Bullying and Cyber-Bullying in Higher Education: Current Institutional Practice and Prevention

By

Jeremy Scott Early

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Chairperson Dr. Lisa Wolf-Wendel

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Dr. Susan Twombly

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Dr. Marlesa Roney

_____

Dr. Dongbin Kim

_____

Dr. Meagan Patterson

Date Defended: Friday, March 14, 2014

The Dissertation Committee for Jeremy Scott Early
certifies that this is the approved version of the following dissertation:

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Chairperson Dr. Lisa Wolf-Wendel

Date approved:

Abstract

Cyber-bullying led a Rutgers University student to commit suicide, which led the Federal government and institutions of higher education to take a closer look at bullying and cyber-bullying on college campuses. Congress introduced the *Tyler Clementi Higher Education Anti-Harassment Act* (Tyler Clementi Act) that would require institutions that receive Federal financial aid to provide anti-bullying programming on their campuses. This study examined the bullying related policies and practices at five public research universities. Specifically, interviews were conducted with both the Chief Student Affairs Officer and Chief Conduct Officer at each institution to examine their perceptions of the judicial and programmatic efforts to reduce bullying and cyber-bullying on their campuses. In addition, the research asked about their preparedness if the Tyler Clementi Act would become law. Significant research has been conducted on bullying at the K-12 level but there is very little research on the prevalence of bullying at the college level. This study indicates that administrators perceive, and have even witnessed, bullying on their campuses. Despite recognizing the existence of bullying on their campus, only one institution has instituted any type of proactive efforts to address bullying on their campus. The other four institutions are more reactive. In addition, very little change occurred following the death of Clementi, yet all administrators interviewed believe strongly that their institution would be in compliance with the basic components of the Tyler Clementi Act if it were enacted. After a review of current practices at each of these five campuses, several recommendations are suggested to improve anti-bullying efforts at institutions of similar size, including, but not limited, to: an institutional-wide effort to provide proactive programming efforts for all sub-groups of the student population, formal assessment and stronger awareness and involvement of the Chief Student Affairs Officer.

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Chapter 1

The United States Department of Education (DOE) sent a 10-page letter to every school and university in 2011, reminding educators of their responsibility in preventing all types of harassment as outlined in federal laws and regulations (Dillon, 2010). The letter was focused on clarifying the role all school leaders have in preventing student bullying, both at the K-12 and collegiate level. Bullying is often portrayed in the media as a K-12 issue, but research confirms this type of behavior does not end after high school (Chappell et al., 2006). For higher education, terms such as hazing, harassment, or stalking may be more common in referencing these types of behaviors (www.stopbullying.gov) than the term bullying. Despite what it is called, the actions are the same and the effects can be just as negative and long-lasting. Bullying exists in all forms and is not limited by any one type of prejudice, nor does it stop after high school graduation. According to Casey et al. (2004), 24.7% of students admitted to being a bully in college, 2.8% frequently. Finally, 60% of students reported having witnessed bullying by another student, yet only 6 percent admitted to being the victim of bullying.

Cyber-bullying is one form of this behavior. A study by Kuram (2009) indicates 22.5 percent of students engaged in cyber-bullying at some point. This topic has also recently become a topic in the news due to the rash of high-profile cases involving students committing suicide after bullying by peers. According to Dillon (2010), one particular case has increased debate on college campuses and has even reverberated in the halls of Congress, creating specific dialogue regarding cyber-bullying. Tyler Clementi, an 18-year-old freshman from Rutgers University, committed suicide by jumping from the George Washington Bridge in 2010 after finding out days earlier his roommate had streamed live on the internet his intimate interactions with another

male. His roommate, Dharun Ravi, was tried and convicted on 15 counts of crimes involving

invasion of privacy, attempted invasion of privacy, bias intimidation, tampering with evidence,

witness tampering, and hindering apprehension or prosecution (Heybour, 2010). The judge

sentenced Ravi to 30 days in jail and he was released after 20 days for good behavior. Rutgers

expelled Ravi and the United States government agreed not to deport the Indian-born student

back to his native country.

After the incident, the Tyler Clementi Act was introduced in both the U.S. House and

Senate by Representative Rush Holt (D-12 Dist.) and Sen. Frank Lautenberg (D-NJ) as a way to

curb this type of bullying and require institutions to take a more proactive and programmatic role

in battling cyber-bullying (Heybour, 2010). Introduced on March 10, 2011, to both Houses of

Congress, this law, if passed would require all colleges and universities that receive federal

funding to prohibit harassment, including harassment related to sexual orientation and would

provide monetary assistance to schools to enact anti-bullying programs on campus. Finally, it

would require schools to develop a process where students can report bullying, as well as provide

information on the counseling available. The Tyler Clementi Act never made it out of committee

in either House of Congress but was reintroduced in 2013. (www.govtrack.us).

The Tyler Clementi Act has been met with mixed reactions. Heybour (2010) argues the

bill may be founded on good intentions but, in fact, violates the First Amendment by threatening

free speech on college campuses. Heybour's illustrates how courts have already found that

discrimination based on actual or perceived sexual orientation may be labeled as actionable

harassment, and the Department of Education has agreed. According to Heybour, the bill fails to

provide certain and necessary definitions of harassment and bullying, leaving college

administrators to individually define what makes a "hostile or abusive educational environment," possibly opening the door for lawsuits by both the victim and aggressor.

Despite the outcome of the Tyler Clementi Act, its presence has helped push the dialogue and encouraged leaders in both education and politics to begin working to create the necessary legal foundation needed to combat this societal problem. Furthermore, it has challenged college administrators to begin evaluating their own campus climate and determine if changes are needed for the safety of their own student body. This particular study looked at the actions of five specific campuses regarding the issue of bullying and cyber-bullying in higher education. It offers insight into the campus climate through the opinions of various student affairs administrators and research of institutional documentation toward the issue of bullying and cyber-bullying. In addition, it studies whether administrative practices with regard to both types of bullying have changed on college campuses due to increased media scrutiny, and whether college administrators believe those changes have had a noticeable impact on the student body. This analysis looks primarily at programmatic and policy efforts taken by the institution, as well as the judicial approaches of bullying and cyber-bullying on campus.

For purposes of this study, it is important to have one concrete definition of bullying and cyber-bullying. Pacer's (2013) National Bullying Prevention Center defines bullying as:

- Behavior that hurts or harms another person physically or emotionally.
- It is intentional, meaning the act is done willfully, knowingly and with deliberation. (http://www.pacer.org/bullying/resources/info-facts.asp).

Pacer also defines bullying as "circumstantial or chronic."

It is important to understand that the definition of bullying has been addressed in detail in the literature. It is generally defined as either direct or indirect (Lencl & Matuga, 2010). Direct

bullying can be seen, and thus, is the easiest to define and immediately address. An example might include a physical altercation in a residence hall. Indirect bullying, by contrast, is not always visible and can consist of secretive methods used to hurt the victim. An example might include spreading rumors about a student's perceived sexual orientation. Cyber-bullying is a typical form of indirect bullying.

Not all students may even recognize when they are being bullied. Landgon and Preble (2008) looked specifically at 5th-12th graders and found that 96.6% of students had either experienced or observed bullying at some point, and 15% had witnessed direct bullying at least once per week and 12.3% of students admitted to being bullied on a daily basis. Research by Chappel et al. in 2004 that surveyed 1,025 college undergraduates found that only 18.5% of students surveyed admitted to being bullied once or twice in college, 5% admitted to having been bullied by students "occasionally," and 1.1% admitted to being a "frequent" victim of bullying. Why such a noticeable difference from high school to college? There is a lack of research focused on explaining how there can be such a drastic drop in bullying between a student's last year of high school and first year of college. One thought is that college life introduces students to a more mature and open environment, where bullying is no longer an accepted behavior. Another thought is that students in college simply do not want to admit they are victims.

Another hypothesis that might explain the drop in bullying victims from grades K-12 to college might simply be explained by the victim's own definition of bullying. Much of the research focused on bullying has been centered on the K-12 environment and methods they are using to curb bullying. Those researchers have clearly defined bullying at the elementary and high school level in both direct and indirect ways (Chappel et al., 2006). They might offer concrete examples of bullying, such as the boy pushed on the playground or the girl teased in the

locker room. Those examples don't necessarily exist on college campuses and leave college students without concrete examples of bullying, especially cyber-bullying. Furthermore, first-year college students attempting to demonstrate their independence and maturity may be less willing to admit to being a victim of bullying than students in a K-12 setting.

Institutions vary in student demographics, location type (urban/rural) and budgetary concerns. Yet, most student affairs administrators would probably say their main priority is student success. How they respond to a specific issue will depend on their own interpretation of the severity of the problem, as well as their unique institutional characteristics.   This study explores how five, large-research institutions respond to both traditional and cyber-bullying based on the perspectives of their student affairs administrators. It looks specifically at the institution's profile, current policies, programmatic efforts and judicial action.

Much of the data provided on bullying at all grade levels, including higher education, is quantitatively-based, looking at percentages and eventual effect on the students. However, very little research has examined the role the higher education institution plays in the process, both in preventing the bullying and dealing with the aftermath. The process of discerning and exploring my research questions starts with understanding the specific methodology that can best answer these questions, a multi-site case study design.

This study looks specifically at the institutional practices of five public institutions that belong to the Association of American Universities (AAU). The AAU consists of 61 public and private research institutions in both the Unites States and Canada (www.aau.edu). This collection of colleges and universities award more than 50 percent of all doctoral degrees each academic year and membership is through invitation only.

Recognizing public and private institutions may view and respond to bullying differently based on the specific mission and foundation of the institution, it is important to choose like-minded institutions so the researcher can better compare and contrast various policies and observations. Public institutions were chosen based on their broad mission and lack of any specific religious affiliation. In addition, the five institutions are located in the Midwest with similar student demographics and enroll over 20,000 students each year. All five institutions have a written commitment to enrolling students of all backgrounds and beliefs and have strong commitments to promoting diversity on their campus.

The study examines the policies and practices of these five AAU institutions regarding bullying and cyber-bullying. This analysis explores the judicial and programmatic efforts of the institution and the data were collected through interviews of the institution's Chief Student Affairs Officer and Chief Conduct Officer. The specific research questions for this study are as follows:

1. What is the perception of chief student affairs officers and chief conduct officers of the prevalence of bullying and cyber-bullying on these college campuses?

2. What current judicial practices regarding bullying and cyber-bullying exist on these college campuses? Have they been assessed and is there evidence they are effective?

3. What programs currently exist on these college campuses that educate students (both the victim and aggressors) regarding the issues of bullying and cyber-bullying?

4. If the Tyler Clementi Act were to become law, would the institution be prepared? What types of adjustments might be necessary?

The time of believing bullying is simply a normal part of childhood has decreased as school shootings and suicides have increased (Lencl & Matuga, 2010). In 1993, a study by

Lencl and Matuga concluded one out of every seven students experienced some type of bullying. A similar study conducted by the Department of Education in 2003 found the percentage had increased to 77 percent. K-12 education administrators have worked very hard to keep up with the evolving climate of 21st century education and increased their efforts to combat this societal issue. However, this issue is not going away, nor is it specific to K-12 education. The research is clear that bullying and cyber-bullying does exist within higher education, but it is less clear about how best to address it with college students. There has been minimal research collected on the perceived climate of college environments, as well as the efforts institutions are employing in order to reduce instances on their own campus. This study is important because it looks specifically at the perceptions of 10 university administrators across five institutions and their efforts to create an environment where bullying and cyber-bullying is not tolerated, and it further addresses whether they believe those efforts are successful and what areas of challenge still exist. Though this study is not intended to offer specific examples of what every institution of higher education can do to reduce bullying and cyber-bullying on campus, it does further this important conversation and does perhaps offer ideas of what might and might not work on a specific campus. Burnham et al. (2010) believes bullying, especially cyber-bullying, is a real 21st century concern and that it must be addressed by those in power.

Chapter 2

Bullying of all forms continues to plague the educational system, with no clear methods on how to alleviate the practice and its long-term effects. A large amount of literature has been published over the last several years that look at the various types of bullying and the effects it has on students. Having a clear understanding of the literature is instrumental in answering the questions posed in the introduction regarding bullying and cyber-bullying within higher education. This literature review initially looks at the most prevalent data that is most focused on K-12 students, by defining bullying and various studies completed on the prevalence of bullying in K-12 schools. Research on cyber-bullying is examined, as technology continues to offer new ways for students to be bullied. The minimal research completed on bullying in higher education settings is examined along with the effects bullying has on the individual from elementary age through adulthood. Finally, this review looks at how college campuses have dealt with the issue of bullying.

Definition of bullying and cyber-bullying

As mentioned in Chapter 1, it is important for this study to have a definition of bullying. Based on Pacer's National Bullying Prevention Center definition, bullying is defined as:

- Behavior that hurts or harms another person physically or emotionally.
- It is intentional, meaning the act is done willfully, knowingly and with deliberation. (http://www.pacer.org/bullying/resources/info-facts.asp).

Pacer also defines bullying as "circumstantial or chronic," meaning it can happen once or over the course of time.

According to Lencl and Matuga (2010), bullying can be further divided into direct and indirect bullying. Direct bullying can be seen, and thus, is the easiest to define and immediately

address. An example might include a physical altercation in a residence hall. Indirect bullying, by contrast, is not always visible and can consist of secretive methods used to hurt the victim. An example might include spreading rumors about a student's perceived sexual orientation. Cyber-bullying is a form of indirect bullying and can be just as, if not more, damaging to an individual. Burnham et al. (2010) offers examples of both bullying and cyber-bullying. Examples of bullying include making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose. In terms of cyber-bullying, it involves the actions listed above but is demonstrated through various forms of technology such as: cell phones, Facebook, Twitter, other social networking sites, email, webcams, blogs and text messages to name a few.

Prevalence and understanding of bullying and cyber-bullying in K-12

Olweaus (1993) estimates one out of every seven students (14%) is either a bully or the victim of a bully in the K-12 education system. The United States Department of Education completed its own research and found this statistic to be low, estimating that 77 percent of students have experienced some form of bullying in either elementary or middle school (deLara & Garbarino, 2003). Furthermore, one particular study by Chapell et al. (2006) looked at students in college who had been both a bully and a victim of a bully. The study found that of those who had been a bully in college, 72% had been bullied in grades K-12. Within an additional group of individuals who admitted to being bullies in college, 53.8% stated they were also bullies in elementary and high school. Of those who were victims of bullies in college, 41.6% admitted to an identical role in elementary, middle and high school. The research finds that there is a direct correlation between bullying issues at both the elementary/high school level and college. It is the same participants, just different ages and roles.

