

Robinson+Cole

Student Speech on Social Media: Cyberbullying to Campus Protests

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Cyberbullying - Definition

“Cyberbullying is bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites.”

U.S. Dept. of Health & Human Services, What is Cyberbullying?

See <https://www.stopbullying.gov/cyberbullying/what-is-it/index.html>

Cyberbullying - Challenges

- Social media used as platform for speech that would not say face-to-face or if not anonymous
 - Anonymity invites mean and vicious
 - Often have significant consequences
 - Victims feel targeted or invaded
 - Bullies can be pervasive, intrusive
- Depending on the social media platform used, poses different challenges

Cyberbullying: Types of Social Media

- **Social Networks** (Facebook, Twitter, LinkedIn)
- **Media Sharing Networks** (Instagram, Snapchat, Stellar)
- **Discussion Forums** (Reddit, Digg, 4Chan)
- **Bookmarking** (Pinterest)
- **Consumer Review** (Yelp, TripAdvisor)
- **Blogging and Publishing** (Tumblr, WordPress)
- **Shopping Networks** (Etsy)
- **“Sharing Economy” Networks** (Airbnb, Uber)
- **Anonymous Social Networks** (Yik Yak, JuicyCampus, “Islands”, WhatsApp, FireChat)

Cyberbullying – Tools to Combat

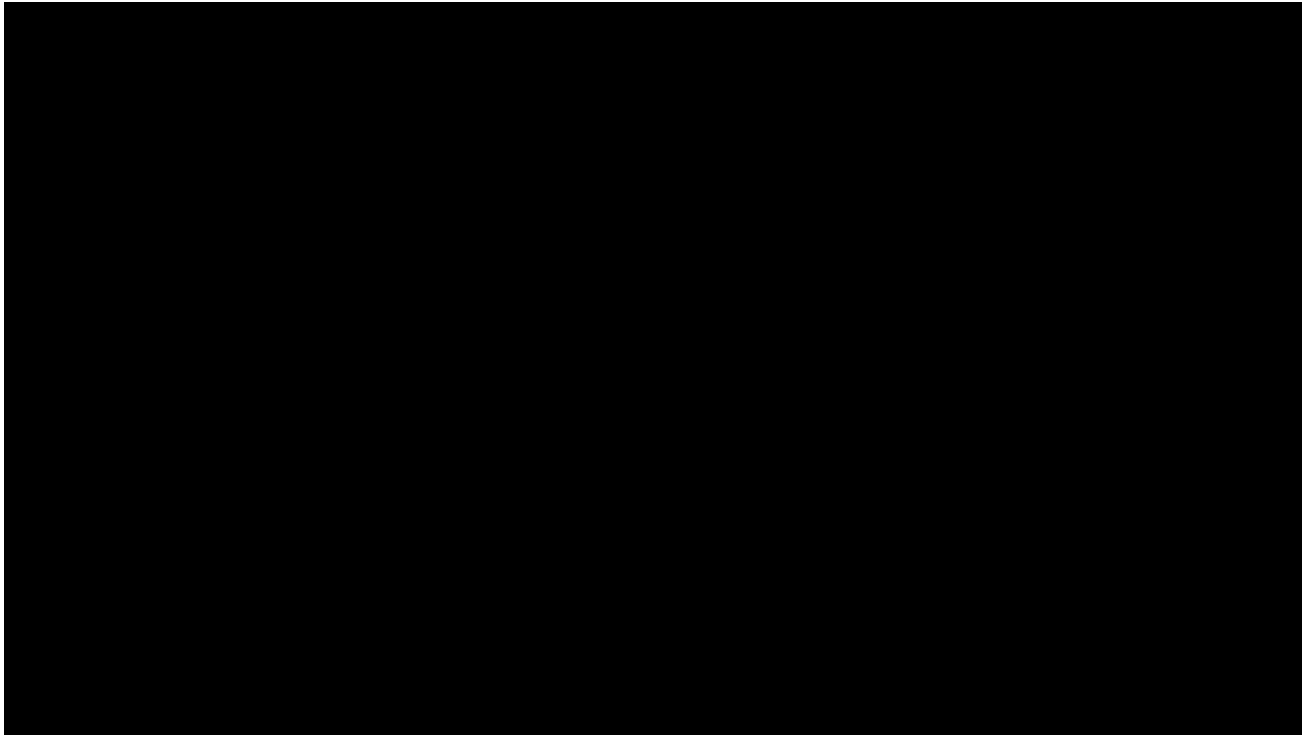
Tools to combat threatening or harmful use of Internet, email and other electronic forms of communication include:

- Specific state laws against cyberbullying
- General state laws against harassment, etc.
- Title IX
- School Policies
- Social media policies and reporting procedures

Cyberbullying – Develop an Approach

- Gather facts on your campus
- Have conversation(s) with college community
- Review student codes of conduct, state criminal laws and civil rights laws
- Develop campus policy
- Train faculty, staff and students
- Discuss and communicate
- Report criminal acts to campus or community law enforcement.
- Consult Title IX coordinator
- Use Campus Ombudsperson

Cyberbullying – Communicate Message



<https://www.youtube.com/watch?v=WfjZ1otkS3o>

Campus Protests: What Motives Are at Play?

