megan meier cyberbullying prevention act of 2009*. (2009). Retrieved from <http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.1966>:
- H.R.6123--110th Congress: *Megan meier cyberbullying prevention action of 2008*. (2008). Retrieved from <http://thomas.loc.gov/cgi-bin/query/z?c110:H.R.6123>:
- Hudson Jr, D. L. (2004). Balancing Safety and Free Speech. *Principal Leadership*, 4(5), 30-35.
- Huffingtonpost. (2012). *Dharun ravi and tyler clementi timeline: Former Rutgers roommate in dorm room spying trial*. Retrieved http://www.huffingtonpost.com/2012/02/24/dharun-ravi-tyler-clementi-timeline_n_1297056.html

- Huffingtonpost. (2010). *Jessica logan suicide: Parents of dead teen sue school, friends, over sexting harassment*. Retrieved from http://www.huffingtonpost.com/2009/12/07/jessica-logan-suicide-par_n_382825.html
- Human Rights Campaign (HRC). (2015). *Glossary of terms*. Retrieved from <http://www.hrc.org/resources/entry/glossary-of-terms>
- Human Rights Campaign (HRC). (2015a). Tyler clementi higher education anti-harassment act. Retrieved from <http://www.hrc.org/resources/entry/tyler-clementi-higher-education-anti-harassment-act>
- Human Rights Campaign (HRC). (2013). *Tyler clementi higher education anti-harassment act*. Retrieved from <http://www.hrc.org/laws-and-legislation/federal-legislation/tyler-clementi-higher-education-anti-harassment-act>
- Hvidston, D. J., Hvidston, B. A., Range, B. G., & Harbour, C. P. (2013). Cyberbullying: Implications for principal leadership. *NASSP Bulletin*, 1-17. doi: 10.1177/0192636513504452
- James, S. D. (2009). *When words can kill: 'That's so gay'*. Retrieved from <http://abcnews.go.com/Health/MindMoodNews/story?id=7328091&page=1>
- Jones, B. D., and Baumgartner, F. R. (2005). *The politics of attention: How government prioritizes problems*. Chicago, IL, University of Chicago Press
- J.S. v. Bethlehem Area School District, 757 Supp. A.2d 412 (Pa. 2002).
- J.S. v. Blue Mountain School District, 652 F. Supp. 3d 565, 568 (4th Cir. 2011).

- Kelly, G. J. (2006). Epistemology and educational research, In Green, J. L., Camilli, G. & Elmore, P. (Eds.). *Handbook of complementary methods in education research* (pp.33-55). Mahwah, NJ: Lawrence Erlbaum Associates
- Kennedy, H. (2010). *Phoebe prince, south hadley high school's 'new girl', driven to suicide by teenage cyber bullies*. NY Daily News, Retrieved from <http://www.nydailynews.com/news/national/phoebe-prince-south-hadley-high-school-new-girl-driven-suicide-teenage-cyber-bullies-article-1.165911>
- King, A. V. (2010). *Constitutionality of cyberbullying laws: Keeping the online playground safe for both teens and free speech*. Vanderbilt Law Review, 63, 845-844. Retrieved from www.lexisnexis.com/hottopics/lnacademic
- King, C. A., Horwitz, A., Berona, J., & Jiang, Q. (2013). Actuely suicidal adolescents who engage in bullying behavior: 1-year trajectories. *Journal of Adolescent health, 53*, S43-S50
- King, N., & Horrocks, C. (2010). *Interviews in qualitative research*. Thousand Oaks, CA: Sage.
- Kingdon, J. W. (2011). *Agendas, alternatives and public policies*. (2nd ed.). New York, NY: Longman.
- Kingdon J. W. (1995). *Agendas, alternatives and public policies*. London: Longman.
- Klomek, A. B., Kleinman, M., Altschuler, E., Marrocco, F., Amakawa, L., & Gould, M. S. (2013). Suicidal adolescents' experiences with bullying perpetration and victimization during high school as risk factors for later depression and suicidality. *Journal of Adolescent Health, 53*(1), S38-S42.

- Kochenderfer-Ladd, B., & Pelletier, M. E. (2008). Teachers' views and beliefs about bullying: Influences on classroom management strategies and students' coping with peer victimization. *Journal of School Psychology, 46*, 431-453.
- Kowalski, R. M., & Limber, S. P. (2013). Psychological, physical, and academic correlates of cyberbullying and traditional bullying. *Journal of Adolescent Health, 53*(1), S13-S-20.
- Kowalski, R. M., Limber, S. P., & Agatston, P. W. (2012). *Cyberbullying: Bullying in the digital age*. (2nd ed.). Malden, MA: Wiley-Blackwell.
- Kowalski, R. M., & Limber, S. P. (2007). Electronic bullying among middle school students. *Journal of Adolescent Health 41*(6), S22-S30.
- Kowalski v. Berkeley County Schools, 132 S. Ct. 1095 (2012).
- Kowalski v. Berkeley County Schools, 652 F. Supp. 3d 565, 568 (4th Cir. 2011).
- Kranz, C. (2009). *Nude photo led to suicide: Family wanted to educate teens about dangers of sexting*. Retrieved from <http://news.cincinnati.com/article/20090322/NEWS01/903220312/>
- LaVine v. Blaine School District, 257 F. Supp. 3d 981 (9th Cir. 2001).
- Layshock v. Hermitage School District, 496 F. Supp. 2d 587, 600–02 (W.D. Pa. 2007).
- Li, Q. (2007). New bottle but old wine: A research of cyberbullying in schools. *Computers in Human Behavior, 23*(4), 1777-1791.
- Library of Congress (LOC). (2014). *About the library*. Retrieved from <http://www.loc.gov/about/index.html>

- Limber, S. P., & Small, M. A. (2003). State laws and policies to address bullying in schools. *School Psychology Review*, 32(3), 445-455.
- Lin, H. S., & Thornburgh, D. (Eds.). (2002). *Youth, pornography, and the Internet*. National Academies Press.
- Lincoln, Y. S., & Guba, E. G. (1985). *Naturalistic inquiry*. Thousand Oaks, CA: Sage
- MacDonald, C. D., & Roberts-Pittman, B. (2010). Cyberbullying among college students: Prevalence and demographic differences. *Procedia: Social and Behavioral Sciences*, 9, 2003-2009.
- Marr, N., & Field, T. (2001). *Bullycide: Death at playtime*. Success Unlimited: Osfordshire, UK.
- Matthew Shepard Foundation. (2014). *Board of directors*. Retrieved December 2014 from <http://www.matthewshepard.org/our-story/boards>
- McGuinness, W. (2013, April 5). University of houston smear campaign publicizes student candidate's hiv status. *Huffington Post*. Retrieved from http://www.huffingtonpost.com/2013/04/05/university-of-houston-smear-campaign_n_3020987.html
- Merriam, S. B. (2009). *Qualitative research: A guide to design and implementation*. San Francisco, CA: Jossey-Bass Publishers.
- Merriam, S. B. (1998). *Qualitative research and case study applications in education*. San Francisco: Jossey-Bass.
- Miles, M. B., & Huberman, A. M. (1994). *Qualitative data analysis: An expanded sourcebook* (2nd ed.). Thousand Oaks, CA: Sage.

- Morse v. Frederick, 551 U.S. 393, 127 S. Ct. 2618 (2007)
- Nakamoto, J., & Schwartz, D. (2010). Is Peer Victimization Associated with Academic Achievement? A Meta-analytic Review. *Social Development, 19*(2), 221-242. doi: 10.1111/j.1467-9507.2009.00539.x
- Nansel, T. R., Overpeck, M., Pilla, R. S., Ruan, W. J., Simons-Morton, B., & Scheidt, P. (2001). Bullying behaviors among U.S youth: Prevalence and association with psychosocial adjustment. *Archives of Pediatrics & Adolescent Medicine, 285*, 2094-2100.
- Nimmer, M. B. (1969). Does copyright abridge the first amendment guarantees of free speech and press. *UCLA L. Rev.*, 17, 1180-1204.
- Olweus, D., & Limber, S. P. (2010). Bullying in school: Evaluation and dissemination of the olweus bullying prevention program. *American Journal of Orthopsychiatry, 80*(1), 124-134.
- O'Neil, R. M. (2008). It's not easy to stand up to cyberbullies, but we must. *The Chronicle of Higher Education: Commentary, 54*(44), A23-A28.
- Opdenakker, R. (2006). Advantages and disadvantages of four interview techniques in qualitative research. Forum: *Qualitative Social Research, 7*(4), 1-11. Retrieved from <http://www.qualitative-research.net/index.php/fqs/article/view/175/392>
- Ostrom, E. (2011). Background on the Institutional Analysis and Development Framework. *The Policy Studies Journal, 39*(1), 7-27.
- Patchin, J. W., & Hinduja, S. (2010). Cyberbullying and self-esteem. *Journal of School Health, 80* (12), 614-621.

- Patton, M. (2002). *Qualitative research and evaluation methods*. (3rd ed.). Sage: Thousand Oaks, CA.
- Paul, S., Smith, P. K., & Blumberg, H. H. (2012). Investigating legal aspects of cyberbullying. *Psicothema*, 24(4), 640-645.
- Radliff, K. M., Wheaton, J. E., Robinson, K., & Morris, J. (2012). Illuminating the relationship between bullying and substance use among middle and high school youth. *Addictive Behavior*, 37(4), 569-572.
- Rasking, J. B. (2000). *We the students: Supreme court decisions for and about students*. Washington, DC: CQ Press
- Reijntjes, A., Kamphuis, J. H., Prinzie, P., Boelen, P. A., Van der Schoot, M., & Telch, M. J. (2011). Prospective linkages between peer victimization and externalizing problems in children: A meta-analysis. *Aggressive behavior*, 37(3), 215-222
- Robers, S., Kemp, J., & Truman, J. (2013). *Indicators of School Crime and Safety: 2012 (NCES 2013-036/NCJ 241446)*. National Center for Education Statistics, U.S. Department of Education, and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Washington, DC.
- R.S. ex rel. S.S. v. Minnewaska Area School District, No. 2149, 2012 WL 3870868 (D. Minn. 2012).
- S. 216--113th Congress: *Tyler clementi higher education anti-harassment act of 2013*. (2013). Retrieved from <http://www.govtrack.us/congress/bills/113/s216>
- S. 540--112th Congress. *Tyler clementi higher education anti-harassment act of 2011*. (2011). Retrieved from <http://thomas.loc.gov/cgi-bin/query/z?c112:S.540>:

S. 3960--111th Congress. *Tyler clementi higher education anti-harassment act of 2010*. (2010).

Retrieved from <http://thomas.loc.gov/cgi-bin/query/z?c111:S.3960.IS>:

Sabatier, P. (2007). The need for better theories. The advocacy coalition framework: innovations and clarifications. In Paul A. Sabatier (Ed.) *Theories of the Policy Process* (2nd ed.). (pp. 3-17). Boulder, CO: Westview Press.