Chappell et al. (2006) based their work on two studies completed with European students that had found a positive correlation between those students bullied in both elementary school and adulthood. Another study found a similar correlation, where evidence suggested both the role of bullies and their victims continue from K-12 through adulthood. Nearly three-quarters of all victims continued to be victims as adults, and over one-half of bullies continued their behavior later in life. Though this study was limited by asking their participants to recall memories from the past, the researchers believed students were fairly accurate in their recollections based on the amount of detail provided. Chappell et al. suggested no difference between male and female students on who was most likely to be a bully, but male students were much more likely to be a victim, consistent with several national studies. This behavior exists long before students even reach college, creating the challenge of helping those who are bullied and educating those who are bullies long after the behavior has started with the student. This only complicates the challenges college administrators have as they work to create and implement both programmatic and judicial policies designed at addressing this issue. This study helps to illustrate the success and challenges of their efforts.

Various methods have been used to understand bullying, including questionnaires, interviews, ethnography, observation and case studies to name a few (Jacobson, 2007). The purpose is to dissect and understand the victim and bully, their characteristics, their environment and anything else that might appear pertinent. Jacobson's research looks at altering the victim/bullying relationship after the fact by employing programmatic efforts aimed at reducing the practice by finding methods to transform the bully through both a change in behavior and disposition. Jacobson (2006) looked specifically at four students in a particular school and how they were transformed based on specific efforts by their school. This case study looked at the

particular student and how his personality was affected by both bullying and the programmatic

efforts to eradicate the bullying. One particular strategy used by administrators in this study was

to informally educate bullies on the humanity of the victim. Through role playing and dialogue,

the school worked to identify the victim as a person. The school recognizes that bullying

involves rational decision-making and that it will take rational thoughts to change the mind of

the bully. This program also worked to educate students on certain skills, such as anger

management skills for the bully and self-esteem skills for the victim. Jacobson also explained

the third step of the process and that involves surveillance and incentives.

Jacobson (2006) recognized through his work that bullying is about domination and his

study focused to understand the subconscious behind domination. His study of these young

students suggested the "domination-subjugation relationship" is based on the loss of mutuality.

Research found students were positively affected by this type of education and active role by

both administrators and teachers. By recognizing and addressing the act of bullying, students

were able to see the effects of their actions. Another issue addressed in this study was the

attitude of parents, especially during the early years of the child's life. The research found that

as parents treated their children, so the child treated other children. Research suggests if the

school can work more proactively with parents to develop stronger involvement, as well as

behavioral expectations, it can alleviate some aggressive behavior. Another important note

found in the research was the effect the pre-existing culture of the school when the student

arrives has on the students and how they will often follow already-set behaviors. This particular

research found that active involvement with parents, and working to reconstruct the culture of

the school can work to transform the role of bully and victim. Unfortunately, this research also

suggests the role of victim and bully is set long before the student arrives at college and at that point, working on parental involvement is too late.

Another area of research has focused on respect, and the relationship between respect and bullying (Langdon & Preble, 2008). Langdon and Preble aimed at pinpointing the importance of respect within all relationships as a means of improving socio-emotional and physical experiences of students. To have this occur, it is important to consider school climate and the importance it plays in the bully/victim relationship. Langdon and Preble points out research that demonstrates that less chaos and a stronger academic focus in schools has led to less bullying. The research also demonstrated that adults who take responsibility in this process through stronger involvement, both teachers and parents alike, can play a strong role in eradicating this behavior. Students at all ages must feel there are professionals willing to listen to their concerns and treat them with respect throughout the process.

Technology changes the look of bullying

The need to understand can be as important as other important characteristics such as environment and background. Bullying has taken on an entirely new form in contemporary society by adding the newest facets of technology. Bullying has evolved to include electronic means, such as emails, text messaging, cell phones, websites, and blogs to name a few (Brown et al., 2006). This has left parents, teachers and other professionals trying to figure out exactly how to combat these new methods. Policy-makers must also carefully work together to dissect this issue, recognizing that traditional bullying and cyber-bullying are two very different and distinct issues. In addition, Brown et al. noted the struggle to form public policy on this issue when the issues of free speech and the best interests of the child may be in conflict, as well as the potential conflict between parents, students and administrators. While traditional bullying has been

researched over the last several years, researchers are just beginning to understand the depth of cyber-bullying and the indirect methods available to bullies as they are able to privately attack their victims.

Recent efforts have been made by school officials to create programs within the classroom environment aimed at eradicating bullying. However, bullying continues to escalate, due largely in part to cyber-bullying (Beale & Hall, 2007). Beale and Hall suggested 74% of eight-to-eleven-year-old students report that bullying exists in their schools and it largely through electronic means. Students believe they are anonymous through electronic means and now feel an aura of power and a willingness to say something they would never say in person. Ironically, gender participation appears opposite amongst cyber-bullies than traditional bullies. 25 percent of girls admitted to cyber-bullying, while only 11% of boys admitted they participate in the practice. This is opposite of traditional bullying. Furthermore, Beale and Hall suggested that girls generally attack physical appearances, while boys made more sexually-based comments.

Beale and Hall's (2007) research also suggested cyber-bullying increases during elementary school, peaks in middle school and declines slightly in high school. Being aware of this issue, their research offers methods to prevent and reduce this particular behavior. Because administrators are responsible for the safety and well-being of their student body, this study suggested education to all students and assurance that any anti-bullying policies have cyber-bullying components. Conducting professional seminars for faculty members on the issue, creating an open classroom environment and coordinating with neighboring school districts to ensure consistency were also methods suggested. Finally, the research discussed the importance of parental involvement. Parents were encouraged to sign "Acceptable Internet Use" policies with their children at home, remain observant and act if they saw that their child is being a bully

and/or a victim. Due to the "hidden nature" of this bullying, the research strongly encouraged parents and administrators work together to alleviate this problem. In terms of higher education, students are protected by the Family Educational Rights and Privacy Act (FERPA) which prevents any other individual, including parents, from viewing the student's private information without permission. Due to this protection, it is important for parents to continue communication with their student, including their expectations regarding appropriate internet usage.

Kairaranga (2007) points to the increased availability of cell-phones as a very common way in which young students can bully their peers. Her study found that 73% of adolescents had cell-phones and of those, 23% of students admitted to being the victim of text-bullying in the current year and those victims reported lower self-esteem and displayed more symptoms of depression. Bullies were using this technology to spread rumors or secrets, name-call and exclude victims from social activities. Kairaranga suggested text-bullying, and cyber-bullying in general, can potentially be found to be more harmful than traditional bullying because it escapes the school environment and enters the home. Because young adults tend to give extreme value to their cell phone, they are allowing bullies 24-hour access to attack them. Kairaranga found that 70% of those text-victims were also victims of verbal and physical bullying.

Research by Burnham et al. (2010) also suggested a concern with student's willingness to even discuss the issue of cyber-bullying with an adult. This study found that over 12% of students chose not to even mention the issue with an adult and nearly 20% chose to confront the bully, avoid the electronic site or avoid the bully. Only 60% of students even trusted their parents enough to discuss the issue with them. Burnham et al. concluded parents, administrators and teachers must be aware of the issue of cyber-bullying, must actively talk about it with their

students/children and they must create a trusting environment where students feel comfortable talking about the issue.

Cyber-bullying is becoming one of the more challenging issues to face parents and school officials, as they battle with emerging technologies and young adults who are more technology-savvy (Beale & Hall, 2007). Some students are using technology to create a bullying atmosphere that envelops every facet of a victim's life. Parents, educators and college administrators must work together to confront this issue because emerging technologies are not going to slow down so they can catch up.

Bullying in higher education and its effects

Bullying doesn't stop at the K-12 level and that is discussed through the minimal research completed on students in higher education. According to Casey et al. (2004), 24.7% of students admitted to being a bully in college, 2.8% frequently. The data does not follow a pattern of decreased bullying as students get older as professionals had once hoped. Even more concerning and a justification for this particular study, 60% of students in the Casey et al study reported having witnessed bullying by another student and 44% stated they had seen a teacher victimize a study through bullying, yet only 6% admitted to being the victim. This supports the very notion students are possibly not even aware they are the victim. If a student does not know they are a victim, how is a professional supposed to help?

Cyber-bullying has become more prevalent on college campuses as social media has become more popular. Facebook, alone, has over 500 million users and a study by Barr & Lugus (2011) found that 85% of college students at the University of Michigan spent over 6.2 hours per week on that site. The overall success of Facebook made it the sixth most visited and clicked-on website in 2006. Barr and Lugus also described a Duke University student who posted on a

social network site a thesis that detailed her sexual exploitations with several Duke student-athletes, all of which was false. That false document was eventually shared through media sites and made national and state news. The student's name and picture were posted on news stations throughout the country. Though this student initiated this act, the sharing of her story without permission could be constituted as cyber-bullying.

Hazing is also a type of bullying that is prevalent on college campuses. According to Hollmann (2002), there have been more recorded student deaths due to hazing on college campuses since 1990 than throughout history prior to that time. There has been 124 student deaths since 1990, compared to 121 throughout all of higher education before that time. Hollmann's study also suggested hazing occurred beyond Greek life, and existed in bands, military groups, work groups, spirit squads and athletics teams, to name a few. In fact, his study stated that 79% of athletic team members believed they had been hazed at one time during their collegiate career and 60% did not report it. Forty-eight states have enacted anti-hazing legislation and Alaska, Oklahoma, Ohio and Rhode Island recognize the mental acts of hazing.

One particular study by Kuram (2009) also looked specifically at cyber-bullying and found that 22.5% of college students admitted to participating in cyber-bullying at least once and that 55.3% of students reported being victims at least once in their lifetime. This study focused on these students and their psychological profiles and potential problems with being a victim or bully. They found that victims generally showed signs of depression, loneliness, school phobias and anxiety. Bullies were often found to come from homes where physical punishment is common and where parental interaction is minimal. This study recognizes that cyber-bullying is a new topic and has not been properly studied, and suggests further research to truly understand the bully and his/her victims.

Research by Lencl and Matuga (2010) also suggests bullying, whether at the K-12 or college level, can lead to lifelong concerns. It is not just about preventing bullying in the moment or curbing the country's alarming teen suicide rate, it is also about preventing issues throughout someone's lifetime. This research suggests bullying can lead to a wide range of psychological issues such as suicidal thoughts, anxiety, lower self-esteem and depression. And more interestingly, these results occur within both the victim and bullies. These type of symptoms can also lead to academic concerns, problems relating to peers and overall decreased psychosocial abilities. A common theme also found in the research, according to Lencl and Matuga, is that bullying can lead to issues with a child's socio-cognitive development, causing these distressing themes to become part of the person. Therefore, feelings of anxiety, loneliness and low self-esteem will last throughout life.

Current efforts to eradicate bullying on college campuses and case law

In order to stop bullying on college campuses, one attempt has been to develop and implement programs centered on social justice. To create such a program, student affairs professionals have attempted to create allies, focused on educating non-minority students, creating cultural and institutional change and supporting minority groups (Broido & Reason, 2005). Members of the dominant group are taught to self-reflect and develop a moral compass aimed at recognizing and respecting uniqueness. This is done by actively recruiting and educating allies within the group. Educating and pointing out instances of power and privilege is also a method to raise awareness. Finding unjust policies and laws, and working to change them, is also a suggested practice. Broido and Reason believe recruiting and inspiring these allies to make a difference is a very proactive step in eradicating bullying on college campuses.

Another such method used is the Privileged Identity Exploration model (PIE) (Watt, 2007). This model aims are identifying eight defense modes of behaviors exhibited during difficult discussions about social justice issues. Its entire focus is to foster and create a more diverse and open campus environment for all students, centered on open dialogue of diversity, privilege and social justice. Student affair professionals focused on this type of process believe bullying exists due to fear and entitlement because of the threat one might feel within his/her societal role. This type of programming centers on the difficult conversations around this issue of fear and privilege and works to lower defensive walls and find common ground.

Institutions are just beginning to employ methods aimed at curbing bullying through various methods. Yet, the question remains if there is more that can be done. Although the issues addressed within the PIE model tend to only focus on the more common issues of diversity such as racism, sexism and homophobia. Though necessary, how are institutions addressing general bullying that exists in everyday college culture such as inappropriate Facebook postings and text messages? If they aren't being addressed, do students even realize they are a victims? Unfortunately, very little research has been done that answers these questions.

Through the 1960s, universities were typically viewed as "parental supervisors," or *in loco parentis*. Following the 1960s, viewpoints began to change as indicated in *Bradshaw v. Rawlings* (1979) when two students were at a picnic sponsored by the institution. Alcohol was served at this event and during their trip home, the two students were in an automobile accident where one student (Bradshaw) was injured and declared a quadriplegic. Bradshaw sued the institution, claiming it had a duty to protect him from "unreasonable risk of harm." The Third Circuit determined that since the students were no longer minors, there was no duty for the

institution to control a student's behavior. This could support the notion that the institution

cannot be held responsible for the bullying actions of its students.

Rabel v. Illinois Wesleyan University (1987) further supported the notion that the

university did not have any type of supervisory relationship over its student body. In this

particular case, a student (Rabel) suffered a skull fracture and concussion during a fraternity

function. Rabel filed a lawsuit against the university, claiming the student handbook detailed the

university's policies and regulations regarding its relationship with its students and the

institution's "duty" to protect the students against the misconduct of another. In its decision, the

Appellate Court stated the institution, by its handbook, regulations or policies, did not create a

custodial relationship, whereas it had a responsibility to protect its students from all harm. They

stated it was unreasonable to believe a university could maintain the safety of all students when

its sole role was to educate. After both decisions, courts were unlikely to hold universities

responsible for the actions and injuries of its students.

This belief held by the courts was questioned in *Furek v. University of Delaware* (1991)

when a Sigma Phi Epsilon fraternity pledge suffered first- and second-degree burns during a

mandatory pledge event. The event took place in the chapter house, which was leased from the

institution. The University of Delaware did have an established anti-hazing policy. The State

Supreme Court ruled the institution's attempts at regulating hazing exposed it to a liability. They

further stated that not only did the institution have a responsibility to protect its students from

hazing-related events, but it had an obligation to better monitor fraternity member's actions.

They recognized the university could not control the day-to-day activities of the fraternity, but it

had an obligation to promote general campus safety. Case law has tended to support the

decisions made in the Bradshaw and Rabel cases, but the Furek case made institutions question

the applicability of the "no duty" principle in every campus situation. The Furek decision left institutions in a precarious situation. Do nothing and an institution can be held responsible for not doing enough but make policies too strict and an institution can be found liable.

The concern of litigation was also noted in a study conducted by Cantu'-Weber (1999) that looked specifically at the *Chronicle of Higher Education.* This study examined all articles regarding litigation on college campuses. Her research concluded 48% of all cases reported dealt with issues of harassment and the college was the named defendant in 84% of those cases. Her biggest piece of advice regarding her findings was that institutions must increase their budget, either on more education or more lawyers.