- Campus protestors often protest because they perceive a “normalization” of what they view as a combination of extreme ideas and policies.
 - Protests against policies *and* certain viewpoints are intricately tied to one another, as protestors may intend to send a message in the clearest way possible
- Similarly, many provocateurs seek campus engagements to provoke a response and elicit a strong media response.



National guardsmen disperse protestors at Kent State (1970)



Anti-fascist activists protest at UC Berkeley (2017)

Campus Protests: Arranging the Event

- **Planning**
 - Approvals
 - Standards for Speaker or Event
 - Credentialed academics and scholars
 - Provocateurs
- **Format**
 - Panel of differing views
 - Single speaker
 - Debate
- **Advance Notice of Event**
 - Timing and Method
 - Invitations



Milo Yiannopoulos speaking at U. Colorado Boulder



Charles Murray

Campus Protests: Picking a Venue and Preparing

- **Venue**
 - Event Location
 - Backup venue
- **Preparation**
 - Security
 - Costs
 - Due diligence
 - Safety
 - Logistics



Security watches over protests at Berkeley

Campus Protests – Considerations about Event

- **Event**

- Proper security measures
- Allowances and disallowances – whether to allow students to bring in signs, bags, and other objects
- The levels of safety depending on the type of event
- Whether the event should be invite only or open to the students at large
- Whether the event should be open to the public
- Risk of involvement by “outside agitators”
- Spontaneous disruptions



Students protest at Middlebury College

Campus Protests – Reflective of Current Climate

- **Public Relations**

- After a protest, media sources will likely try to characterize the competing protestors along political lines
- Larger picture, political backdrop
- Use of fair, independent investigator to determine the true story

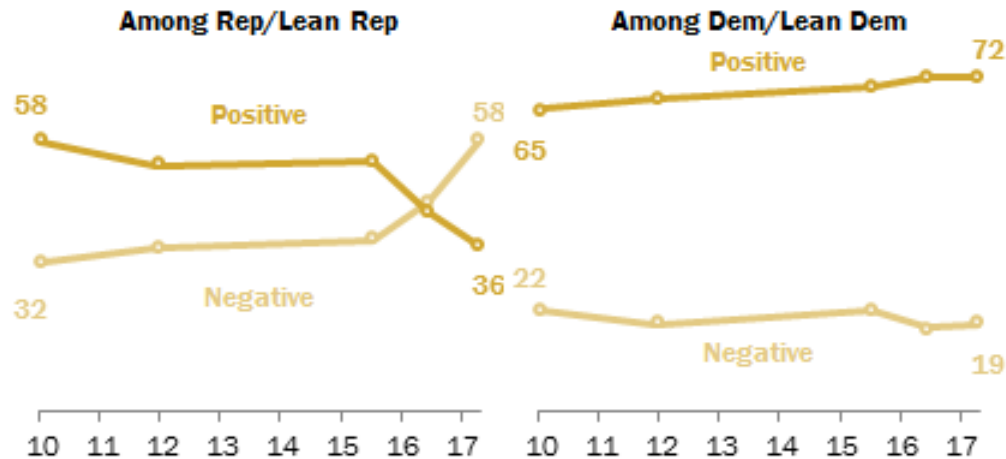
- **Litigation Risks**

- Where security is hired and there are allegations made against the college or university for the conduct of that security
- Litigation resulting from penalties imposed on students by the college

Campus Protests – Larger Picture

Since 2015, sharp rise in share of Republicans saying colleges have a negative effect on the country

% who say colleges and universities have a ___ effect on the way things are going in the country



Note: Don't know/Other responses not shown.
Source: Survey conducted June 8-18, 2017.

PEW RESEARCH CENTER

Campus Protests: Managing Risks

- Process for sending invitations to speakers and receiving approval from the college.
- Review of the speaker's reputation and history of speaking.
- Backup plan for allowing the speaker to still speak Training programs for security personnel for handling students and limiting liability for the actions of those security personnel (examples include allegations of assault, civil rights violations, etc.).
- Internal disciplinary process

Campus Protests: Investigations

- Conduct interviews of key witnesses
- Identify and secure electronic records or other documents
- Coordinate with third party professionals such as private investigators and computer forensic examiners
- Analyze relevant laws and regulations, including to determine if there is a reporting obligation
- Evaluate policies and procedures

Campus Protests: Discipline

- Protection of student identities under federal law
- Holding regular discussions between students and administrators
- Protecting the rights of students who have chosen to attend the college or university
- Adequate and tailored procedures for handling student discipline
- Fair and transparent Imposed penalties: suspensions and expulsions

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