Sabatier, P. A. (1991). *Political science and public policy*. *PS: Political Science and Politics*, 24 (2), 144-147.

Sabatier, P. A., & Jenkins-Smith, H. (1993). *Policy change and learning: An advocacy coalition approach*. Boulder, CO: Westview Press.

Sabatier, P. A., & Weible, C. M. (2007). The advocacy coalition framework, In Sabatier, P.A. *Theories of the policy process* (2nd ed.). Boulder, CO: Westview Press.

Sacco, D., Silbaugh, K., Corredor, F., Casey, J., & Doherty, D. (2012). *An overview of state anti-bullying legislation and other related laws*. Berkman Center Research Publication, (No. 2013-4).

Savage, T. A., & Harley, D. A. (2009). A place at the blackboard: Including lesbian, gay, bisexual, transgender, intersex, & queer/questioning issues in the education process. *Multicultural Education*, 16(4), 2-9

Shakespeare, W. (1896). *Shakespeare's king henry v*. London: T.M. Dent.

Simons, H. (2009). *Case study research in practice*. Thousand Oaks, CA: SAGE

Sipe, L., & Constable, S. (1996). A chart of four paradigms: Metaphors for the models of inquiry. *Taboo: The Journal of Culture and Education*, 1, 153-163.

- Skype. (2014). *What is skype?* Retrieved from <http://www.skype.com/en/what-is-skype/>
- State House New Service. (2013). *Massachusetts may update anti-bullying law created following Phoebe Prince, Carl Walker-Hoover suicides*. Retrieved from http://www.masslive.com/news/index.ssf/2013/05/changes_considered_to_states_a.html
- Stein, N. (2003). Bullying or sexual harassment? The missing discourse of rights in an era of zero tolerance. *Arizona Law Review*, 45, 782-799.
- Sturgis, I. (March, 7, 2014). High-tech bullies. Chronicle of Higher Education: Convergence: Diversity & Inclusion. (pp. 19-23). Retrieved from http://www.uta.edu/news/_downloads/high-tech-bully.pdf
- Tarvis, C. (2010). *Psychobabble and biobunk: Using psychological science to think critically about popular psychology* (3rd ed.). Upper Saddle River, NJ: Pearsons.
- Thomas, G. (2011). A typology for the case study in social science following a review of definition, discourse, and structure. *Qualitative Inquiry*, 17(6), 511-521.
- Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969).
- Ttofi, M. M., & Farrington, D. P. (2011). Effectiveness of school-based programs to reduce bullying: A systematic and meta-analytic review. *Journal of Experimental Criminology*, 7(1), 27-56. doi: 10.1007/s11292-010-9109-1
- Ttofi, M. M., Farrington, D. P., Lösel, F., & Loeber, R. (2011). The predictive efficiency of school bullying versus later offending: A systematic/meta-analytic review of longitudinal studies. *Criminal Behaviour and Mental Health*, 21(2), 80-89. doi: 10.1002/cbm.808

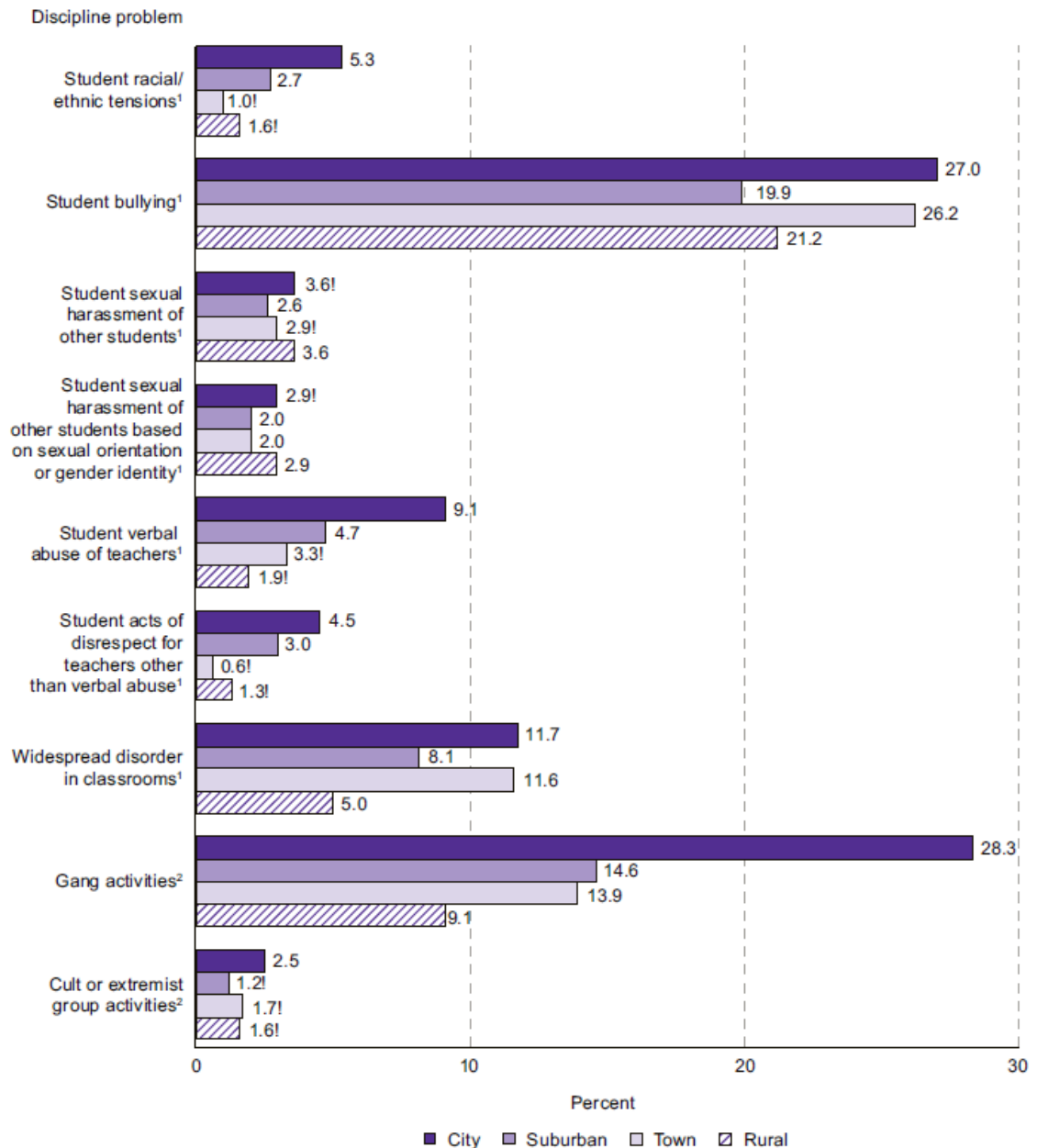
- Ungar, L. (2013). *Guns & suicide. Bullied online, bullitt east senior Rachel neblett shot herself*. Retrieved from <https://www.courier-journal.com/article/20130720/PRIME01/307200067/>
- U.S. Department of Education. (2011). *Analysis of state bullying laws and policies* (Contract No. ED-CFO-10-A-0031/0001). Washington, DC: Author.
- U.S. Department of Health and Human Services. (2006). *Fact sheet: Your rights under section 504 of the rehabilitation act*. Retrieved from <http://www.hhs.gov/ocr/civilrights/resources/factsheets/504.pdf>
- U.S. Department of Justice. (2013). *Overview of title vi of the civil rights acts of 1964*. Retrieved from <http://www.justice.gov/crt/about/cor/coord/titlevi.php>
- U.S. Department of Labor. (2013). *Title ix, education amendments of 1972*. Retrieved from <http://www.dol.gov/oasam/regs/statutes/titleix.htm>
- Vandebosch, H., & Van Cleemput, K. (2008). Defining cyberbullying: A qualitative research into the perceptions of youngsters. *CyberPsychology & Behavior*, 11(4), 499-503.
- Wald, P. M. (1995). Sizzling sleeper: The use of legislative history in construing statutes in the 1988-99 Term of the United States Supreme Court. *American University Law Review*, 39 (2), 277-310.
- Washington.org. (2012). *About-washington*. Retrieved from <http://washington.org/about-washington-dc/>
- Weible, C. M., Sabatier, P. A., & McQueen, K. (2009). Themes and variations: Taking stock of the advocacy coalition framework. *Policy Studies*, 37(1), 121-140.

- Wight, S. (2008). Homeschooling can help prevent school bullying, In Rosenthal, B. *Bullying* (pp. 49-54). Farmington Hill, MI: Greenhaven Press.
- Willard, N., & Alley, R. (2012). Laws and policies, In Kowalski, R. M., Limber, S. P., & Agatston, P.W. (2012). *Cyberbullying: Bullying in the digital age*. Malden, MA: Wiley-Blackwell.
- Willard, N. (2006). Flame retardant. *School Library Journal*, 52(4), 55-56.
- Wingate, V. S., Minney, J. A., & Guadagno, R. E. (2013). Sticks and stones may break your bones, but words will always hurt you: A review of cyberbullying, *Social Influence*, 8 (2-3), 87-106.
- Wisniewski v. Board of Education of the Weedsport Central School District, 494 F.3d 34 (2007).
- Wolke, D., Copeland, W. E., Angold, A., and Costello. (2013). Impact of bullying in childhood on adult, health, wealth, crime, and social outcomes, *Psychological Science*, 1-13. doi: 10.1177/0956797613481608
- Woo, S. (2006). Professors and students ask colleges not to hang up on skype. *The Chronicle of Higher Education* 53(16): D8.
- Wren, C. G., & Wren, J. R. (1986). *The legal research manual: A game plan for legal research and analysis* (2nd ed.).
- Ybarra, M. L., & Mitchell, K. J. (2007). Prevalence and frequency of internet harassment instigation: Implications for adolescent health. *Journal of Adolescent health*, 41(2), 189-195.