State efforts to reduce incidents of bullying

The Federal government is not the only government entity working to increase protection of its citizens from bullying and bullying-like behavior. State governments have also taken an active interest in curbing bullying. According to Debucquoy-Dodley (2011), the state of New York is actively working to create laws that would specifically prosecute those that cyber-bully. This legislation had two specific proposals. First, the law would state that cyber bullying become a third-degree stalking, a class A misdemeanor. Further, any person who engages in cyber-bullying and therefore, intentionally causes a victim to commit suicide would be charged with second-degree manslaughter, a class C felony. Their goal is to "keep pace with technology" as they recognize bullying no longer occurs only on school premises.

In addition, New York is one of 42 other states with laws that attempt to protect students in the classroom from bullying and 30 states have already criminalized cyber-bullying (Debucquoy-Dodley, 2011). Despite all these efforts and attempts to keep up with technology, bullying has definitely not been eradicated and research suggests that it continues into higher

education. The Federal government's attempt to pass the Tyler Clementi Act was an attempt to both recognize that bullying occurs on college campuses and require that institutions actively address the issue.

Conclusion

The literature indicates that bullying in an issue, both at the K-12 level and on college campuses. It identifies long-term effects of bullying such as depression, anxiety and even suicide. Yet, the research doesn't offer a wide variety of concrete methods aimed at curbing the activity, especially at the college level. While there is a real drive to create campuses that focus on diversity and awareness, bullying continues to be an issue. Even more alarming is the large number of students who claim to witness bullying, yet few admit to being a victim. Why is that? Is it because professionals know how to detect a bully in elementary and high school, but are less aware when they see it in higher education?

Chapter 3

Bullying has become a very complex and severe concern for school administrators, mental health professionals and any other professionals in direct contact with students of any age as students are becoming more dependent on technology to communicate with one another. This study examined the current practices and policies of five public research universities in regards to bullying.

As indicated in the introduction, this study focused on answering the following questions:

1. What is the perception of chief student affairs officers and chief conduct officers of the prevalence of bullying and cyber-bullying on these college campuses?

2. What current judicial practices regarding bullying and cyber-bullying exist on these college campuses? Have they been assessed and is there evidence they are effective?

3. What programs currently exist on these college campuses that educate students (both the victim and aggressors) regarding the issues of bullying and cyber-bullying?

4. If the Tyler Clementi Act were to become law, would the institution be prepared? What types of adjustments might be necessary?

Rationale for this study

According to Merriam (2009), a case study is "an in-depth description and analysis of a bounded system" (40). A case study is unique to other qualitative research methods because it looks at a single unit that has boundaries. The boundary can be a person, team, institution or policy. For this particular study, that unit was the institutional policy regarding bullying and cyber-bullying, both from a programmatic and judicial perspective. The research collected at the chosen institutions focused on understanding institutional policy regarding bullying and cyber-bullying, and interpreting its effectiveness.

It is also important to understand some of the basic features of qualitative case studies (Merriam, 2009). A case study is considered particularistic because it focuses on a specific phenomenon and in this case, the phenomenon is institutional policies concerning bullying and cyber-bullying. Case studies are descriptive in the type of research they provide and they are heuristic. To be heuristic, a case study aims to find new discoveries or simply confirm what is already known by the reader. It is also designed to make the reader give new thought to the issue being studied.

This particular case study used formal interviews, as well as studying of institutional documentation as a means of understanding this issue on each of the student campuses (Merriam, 2009). This study was also considered multisite because it focuses on five specific institutions, or cases, instead of one. Five institutions were chosen because the researcher felt it offered a broader sense of concepts, programs and policies offered at institutions. All five institutions shared common characteristics, but responded to the issue of bullying and cyber-bullying in very different ways.

Methods

To answer the research questions, five case studies were completed and I, the researcher, was the primary instrument of data collection and analysis. This study was grounded in a social constructionist paradigm where there is no one reality. Instead, multiple realities exist based on the individual's interpretation (Merriam, 2009). Therefore, knowledge is believed to be "constructed." Individuals work to understand the world around them and through his/her experience, they give meaning to it. Those meanings vary, causing a researcher to look at the multitude of viewpoints.

Through appropriate research and evaluation, policies and practices of various institutions can be outlined and it might possibly lead to changes in both individual and organizational behavior. This type of policy construction could lead to heightened performance. As the researcher, I analyzed various viewpoints through document research and interviews, to see whether institutions addressed bullying-type behaviors on their campus through both programmatic and judicial means.

For this particular study, the population sample was five public Association of American Universities (AAU) institutions, located in the Midwest. As mentioned in Chapter 1, the AAU comprises 61 institutions from across the United States and Canada (www.aau.edu). To increase the status of American institutions in 1900, the AAU was created to better bridge the missions of its members. Today, members of the AAU are considered to be some of the most prestigious institutions in the world. Institutions that belong to this organization are by invitation-only, and they collaborate on all types of research aimed at improving societal issues. The 59 institutions in the United States award over one-half of all doctoral degrees each year. Due to the select nature of this organization and similar mission of each institution as a research-focused institution, this researcher felt that minimizing the analysis of this study to institutions within this organization would be most beneficial. In addition, the researcher noted public and private institutions may view and respond to this issue differently based on the specific mission and foundation of the institution; therefore, it was important to choose like-minded institutions. Due to the broad mission of public institutions and their lack of any specific affiliation, institutions were chose from this sub-group. All five institutions are in a similar geographical location, student demographics and enroll over 20,000 students. In addition, all five institutions have a written policy supporting a diverse climate.

The researcher hand-chose five institutions and reached out via email to schedule an interview. Two institutions said yes immediately and scheduled and interview via email. Three institutions initially responded yes and then declined upon a follow-up email or phone call. Three other institutions were chosen to replace them, again at random but remaining in the same geographical location. This study employed semi-structured interviews to gather its data. Each interview lasted between 60-90 minutes, and a list of questions are listed later in this chapter. Before going on-site, research was collected regarding institutional policies (i.e. Student Code of Conduct). Analysis of the data was completed to develop common themes and categories.

Specific research design

The framework of the interview questions were posed in four basic themes of current/past policies, programmatic efforts, judicial implications and future endeavors. It is important to understand not only how the institution responded to the increased use of technology and the increased focus on bullying but where that current policy originated. Providing a historical perspective allowed the researcher to better understand the successes and challenges of current and proposed future policies. It was also important to understand the methods used by the institution, if any, to address this concern. For example, based on student needs, did the institution choose to address the issue through programmatic efforts or through the judicial process or combination? My analysis of the interviews answered whether these specific institutions viewed their campus as having an issue with both bullying and cyber-bullying. I looked at efforts already performed at an institution, whether the administrator felt the effort was successful and if any of these ideas were common throughout all five universities.

Each campus was visited to observe the campus climate for a better understanding of the student population. In addition, new questions were developed during the interview when

working with each administrator. Once each interview was complete, the interview was transcribed by the researcher. The data collected was then coded and shard so that the specific practices at each institution can be shared and understood from a more global perspective. Using specific quotes and experiences from an anthropological view point, the data details the institution's response.

Interview questions included:

- Please describe the culture of your institution and the student population.

- How does your institution define bullying and cyber-bullying? (Harassment, hazing, stalking, etc.)

- What institutional policies do you have that cover bullying and cyber-bullying?

- Thinking about your current policies, what are the strengths in terms of dealing with bullying and cyber-bullying? What do you think are the weaknesses of your policies?

- Please discuss the trend of cases over the past several years and why this trend may exist within your specific student population (i.e. increasing, decreasing, more severe, more technology-based).

- What type of bullying do you believe is most prevalent on your campus (i.e. physical intimidation, cyber-bullying, stalking)? Why do you believe this? How have you come to this conclusion (i.e. observation, staff comments, etc.)?

- How has the recent attention given by the media regarding bullying and cyber-bullying affected policy discussions on your campus, if at all?

- Please explain the varying degrees of sanctions if a student is found responsible for this these types of policy violations.

- How does your institution handle judicial action if a policy violation occur off-campus and what was the institution's rational for this institutional decision if it is handled differently than an act on-campus?

- Are there any specific judicial sanctions utilized by your administration you believe are successful in curbing future acts of bullying by the aggressor? What has led you to these assumptions?

- Please walk me through the process of a typical case

- *H.R. 1048: Tyler Clementi Higher Education Anti-Harassment Act of 2011* was introduced into both Houses of Congress in 2011. It would require all institutions that receive Federal funding to prohibit harassment, including harassment related to sexual orientation and it would provide monetary assistance to schools to enact anti-bullying programs on campus. It would also require schools to develop a process where students can report bullying, as well provide resources on the counseling available. If this Act were to become law, do you believe your institution would be prepared? What types of adjustments might be necessary?

Chief Conduct Officer only

- In a residence hall, a student is caught having written the word "F*** will go to H***" on the white board of a student that is perceived to be a homosexual man. How would this situation be handled by the institution?

- A student is arrested off-campus for spray-painting a nazi-symbol on a Jewish student's yard. How would the institution handle this situation if both are enrolled students?

- A student is emailing harassing messages to another student and the student being harassed has submitted a complaint. After research is completed, it is determined the messages were of a harassing nature. How would this situation be handled by the institution?

- What if the student above was off-campus when the messages were sent? As was the victim?

- What is the method used was not a university-registered email, but rather, Facebook?

Ethical obligations and limitations

Merriam (2009) believes it is important to value the rights, needs and desires of informants when using qualitative data to complete a study. Because a study of this nature asked specific policy questions of the institution including its successes and challenges, it was important that the researcher follow specific guidelines to maintain the integrity of the process. Due to the perceived prestige of some institutions, the researcher approached all responses in a respectful manner. All responses were coded and institutional names remained confidential. In addition, audio and written transcripts of each interview were made by the researcher. Each institutional participant was made aware of all methods used in the study to collect data. In addition, approval was given from the Human Subjects Committee at the University of Kansas.

The study was limited by its use of a specific institutional type. By choosing five Midwestern, public institutions that belong to the AAU, the researcher recognized the potential limitations of responses. However, the researcher did not believe this study was designed to answer broad questions and make generalizations regarding bullying and cyber-bullying for all of higher education. Instead, this study was designed to look at five typical institutions in the Midwest and through interviews and documentation research, the reader can hopefully re-examine their thoughts on this topic and how it is addressed at these institutions.

Role of the researcher

When working with specific institutions, it is important the researcher recognize his/her own bias and focus on trying to remain as neutral, as possible. The researcher was responsible for formulated all interviewing questions, choosing the sample population, completing the

interviews and analyzing the data. Due to the extensive role, it should be noted that the researcher was an employee of the United States Department of Education through the period of research collection, where his job duties required he review institution-specific policies regarding financial aid, fiscal, admissions, academic and Clery Act requirements. In addition, the researcher has spent nearly 10 years working at three large, public institutions. Two of those institutions are members of the AAU.

In addition to work experience, it should also be noted the researcher grew up in the Midwest and attended a public AAU institution for both graduate degrees. In addition, his undergraduate degree is in Communication-Journalism. This particular skill set allowed the researcher to build from the original questions as the interview allowed.

Finally, it should be noted the researcher identifies as a gay man and was severely bullied as a young child through graduate school for his perceived sexual orientation. He also has a biracial nephew who has already experienced bullying behaviors from classmates due to his skin color. These experiences led the researcher to have a heightened awareness of the issue and an extreme passion for finding positive solutions to curb this problem. This passion, along with his previously mentioned skill set, increased his desire to gather as much information at each institution as possible.

Conclusion

A case study can look at specific institutional practices and determine success and challenges. This study used interviews and document research to better understand institutional practices regarding bullying and cyber-bullying. In addition, it pinpoints perceived successful strategies used by these specific five, public AAU institutions that can better assist students as they work to implement their policies to better suit their specific student population.

Chapter 4

Bullying and cyber-bullying is no longer an issue strictly discussed at the K-12 level, as institutions of higher education have started to examine their own institutional culture and the effects bullying and cyber-bullying is having on their student population. As mentioned in the methodology chapter, this study focused on interviews of the Chief Student Affairs Officer (CSAO) and Chief Conduct Officer (CCO) at five public institutions in the Midwest regarding their perception of bullying and cyber-bullying on their specific campus and the institution's efforts, either proactive or reactive, taken to address the issue.   Listed below is a basic institutional profile of each institution, as well as each CSAO and CCO's perceptions regarding their campus climate, thoughts on bullying and cyber-bullying, actions taken by their institution and future efforts.

One University

> **Defining Bullying within the University Culture**

Like other institutions, there was no one clear definition regarding bullying at One University (One). Both the CCO and CSAO agreed, however, that it revolved around the definition of harassment. Specifically, the CCO stated bullying fell within the standards of conduct required of all students at the institution. He believed that bullying would fall under the standard of "physical abuse that could endanger the safety of a student" (http://osrr.*oneuniversity*.edu/guidelines). He also stressed a recent addition to the standards that went into effect in July 2012 that states "Harassment is engaging in a course of conduct directed at a specific person that serves no legitimate purpose that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed." The CCO stated that the recent addition to the standards of conduct was a result of regulatory requirements from the

Federal government. "So a lot of it had to do with the Dear Colleague Letter and Title IX and luckily we were ahead of the curve. Since we were getting to look at it, we were aiming for the pie in the sky and then funnel down to what we would actually accomplish what people are going to pass. So harassment was definitely one. "

The CSAO also focused her definition of bullying on harassment. Specifically, she stated "I think that we still use the term bullying here, but we also talk about, for me, a category of harassment. Like most harassment, it is focused on a person's social identity or personal identity. Sometimes it is just because other people are mean. The people we work with most (victims) are LGBT students and students of color, students who are physically different and some of that is pretty typical at the college level."

Both the CCO and CSAO were asked to address the strengths and limitations of the above-stated policies. The CCO was very excited to talk about the strengths of his program but was honest that there are still improvements needed to have a truly effective policy. "I think the way it is written is very open and very broadly where bullying and cyber-bullying would definitely apply to this policy…so we can prevent or hold students accountable, and hopefully prevent it if they do certain things. I think we have a pretty solid policy and as for improvement, I hope we are willing to listen if there are areas of growth but I think we are pretty solid based on how things are written. I can't think of an example where a student could submit something to our office tomorrow saying they were bullied and we would have to say, 'sorry, that doesn't fall under our policy." The CSAO was in agreement and commended the efforts of the CCO to push for such a strong policy but also recognizes there is still work to be done. "I think if you had asked me three years ago, I would have told you we have a lot more work to do. Now we have some more work to do but we had such a significant change recently. Do we still have work to

go? Yeah, probably, I mean we don't have anything specific in there about hate crime which is where I see a lot of the bullying. That is probably the next place I will push."

Both the CCO and the CSAO admitted that a culture of discrimination does exist on campus and that was why there was a real push for a stronger code of conduct. When asked what types were most prevalent, both made mention of the conservative nature of the entire state and the beliefs some students are bringing from home. The CCO stated "I don't know if there is a specific type but I believe we are a microcosm of the world. I think we have students that are homophobic. We have students from areas that may not have been exposed to diversity." The CSAO shared an incident that occurred in which white students performed an inappropriate act toward African-American students. "And even black students didn't understand why it was an issue and that was fascinating. There was just no connection to history." The CSAO further made more direct comments in her thoughts of who suffers the majority of bullying on campus. "For me, the things I am most aware of, and not sure if it more prevalent, are with students, probably our LGBT folks, trans folks or an effeminate man, or non-stereotypical. I also think cyber-stalking, is what I have seen."

However, both individuals were quick to point to positive changes in the culture of the institution. For the CCO, he was excited about the areas of growth but honest to the reality of the situation. "I think it is improving a lot. I think we have made great strides on this campus. But I think there is still room for improvement. I think having a specific office in this center for LGBTQ is great. I think more students feel more comfortable coming out. The center is a direct result of that, more students feeling comfortable and I think it is a great thing here. But on the same token, I am not naïve, I do not believe students don't get picked on for being different. It does happen.   (This state) is more conservative of a state as a whole but here on this campus, in

this community, there are a lot of liberal thoughts. Thoughts are challenged and embraced, it is a beautiful thing here."

The CSAO agreed with this belief and spoke specifically to the goals and commitment of the institution, and yet admitted to the work yet to be done. "I do think there is a strong sense, with the people I work with in student affairs and the faculty I know, there is a strong commitment to show this is not a campus where we want to tolerate this behavior. We aren't quite where we want to be. I think we have some great things in place. When the situation where campus police might get involved, we know they are going to be responsive. So we got reactive stuff in place and we have the appropriate responses and actions."

One has worked hard within recent months to enact strong policies aimed at reducing areas of harassment, which both the CCO and CSAO believe all forms of bullying would be addressed. They both believe the institutional culture has seen strong areas of growth within the last few years but both admit there is still strong areas of growth needed and were able to provide examples within the LGBT and African-American communities.

Judicial Response through Programming

The CCO was very proud of the efforts of both his office and the university as a whole. When asked about the biggest challenges his office still faces regarding the enforcement for those policies, he re-focused on the conversation on how best to promote the new changes. "We feel pretty good about our changes, perhaps we are focusing on promotion of our changes most of all. How can we get the word out about our Standard of Conduct in order to reduce actions? Again, I'm focused on the Standard of Conduct."

One of the methods he uses to educate is through programming university-wide. One such program was created the previous year and focuses on the one of the four core values

required of each student. "We have also been talking about transitioning this beyond alcohol and sexual assault prevention into bullying too. Last year we had our "Year of Civility" and it sort of carried over into this year so I guess we are having two years of civility. But we have had several offices, it is a university initiative, to be civil." This particular program, developed through an annual diversity summit is focused on various programs that will educate students, faculty and staff on the importance of respect and civility toward one another (www.*oneuniversitynewspaper*.com)."

One specific initiative focuses specifically on freshmen students and working with them immediately upon arriving on campus. "At the university, everything is based on our four values and the goal was to use the four values during our summer orientation to really saturate our freshmen coming in because I really believe there is a need for them to know our rules. So we are going to have some major administrators and major head coaches, people the student are going to notice, so the head coaches and clean-cut athletes that are well known kind of say 'hey, this are our four values and here is how we will tie them into the standards of conduct.' By respecting the diversity of thoughts on this campus, which is a value, you are upholding the standards of conduct. So that is one step."

The CCO spoke of another program designed to promote civility and respect using student organizations. "We have also been working with another program called "1 *One University*" which is a group of students, like student government, res hall government, black student government and we have all these groups coming together to be 1 university. And I fully support this concept, another way we are stopping the bullying."

Finally regarding programming actions of his particular office, the CCO spoke directly to Tyler Clementi and the reactions of both students and his office following his death. "After the

Tyler Clementi situation, we had a huge forum on campus and I was asked to come out and speak about it and the students were outraged…they wanted us to include the word bullying or have a direct bullying policy. And I understand what they were saying and I know they were frustrated but I had to explain something they didn't want to hear…I knew the struggle to get all four campuses to agree on a policy and general counsel would say and I agree with it, that we already have a policy to addresses this issue…hat if you do this act, you will be held accountable…"

Judicial Response through Sanctions

The CCO was very cognizant, however, that programming alone will not always deter bullying on campus. At times, it will require judicial action, including sanctions. Specific sanctions vary depending on the severity of the action. "It will be dependent on what happened and the facts of the case. Generally, if a student is bullied, it depends on the degree. Any time we have conduct that is truly threatening to the safety and well-being of a student, I am going to start looking at whether this student should be separated from the university. It can be anywhere from a semester to a dismissal where the student is asked to leave. Thinking off the top of my head, there have been degrees of all three. I can tell you if there is a huge egregious act, we will not tolerate that and there will be some type of separation. A judicial case is never just about the individual but also the community." It is important to note, as well, that he stressed that his jurisdiction extends beyond campus. He stressed that he will investigate any action that endangers the welfare and safety of one of their students, faculty and/or staff.

When asked about specific sanctions that have been successful, the CCO admitted he did not always believe educational sanctions were always the best method to eradicate the behavior. "I don't know if sanctions are always the most effective. I feel the conversation you have with

them is usually the most effective. When you talk about the possibilities, talking about how it could affect their career goals…sometimes that is the best way for them to understand. A lot of people don't agree with me but I sometimes believe suspension is a very education tool in a sense that sometimes kids just don't get it no matter what you say…they are just not mature enough to understand the severity of their actions. So when you levy that action, severing them from the university, maybe they realize they need to do something different, that is education."

The following scenarios were presented to the CCO and he gave a response as to how the institution might handle the situation. He stressed that each case would be handled on a case-by-case basis and therefore, could not offer many specifics.

1. In a residence hall, a student is caught having written the word "F*** will go to H***" on the white board of a student that is perceived to be a homosexual man. How would this situation be handled by the institution?

The CCO believes this incident would be handled within the residence halls. He recalled a few similar incidents in the last several years and complimented the quickness of the residence life staff to not only deal with the issue but to consult him for advice. He believes that a student found responsible for this action would be given either residence hall or university probation, perhaps both depending on the severity of the action. He also believes the staff would work through floor and/or hall meetings to address the issue and educate. He also has seen several of the responsible students leave the institution following the resolution of the case. "But also, there have been cases of right, wrong or indifferent, the amount of people that see it, the money, resources, energy, it takes it too, a lot of times with the cases I'm thinking about, the students have chosen not to come back to the university because everyone is talking about the incident and what they did. They just got to a different school, a self-imposed separation."

2. A student is arrested off-campus for spray-painting a nazi-symbol on a Jewish student's yard. How would the institution handle this situation if both are enrolled students?

The CCO simply stated "All of it would come to me." When asked to expound, he said he could foresee a lot of the same responses as what occurred with the student found responsible in the residence hall situation but that it would all be handled by his office.

3. A student is emailing harassing messages to another student and the student being harassed has submitted a complaint. After research is completed, it is determined the messages were of a harassing nature. How would this situation be handled by the institution?

These types of actions are handled as though the action occurred in person. "If the person feels bullied, I may have to do a little bit more research to make sure we can verify who sent the messages. I may ask for copies of the text messages to make sure I interpret it correction. Again, it is about how the victim interpreted it but I still need to look it over. But again, it really is no different than face to face."

4. What if the student above was off-campus when the messages were sent? As was the victim? Or it was Facebook?

Again, the CCO stated that it did not matter where the message was sent. If one student acted egregiously toward another, there would be an investigation. When asked if accused students sometimes argue it is free speech, he smiled and stated, "Yes, all the time. It is a headache. But I focus on the conduct. I got bit last year on this issue. A student wrote this nasty, very homophobic comment in our student newspaper. It was the most disgusting piece of writing I had seen."

The CCO stated the editor eventually apologized for the article after some pressure from his office. "But they kept challenging it, that guy was something else. So I focused on the

conduct. Was the words threatening to other students? Like, if a student emails an entire class and the students feel concerned, I will focus on the conduct. A lot of people put nasty things on Facebook and I might call them into this office and bluff. I will talk to them about their career goals, your statements appear to be very racist and homophobic, you want to be a journalist, a doctor, a lawyer, whatever it may be, how people may view you? I will tell people to Google themselves. So I go through how this could affect their career goals and how the university may look into it."

One has chosen to tackle the issue of bullying and harassment through education and programming, including the Office of Student Conduct. The CCO was extremely proud of the various programming efforts of his office and believes strongly that programming is one method in deterring acts that require judicial action. However, he understood that students will still commit acts of bullying and harassment and felt he had practices in place to deter future action. His philosophy focused more on separation and "self-imposed" sanctioning than education requirements, such as community service or apology letters. He felt separation was often better for the victim, community and ultimately, the responsible student.

Additional Programming and Assessment

The CSAO displayed a passion for programming and felt strongly that One was making positive strides in reducing harassment and bullying on campus. Though she admitted there were still issues, she felt the institution had proactive measures in place to address the issue. She spoke of various programs involving a multitude of student organizations, such as Greek Life and scholarship athletes.

One of the more prominent programs discussed was "*One University* Cares," a program focused on creating an environment of support for everyone and anyone. "We have a

group…that is mostly focused around suicide prevention but that ties very closely to bullying and they are really getting the word out to the campus as a whole that there are people who care, especially if you are being bullied. And they are doing really positive things. There is also a heavy social medial campaign around showing there are people that care about you." She also spoke of the importance of the Chancellor's Diversity Initiative and the 'Year of Civility' as a method to excite and involve faculty members. "This is our campus's year of civility so looking at programs and initiatives even just starting the conversation has been useful and different parts of the campus react differently. I think this is one area where faculty seems to relate well where some of the programming type of things, sometimes the faculty aren't quite on board. But civility seems to be something faculty can have an intellectual discource about."

The CSAO was also very passionate about the growth she has seen in both Greek Life and with scholarship athletes. For her, this growth has been fairly recent but she stresses what a positive impact it is having on the institution, as a whole. She believes that Greek Life has taken on a larger role in providing support to the LGBT community. "But with culture change, this is Pride month and we usually do Pride shirts but this year PanHellenic Council wanted to do Greek Pride shirts and make them available to anyone that would wear them in the parade. And at the parade…I go up to the Greek office and their entire staff is wearing one of these shirts and they had 100 Greek students pick one up to wear them. To me, that is a significant culture change." When asked if this was by choice, she stated "Yes totally by choice and a lot of fraternities have now being doing *Safe Space* training and one kids came into our LGBT office and said a member of his fraternity had come out and 'we were nice to him.' And I said, 'uh, thanks' (laughing) but honestly that is one way to assess culture because not too long ago, they might have made that kid's life miserable."

The CSAO has also seen positive change within the athletic department. "I know the athletic department is starting new programs, I mean they even brought us lunch for one of our brown bags during Pride Month, the topic was on LGBT athletes in history and some of their coaches and players came. We were like 'Dang' but they have started two new programs "Women for Women" and that after that was off the ground, then it was "Men for Men" and the programs are for the athletes and discussing the four institutional values, one each year and this year started with respect. This is where I think they are really working with their athletes to address these issues." In addition, she mentioned an additional program with scholarship athletes. "Even with our athletic department, they are doing the "If you can play" campaign that is about LGBT athletes and they just made a video. So to me, those are markers. Is it impacting bullying directly? I don't know but is it creating a culture where bullying is less, maybe. Those are great ways to assess the attitude of the campus."

The CSAO found all questions related to funding to be humorous but seemed to not be concerned regarding acquiring the necessary funds for her various programmatic efforts. She seemed confident that money was there if it was needed. "I think people have just incorporated programming into their budgets. The wellness center has a lot of grants. We have the Department of Justice grant. That has allowed us some extra money. We also have a parent's counsel on campus that we can ask for money, they have a big pot of money. There is a pool of money for various projects when collaborating. There are places to go if we don't have enough money."

The CSAO shared a vast number of programmatic efforts aimed at addressing the concerns of bullying and harassment on campus. For this leader, her focus appeared to be grounded in the idea of creating an environment of proactive efforts, rather than reactive. She

strived to involve all facets of the institution and felt strongly that education and programming was the key to creating a more open and diverse environment.

A Focus on Assessment

As mentioned with the program above, there is a real focus on assessment. There appeared to be a strong belief that if a program was going to have the time and effort of her staff, the CSAO and the student affairs department wanted to know that it was making a difference. "So as a department, we talk to each other about these things and we educate our own department about it. And we work together when huge assessments are done each year with students, they put our questions on their surveys so we don't bombard students." The institution has also spoke about convening a campus-wide committee to specifically address bullying.

The CSAO stated that that assessment is sometimes easier because campus leadership has made it a focus to assess all levels of the university. In addition, assessment is being addressed within each department. The CSAO's department has hired an assessment director and formed a separate committee. Each area of the department is asked to submit an assessment plan each year. "In terms of looking at successes and failures of a specific program, we almost all have a method to assess the specific program, either a paper assessment or survey monkey sent out to find if that particular program is succeeding. But in terms of bigger picture, is that service or unit succeeding we are going through a every other year we look at a CAS assessment to figure out if it is working?"

Preparation for the Tyler Clementi Act

The CCO and CSAO were both asked specifically about the preparation of the institution regarding the Tyler Clementi Act and both felt very confident that their institution was in a positive place, with room to grow. The CCO feels confident that One would be prepared with a

little bit more work. He states, "We have that anti-discrimination policy. I have some language that has been drafted since 2012, it would just need to be improved. We would probably have to beef it up. But we also have an equity office where I think this would go or my office for reporting. I think we do a good job of responding when something happens but I think we need to spell it out better. But I think the anti-discrimination policy is decent, it could be better. But sometimes, things need to happen before we learn what we are missing and what we need to add. That is a positive thing in terms of how to be better."

But like his counterparts at other institutions, the CCO is concerned that no real definition is given to bullying. "It is very difficult. I like it but I think it is frustrating at the same time. Sometimes we just want a clear definition and sometimes it doesn't work for every situation. Like with bullying, how do you define it? And then when new things happen, do we have to keep adjusting it? Or can we? It is not an easy process and it is very difficult to get four institutions and general counsel to agree on things like this. I mean, this policy took four years to push before I could get it done."

The CSAO spoke more positively about the few things her institution could do better, but for the most part, she believes One already does a lot to address this issue. "I think we would have been prepared. I think we would have tweaked the bias reporting as students can do that anonymously. I think we would have tweaked that the way students report it, in addition to students being able to talk to me or whoever in these centers. In terms of maybe more education, we might do a splashy start to it with a big-name speaker. So I think we would have been in a pretty good place, tweak a bit here or there, maybe put resources here or there…."

Overall, One is focused on educating students through proactive measures rather than being reactive to campus events, or the establishment of a law. They appear to be reaching

across all facets of the university to provide educational programming that reaches a wide range of students, faculty and staff. And furthermore, they seem committed to fostering an environment that promotes diversity and very clearly states that bullying and harassment will not be tolerated. There is clearly a passion for reducing bullying on campus.