- Ybarra, M. L. (2004). Linkages between depressive symptomatology and internet harassment among young regular internet users. *CyberPsychology & Behavior*, 7(4), 247-257.
- Yin, R. K. (2009). *Case study research: Design and methods (4th ed.)*. Thousand Oaks, CA: Sage
- Yin, R. K. (2006). Case study methods, In Green, J.L., Camilli, G. & Elmore, P. (Eds.). *Handbook of complementary methods in education research* (pp. 111-122). Mahwah, NJ: Lawrence Erlbaum Associates.
- Yin, R. K. (1981). The case study crisis: Some answers. *Administrative Science Quarterly*, 26(1), 58-65.
- Zahariadis, N. (1999). Ambiguity, time, and multiple streams. In P.A. Sabatier (Ed.), *Theories of the policy process* (pp. 73-96). Boulder, CO: Westview Press.

LIST OF FIGURES

Figure 1.1 Percentage of public schools reporting selected discipline problems that occurred at school, by locale: School year 2009-10.



¹ Interpret data with caution. The coefficient of variation (CV) for this estimate is between 30 and 50 percent.

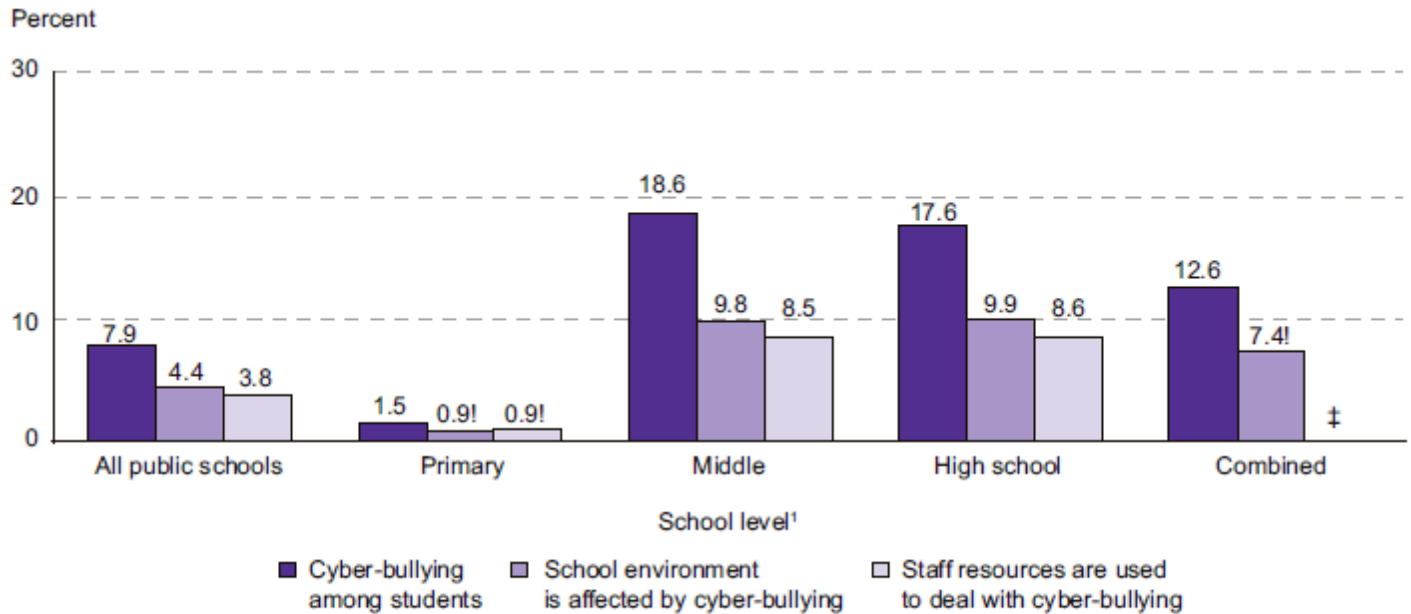
¹ Includes schools that reported the activity happens either at least once a week or daily.

² Includes schools that reported the activity happens at all at their school during the school year.

NOTE: Responses were provided by the principal or the person most knowledgeable about crime and safety issues at the school. "At school" was defined for respondents to include activities that happen in school buildings, on school grounds, on school buses, and at places that hold school-sponsored events or activities. Respondents were instructed to respond only for those times that were during normal school hours or when school activities or events were in session.

SOURCE: U.S. Department of Education, National Center for Education Statistics, 2009-10 School Survey on Crime and Safety (SSOCS), 2010.

Figure 2.1 Percentage of public schools reporting selected types of cyber-bullying problems occurring at school or away from school daily or at least once a week, by school level: School year 2009-10.



! Interpret data with caution. The coefficient of variation (CV) for this estimate is between 30 and 50 percent.

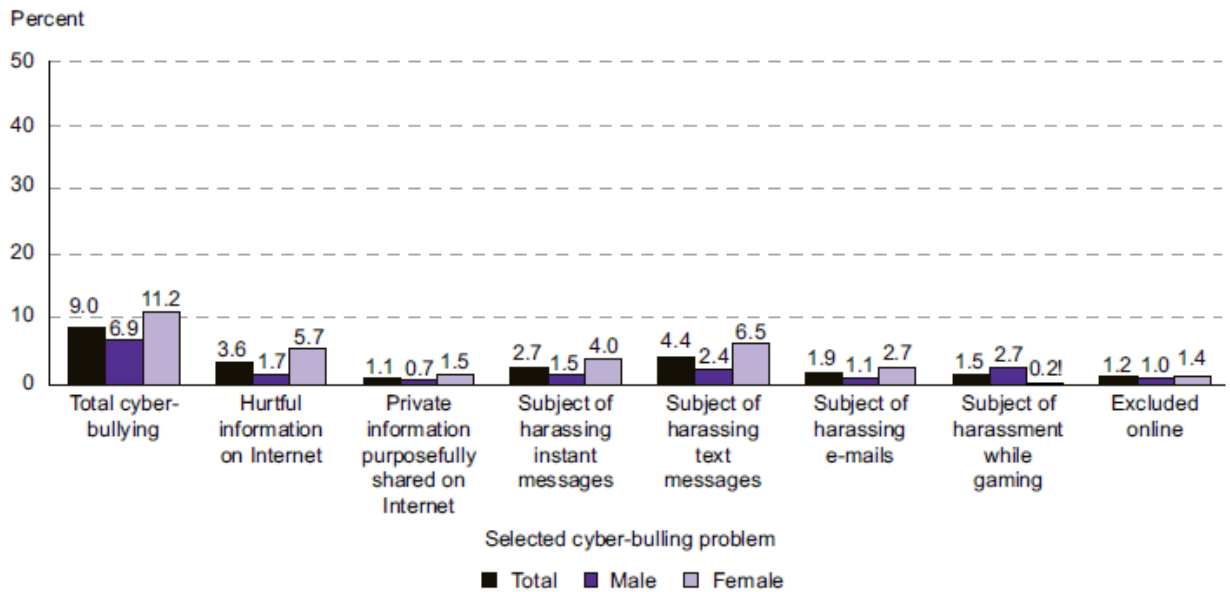
‡ Reporting standards not met. Either there are too few cases for a reliable estimate or the CV is 50 percent or greater.

¹ Primary schools are defined as schools in which the lowest grade is not higher than grade 3 and the highest grade is not higher than grade 8. Middle schools are defined as schools in which the lowest grade is not lower than grade 4 and the highest grade is not higher than grade 9. High schools are defined as schools in which the lowest grade is not lower than grade 9 and the highest grade is not higher than grade 12. Combined schools include all other combinations of grades, including K–12 schools.

NOTE: "Cyber-bullying" was defined for respondents as "occurring when willful and repeated harm is inflicted through the use of computers, cell phones, or other electronic devices." Responses were provided by the principal or the person most knowledgeable about crime and safety issues at the school. "At school" was defined for respondents to include activities that happen in school buildings, on school grounds, on school buses, and at places that hold school-sponsored events or activities. Respondents were instructed to respond only for those times that were during normal school hours or when school activities or events were in session.

SOURCE: U.S. Department of Education, National Center for Education Statistics, 2009–10 School Survey on Crime and Safety (SSOCS), 2010.

Figure 3.1 Percentage of students ages 12-18 who reported being cyber-bullied anywhere during the school year, by selected cyber-bullying problems and sex: 2011

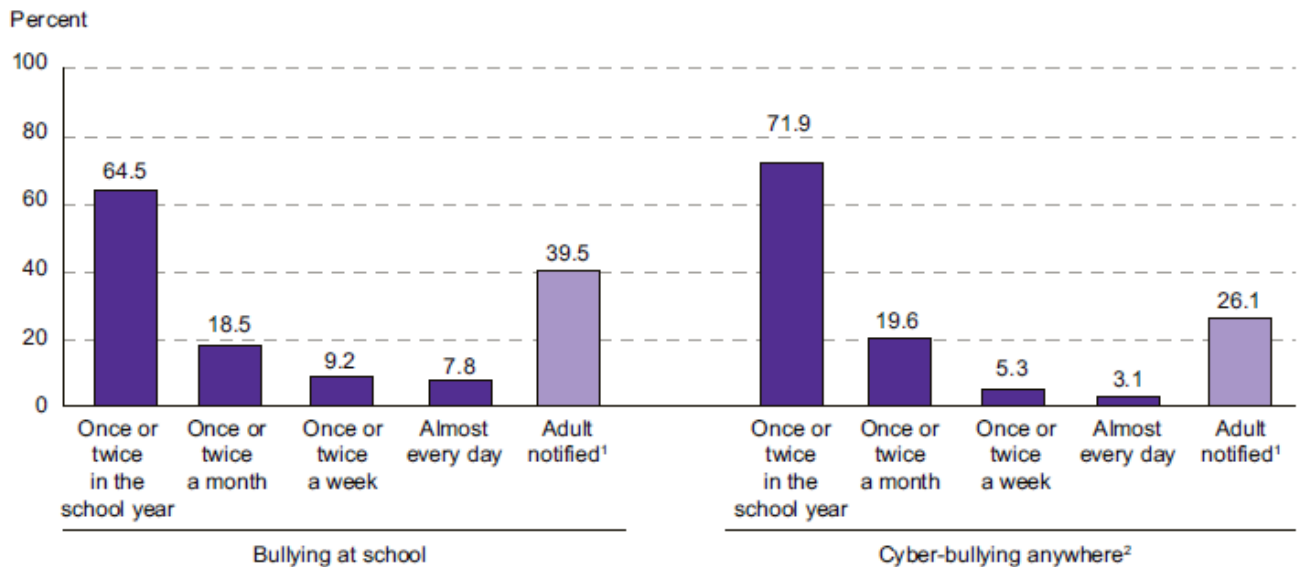


! Interpret data with caution. The coefficient of variation (CV) for this estimate is between 30 and 50 percent.