Two University

Bullying and the How they came to Define It

The institution addresses bullying through its harassment policy, according to both the CCO and CSAO. According to the CSAO, the policy is quite clear. "Oh, it's harassment and in the student conduct code. I think that is where it would really fall. Bullying, I think, there is some similar characteristics with harassment and those things, so it falls into that broad category."

The CCO agreed with the CSAO's belief that bullying would be handled under the harassment policy, but she was much more descriptive regarding the policy, especially following Tyler Clementi's death. "Actually we had, right after the Tyler Clementi situation happened, the CSAO called over and said 'we don't have a bullying policy, should we have a specific bullying policy? What would happen in this case? So, the way it falls, we do not have language specific to bullying but it would fall under our harassment policy." The CCO also stressed that this particular policy occurred before Clementi's death. "Yes, it was all before. We did a review of our sexual misconduct policy about six or seven years ago. There was a pretty major incident at another institution in (the state) and the Board of Regents said you all need to take a look at what you got. So our policy prior to that was not a very good one. So we were pretty specific and it is now a consent policy as the focus. Was there consent? And it does include all types of unwanted sexual contact."

The CSOA actually took issue with the term of bullying. "See at this level, when you talk about bullying, I know it is there and it is not limited to K-12 but it takes on a much more sophisticated look I think. It looks and it sounds differently and there are not a lot of college students who would readily admit they are being bullied. So that is a difficult one so what we call harassment and inappropriate behavior will probably be considered bullying but we wouldn't call it that."

Following Clementi's death and the meeting with the CSAO, there was agreement that the current policy would not be adjusted but agreed that it will be reviewed in the next phase of policy reviews. "Well, we did talk about that and my suggestion was that instead of creating a bullying policy, that we bring the word bullying into the current policy because the more specific you get, the more people look for loopholes. I told (the CSAO) I would rather not have a specific policy when it already falls under the specific window the policies we already have."

An interesting note is that the CSAO could not recall this meeting when asked directly about it. He stated that "we probably have gone back to make sure we have covered those things, like videos, but if memory serves me right, a lot of those things are already in the conduct code." Yet, he could not speak directly to the policy.

Specifically, the portion of the policy that pertains to bullying, specifically, reads: "Harassment may include, but is not limited to, threats, physical contact or violence, pranks, jokes, **bullying**, epithets, derogatory comments, vandalism, or verbal, graphic, or written conduct directed at an individual or individuals because of their race, ethnicity, sex, pregnancy, color, religion, national origin, physical or mental disability, age, marital status, sexual orientation, gender identity, genetic

information, or U.S. veteran status

(http://policy.*twouniversity*.edu/policy/discrimination).”

Both the CCO and CSAO found several strengths to the current policy, most notably that it was broad enough to include most elements of bullying. The CCO stated, “I can’t think of a case we have had that we haven’t been able to find where it was harassment or unwanted behavior, we haven’t been able to find a place where it didn’t fit into our policy.” In addition, both administrators found that educating on the policies that exist was the most challenging aspect of this topic. The CSAO stated, “Education awareness. I mean where I would go would not be so much identifying it (bullying) but educating so we can prevent it. People are doing things and not all understand what they are doing, not to make excuses but it happens.”

Of the institutions profiled, Two was the only institution to definitely state that bullying is a form of harassment within the written policy and that it will not be tolerated on campus. Both administrators felt strongly in their specific harassment policy and both felt that all forms of bullying could and would be addressed within the current policy. Their challenge, however, is to ensure that students are even aware that the policy exists.

The Culture of the State is the Culture of the Student Body

The CSAO and CCO pointed to the type of individuals throughout the state when talking about the type of students that attend the institution. Specifically, the CSAO stated “Well, I don’t think you can describe it (student body) in one particular way. They are conservative on some aspects, out there on others. They are really very aggressive and creative with leadership. But they are pretty conservative when it comes to political stuff which is kind of interesting because you think you would have college students that are far left but I don’t think that is the case. I think we have a culture of decentralization and one where the students really value the

State experience and again…I would say the campus is smack dab in the middle. When you think you got them pegged, they will go and do something to surprise you."

The CCO had a similar response when asked about the type of students that exist on campus. "I would say (this city) is more conservative than (other college towns in the state). But I think (the state) is just an interesting state. But having lived other places what I notice of (this state) is that based on geography, I think we are more tolerant than celebratory of diversity…you see your neighbors and as long as they keep their business to themselves it doesn't bother me. I think that is the (state) mentality." She has noticed a similar behavior in the student body, especially in the trends of bullying on campus. "I would say it is probably language-based and I don't know it is always intentional. I don't know it is always directed at an individual. Sometimes it is about sexual orientation, sometimes it is about gender identity, sometimes it is religious-affiliated. But I don't think students realize the weight of their language. I do think our students respond differently if they are accused of being racist or homophobic. That matters to them to not be called that." The CSAO agreed with the various trends of bullying on campus, laughing as he stated "Oh, I think in that regard, we don't discriminate."

The CCO felt confident, however, that students care about this topic and the leadership on campus would want this issue addressed if given the opportunity to do so. Therefore, she is confident that student leaders would approve any changes to the harassment policy that added protections against bullying. "And our students are pretty good and pretty receptive. I have been in my position for six years and we have never brought forth a change they have resisted. But it is important they understand the why behind it. I would not be surprised if they didn't get more hands-on with something like bullying and want to get more involved and provide feedback on

what that policy looked like and my guess is they would want more definition rather than less. And, having to explain to them that more isn't always good, as someone will work to find the loopholes."

How Judicial Affairs Would Handle Bullying

The CCO seemed very proud of the judicial process at the institution. She felt confident that the process worked for the type of students at her institution and was a fair and honest process. Within her office, judicial cases are divided into two main categories, major and minor and bullying has fallen within both categories. "And a minor case doesn't mean it is unimportant, it just means the student will not be suspended or expelled as an outcome. They could be placed on deferred suspension but there relationship with Two won't be severed. If it is a major case, that could be an outcome and so I would say for harassment or a bullying issue, it could fall anywhere in that range."

The CCO was able to explain a typical case, both major and minor. Within this process, the CCO was able to speak to some of the sanctions she believes are the most useful in curbing bullying and harassing behavior. She feels that an administrator can tell pretty quickly in a judicial hearing if a student "gets it" or not. If she feels the student is not appreciative and respectful of the process, she is likely to send them to the university's Title IX coordinator, who can be blunt regarding the legal ramifications of their behavior. For the CCO, the idea behind the sanction is to be education, in nature. That might include a letter of apology and/or a meeting with another administrator as long as the action has an education component to it.

When asked about any particular free speech issues that might arise with students and the issue of bullying, she was quick to point that she has never been challenged by that argument. "We have not had that in general. I think we are prepared for it and could respond to it but our

students don't do that very often. I think it is because, again it could be the Midwestern culture of it is okay to have free speech but keep it to yourself."

The following scenarios were presented to the CCO and she gave a response as to how the institution might handle the situation.

1. In a residence hall, a student is caught having written the word "F*** will go to H***" on the white board of a student that is perceived to be a homosexual man. How would this situation be handled by the institution?

The CCO felt there would be a lot of consultation between her office and the Residence Life Department. She stated that their office has a specific judicial coordinator who would handle this situation but that she would mostly likely consult with the Dean of Student's Office. She did state that if there was a physical threat or possible harm, she would most likely handle the case herself. She also spoke to the strong relationship that exists between student affairs and the police department on campus. "Our police are really good partners when it comes to that. We also have a program set up where each hall has an Two police officer liaison that is willing to come in and do programs, be visible in the hall, really whatever the hall needs. So we have tried to create something where the students don't freak out if they see police in the halls."

2. A student is arrested off-campus for spray-painting a nazi-symbol on a Jewish student's yard. How would the institution handle this situation if both are enrolled students?

The CCO stated that issues of this nature would be handled by her office, if a report was made. She stated that it was very rare for a student to file a complaint against another student. But she felt confident that this case would be handled no differently than if it occurred in the residence halls. She also stressed that her office had full jurisdiction no matter where the alleged violation occurred. "We do have jurisdiction. We can hear cases from anywhere. And basically

what motivates us to charge at the university-level is the impact on the university community. If it happens in (town) or on campus, we are likely to respond to it, if it happens in another city, we may or may not respond depending on the situation. And if it involves another student, then most definitely."

3. A student is emailing harassing messages to another student and the student being harassed has submitted a complaint. After research is completed, it is determined the messages were of a harassing nature. How would this situation be handled by the institution?

The CCO stated that this type of harassment, or bullying, would be handled no different than if it was done in person. In fact, she stated that these type of cases typically have a paper trail and are much easier to address.

4. What if the student above was off-campus when the messages were sent? As was the victim? Or it was Facebook?

Like all other scenarios presented, the CCO was confident that the Dean of Students office would address this type of bullying. But she admitted that methods of social media do make it trickier. "That could come into the "misuse of computer" policy because even if they are not on campus, if they are using their registered email address, it falls under that category. If it is a text harassment, those can be trickier, because you can't even get your own text messages without a subpoena which I really don't understand and I would be shocked if that doesn't change over time. And we will and we have, where Two police will collect someone's cell phone, download what they can and if needed, we will try and issue a subpoena and we will try to do that with the cooperation of whoever is reporting it. So they are asking for their own records."

She also spoke to recent technology that is making this type of bullying more concerning. "I'm not sure how this will affect it, it's called Flash Text, and I can send something to you and give a timer for how long it is available for you. And it can be as short as 3 or 4 seconds and I'm wondering if that will become the new way to harass because the records gone. Now you can screenshot it but if you have to know to do that." However, if the harassing message came from a non-university email, action will still be taken. "And certainly we can act on it, it just might not be 'misuse of computer' violation. But harassment is still there. And again, our thought is as long as the accused is a student, we can take action."

The Dean of Students Office, and specifically the CCO, has taken a strong stance against harassment and bullying, as far as to add the word bullying to the Student Code of Conduct. She also feels very strongly that her institution's method of addressing harassing and bullying is strong and educational, working to not only address the issue but works to reduce this type of behavior throughout campus. Their policy seems to be tailored specifically to the type of students that typically attend the institution. However, her responses do appear more reactive rather than proactive.

A Decentralized Programming Model

The CSAO spoke in general terms when asked about programming. He felt confident that the institution had programming centered on reducing harassment and bullying and could even talk to some of the basics, but he did not provide much detail. "Harassment, we do it institutionally. We have different areas that are responsible for different segments of the population. For example, HR is responsible for the employees, we are responsible for the student body, training educating and awareness and we do coordinate so we know we're singing from the same sheet music." He also mentioned a recent increase in programming. "We have

beefed up some things, racial and sexual harassment of late. We have made a real effort to make sure everyone is touched within a certain period of times. We are making that effort now because it appears that although we have made a concerted effort for a few years, it has not been sustained. We are now re-doubling our efforts to make sure there is not a gap." The CSAO stated that assessment of the programming is what led to a "re-doubling" of the institution's effort but stated that the university's assessment practice was to look at "what is happening with other institutions around the country, you have to pay attention to that. You can't be naïve and assume it will happen there but can't happen to you."

He spoke to some specific programming that he was particularly impressed by, specifically "consent" training for all freshmen, including mandatory reporters. "I think that is a good aspect and I think we have a decentralized culture that works for us, so we have to work to get anything implemented. When you talk about something campus-wide, we really don't have a culture that says everyone will do…that typically doesn't work. So we have come up with ways to community with each other better. I think it has been very effective."

The CSAO felt confident that the institution had the funds to provide to this particular issue, as needed. He spoke of the university's resource management budgeting system where requests can be made based on the present need. "We have resources to do the things we need to do. If it is going to cost more than what we have, then we will make a request of the Central Administration and those are typically approved. I have staff that think they need a budget but I say no, you need to plan what you want to do and budget for you need and we will give you the resources."

Overall, the CSAO could not speak directly to any of the specific programming efforts that have been effective, but he was confident that the efforts of his division were making a

positive difference, even with a decentralized system. "Overall, I think we have a culture of decentralization and one where the students really value the experience and again, I wouldn't, I think if you talking conservative, I would say the campus is smack dab in the middle. When you think you got them pegged, they will go and do something to surprise you. And that type of student body is why this type of decentralized system works."

Preparation for a New Law and Suggestions for the Federal Government

Both the CSAO and CCO felt very confident that they would be prepared for any possible Federal law regarding harassment and/or bullying. The CSAO simply stated, "I think we would have been very well prepared, it wouldn't have created a problem." However, the CCO did offer some of the strengths of the current program and potential hurdles that would need to be addressed. "I think we would be prepared because we do harassment and discrimination training for all, well really, for everyone. There is now an online training that focuses largely on alcohol and sexual misconduct but we have the venue to make adjustments and focus on bullying, too, if we needed to. The challenge comes in how we have most undergraduates trained in one form or another. We also struggle with faculty and staff..."

Despite feeling as though the institution would be fully prepared, the CSAO did offer some criticism toward the law. Specifically, his concerns centered on the legislators who created the law, and their lack of expertise in the area. He has also has issues with the term, bullying. "Any problem that might have been created if the act said you had to do it a specific way. If a person in a different location tells you in your location exactly how you have to do it, you have a problem. And if they have a definition, we need to be it to be functional in higher education so experts in K-12 don't refined stuff and then super-impose it on us. That becomes a problem. But the definition must come from higher education. But calling it bullying, I can just see trying

to talk to college kids about bullying and they will look at you like "hey, I'm not in elementary school." They will be polite but you have lost them."

The CCO had a similar concern regarding bullying and not being completely clear on the definition but she is not as concerned with the law. "I think we have a good definition of harassment and if we say any form of bullying is harassment, I think we are okay. Not all harassment is bullying but all bullying is harassment."

Overall, Two feels strong that they are in a good position regarding harassment and bullying. Specifically, they have worked to address this issue based on the type of student that attend their institution and the type of citizens they have in their state. They do directly address bullying in their student conduct code but admit that there is still a lot of education that needs to be done regarding this issue.

Three University

Bullying in a Larger Context

Bullying at Three University (Three) is seen in a larger context, according to the CSAO. To her, the average college-age student might not identify with that term, but would better understand the issue in the context of harassment, hazing and/or stalking. "Perhaps a first-day freshman straight out of high school would understand that issue, but not an average student." The CCO agreed that harassment made the most sense. He agreed that bullying and harassment are very much the same because its "psychological where the individual is outside the group and being harassed for being different. There is a similarity because in both, someone is seeking power over another."

When developing the institutional policy addressing harassment and bullying, the administration was focused on developing a policy that addressed what was legally

protected, while being all-encompassing. Yet unlike their peer institutions interviewed, they admit their policy probably wouldn't cover everything. Their specific policy addressing harassment states:

"An offense against a person is committed when a student:

1. Threatens the physical health, welfare, or safety of another person, places another person in serious bodily harm, or uses physical force in a manner that endangers the health, welfare or safety of another person…

2. Engages in hazing of another person…

3. Demonstrates or indicated to another individual his or her possession or immediate control over a firearm, explosive, or weapon…

4. Uses electronic or other devices to make an audio or video record of any person while on university premises where there is a reasonable expectation of privacy…(*www.threeuniversity.edu*)."

The CSAO was very proud of the accomplishments of her staff in developing a policy that she felt was broad enough to cover most threats and harassing actions toward students and was especially proud of the focus placed on electronic methods used to harass others. The CCO was much more specific in the limitations of this particular policy. "Due to self-governance the need for Student Senate to approve all changes, we have had to be somewhat ambiguous. Therefore, it is hard to read sometimes regarding specific provisions." He spoke to previous work experience where the institution offered four to six specific provisions regarding harassment and offered a real legal breakdown within the policy. In his mind, "it offered balance and the policy was more clearly articulated. It made our jobs easier and the students were more accountable."

Improvements are also made to the policy based on issues that might arise on campus or trends noticed by staff members, according to the CSAO. Both the CSAO and CCO felt social media has led to harassment on campus. The CSAO spoke of a "day sheet" she receives each morning she gets to the office that addresses activities from the previous day. "Texts, tweets and Facebook are present a lot." The CCO agreed and added stalking and cyber-stalking were most prevalent on campus. The CSAO stressed again, however, that these trends are used to address the current policy. "With any policy, some student is going to find the loophole. After it is found, we will work to create a new section to cover the loophole in the future. It is not perfect and there is always room for improvement."

Judicial Limitations

When addressing issues of harassment and bullying at the institution, the CCO was quick to state that each case is handled on a case-by-case basis. "The facts matter." He admits that a warning is possible, but suspension may also be considered. He also added there is a history of expulsion when this behavior occurs. The process of adjudicating a case is fairly typical as most institutions. If a report is sent to the CCO, he reviews the facts to determine what additional information might be needed and whether it meets the requirements of the statute to be considered harassment. He will often meet with the victim to gather additional information including the question he believes is very important in resolving the case. "I always think it is important to ask what the victim ultimately wants to happen by submitting this complaint. That will really assist me in knowing how best to help the victim through the process."

If the case is considered to be "high-level," it is sent through a formal hearing process. The complaining student would be asked to participate but it would not be required. This administrative hearing can be very quick, depending on the time needed for the accused to

develop a case. An advocate is offered to both parties, both can review and refute the evidence and can ask questions and share stories. The committee that ultimately makes the decision will be made up of faculty, staff and student leaders on campus. The CCO adds "this process is much faster than the legal process and the decisions of the committee can be anything from a warning to expulsion."

The following scenarios were presented to the CCO and she gave a response as to how the institution might handle the situation.

1. In a residence hall, a student is caught having written the word "F*** will go to H***" on the white board of a student that is perceived to be a homosexual man. How would this situation be handled by the institution?

"We train on this specifically." The CCO was very proud of how university staff would respond to this issue. He stressed that staff would consult with their supervisors and to other required individuals on campus. If a violation of university policy occurred, the case would be referred to the complaint resolution process. He stressed the penalty could be "severe" depending on the details of the situation.

2. A student is arrested off-campus for spray-painting a nazi-symbol on a Jewish student's yard. How would the institution handle this situation if both are enrolled students?

This particular situation caused the CCO to share some of his bigger frustration with the institution and its policy. Due to the history of the institution and as the CCO stated "the philosophy of the state and state politics," the institution does not have jurisdiction off-campus. Only after the 2012-2013 academic-year did the institution begin to adjust their policy to address off-campus incidents. It is not an easy process for the victim, however. "The process is not easy. The student would have to file a report on campus because we would have no way of

knowing otherwise because the police will not let us know. It would then be the responsibility of

the victim to prove how the off-campus activity created a hostile environment on campus. It

isn't easy for the victim."

3. A student is emailing harassing messages to another student and the student being

    harassed has submitted a complaint. After research is completed, it is determined the

    messages were of a harassing nature. How would this situation be handled by the

    institution?

    The CCO stated that this type of harassment, or bullying, would be addressed if it was

done using university property or a university email. If confirmed, the issue would be addressed

as though the harassment was done in person.

4. What if the student above was off-campus when the messages were sent? As was the

    victim? Or it was Facebook?

    The CCO stated he had actually not had to deal with this issue but the same concerns as

that of scenario #2 might exist with this situation. If the social media usage occur off-campus, it

would be up to the victim to prove that a hostile environment exists on campus.

    Overall, it appears the CCO has worked within the university and state system to try and

enforce institutional policy and protect the student body but he readily admits there are real

limitations to the policy and judicial process. He is quick to note the weaknesses of the policy

and shared frustration with the university's stance on off-campus incidents. This policy requires

the victim to do the majority of work and prove the legitimacy of his/her claim. It is a process

that definitely protects the accused.

Proactive Efforts, Including the Creation of a New Office

The CSAO stated that recent media interest in the topic of bullying and harassment did not have a real impact on policy decisions but other issues on colleges campuses did. "Joe Paterno and Penn State made a difference on what we do here." She did stress that a real proactive effort has been made to address this issue. "This is a real team approach. We have developed a 'Step-Up' campaign where if you see something, say something. And I'm excited about a topic on harassment coming out."

The CSAO is proud of her staff's accomplishments, specifically regarding a few projects. "We are working really hard on preventing hazing on our campus and have even developed a 'week' regarding this effort. We have also developed a mechanism on ways in which individuals can anonymously report issues of hazing. We just have to make sure students on campus know about this tool." She was not aware of any specific methods uses to access the successes and challenges of the process but stated "that is the next step." In addition, she stated there was no additional funding provided to this topic. "We will work to find funding, as needed."

Despite a lack of a lot of programming on campus regarding harassment, the CSAO was very excited to discuss the creation of a new office on campus devoted to addressing these issues. This office is designed to promote the diverse and 'inclusive learning and working environment' (www.ioa.*threeuniversity*.edu). The office is designed to strengthen this environment and work to ensure a safe environment for all students and staff. Opened within the last year, the office focuses on the following areas:

- Training of faculty, staff and students regarding anti-discrimination laws on both the Federal and state level, as well as institutional policies.

- Providing resources on disability issues and ensuring all faculty, staff and students have the resources needed to be successful

- Investigating issues of discrimination and harassment, and making a determination if a violation occurred and providing recommendations to the appropriate parties. The office has also developed a reporting tool for members of the university community to report actions of this nature.

The CSAO was extremely proud of her staff's collaboration with this new office. The role of investigating issues of discrimination and harassment has been extremely beneficial when resolving cases both on- and off-campus. The CCO agreed with the CSAO and agreed that all of his cases involving harassment are now investigated by this office. He adds "It has been a very helpful resource to have and has made our job a lot easier. It has also been a big assist to students in getting some kind of resolution."

The particular programming efforts appear rather limited at Three but the creation of this office has created a lot of tools for the student affairs staff that doesn't exist at any of the other institutions interviewed. Though a reactive tool to address the issue, it is nevertheless, a new set of resources for faculty staff and students on campus, and appears to be considered a positive contribution to the campus community.

Responding to the Federal Government

The CSAO stated the possible passage of the Tyler Clementi Act would offer one of two possible solutions. "Hopefully, the Federal government would define bullying and if it was similar to our definition, great, but if not, perhaps there would be a change to our policy. But the second option might be that we need to look at our programming efforts and make some positive changes."

The CCO agreed that the institution already has some specific provisions in place that would leave the institution in a good position. He took issue with the Federal government getting involved with this particular issue, arguing they simply do not know all the great things already occurring on university campuses. "Lawmakers think there is a cure-all regarding this issue but institutions are already doing great things. We deal with this issue using due-process and are perhaps better equipped with handling this issue than K-12. Maybe it means we don't need more requirements." Regardless of their personal feelings regarding this particular bill, both the CSAO and CCO felt confident Three would be prepared and would require very little adjustments to their current policies and programming efforts.

Four University

Defining Bullying/Cyber-Bullying and Current Institutional Policies

There was no clear definition at Four University (Four) specifically regarding Bullying and Cyber-bullying, but both the CCO and the CSAO felt the institution handles the issue appropriately through their specific harassment policies. Specifically, the CCO felt bullying and cyber-bullying were not common phrases utilized in higher education but felt Four handled all like-issues under the intimidation and harassment policy within the student code, and quotes the institution's non-discrimination statement which focuses on "any action so pervasive or severe or persistent that it denies a person, a reasonable person the ability to advance here" (http://diversity.*fouruniversity*.edu/campusconduct.html).

The CSAO had some difficulty answering the institution's definition of bullying and believed the institution would also struggle to create one single definition. Much of this struggle dealt primarily with following the letter of the law if this Act (Tyler Clementi Anti-Harassment Act) were to become law. When pushed to address the current student code and how Four would

deal with issues of bullying and cyber-bullying amongst students, the CSAO stated "Harassment. It wouldn't necessarily have to be sexual harassment; it would be any type of harassment. Unfortunately, harassment is usually defined as some kind of sustained action. Harassment is not typically just one incident."

Regarding specific policies, the CCO spoke directly to two specific sections of the institution's student code. The policy states "the commitment of the University to the most fundamental principles of academic freedom, equality of opportunity, and human dignity requires that decisions involving students and employees be based on individual merit and be free from invidious discrimination in all its forms" (http://admin.*fouruniversity*.edu/policy/code).

Both the CCO and CSAO were asked to address the strengths and limitations of the above-stated policies. The CCO chose not to address the strengths of the policy but focused his comments on the challenges for the institution in deciphering between harassment and free speech. "I think the challenge is quite simply about how do we, not just policy but in practice, how do we deal with speech issues. I think there is the whole idea of allowing someone the freedom of speech but where is the point where that speech infringes on others? Where do you apply the sticks and stones theory versus when do you apply the 'Geez, you're really hampering a student's ability for success?' And I think that is a very person-by-person line and it is very hard to define."

When asked what steps would need to be taken in order to address the challenges mentioned, the CCO stated the student code is faculty driven and any changes made would need to be a collaboration that would entice the faculty senate to want to be involved. Specifically, he mentioned partnerships between student affairs, starting with the Dean of Student's Office, and

the University Counsel concerning how best to define bullying, with a fear that the closer they define harassment and bullying, the more potential for liability.

The CCO spoke briefly about the institution's strength of how they address policy violations. He spoke directly to the Tyler Clementi case, stressing that policy violations must be examined beyond just the facts to discover if there is "more to it." The CSAO was less detailed in her response. She admitted she had limited knowledge to the exact text of the policy, as written in the student code, but believes strongly in the disciplinary system at Four and that staff that manage the office. She spoke to their zealous nature and strong work ethic and believes the office is "doing the best they can."

In terms of challenges, the CSAO was quick to address the "gray area" of free speech. She wanted to share a story that exemplified this challenge. An annual program on campus, presented by the Students for the Justice of Palestine" put up a wall on the student quad to represent the wall the Israelis have built. "They then write messages on the wall like 'Zionist Apartheid' and all this kind of stuff and they have permission to do this because of free speech." Each year, the Jewish Federation of a neighboring metropolitan area become involved and argue that Jewish students are being discriminated against because they have to walk by this wall when they are going to class. "However, this is free speech and they have a right to put up this wall. Now we are going to do stuff beforehand like bring in a First Amendment speaker that will try and address the distinction between free speech and harassment but if a group is speaking against a group of people, then it is free speech. Like if I say 'All gays are wrong and should go to hell' that is my free speech but if I say to one person 'You're gay, you're wrong and you will go to hell' and I keep doing it, I can't just do it once, I have to keep doing it, then that is harassment."

The CCO and CSAO were both specifically asked how the media had affected the policies concerning this issue. The CCO believes Four was very reactionary to the Tyler Clementi situation, actually adjusting its policy to address the taping (audio or visual) of a person in any place that is perceived to be private. This policy extended beyond restrooms and is now anything behind a private door. The CSAO also mentioned that the institution made changes the previous year in response to both Tyler Clementi and also mentioned the issue at Pennsylvania State University (PSU). The CSAO spoke directly the dealings of minors on University premises in response to PSU but never addressed the change in policy regarding privacy cameras, as mentioned by the CCO.

It is apparent that there is an effort at the institution to address the issue of bullying and cyber-bullying, but through the lens of harassment. Though she was not aware of the specifics regarding the policies, the CSAO seemed very confident in her staff and the CCO felt confident that the policies would adequately address any and all issues of bullying and cyber-bullying on their campus.

Campus Culture where Bullying Does Exist

Both the CCO and CSAO admitted that a culture of bullying and cyber-bulling does exist on their university campus. The CCO believes there is a continuum of bullying, whether students recognize they are bullying or being bullied. He defined this bullying as "intimidation, the mocking, the demeaning and that some students have a poor definition and are quick to call something other than bullying that may be bullying. I think a lot of Facebook communities, a lot of the residence halls have their Facebook pages and will get involved in trolling threads that some people will take as bullying and some of it is and some isn't, it is just free speech and that is what our students struggle with." The CSAO spoke more directly about social media and

cyber-bullying. She spoke to the complexity of social media and the constant growth of options for students to use. "It is all increasingly complicated. They are putting things on You Tube now. It happens so fast, you might as well not even bother. It will be something new next week."

Speaking specifically to trends within the university culture, the CCO quickly expressed a concern in physical aggressiveness on campus. "I see a lot of shoving in the halls, I see a lot of quick triggers, whether it is due to intoxication and it is more pushing than fighting.   I think people are willing to throw that punch. I have never seen as much as I see now. There is so much anger and non-cooperation with police." He did not have a reason for this increase, beyond an increase in alcohol- and substance-abuse.

When asked specifically if he has seen an increase in bullying by means of social media, the CCO states there has been some concerns in this area. However, he stresses that if it is brought to the attention of his office, whether it be verbal, written, vandalism, Facebook, anything that affects and individual, they will create a group of staff members within 48 hours to brainstorm potential responses. This might include meeting with individuals, including the victim and the individual deemed to be responsible and they will conduct what they call "deaning discussions" aimed at ensuring the issue is appropriately addressed.

Similar to the student code, the CSAO was not as knowledgeable about the specifics. "I have not heard a lot about that" was the initial response of the CSAO when asked about trends on campus. She did state for a while, the campus had an issue with "Juicy Campuses," a social media website that allowed students to make anonymous comments about anything and it would "say just the most horrible things about people. Whatever you wanted to say, you know "the tri-

delts are a bunch of whores." She stated the website was short-lived but that the institution struggled to address this issue.

Both administrators agreed a culture of bullying and cyber-bullying exists on campus. The CSAO was less specific to the exact culture that existed but the CCO felt he had a strong understanding of what was occurring on the campus but could not explain why. Neither individual could speak to that exact number of harassment cases but felt they were a concern.

Judicial Action No Matter Where a Student is Located

The CCO was asked to explain the judicial process at the institution, specifically addressing the area of harassment. This included a description of the process, possible sanctions and how specific scenarios might be addressed if they were to occur on campus. He stated that when a report of this nature is made to his office, he will review all cases will be referred to him for review to ensure consistency. If it was severe enough, he would hear the case himself. Furthermore, any referral above him is to a faculty sub-committee which occurs when dismissal is imminent. This committee would be led by a faculty member but would also have a member of the Student Affairs staff and a student representative.