NOTE: "Cyber-bullying" includes students who responded that another student had posted hurtful information about them on the Internet; purposefully shared private information about them on the Internet; harassed them via instant messaging; harassed them via Short Message Service (SMS) text messaging; harassed them via e-mail; harassed them while gaming; or excluded them online. Cyber-bullying types do not sum to total because students could have experienced more than one type of cyber-bullying.

SOURCE: U.S. Department of Justice, Bureau of Justice Statistics, School Crime Supplement (SCS) to the National Crime Victimization Survey, 2011.

Figure 4.1 Percentage distribution of students ages 12-18 who reported being bullied at school and cyber-bullied anywhere during the school year, by frequency of bullying and percentage of students who notified an adult 2011.



¹Teacher or other adult at school notified.

² "Cyber-bullying" includes students who responded that another student had posted hurtful information about them on the Internet; purposefully shared private information about them on the Internet; harassed them via instant messaging; harassed them via Short Message Service (SMS) text messaging; harassed them via e-mail; harassed them while gaming; or excluded them online.

NOTE: "At school" includes the school building, on school property, on a school bus, or going to and from school. Detail may not sum to totals because of rounding. For more information, please see appendix A.

SOURCE: U.S. Department of Justice, Bureau of Justice Statistics, School Crime Supplement (SCS) to the National Crime Victimization Survey, 2011.

Figure 5.1 Percentage of students ages 12-18 who reported being cyberbullied anywhere during the school year, by selected cyber-bullying problems and selected students or school characteristics: 2011

Student or school characteristic	Cyber-bullying anywhere ¹							
	Total cyber-bullying anywhere ¹	Hurtful information on Internet	Private information purposefully shared on Internet	Subject of harassing instant messages	Subject of harassing text messages	Subject of harassing e-mails	Subject of harassing while gaming	Excluded online
Total	9.0	3.6	1.1	2.7	4.4	1.9	1.5	1.2
Sex								
Male	6.9	1.7	0.7	1.5	2.4	1.1	2.7	1.0
Female	11.2	5.7	1.5	4.0	6.5	2.7	0.2!	1.4
Race/ethnicity ²								
White	10.6	4.2	1.2	3.3	5.5	2.2	1.6	1.4
Black	7.0	3.8	1.3!	1.8	2.9	1.6	‡	‡
Hispanic	7.6	2.5	0.9!	2.3	3.3	1.5	2.0	1.4
Asian	5.5!	‡	‡	‡	2.4!	#	‡	‡
Other	3.8!	‡	#	‡	‡	‡	#	‡
Grade								
6th	6.4	1.6!	‡	1.2!	2.1!	1.4!	1.5!	1.2!
7th	8.1	3.3	0.6!	3.0	3.7	1.9	1.7	1.1!
8th	8.6	3.4	0.9!	3.0	3.6	1.7	1.5	1.3
9th	8.3	3.7	1.5	3.2	4.2	1.6	0.9!	1.9
10th	11.6	4.8	1.5	3.6	6.6	2.7	1.8	1.4
11th	11.1	4.7	1.1!	2.7	5.8	2.9	1.7	0.6!
12th	7.8	3.0	1.2!	1.5!	3.9	0.7!	1.3!	0.7!
Urbanicity ³								
Urban	7.3	3.3	1.2	1.9	3.4	1.5	1.1	1.0
Suburban	10.0	3.7	1.0	2.9	4.9	2.0	1.9	1.2
Rural	8.9	4.0	1.1!	3.5	4.9	2.2	‡	1.2!
Sector ⁴								
Public	8.9	3.5	1.1	2.7	4.5	2.0	1.4	1.1
Private	9.8	4.8	1.3!	2.7	3.2	‡	1.8!	1.6!

Rounds to zero.

! Interpret data with caution. The coefficient of variation (CV) for this estimate is between 30 and 50 percent.

‡ Reporting standards not met. Either there are too few cases for a reliable estimate or the CV is 50 percent or greater.

¹ "Cyber-bullying" includes students who responded that another student had posted hurtful information about them on the Internet; purposefully shared private information about them on the Internet; harassed them via instant messaging; harassed them via Short Message Service (SMS) text messaging; harassed them via e-mail; harassed them while gaming; or excluded them online.

² Race categories exclude persons of Hispanic ethnicity. "Other" includes American Indian, Alaska Native, Pacific Islander, and two or more races.

³ Refers to the Standard Metropolitan Statistical Area (MSA) status of the respondent's household as defined in 2000 by the U.S. Census Bureau. Categories include "central city of an MSA (Urban)," "in MSA but not in central city (Suburban)," and "not MSA (Rural)." These data by metropolitan status were based on the location of households and differ from those published in *Student Reports of Bullying and Cyber-Bullying: Results From the 2011 School Crime Supplement to the National Crime Victimization Survey*, which were based on the urban-centric measure of the location of the school that the child attended.

⁴ Sector of school as reported by the respondent. These data differ from those based on a matching of the respondent-reported school name to the Common Core of Data, Public Elementary/Secondary School Universe Survey and Private School Survey, as reported in *Student Reports of Bullying and Cyber-Bullying: Results From the 2011 School Crime Supplement to the National Crime Victimization Survey*.

NOTE: Cyber-bullying types do not sum to total because students could have experienced more than one type of cyber-bullying.

SOURCE: U.S. Department of Justice, Bureau of Justice Statistics, School Crime Supplement (SCS) to the National Crime Victimization Survey, 2011.

Figure 6.1 Percentage of students ages 12-18 who reported being bullied at school during the school year, by selected bullying problems and selected student or school characteristics: 2011

Student or school characteristic	Total bullied at school or cyber-bullied anywhere	Bullying at school								Of students who were pushed, shoved, tripped, or spit on, percentage reporting injury ¹
		Total	Made fun of, called names, or insulted	Subject of rumors	Threatened with harm	Tried to make do things did not want to do	Excluded from activities on purpose	Property destroyed on purpose	Pushed, shoved, tripped, or spit on	
Total	29.7	27.8	17.6	18.3	5.0	3.3	5.6	2.8	7.9	21.3
Sex										
Male	26.7	24.5	16.2	13.2	5.0	3.6	4.8	3.3	8.9	21.3
Female	32.9	31.4	19.1	23.8	5.1	3.0	6.4	2.3	6.8	21.3
Race/ethnicity ²										
White	33.5	31.5	20.6	20.3	5.8	3.3	7.1	3.1	8.6	21.1
Black	28.5	27.2	16.4	18.6	5.5	4.3	4.7	3.3	9.3	16.2!
Hispanic	23.8	21.9	12.7	15.1	3.3	2.9	2.8	2.4	6.2	24.3
Asian	16.2	14.9	9.0	7.7	‡	2.7!	2.9!	‡	2.1!	‡
Other	24.3	23.7	15.0	17.0	6.5	‡	5.0!	‡	7.2	‡
Grade										
6th	37.4	37.0	27.0	23.1	4.9	3.9	6.6	3.7	12.7	24.6
7th	31.9	30.3	22.4	18.3	6.9	4.5	7.8	4.0	12.6	26.1
8th	32.0	30.7	20.7	19.0	5.3	2.9	6.4	4.0	10.8	21.7
9th	27.9	26.5	16.4	16.3	5.4	3.3	4.1	2.5	7.3	17.1
10th	30.8	28.0	16.9	19.6	5.1	3.9	5.3	2.2	6.7	16.3!
11th	26.8	23.8	12.7	17.1	4.0	2.4	4.7	1.8	3.9	‡
12th	23.8	22.0	10.6	16.7	3.5	2.3	4.3	1.9	2.7	‡
Urbanicity ³										
Urban	26.6	24.8	15.9	16.1	4.4	3.1	4.6	2.5	7.6	20.8
Suburban	31.1	29.0	18.4	18.7	5.0	3.2	6.0	3.0	8.2	21.9
Rural	30.8	29.7	18.4	21.4	6.3	3.9	5.8	3.0	7.3	20.1
Sector ⁴										
Public	30.2	28.4	17.9	18.8	5.3	3.3	5.5	2.9	8.1	21.2
Private	24.2	21.5	13.9	12.6	1.6!	2.9	5.6	2.1!	4.7	‡

! Interpret data with caution. The coefficient of variation (CV) for this estimate is between 30 and 50 percent.

‡ Reporting standards not met. Either there are too few cases for a reliable estimate or the CV is 50 percent or greater.

¹ Injury includes bruises or swelling; cuts, scratches, or scrapes; black eye or bloody nose; teeth chipped or knocked out; broken bones or internal injuries; knocked unconscious; or other injuries. Only students who reported that their bullying incident constituted being pushed, shoved, tripped, or spit on were asked if they suffered injuries as a result of the incident.

² Race categories exclude persons of Hispanic ethnicity. "Other" includes American Indian, Alaska Native, Pacific Islander, and two or more races.

³ Refers to the Standard Metropolitan Statistical Area (MSA) status of the respondent's household as defined in 2000 by the U.S. Census Bureau. Categories include "central city of an MSA (Urban)," "in MSA but not in central city (Suburban)," and "not MSA (Rural)." These data by metropolitan status were based on the location of households and differ from those published in *Student Reports of Bullying and Cyber-Bullying: Results From the 2011 School Crime Supplement to the National Crime Victimization Survey*, which were based on the urban-centric measure of the location of the school that the child attended.