Regarding sanctions, the CCO spoke of the state's recent legislation regarding the establishment of behavioral teams that requires student affairs to work across departments to ensure the needs of students are being met, whether the event included bullying or not. He spoke highly of this new requirement, stating the benefit of having legal counseling, counseling services and a dean at one table to share thoughts. This Bias Incident Investigation and Response Team will convene within 48 hours of the incident to determine an appropriate course of action.

Specific sanctions mentioned included warnings through reprimands and censures, all of which are "University sanctions." A warning and reprimand would be noted in a student file but a censure could make a notation on the student transcript. If the case rises to a level of physical aggressiveness, the CCO stated a transcript notation or dismissal might occur. "The more severe cases, it is an understanding between what the victim wants and what level of accountability the aggressor displays. We try to marry that with our standards and then look at aggravating and mitigating standards. If they are willing to accept responsibility, that is half the battle, and we may be able to go a little lighter on that student. But if they are being defiant and not understanding the grave nature, then it is definitely it is something we have the authority to put up for dismissal."

The following scenarios were presented to the CCO and he gave a response as to how the institution might handle the situation. He was hesitant to be too specific, stressing that each case was handled on a case-by-case basis.

1. In a residence hall, a student is caught having written the word "F*** will go to H***" on the white board of a student that is perceived to be a homosexual man. How would this situation be handled by the institution?

The CCO states a thorough response would be needed to ensure all facets of the situation were handled correctly. The process would begin by gathering members of the Bias Incident Investigation and Response Team within 48 hours at the most. This team consists of various members of the university community, including individuals from the student affairs leadership team, the cultural centers, housing staff and faculty members. This team would brainstorm what type of response was needed for both the victim and alleged perpetrator. For the victim, they would find the most appropriate person to reach out and share the resources available to them.

This could potentially include a multi-cultural advocate and if this was in the residence hall, there might also be a plan to address this issue with the entire community. Potential disciplinary actions would also be discussed with the team and a decision would be made "if this was free speech that had gone awry." If there was a history with the perpetrator or a perceived threat, immediate separation would occur.

2. A student is arrested off-campus for spray-painting a nazi-symbol on a Jewish student's yard. How would the institution handle this situation if both are enrolled students?

The CCO felt strongly that the same Bias Incident Investigation and Response Team would convene but that they might adjust their response to the community, depending on where it occurred. He did state they receive campus police reports daily and community police reports weekly. However, the quickest method for them to be aware of the issue is if the victim reports it to their office, though he states that is rare.

It should also be noted that the institution has full jurisdiction over all issues that occur off-campus, if it involves a University student. "Typically, we take jurisdiction with respect to the community and if it is student on student especially. If it were to happen in a home community, that is rare but it would be a case-by-case but we definitely take an active role as if it were on campus."

3. A student is emailing harassing messages to another student and the student being harassed has submitted a complaint. After research is completed, it is determined the messages were of a harassing nature. How would this situation be handled by the institution?

The CCO was very quick to state the institution would address any harassing message that is direct, whether it is over email or text. He struggled with how the institution would address something that might be on a social media page where someone makes a comment and

people "just rip the hell out of you and your comment. What is free speech versus what is 'just walk away from it?' I think that adds an interesting complexity to it. But if there is bias, we will act."

4. What if the student above was off-campus when the messages were sent? As was the victim? Or it was Facebook?

"No difference where it happens, a student is a student. A student member once said on a sub-committee to a student about to get dismissed, 'You want to get a degree from the same place I'm about to get a degree from and I don't want this behavior in a colleague of mine.' That has resonated with me over the years. As an alum myself, that is not something a student should be and our off-campus policies allow the power to deal with those issues. That is not what we do here and you need to leave."

Educational programming still a work in progress

The administrators at Four were asked to specifically address education initiatives regarding both bullying and cyber-bullying on their campus. The CCO addressed it from a judicial perspective, speaking directly about a program that he believes has been extremely successful in curbing repeated bullying by an individual. Like most judicial sanctions, this particular program is reactionary in response to the issue. The CCO spoke specifically about a program called "Alternatives." This program is solely funneled through the university's judicial system and is a 12-week course through the counseling center. This program is subsidized by the institution but students pay $100.00 to participate and the 12-week commitment is strictly enforced. "You show up a minute late, you're done. You start over or you are in non-compliance and you could be dismissed from the institution." The program is designed to address and adjust behaviors, focused on when people try to inflict their will over another. The

CCO stated he has "great confidence" in its success rate as he has had students come back to say thank you following completion of the program and the repeat violations of those that participate is very minimal. "I want to say we have had maybe 1 case where the student repeated the violation after completing the course in the last 10 years."

The CSAO could not address specific proactive programming on campus. She spoke highly of the university staff and felt student affairs was doing a lot, both in the residence halls and with off-campus students but when asked directly about harassment and/or bullying efforts, she stated "Not bullying, per say. I can't say for sure, as there are so many things people in student affairs are doing, you know in the residence halls so I can't for sure tell you we aren't doing anything." She did speak to the campus-wide training on sexual harassment and sexual assault in the fall of each year. She stated, "it is mandatory, quote, end quote. The reason I say quote, end quote is because you can't really make it mandatory."

The CSAO also addressed the concerns regarding funding of any future programming regarding the area of bullying and cyber-bullying, given that passage of the Tyler Clementi Anti-Harassment Act would have made it a requirement for her staff. She spoke directly to the Orientation budget and the fee students pay to attend this event. She felt that any additional training that would be required would need to be paid for by this particular office. She did state a concern with continuing to add mandatory activities for incoming students. She continuously challenges the Orientation staff to "think outside the box" instead of continuously adding mandatory events. "I ask them if there is some way we could do it another way or combine efforts. But we tend not to do that because there are people who own these things and if we just stopped doing sexual harassment training, what do you think would happen? You know what I

mean, that is a pretty big statement the university would stop doing mandatory sexual harassment training or alcohol training prevention."

From the information shared by both administrators, it appears Four was focused on a more reactionary, rather than preventative approach. The CCO specifically said, "In the spirit, we do a good job but obviously any direction the law would provide would be helpful to assist in adjustments that might be necessary whether it be reactionary or what we learn in each case. And I think we are in a revolving process."

No plans for growth moving forward

The CSAO was specifically asked about future policy discussions concerning the areas of bullying and cyber-bullying on campus and whether she saw additional policy growth in this area. Her initial response was "I don't think so." When asked more specifically about harassment and bullying, the CSAO stated "we're not going to let a kid bully another kid. I'm just not going to let that happen. I can't find something in the code. It is very much that our code was written in a way that we may not use that word but that is not going to happen on this campus. I will find something in the code where I will say that you will stop that or go up on judicial charges."

However, the CSAO believed students just do not report this issue to the proper authorities due to embarrassment or the belief that they are not truly a victim, especially for men. "Men are less likely to say they are harassed because that are supposed to be macho. But if the student is being bullied, I will not let that happen. If someone stands up in the Quad and states 'All black people are lazy.' I am not just going to let that happen. I am going to tell that person 'Do you know what you are doing? Do you know you are a member of this community?' I will have a conversation and if there is nothing in the code I will find, I will let them know I am

watching them. Some people say we're restricting their free speech rights by putting that kind of intimidation on them."

The CSAO also mentioned the role of the Bias Incident Investigation and Response Team. However, she stated that it has had controversy because some individuals on campus and in the community believe this team is designed to squash free speech. "I once had a former person in this role tell me in an email that the bias incident team was doing this. I can't remember exactly what I said, but I did say that even if charges were not brought up on a student, it was my free speech right to say this isn't the way we want our community to be represented."

However, she admitted there is a delicate balance that the institution must find when addressing community expectations and free speech. "The person in my role has to explain to the Chancellor or the President or a Legislator or a member of the Board of Trustees why we allow students to do some of the things they do. I once had a Chancellor who wanted me to remove a student from the University for writing things about him on Facebook. He kept saying "But I'm the Chancellor, throw the student out.' I had to explain to him 'You know, we have something called due process.' So the person in my role has to explain to some people who do not understand."

Both administrators were further asked if they felt Four would be prepared if this Act were to become law. The CCO feels strongly the institution would be prepared but that possible adjustments would be needed to be in full compliance with the law. He also spoke to the concern of potential liability and so he would hope for a clear definition from the law regarding bullying to ensure the institution was protected but overall, he felt the university was "in a good spot was has been very fortunate to not have the publicity of a high-profile case. Were that to

happen, however, he trusts the institution would "respond appropriately and while keeping out of the public eye is not the primary focus, the procedures and practices are good ones and I believe would be viewed favorably by the outside."

The CSAO found it difficult to answer this question and believed the institution would also struggle to create one single definition of bullying. Much of this struggle dealt primarily with following the letter of the law if this Act were to become law. Unlike the CCO, the CSAO was not excited to have more guidance from the Federal government. "My problem is we keep getting mandates, obviously mandates from the Federal government and many times they are not very well defined. My answer is that if that happened, if they did this bullying thing, we would start to spend hours talking with our legal people (laugh) and we would look at our policies and what we are doing and we would try to figure out how close we are in compliance and then some incident might occur, and we might be challenged according to this new law. " She stated there would be a focus on reaching out to other institutions to see what they are doing, what the current student code states, examine the opinion of the institution's legal counsel and make the appropriate decisions.

The CSAO went further in sharing her frustration with the Federal government by stating that "everyone feels terrible so they write this law all of a sudden, but no one really consults with student affairs so now you have this law and what does it mean? It is almost like someone feels bad because of the young man at Rutgers." However, the CSAO finally stated that she believed strongly that Four would be prepared if this Act had become law. However, she did state she would need to do research to see what, if any, programming was being done around the topic of sexual orientation.

The CSAO did ask if the interviewer believed there was "an end to all of this." She again stated frustration with the Federal government and the increased demands on her staff. "It just seems like there is less money and more demands. I mean we have to fund a Clery person, I mean we don't think we are where we want to be so we have to fund a Clery person, a person paid to not work with our students, they are not doing student development. I don't even work with student development; I work with lawyers, that's my job. It is ironic, you get into this field to help students, help them reach their dreams and the more you move up, the less you work with them."

Overall, both administrators admitted a culture of bullying and cyber-bullying exists on campus, but the CSAO was fairly honest that her position does not allow her to understand the specifics of the culture on campus or the efforts being made by her staff to address the issue. Yet, she stated multiple times the trust she has in her staff to address this concern. From the feedback offered, the institution appears to be fairly reactionary and even the CCO admitted their response to bullying and cyber-bullying is evolving. There does not appear to be a huge effort to be preventative, at least to the knowledge of the CSAO. Both administrators differ in their excitement should the Tyler Clementi Anti-Harassment Act become law, but both felt the institution would be prepare with only minor adjustments needed.

Five University

Bullying can exist in many ways

From the introductory question, the Chief Student Affairs Officer (CSAO) found issue with the concept of bullying and it is addressed within higher education. In her opinion, there was a problem in the basic concept. "There is a problem in the underlying foundation of 'hate bias.' Within hate bias, it can be something as simple as weight and just about how you look, it

isn't always as focused on a specific sup-group. And yes, it happens on our campus." The CSOA felt like much of this behavior occurred over social media but claimed that certain events had occurred on Facebook that was "extremely derogatory in nature."

The CCO spoke more directly to the trends on campus and blamed much of it on the state as a whole, specifically regarding racism. "I think there is a lot of stuff that happens, climate wise, we don't hear about it. I think African-American students will tell you they sometimes get this vibe that people only think they are here because of their race and not their merits. So I think they feel under siege without a voice. Some schools have stuff, like black student unions, we have none of that here. The state has a whole has little diversity. It is a pretty white state. So it is hard for those students to feel like they have a voice. Minority students tend to just want to take classes and get out of here, they don't have the same connection to the university. They don't feel welcome. They say that if you're WHITE walking down the hall, people will part for you but if you're BLACK, you have to go around. It is that subtle racism that goes on that I think is a climate issue." The CCO also provided a specific example of that racism. "I had a case where an African-American woman punched a white woman. She was very honest and forthcoming and admitted that she had been bullied by this white woman. The white woman and her friends had followed her back from the cafeteria one night and she got called a poor term and I got video to show that the black woman tried to leave and when she got called the "N word," that was fighting words. I went pretty easy on the African-American woman but charged the white woman with harassment. It was a course of conduct that continued. We dealt with pretty strongly. She didn't like it and I said tough. She basically pushed a button she shouldn't push."

The judicial process and its limitations because of the law

Five is very focused on providing a strong educational environment. To provide such an environment, policies have been created to address the area of bullying, or rather, harassment as defined by the state code. These policies are dictated by state legislators and span across all state institutions. The CSAO put it very clearly. "It would take an Act of God to make changes." The CCO agreed with these frustrations. "Our student code, if you want to call it that, is part of state law. And I think there is only one other state I think where the code of conduct is under state law. So basically, Chapter 17 has a policy, behavior defined in 947.143 which is this…so we have to define harassment per state law to be able to hold a student accountable. So sometimes there are incidents where a student may be treated poorly but it is not harassment. It is a one-time thing. Same with bias incidents. So basically, sometimes we have to acknowledge that sometimes people have a right to be mean. But if they keep it up and it becomes a course of conduct over a period of time. They have a right to express mean thoughts which is what we are stuck with as far as the U.S. constitution is concerned. And we do get complaints about bullying…and we look at that stuff and sometimes we may have a case and sometimes, we have to just tell the people to knock it off and if they continue it, then it becomes harassment."

Neither the CSAO nor the CCO found strengths with this current policy. However, they were both quick to point to the challenges. For the CSAO, the inability to add to the policy without appealing first to the state legislators caused her concern. For the CCO, it was how the code was written. "Yeah, the challenge is it isn't really the way we would want to write a student code. You would put it in the student code and we would put the student expectations in plain language. This is what we expect you not to do, or do. It is written by people who are lawyers and don't understand students and how they make expectations. But is also makes it

very clear, often to say it isn't a violation of policy which I don't necessarily like it because it makes us look cold and uncaring like we don't care. Like the bias stuff, sometimes you can't do anything about it other than use your speech back."

Despite those challenges, the CCO was proud of their process regarding how they address bias incidents. "We developed a bias incident protocol because we didn't have one. We went to a conference a year ago and we were the only school that didn't raise our hands when we were asked if we had a process. I mean, we are supposed to be a world-class university and we are the only school that doesn't have something. So I looked at what other institutions were doing and contacted some people."