⁴ Sector of school as reported by the respondent. These data differ from those based on a matching of the respondent-reported school name to

APPENDICES

Appendix A

Provisions Defining Cyberbullying More Broadly or Specifically

	2. 'Conduct' includes the use of technology or other electronic media." NDCC, 15.1-19-17.
Oklahoma	"1. 'Harassment, intimidation, and bullying' means any gesture, written or verbal expression, electronic communication, or physical act 'Harassment, intimidation, and bullying' include, but are not limited to, gestures, written, verbal, or physical acts, or electronic communications; . . . 3. 'Electronic communication' means the communication of any written, verbal, or pictorial information by means of an electronic device, including, but not limited to, a telephone, a cellular telephone or other wireless telecommunication device, or a computer" 70 Okl. St. Ann. § 24-100.3.C.
Oregon	"(1) 'Cyberbullying' means the use of any electronic communication device to harass, intimidate or bully." O.R.S. § 339.351.
Pennsylvania	"For purposes of this article, 'bullying' shall mean an intentional electronic, written, verbal or physical act, or a series of acts" 24 P.S. § 13-1303.1-A(e).
South Carolina	"'Harassment, intimidation, or bullying' means a gesture, an electronic communication, or a written, verbal, physical, or sexual act" Code 1976 § 59-63-120(1).
Tennessee	"(1) 'Cyber-bullying' means bullying undertaken through the use of electronic devices; (2) 'Electronic devices' include, but are not limited to, telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and web sites" T.C.A. § 49-6-1015(a).
Texas	"In this section, 'bullying' means . . . engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district" V.T.C.A., Education Code § 37.0832(a).
Vermont	"'Harassment' means an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means" 16 V.S.A. § 11(a)(26)(A).
Washington	"'Harassment, intimidation, or bullying' means any intentional electronic, written, verbal, or physical act" West's RCWA 28A.300.285(2).
West Virginia	"(a) As used in this article, 'harassment, intimidation or bullying' means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat . . . (b) As used in this article, an electronic act, communication, transmission or threat includes but is not limited to one which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device." W. Va. Code, § 18-2C-2.
Wyoming	"'Harassment, intimidation or bullying' means any intentional gesture, any intentional electronic communication or any intentional written, verbal or physical act initiated, occurring or received at school" W.S.1977 § 21-4-312(a)(j).
Provisions defining cyberbullying more broadly or specifically	
Connecticut	"(a) As used in this section and sections 10-222g, 10-222h, and sections 4 and 9 of public act 11-232: . . . (2) 'Cyberbullying' means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications; (3) 'Mobile electronic device' means any hand-held or other portable electronic equipment capable of providing data communication between two or more individuals, including, but not limited to, a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital images are taken or transmitted; (4) 'Electronic communication' means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical system" C.G.S.A. § 10-222d.
Kansas	"'Cyberbullying' means bullying by use of any electronic communication device through means including, but not limited to, e-mail, instant messaging, text messages, blogs, mobile phones,

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	paggers, online games and websites." K.S.A. 72-8256(a)(2).
Kentucky	<p>"A person is guilty of harassing communications when, with intent to intimidate, harass, annoy, or alarm another person, he or she: . . .</p> <p>(c) Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication." KRS § 525.080(1).</p>
Massachusetts	<p>"Bullying", the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying. . . .</p> <p>'Cyber-bullying', bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. . . ." M.G.L.A. 71 § 37O(a).</p>
Rhode Island	<p>"(1) 'Bullying' means the use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student</p> <p>(2) 'Cyber-bullying' means bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data, texting or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages or facsimile communications. For purposes of this section, cyber-bullying shall also include:</p> <p>(i) The creation of a web page or blog in which the creator assumes the identity of another person;</p> <p>(ii) The knowing impersonation of another person as the author of posted content or messages; or</p> <p>(iii) The distribution by electronic means of a communication to more than one person or the posting of materials on an electronic medium that may be accessed by one or more persons, if the creation, impersonation, or distribution results in any of the conditions enumerated in clauses (i) to (v) of the definition of bullying herein." Gen. Laws 1956, § 16-21-34(a).</p>
Utah	<p>"Cyber-bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication." U.C.A. 1953 § 53A-11a-102(3).</p>

* This table does not provide the full statutory definitions and is meant to emphasize the coverage of cyberbullying in the statutory definitions of bullying.

* West's Ann. Cal. Educ. Code § 48900, as presented in the table, will become effective on July 1, 2012.

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Appendix B

States Defining Harassment and Bullying Separately

Table 6A : Treatment of Terms "Harassment" and "Bullying"	
States referring only to harassment	
Alabama	"No student shall engage in or be subjected to harassment, intimidation, violence, or threats of violence . . ." Ala. Code 1975 § 16-28B-4(a).
Kentucky	"A person is guilty of harassment when, with intent to intimidate, harass, annoy, or alarm another person . . ." KRS § 525.070(1). "A person is guilty of harassing communications when, with intent to intimidate, harass, annoy, or alarm another person . . ." KRS § 525.080(1).
New York	"1. No student shall be subjected to harassment by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's actual or perceived . . ." N.Y. Educ. Law §12 (McKinney 2012)
States referring to both harassment and bullying and not defining them	
Arizona	Requires districts to "Prescribe and enforce policies and procedures to prohibit pupils from harassing, intimidating and bullying other pupils," leaves definitions to the district. AZ ST § 15-341(37)
Hawaii	"[a]s used in this Act, "bullying", "cyberbullying", and "harassment" shall have the same meanings as defined in any department of education administrative rules or statutes governing bullying, cyberbullying, and harassment." H.B. No. 688.
Maine	Provides, without defining the terms, that "[t]he Commissioner of Education shall direct the Subcommittee on School and Community Climate of the Children's Cabinet to develop model policies to address bullying, harassment and sexual harassment in schools." ME ST T. 20-A § 1001
Virginia	"The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include, but not be limited to . . . (ii) standards, consistent with state, federal and case laws, for school board policies on . . . bullying, the use of electronic means for purposes of bullying, harassment, and intimidation, . . ." VA ST § 22.1-279.6.
States referring to both harassment and bullying defining them separately	
Florida	"Bullying or harassment of any student or employee of a public K-12 educational institution is prohibited." FL ST § 1006.147 (2) (a) "Bullying" means systematically and chronically inflicting physical hurt or psychological distress on one or more students and may involve: 1. Teasing; 2. Social exclusion; 3. Threat; 4. Intimidation; 5. Stalking; 6. Physical violence; 7. Theft; 8. Sexual, religious, or racial harassment; 9. Public humiliation; or 10. Destruction of property. FL ST § 1006.147 (3) (b) "Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or school employee that: 1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property; 2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or 3. Has the effect of substantially disrupting the orderly operation of a school. FL ST § 1006.147 (3)
Nevada	"'Bullying' means a willful act . . ." N.R.S. 388.122. "'Harassment' means a willful act . . ." N.R.S. 388.125. "'Intimidation' means a willful act . . ." N.R.S. 388.129.
Texas	Requires education on bullying and harassment and defines them separately. TX EDUC § 37.001. (but in policy requirement section refers only to bullying, see TX EDUC § Sec. 37.0832)

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Utah	"No school employee or student may engage in bullying or harassing a school employee or student," terms defined separately. UT St. 3A-11a-201.
Vermont	Defines harassment and bullying separately. Sec. 35. 16 V.S.A. § 11(a)(26)(A)
States referring to both harassment and bullying defining them together	
Alaska	"...each school district shall adopt a policy that prohibits the harassment, intimidation, or bullying of any student. AS § 14.33.200(a). Defines "[H]arassment, intimidation, or bullying" as "an intentional written, oral, or physical act, when the act is undertaken with the intent of threatening, intimidating, harassing, or frightening the student" AS § 14.33.250(2).
Iowa	Requires districts to have "[a] statement declaring harassment and bullying to be against state and school policy" and defines them together ("Harassment" and "bullying" shall be construed to mean . . ."). IA ST § 280.28
Idaho	"No student shall intentionally commit, or conspire to commit, an act of harassment, intimidation or bullying against another student." I.C. § 18-917A(1). "As used in this section, 'harassment, intimidation or bullying' means any intentional gesture, or any intentional written, verbal or physical act or threat by a student" I.C. § 18-917A(2).
Louisiana	Requires adoption of policies "prohibiting the harassment, intimidation, and bullying of a student by another student," and provides that "For purposes of this Subsection, the terms 'harassment', 'intimidation', and 'bullying' shall mean any intentional gesture or written, verbal, or physical act that: . . . (b) is so severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for a student." LSA-R.S. 17:416.13.B(2).
Maryland	Requires "[e]ach county board shall establish a policy prohibiting bullying, harassment, or intimidation at school based on the mode policy." MD Code, Education, § 7-424(b)(1). "Bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication" MD Code, Education, § 7-424(a)(2).
Mississippi	"(2) No student or school employee shall be subjected to bullying or harassing behavior by school employees or students. (1) As used in this act, "bullying or harassing behavior" is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication, or any act reasonably perceived as being motivated by any actual or perceived differentiating characteristic, that . . ." MS SB. 2015
North Carolina	(b) No student or school employee shall be subjected to bullying or harassing behavior by school employees or students. (a) As used in this Article, "bullying or harassing behavior" is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that . . ." NC ST § 115C-407.5.
New Jersey	" Each school district shall adopt a policy prohibiting harassment, intimidation or bullying . . ." NJ ST 18A:37-15 "Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that . . ." NJ ST 18A:37-14

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Appendix C

States explicitly extending schools' ability to reach at least some incidents of bullying occurring outside of school or other school-related locations

	circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication." KRS § 525.080(1).
Missouri	"Bullying" means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property." V.A.M.S. 160.775.2.
Nevada	"Bullying" means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and: 1. Is intended to cause or actually causes the person to suffer harm or serious emotional distress; 2. Places the person in reasonable fear of harm or serious emotional distress; or 3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil." N.R.S. 388.122.
Vermont	"Harassment" means an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means . . . that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment." 16 V.S.A. § 11(a)(26)(A).
Washington	"Harassment, intimidation, or bullying" means any intentional electronic, written, verbal, or physical act, . . . when the intentional electronic, written, verbal, or physical act: (a) Physically harms a student or damages the student's property; or (b) Has the effect of substantially interfering with a student's education; or (c) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or (d) Has the effect of substantially disrupting the orderly operation of the school." West's RCWA 28A.300.285(2).
Provisions explicitly extending schools' ability to reach at least some incidents of bullying occurring outside of school or other school-related locations	
Connecticut	(a) As used in this section and sections 10-222g, 10-222h, and sections 4 and 9 of public act 11-232: (1) 'Bullying' means (A) the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same school district, . . . that: (i) Causes physical or emotional harm to such student or damage to such student's property, (ii) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property, (iii) creates a hostile environment at school for such student, (iv) infringes on the rights of such student at school, or (v) substantially disrupts the education process or the orderly operation of a school. . . . (5) 'Hostile environment' means a situation in which bullying among students is sufficiently severe or pervasive to alter the conditions of the school climate; (6) 'Outside of the school setting' means at a location, activity or program that is not school related, or through the use of an electronic device or a mobile electronic device that is not owned, leased or used by a local or regional board of education; . . . (b) Each local and regional board of education shall develop and implement a safe school climate plan to address the existence of bullying in its schools. Such plan shall: . . . (15) prohibit bullying (A) on school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a local or regional board of education, or through the use of an electronic device or an electronic mobile device owned, leased or used by the local or regional board of education, and (B) outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school" C.G.S.A. § 10-222d.
Louisiana	"B. . . . (2) For purposes of this Subsection, the terms "harassment", "intimidation", and "bullying"

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	<p>shall mean any intentional gesture or written, verbal, or physical act that:</p> <p>(a) A reasonable person under the circumstances should know will have the effect of harming a student or damaging his property or placing a student in reasonable fear of harm to his life or person or damage to his property; and</p> <p>(b) Is so severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for a student. . . .</p> <p>C. . . . (2) For the purposes of this Subsection, the term 'cyberbullying' shall mean harassment, intimidation, or bullying of a student on school property by another student using a computer, mobile phone, or other interactive or digital technology or harassment, intimidation, or bullying of a student while off school property by another student using any such means when the action or actions are intended to have an effect on the student when the student is on school property." LSA-R.S. 17:416.13.</p>
Maryland	<p>"Bullying, harassment, or intimidation' means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that:</p> <p>(i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being . . .</p> <p>(ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or</p> <p>2. Substantially disrupts the orderly operation of a school." MD Code, Education, § 7-424(a)(2).</p>
Massachusetts	<p>"(a) 'Bullying', the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying. . . .</p> <p>'Hostile environment', a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education. . . .</p> <p>(b) Bullying shall be prohibited: (i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and (ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school." M.G.L.A. 71 § 370.</p>
New Hampshire	<p>"Bullying' means a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which:</p> <p>(1) Physically harms a pupil or damages the pupil's property;</p> <p>(2) Causes emotional distress to a pupil;</p> <p>(3) Interferes with a pupil's educational opportunities;</p> <p>(4) Creates a hostile educational environment; or</p> <p>(5) Substantially disrupts the orderly operation of the school." N.H. Rev. Stat. § 193-F:3.I(a).</p> <p>"Bullying or cyberbullying shall occur when an action or communication as defined in RSA 193-F:3:</p> <p>(a) Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or</p> <p>(b) Occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event." N.H. Rev. Stat. § 193-F:4.I.</p>

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New Jersey	<p>"Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, . . . that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c. 122 (C.18A:37-15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:</p> <ul style="list-style-type: none"> a. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property; b. has the effect of insulting or demeaning any student or group of students; or c. creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student." N.J.S.A. 18A:37-14. <p>"The policy adopted by each school district . . . shall include provisions for appropriate responses to harassment, intimidation, or bullying, as defined in section 2 of P.L.2002, c. 83 (C.18A:37-14), that occurs off school grounds, in cases in which a school employee is made aware of such actions. The responses to harassment, intimidation, or bullying that occurs off school grounds shall be consistent with the board of education's code of student conduct and other provisions of the board's policy on harassment, intimidation, or bullying." N.J.S.A. 18A:37-15.3.</p>
Oklahoma	<p>"Harassment, intimidation, and bullying" means any gesture, written or verbal expression, electronic communication, or physical act that a reasonable person should know will harm another student, damage another student's property, place another student in reasonable fear of harm to the student's person or damage to the student's property, or insult or demean any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student." 70 Okl. St. Ann. § 24-100.3.C.1.</p> <p>"The [harassment, intimidation, and bullying] policy shall: 1. Specifically prohibit threatening behavior, harassment, intimidation, and bullying by students at school and by electronic communication, whether or not such communication originated at school or with school equipment, if the communication is specifically directed at students or school personnel and concerns harassment, intimidation, or bullying at school" 70 Okl. St. Ann. § 24-100.4.A.</p>
Pennsylvania	<p>"(d) In its policy relating to bullying adopted or maintained under subsection (a), a school entity shall not be prohibited from defining bullying in such a way as to encompass acts that occur outside a school setting if those acts meet the requirements contained in subsection (e)(1), (3) and (4). . . .</p> <p>(e) For purposes of this article, 'bullying' shall mean an intentional electronic, written, verbal or physical act, or a series of acts:</p> <ul style="list-style-type: none"> (1) directed at another student or students; (2) which occurs in a school setting; (3) that is severe, persistent or pervasive; and (4) that has the effect of doing any of the following: <ul style="list-style-type: none"> (i) substantially interfering with a student's education; (ii) creating a threatening environment; or (iii) substantially disrupting the orderly operation of the school" 24 P.S. § 13-1303.1-A.
Rhode Island	<p>"(1) 'Bullying' means the use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student that:</p> <ul style="list-style-type: none"> (i) Causes physical or emotional harm to the student or damage to the student's property; (ii) Places the student in reasonable fear of harm to himself/herself or of damage to his/her property; (iii) Creates an intimidating, threatening, hostile, or abusive educational environment for the student; (iv) Infringes on the rights of the student to participate in school activities; or (v) Materially and substantially disrupts the education process or the orderly operation of a school . . . <p>..</p> <p>(3) 'At school' means on school premises, at any school-sponsored activity or event whether or not</p>

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	<p>it is held on school premises, on a school-transportation vehicle, at an official school bus stop, using property or equipment provided by the school, or creates a material and substantial disruption of the education process or the orderly operation of the school." Gen. Laws 1956, § 16-21-33(a).</p> <p>"The Rhode Island department of education shall prescribe by regulation a statewide bullying policy, ensuring a consistent and unified, statewide approach to the prohibition of bullying at school." Gen. Laws 1956, § 16-21-34(a).</p>
Tennessee	<p>"Harassment, intimidation or bullying" means any act that substantially interferes with a student's educational benefits, opportunities or performance; and: . . . (B) If the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process." T.C.A. § 49-6-1015(a)(3).</p>
Utah	<p>"(1) No school employee or student may engage in bullying or harassing a school employee or student:</p> <ul style="list-style-type: none"> (a) on school property; (b) at a school related or sponsored event; (c) on a school bus; (d) at a school bus stop; or (e) while the school employee or student is traveling to or from a location or event described in Subsections (1)(a) through (d). <p>(2) No school employee or student may engage in hazing or cyber-bullying a school employee or student at any time or in any location." U.C.A. 1953 § 53A-11a-201.</p>

* This table does not provide the full statutory definitions and is meant to emphasize the scope of bullying in the statutory definitions of bullying.

† West's Ann. Cal. Educ. Code § 48900, and McKinney's Education Law § 12, as presented in the table, will become effective on July 1, 2012.

Appendix D

Summary of The Megan Meier Cyberbullying Prevention Act H.R. 6123

Megan Meier Cyberbullying Prevention Act - Amends the federal criminal code to impose criminal penalties on anyone who transmits in interstate or foreign commerce a communication intended to coerce, intimidate, harass, or cause substantial emotional distress to another person, using electronic means to support severe, repeated, and hostile behavior.

Link to full text of H.R. 6123

<https://www.govtrack.us/congress/bills/110/hr6123/text>

Source: H.R. 6123

Appendix E:

Co-Sponsors for the Megan Meier Cyberbullying Prevention Act (2008) H.R 6123

Rep Akin, W. Todd [MO-2]

Rep Hulshof, Kenny C. [MO-9]

Rep Davis, Danny K. [IL-7]

Rep Kirk, Mark Steven [IL-10]

Rep Matsui, Doris O. [CA-5]

Source: H.R. 6123

Appendix F

Co-Sponsors for the Megan Meier Cyberbullying Prevention Act (2009) H.R. 1966

Rep Baca, Joe [CA-43]	Rep Bishop, Timothy H. [NY-1]
Rep Braley, Bruce L. [IA-1]	Rep Capps, Lois [CA-23]
Rep Clay, Wm. Lacy [MO-1]	Rep Courtney, Joe [CT-2]
Rep Davis, Danny K. [IL-7]	Rep Grijalva, Raul M. [AZ-7]
Rep Hare, Phil [IL-17]	Rep Higgins, Brian [NY-27]
Rep Kaptur, Marcy [OH-9]	Rep Kirk, Mark Steven [IL-10]
Rep Luetkemeyer, Blaine [MO-9]	Rep Norton, Eleanor Holmes [DC]
Rep Roybal-Allard, Lucille [CA-34]	Rep Sarbanes, John P. [MD-3]
Rep Shea-Porter, Carol [NH-1]	Rep Space, Zachary T. [OH-18]
Rep Titus, Dina [NV-3]	Rep Yarmuth, John A. [KY-3]

Source: H.R. 1966

Appendix G

Full Text of H.R. 1966 Megan Meier Cyberbullying Prevention Statute. Please click inside box below.



**H.R. 1966 Megan
Meier**

Source: H.R. 1966

Appendix H

Summary of Tyler Clementi Higher Education Anti-Harassment Act S. 3960

Tyler Clementi Higher Education Anti-Harassment Act of 2010 - Amends title IV (Student Assistance) of the Higher Education Act of 1965 to require each institution of higher education (IHE) participating in a title IV program (except foreign schools) to include in its annual security report a statement of policy regarding harassment that includes: (1) a prohibition of harassment of students by other students, faculty, and staff; (2) a description of its programs to prevent harassment; (3) a description of the procedures that students should follow if harassment occurs; and (4) a description of the procedures it will follow once an incident of harassment has been reported.

Defines "harassment" to include certain conduct undertaken through technological means that limits a student's ability to benefit from the IHE's programs, or creates a hostile or abusive educational environment at the school.

Authorizes the Secretary of Education to award competitive grants to IHEs to initiate, expand, or improve programs to: (1) prevent the harassment of students; (2) provide counseling or redress services to students who have been harassed or accused of subjecting other students to harassment; and (3) train students, faculty, or staff to prevent harassment or address harassment if it occurs.

Directs the Secretary to publish a report of best practices for combating harassment at IHEs.

Link to full text of S. 3960

<http://www.gpo.gov/fdsys/pkg/BILLS-111s3960is/pdf/BILLS-111s3960is.pdf>

Source: S. 3960

Appendix I

Co-Sponsors for Tyler Clementi Higher Education Anti-Harassment Act (2010)
S. 3960

Sen Akaka, Daniel K. [HI]

Sen Menendez, Robert [NJ]

Sen Merkley, Jeff [OR]

Sen Sanders, Bernard [VT]

Sen Wyden, Ron [OR]

Source: S. 3960

Appendix J:

Co-Sponsors for Tyler Clementi Higher Education Anti-Harassment Act (2010)
H.R. 6425

Rep Andrews, Robert E. [NJ-1]

Rep Pallone, Frank, Jr. [NJ-6]

Rep Pascrell, Bill, Jr. [NJ-8]

Rep Rothman, Steven R. [NJ-9]

Rep Sánchez, Linda T. [CA-39]

Rep Sires, Albio [NJ-13]

Link to full text of H.R. 6425

<https://www.govtrack.us/congress/bills/111/hr6425/text>

Source: H.R. 6425

Appendix K

Co-Sponsors for Tyler Clementi Higher Education Anti-Harassment Act (2011) S. 540

Sen Akaka, Daniel K. [HI]

Sen Blumenthal, Richard [CT]

Sen Durbin, Richard [IL]

Sen Gillibrand, Kirsten E. [NY]

Sen Menendez, Robert [NJ]

Sen Merkley, Jeff [OR]

Sen Murray, Patty [WA]

Sen Sanders, Bernard [VT]

Sen Wyden, Ron [OR]

Link to full text of S. 540

<https://www.govtrack.us/congress/bills/112/s540/text>

Source: S. 540

Appendix L

Co-Sponsors for Tyler Clementi Higher Education Anti-Harassment Act (2011) H.R.
1048

Rep Andrews, Robert E. [NJ-1]	Rep Berkley, Shelley [NV-1]
Rep Bishop, Timothy H. [NY-1]	Rep Blumenauer, Earl [OR-3]
Rep Bonamici, Suzanne [OR-1]	Rep Capuano, Michael E. [MA-8]
Rep Carnahan, Russ [MO-3]	Rep Chu, Judy [CA-32]
Rep Clay, Wm. Lacy [MO-1]	Rep Cohen, Steve [TN-9]
Rep Cohen, Steve [TN-9]	Rep Davis, Danny K. [IL-7]
Rep Davis, Susan A. [CA-53]	Rep Deutch, Theodore E. [FL-19]
Rep Doggett, Lloyd [TX-25]	Rep Doyle, Michael F. [PA-14]
Rep Ellison, Keith [MN-5]	Rep Fattah, Chaka [PA-2]
Rep Grijalva, Raul M. [AZ-7]	Rep Hahn, Janice [CA-36]
Rep Hastings, Alcee L. [FL-23]	Rep Hinchey, Maurice D. [NY-22]
Rep Hinojosa, Ruben [TX-15]	Rep Honda, Michael M. [CA-15]
Rep Larsen, Rick [WA-2]	Rep Lee, Barbara [CA-9]
Rep Maloney, Carolyn B. [NY-14]	Rep McDermott, Jim [WA-7]
Rep Pallone, Frank, Jr. [NJ-6]	Rep Pascrell, Bill, Jr. [NJ-8]
L2	Rep Reyes, Silvestre [TX-16]
Rep Payne, Donald M. [NJ-10]	Rep Sánchez, Linda T. [CA-39]
Rep Rothman, Steven R. [NJ-9]	Rep Schiff, Adam B. [CA-29]
Rep Schakowsky, Janice D. [IL-9]	Rep Sires, Albio [NJ-13]
Rep Schwartz, Allyson Y. [PA-13]	

Rep Smith, Adam [WA-9]

Rep Speier, Jackie [CA-12]

Rep Towns, Edolphus [NY-10]

Link to full text of H.R. 1048

<https://www.govtrack.us/congress/bills/112/hr1048/text>

Source: H.R. 1048

Appendix M

Co-Sponsors for Tyler Clementi Higher Education Anti-Harassment Act of 2013
S. 216

Sen Blumenthal, Richard [CT]

Sen Gillibrand, Kirsten E. [NY]

Sen Menendez, Robert [NJ]

Sen Murray, Patty [WA]

Sen Wyden, Ron [OR]

Link to full text of S. 216

<https://www.govtrack.us/congress/bills/113/s216/text>

Source: S. 216

Appendix N

Co-Sponsors for the Tyler Clementi Higher Education Anti-Harassment Act of 2013 H.R. 482

Rep Blumenauer, Earl [OR-3]	Rep Bonamici, Suzanne [OR-1]
Rep Capuano, Michael E. [MA-7]	Rep Chu, Judy [CA-27]
Rep Cicilline, David N. [RI-1]	Rep Davis, Susan A. [CA-53]
Rep Deutch, Theodore E. [FL-21]	Rep Doyle, Michael F. [PA-14]
Rep Ellison, Keith [MN-5]	Rep Grijalva, Raul M. [AZ-3]
Rep Hahn, Janice [CA-44]	Rep Hahn, Janice [CA-44]
Rep Hastings, Alcee L. [FL-20]	Rep Higgins, Brian [NY-26]
Rep Honda, Michael M. [CA-17]	Rep Larsen, Rick [WA-2]
Rep Lee, Barbara [CA-13]	Rep Maloney, Sean Patrick [NY-18]
Rep McDermott, Jim [WA-7]	Rep Meng, Grace [NY-6]
Rep Pallone, Frank, Jr. [NJ-6]	Rep Pascrell, Bill, Jr. [NJ-9]
Rep Payne, Donald M., Jr. [NJ-10]	Rep Pocan, Mark [WI-2]
Rep Schiff, Adam B. [CA-28]	Rep Schwartz, Allyson Y. [PA-13]
Rep Shea-Porter, Carol [NH-1]	Rep Sherman, Brad [CA-30]
Rep Sires, Albio [NJ-8]	Rep Speier, Jackie [CA-14]

Link to full text of H.R. 482

<https://www.govtrack.us/congress/bills/113/hr482/text>

Source: H.R. 482

Appendix O

Full Text of the Recent Version of the Tyler Clementi Higher Education Anti-Harassment Statute. Please click inside box link below



**Recent Version of
Tyler Clementi Act**

S. 2164

Appendix P

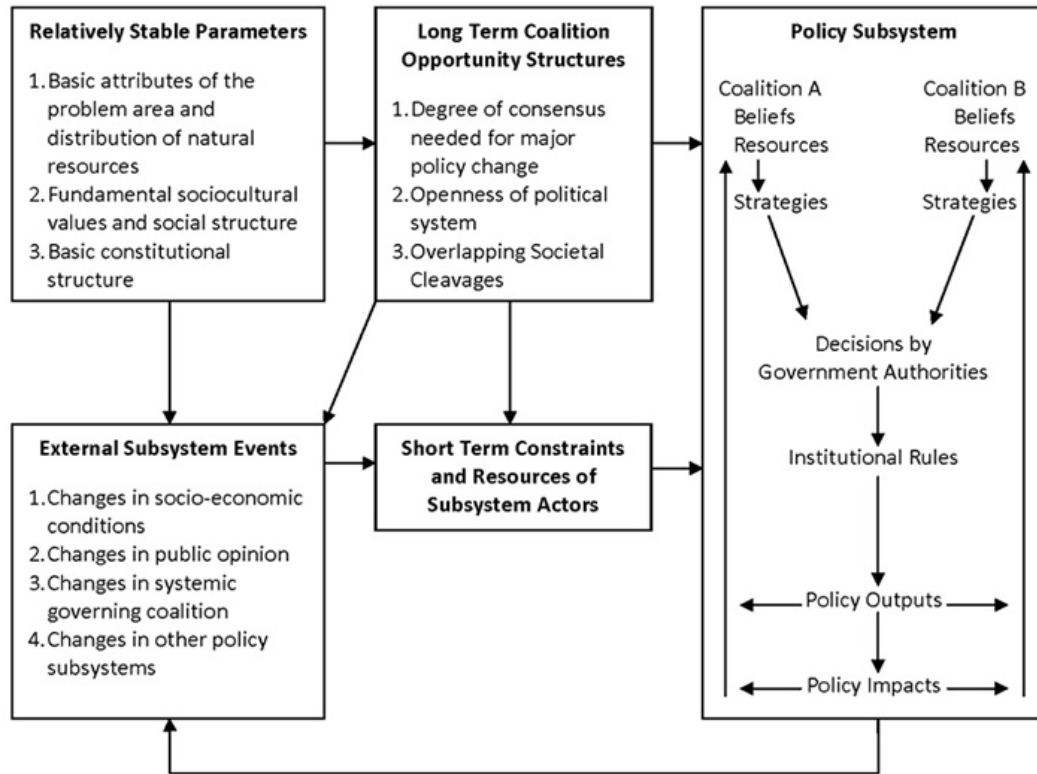
The Policy Process

The Policy Process					
Policy Terminology	Stage 1: Policy Agenda	Stage 2: Policy Formulation	Stage 3: Policy Adoption	Stage 4: Policy Implementation	Stage 5: Policy Evaluation
Definition	Those problems, among many, that receive the serious attention of public officials	Development of pertinent and acceptable proposed courses of action for dealing with a public problem	Development of support for a specific proposal so that a policy can be legitimized or authorized	Application of the policy by the government's administrative machinery	Efforts by the government to determine whether the policy was effective and why or why not
Common sense	Getting the government to consider action on the problem	What is proposed to be done about the problem	Getting the government to accept a particular solution to the problem	Applying the government's policy to the problem	Did the policy work?

Source: Anderson, J.E. (2011). *Public policymaking*. (7th ed.). Boston, MA: Wadsworth, Cengage Learning.

Appendix Q

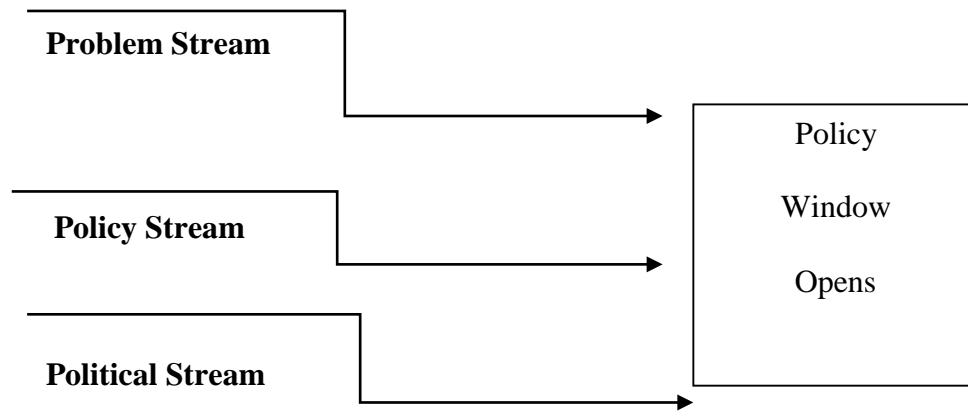
Advocacy Coalition Framework



Source: Sabatier, P.A., & Weible, C.M. (2007). The advocacy coalition framework, In Sabatier, P.A. *Theories of the policy process* (2nd ed.). Boulder, CO: Westview Press.

Appendix R

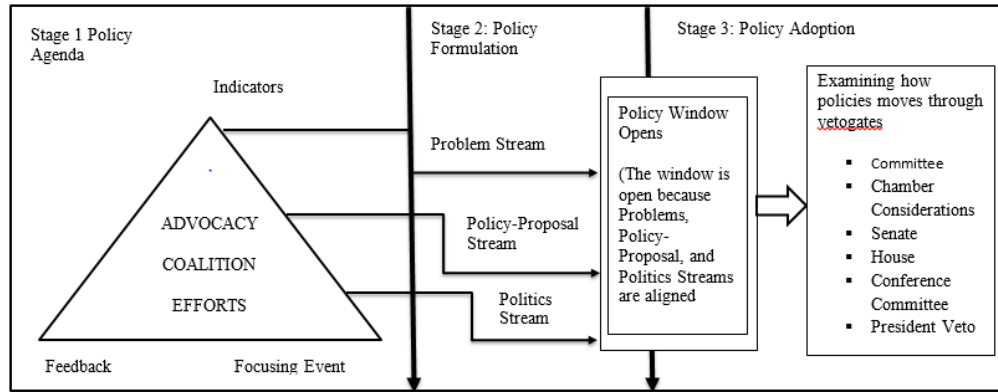
Kingdon's Three Streams Model



Adapted from: Kingdon, J.W. (2011). *Agendas, alternatives and public policies*. (2nd ed.). New York, NY: Longman.

Appendix S

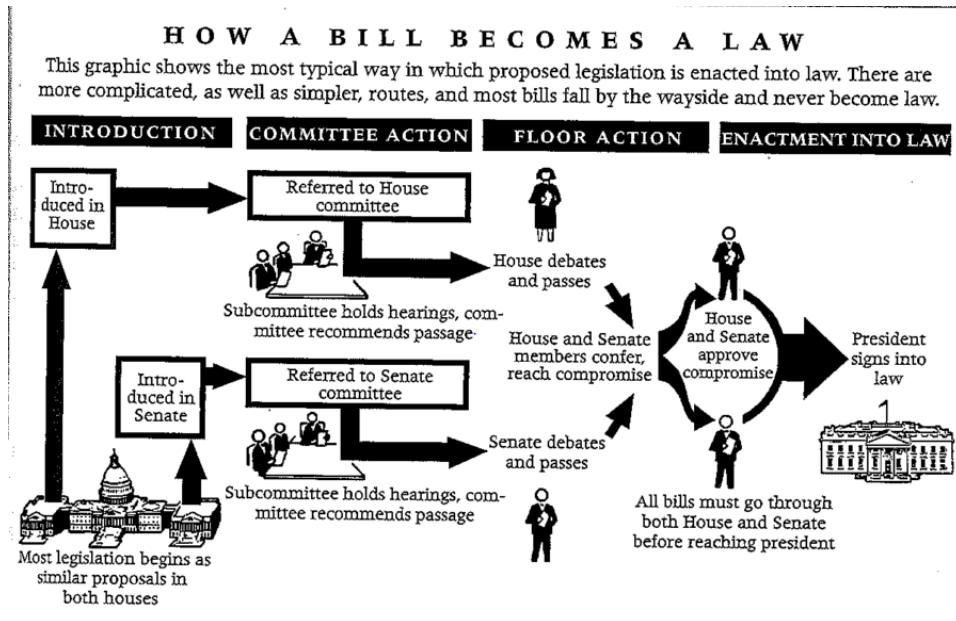
Vines Policy Process Model (VPPM)



Vines Model Adapted from Anderson's (2011) 5 Stages of the Policy Process; Kingdon Three Streams Model (2011); Advocacy Coalition Framework (Sabatier and Jenkins-Smith, 1983) and The Proceduralist Theory of the Legislative Process (Eskridge, Jr. et al., 2001)

Appendix T:

How a Bill Becomes a Law



Source: CQ Press. (2008). Congress A to Z (5th ed.). Washington, DC: Author

Appendix U:

Request to Participate in Study and Interview Protocol

Information about Being in a Research Study
Clemson University

Title of Project:

An Embedded Case Study of the Proposed Megan Meier Cyberbullying Prevention & The Proposed Tyler Clementi Higher Education Anti-Harassment Statutes

Dear [Insert Participant's Name Here]:

Dr. Patricia F. First, and James E. Vines, are inviting you to take part in a research study. Dr. First is a Distinguished Professor at Clemson University. James E. Vines is a graduate student at Clemson University, running this study with the help of Dr. First. The purpose of this research is to understand how cyberbullying became a major issue; how the two proposed statutes got on the Congressional agenda, and examined the two proposed statutes within the legislative process.

We are requesting your participation which will involve an interview to obtain your views on the proposed Megan Meier Cyberbullying Prevention and the Tyler Clementi Higher Education Anti-Harassment statutes. In addition, we would like to obtain your views on cyberbullying as well.

Interviews will last no more than one hour, and will be audio recorded. The audio recording will be used later to produce a written transcript of the interview. A copy of the transcript will be provided to you for final review and comments. You will be allowed two weeks to provide feedback on the transcripts. All audio recordings will be securely stored by Mr. Vines. Information collected from this study will be used for future scholarly presentations and publications.

We do not know of any risks or discomforts to you in this research study. In addition, there are no direct benefits for participation in this study. However, this research may help us to understand the agenda setting process. In addition, the study will shed light on the significant role advocacy coalitions play in the legislative process.

We will do everything we can to protect your privacy and confidentiality. We will not tell anybody outside of the research team that you were in this study or what information we

Appendix U Cont.

Interview Protocol

collected about you in particular. All participants will be given a pseudonym as an added measure to protect their privacy. Your name or any identifying information will not be used in any publications or presentations, however anyone familiar with the statutes may be able to identify you.

You do not have to be in this study. You may choose not to take part and you may choose to stop taking part at any time. You will not be punished in any way if you decide not to be in the study or to stop taking part in the study.

If you have any questions or concerns about this study or if any problems arise, please contact Dr. Patricia F. First at Clemson University at 864-656-0328. Dr. First can be reached by email at pfirst@clemson.edu.

If you have any questions or concerns about your rights in this research study, please contact the Clemson University Office of Research Compliance (ORC) at 864-656-6460 or irb@clemson.edu. If you are outside of the Upstate South Carolina area, please use the ORC's toll-free number, 866-297-3071.

I have read this form and have been allowed to ask any questions I might have. I agree to take part in this study.

A copy of this form will be given to you.

Appendix U Cont.

Interview Protocol

Proponents of the Two Proposed Statutes

1. What is your understanding of the proposed Megan Meier Cyberbullying Prevention statute?
2. What is your understanding of the proposed Tyler Clementi Higher Education Anti-Harassment statute?
3. How do you and or (your coalition) define cyberbullying?
4. What are the benefits (if any) of these proposed statutes?
5. What factors contributed to your organization being involved with supporting the Megan Meier Cyberbullying Prevention statute?
6. What factors contributed to you being involved with supporting the Tyler Clementi Higher Education Anti-Harassment statute?
7. Do we need federal laws addressing cyberbullying? Why or Why not?
8. Do you feel cyberbullying will be a major concern in 10 years?

Opponents of the Two Proposed Statutes

1. What is your understanding of the proposed Megan Meier Cyberbullying Prevention statute?
2. What is your understanding of the proposed Tyler Clementi Higher Education Anti-Harassment statute?
3. How do you and or (your coalition) define cyberbullying?
4. What are the benefits (if any) of these proposed statutes?
5. What factors contributed to your organization being involved in speaking out against the Megan Meier Cyberbullying Prevention statute?
6. What factors contributed to your organization being involved in speaking out against the Tyler Clementi Higher Education Anti-Harassment statute?
7. Do we need federal laws addressing cyberbullying? Why or Why not?
8. Do you feel cyberbullying will be a major concern in 10 years?

Newspaper journalists

1. How did you get started reporting on these statutes?
2. What is your understanding of the proposed Megan Meier Cyberbullying Prevention statute?

Appendix U Cont.

3. What is your understanding of the proposed Tyler Clementi Higher Education Anti-Harassment statute?
4. How do you define cyberbullying?
5. What are the benefits (if any) of these proposed statutes?
6. Do we need federal laws addressing cyberbullying? Why or Why not?
7. Do you feel cyberbullying will be a major concern in 10 years?

Appendix V

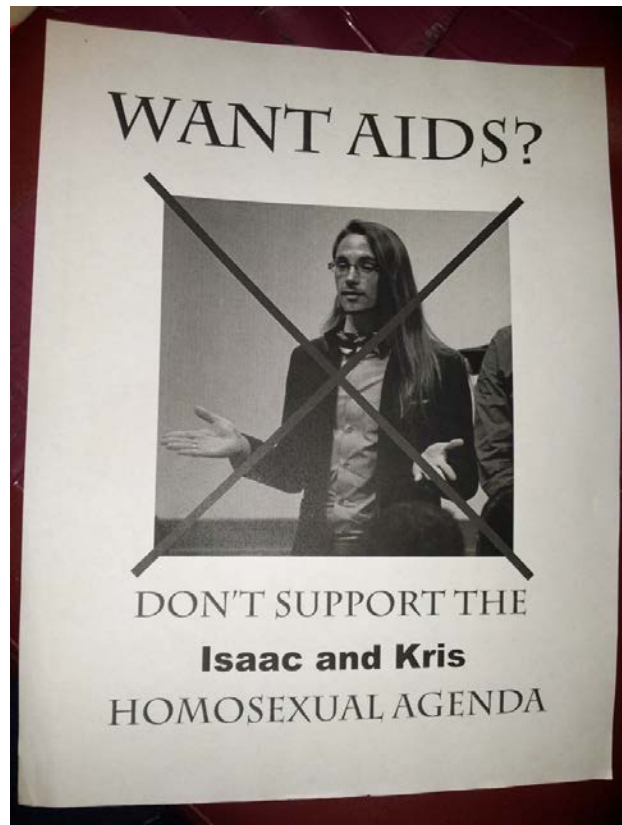
Senator Harkin Picture



Senator Tom Harkin and I after the Full Committee Hearing – Economic Security for Working Women.
U.S. Senate Committee Hearing on Education, Labor & Pensions.
Monday May 20, 2014.

Appendix W

Issac and Kris Flyer



McGuinness, W. (2013, April 5). University of houston smear campaign publicizes student candidate's hiv status. *Huffington Post*. Retrieved from http://www.huffingtonpost.com/2013/04/05/university-of-houston-smear-campaign_n_3020987.html