The judicial process at the institution is very similar to other like-size institutions. They receive a report and assign it to staff members within the office. Email communications are sent out to students for a one-on-one meeting. After communication with the student, the student has the ability to accept the sanction given or choose not to and it will go to a formal hearing. The details of a formal hearing are unique to the institution. The student gets a choice, either a committee of three people or an examiner which is a faculty member who works with our office. The student gets the choice of whichever they want. Most choose the committee. We do have a clause where a student can waive their right to a hearing which we call a settlement. Now to back up, if we recommend suspension or expulsion, the student must go to committee but again, they can waive it, like a plea-bargain. Most often, the student agrees with us but rarely we go to committee."

Specifically regarding sanctions, the student can be given anything from a written reprimand up to expulsion. "We like to think of the written reprimand as an official warning that goes in your conduct file but not on your transcript. And then there is probation, suspension and

expulsion. Those are the sanctions and probation and up goes on your transcript. So we have a formal warning and probation. We would really like a middle one, maybe something like censure." They also provide education sanctions based on the situation, that might include restitution or educational programs. "So for harassment, if it is their first time and they aren't overly egregious and they respond appropriately, probably a reprimand. If it is worse, we will probably do probation, which we can only do up to two years. Probation can be no less than a semester and no more than two years. And there will be conditions. It just depends on the individual case."

The CCO finds strengths in some of the specific sanctions given by his office. "The big thing is no-contact directives and that does stop the behavior usually and that includes all type of contact, including social media, texts, in-person, third-party, all of it. That does tend to work and it shows the victim we care. Those things are affective, now on the educational side, there are sometimes where we have students read things like at the Southern Poverty Center and have them write a reflection paper on what they have seen. "

The following scenarios were presented to the CCO and she gave a response as to how the institution might handle the situation.

1. In a residence hall, a student is caught having written the word "F*** will go to H***" on the white board of a student that is perceived to be a homosexual man. How would this situation be handled by the institution?

The CCO was confident this would be handled by the housing staff and would not be passed to this office. However, unless it was a repeated incident, little could be done judicially to the bully. "The housing staff would but they can do this type of work. Under the code, they are authorized to do probation. We would ask the victim if this has happened before of similar

messages. We would ask the person if they have done it before. If we can't prove it is a

repeated pattern of behavior and it is not threatening…we would probably have a hard time

holding them accountable for harassment. But if the victim says it is has happened for the last

three weeks and it is in the same handwriting so it is repeated, we would hold them accountable

for harassment."

2. A student is arrested off-campus for spray-painting a nazi-symbol on a Jewish student's
   yard. How would the institution handle this situation if both are enrolled students?

   The CCO was confident that his office would handle this issue, if it was brought to their

attention and he stressed the institution has off-campus jurisdiction depending if certain

circumstances are met. "Yes, we do have jurisdiction and there is stuff in here that details the

certain criteria that must be met. Like a serious criminal offense even if the criminal proceeding

has not occurred. And harassment is defined under state statute so it could be considered a

serious criminal offense. It would need to be a serious offense but I would argue harassment is a

serious offense. And if there is a danger to the safety or health of another student, we can get

involved. So if you are making threats to someone, bullying them, and they are afraid to leave

their apartment to go to class, that would fit. And if there is something that impairs our mission

and our mission is that students should have a right, not always a right to be happy and

comfortable but a right to be a student here. So generally, we have pretty wide jurisdiction."

3. A student is emailing harassing messages to another student and the student being
   harassed has submitted a complaint. After research is completed, it is determined the
   messages were of a harassing nature. How would this situation be handled by the
   institution?

The CCO stated that this type of harassment, or bullying, would be handled no different than if it was done in person. "We would like it if there is proof, or documentation like that."

4. What if the student above was off-campus when the messages were sent? As was the victim? Or it was Facebook?

Like the other situations presented, the CCO was confident they would address the issue if documentation is available and can prove the accuser's claim.

Overall, it appears the CCO appears to not like the policies enacted by the state legislators but they make it work within their organization. "The institutions aren't the problem, it is the Board of Regents. It is their lawyers that really don't get it. This is not a model student code. It is too legalistic and not student-friendly." But they make it work.

Limited programming starting at the grass roots

The CSAO admitted that harassment and bullying was an issue on her campus, but could not speak to a lot of specific programming that currently exists. She claimed it was a "grass roots effort" that was hoping to grow with support from her staff. She did speak specifically to a "It Gets Better" video that was created based off an idea formed at a football game during a PSA announcement. Yet, she did not have specific details to offer but did say she hoped to have something developed by the following fall.

The CSAO also spoke directly to the assistance technology provides in this process and stated she has been able to send out three to four emails a semester to the student body. When asked how their efforts were assessed, she said it was mostly "anecdotal" and that she has begun to elevate this issue and hopes she can create an environment where the bystander will stand up and say what they are seeing is wrong, and act. She shared no additional information but claimed the process was worth exploring further. The CCO shared no additional programming

that he was aware of on campus. He spoke of his office exploring potential programming for the future but did not note anything current.

Preparation through a strategic plan

The CSAO stated the possible passage of the Tyler Clementi Anti-Harassment Act would be an opportunity for the institution to create a strategy to make positive changes that would "engage students and staff to figure out what to change and would allow us to look beyond just students and how this message is displayed on campus." She did not speak to specific changes that would be required on campus, even after being asked the question multiple times.

The CCO was more direct in what the institution would need to do to be compliant, while laughing. "Hmmm, prepared? We are just now getting next fall mandatory alcohol education for the incoming freshmen class. Other schools have been doing that for 15 years. So we are a little bit slower than other places. And then once you get that, the people that work with sexual assault want mandatory sexual assault training. Then you got the people that work with diversity issues. And then you would have bullying. Everyone wants this piece of the freshmen and if you talk to the orientation folks will tell you all the freshmen worry about is "where are my classes and where is the parties the first weekend?" Anything else they hear is white noise. So you can mandate all the bullying, harassment, sexual assault stuff and it may not work. Probably they won't pay attention to it so there has to be different delivery methods after they are probably here. But obviously if it became law, we would do something, but I don't know how you would do it. Most people are using web-based technology. But we would do what we need to do obviously."

Overall, both administrators admitted a culture of bullying and cyber-bullying did exist on their campus but were adamant that state law really limits their ability to address the issue.

The CSAO spoke positively of a new effort to address this issue, while the CCO admitted that

Five was not at the same level as some peer institution in regards to bullying and cyber-bullying.

From the information shared, the institution appears to be extremely reactionary to issues of

bullying and has not yet developed a true plan to address this issue. The CSAO did agree that

the issue of bullying should be addressed. "Bullying is not limited to childhood and that it is

taken into adulthood. We cannot ignore this culture and can't go unaddressed." She just didn't

say how it has and should be addressed.

Chapter 5

This particular case study looked specifically at five public institutions to examine their current policy and practices regarding bullying and cyber-bullying on their campus, and their preparedness had the Tyler Clementi Act become law. As mentioned previously, all five institutions are large, Research I institutions that belong to the AAU. In addition, all are located in the Midwestern part of the United States. Research included research of the institution's current judicial policies regarding the issue of bullying and cyber-bullying and current programmatic efforts. In addition, interviews were conducted at each institution with both the CSAO and CCO.

Data collected from these administrators demonstrate that these institutions have implemented positive policies and programming efforts to curb bullying and cyber-bullying, some efforts are proactive while others have been reactive. Of those positive efforts, some are shared across a few, if not all, of the institutions. However, some efforts appear stronger than others and any perceived lack of effort is often credited to laws of the particular state. Differences were also noted, both in how cases are adjudicated and the trends noticed on each campus. Overall, all five institutions admitted that adjustments would be required on their campus if the above-mentioned bill became law, but all felt confident they would have been prepared. The specific themes noted in this section include: a definition of bullying, the culture on college campuses including trends, opinions on the role the Federal Government has in shaping policy on campus, specific trends noted on each campus, the strength of each institution's current policies, the role of the state on this campus issue, both judicial and programmatic efforts on campus, , assessment practices, the role of the Chief Student Affairs Officer regarding this issue and preparedness should the Tyler Clementi Act had it become law.

Definition of bullying and cyber-bullying

Bullying was not a phrase used by any of the five institutions mentioned. Only one institution, Two University (Two), used the word "bullying" in their student conduct policies for students and staff. For the most part, harassment was the term used by all of the institutions. Most of the CSAOs actually felt bullying was not a strong enough word for this type of behavior and felt harassment more generally spoke to all of the possible scenarios that could occur. The CSAO at Two actually spoke to the sophistication of using the word harassment. "See at this level, when you talk about bullying, I know it is there and it is not limited to K-12 but it takes on a much more sophisticated look I think. It looks and it sounds differently and there are not a lot of college students who would readily admit they are being bullied. So that is a difficult one so what we call harassment and inappropriate behavior will probably be considered bullying but we wouldn't call it that."

Each institution's policies dealt with maintaining a safe educational environment for the student. Four University (Four) spoke to that environment often and stated it was the foundation for their policy. Specifically, Four's policy states harassment is "any action so pervasive or severe or persistent that it denies a person, a reasonable person the ability to advance here." That basic premise could be seen in all five policies in varying degrees and all five defaulted to the Federal government's list of minority groups when forming their policy. Overall, all five institutions had strong policies that directly addressed harassment on all levels and each CSAO and CCO was confident that any action of bullying would be able to be addressed through their written policy, if the law allowed it.

Administrators agree that a culture of bullying does exist in college

All five institutions admitted that a culture of bullying still exists beyond K-12. Furthermore, bullying of all degrees continues to exist on each of the college campuses. Interestingly, several of the administrators stated the term bullying is a "less-sophisticated" term and not something students in college would be able to understand, yet they all admit it still exists on their campus. For the CCO and CSAO at One, the culture was based largely on the dynamics within the state. "I don't know if there is a specific type but I believe we are a microcosm of the world. I think we have students that are homophobic. We have students from areas that may not have been exposed to diversity." The CSAO added her own example to that thought, stating "So I feel the experience we have on campus, it's not great for everybody and we still had 3 years ago, we had white students throw cotton balls on the lawn of the Black Cultural Center and not understand why that was wrong. And even black students didn't understand why it was an issue and that was fascinating. There was just no connection to history." The CSAO was more direct in her thoughts of who suffers the majority of bullying on campus. "For me, the things I am most aware of, and not sure if it more prevalent, are with students, probably our LGBT folks, trans folks or an effeminate man, or non-stereotypical. I also think cyber-stalking, is what I have seen."

The CCO at Two agreed that a culture of bullying exists on her campus and agreed it had a lot to do with the culture of the state and therefore, the beliefs students bring with them to college. "I would say (this city) is more conservative than (other college towns in the state). But I think (the state) is just an interesting state. But having lived other places what I notice of (this state) is that based on geography, I think we are more tolerant than celebratory of diversity…you

see your neighbors and as long as they keep their business to themselves it doesn't bother me. I think that is the (state) mentality."

The CCO at Four believes bullying also exists on his campus but was not sure it is always recognized by other students. Regardless of whether it was recognized, he along with this colleagues at all five institutions felt it should not be tolerated. The CSAO at Five University (Five) put it most bluntly, stating "bullying is not limited to childhood and that it is taken into adulthood. We cannot ignore this culture and can't go unaddressed."

The role government should play in defining harassment policy on campus

The Federal Government's continue role in shaping policy on campus brought out extremely strong opinions in most of the administrators. For the most part, there was a common belief that the Federal government should stay out of shaping institutional policy. Several administrators had issues with a uniform definition of the word 'bullying' and felt that it would make issues more difficult. The CCO at One stated "It is very difficult. I like it but I think it is frustrating at the same time. Sometimes we just want a clear definition and sometimes it doesn't work for every situation. Like with bullying, how do you define it? And then when new things happen, do we have to keep adjusting it? Or can we? It is not an easy process and it is very difficult to get four institutions and general counsel to agree on things like this. I mean, this policy took four years to push before I could get it done."

Other administrators took issue simply with the Federal government getting involved in institutional policies. The CSAO at Four stated, "My problem is we keep getting mandates, obviously mandates from the Federal government and many times they are not very well defined. My answer is that if that happened, if they did this bullying thing, we would start to spend hours talking with our legal people (laugh) and we would look at our policies and what we are doing

and we would try to figure out how close we are in compliance and then some incident might occur, and we might be challenged according to this new law." Her colleague, the CSAO at Two strongly agreed and felt this law could have an opposite effect. "Any problem that might have been created if the act said you had to do it a specific way. If a person in a different location tells you in your location exactly how you have to do it, you have a problem. And if they have a definition, we need to be it to be functional in higher education so experts in K-12 don't refined stuff and then super-impose it on us. That becomes a problem. But the definition must come from higher education. But calling it bullying, I can just see trying to talk to college kids about bullying and they will look at you like "hey, I'm not in elementary school." They will be polite but you have lost them." The CCO at Three, however, shared his frustrations with Federal intrusion by giving a positive spin to what is already being done on university campuses. "Lawmakers think there is a cure-all regarding this issue but institutions are already doing great things. We deal with this issue using due-process and are perhaps better equipped with handling this issue than K-12. Maybe it means we don't need more requirements."

A culture of bullying has led to specific trends at each institution

Each of the administrators also noted certain trends in bullying on their campus and was unique to that campus climate. In almost each case, the CSAO and CCO felt the trends were in direct correlation to the dynamics noted across their state. The following trends were noted:

- At One University (One), the trend most noted regarding bullying and cyber-bullying revolved around both race and sexual orientation. Both the CCO and CSAO made note of the conservative nature of the state and specifically, the CCO stated "I don't know if there is a specific type but I believe we are a microcosm of the world. I think

we have students that are homophobic. We have students from areas that may not have been exposed to diversity."

- For Two University (Two), they believe a lot of their bullying is language based but not defined to one specific sub-group on campus. The CCO noted, "Sometimes it is about sexual orientation, sometimes it is about gender identity; sometimes it is religious-affiliated."

- At Three, the administration noted a trend of cyber-bullying through social media. "Texts, tweets and Facebook are present a lot." The CCO confirmed that stalking and cyber-stalking were the most prevalent trend on campus.

- Administrators at Four, especially the CCO, was concerned about a trend of physical aggressiveness on campus, and felt that this aggression was a form of bullying. "I see a lot of shoving in the halls, I see a lot of quick triggers, whether it is due to intoxication and it is more pushing than fighting." He also noted increases of bullying through social media.

- The CCO at Five felt their biggest trend was focused on race issues and believed it had a lot to do with the lack of diversity within the state. "I think there is a lot of stuff that happens, climate wise, we don't hear about it. I think African-American students will tell you they sometimes get this vibe that people only think they are here because of their race and not their merits. So I think they feel under siege without a voice. Some schools have stuff, like black student unions, we have none of that here."

The various trends noted at each of the five institutions varied, but appeared to be congruent with the dynamics within their state. And in each case, the CCO and CSAO

recognized the trend but did not always understand why it existed on their campus or the best way to change the culture. In most cases, how to change the culture was still a mystery.

Since bullying does exist, is the harassment policy on campus strong enough?

Since each of the administrators admitted that a culture of bullying exists, including cyber-bullying, a question remained whether they felt their written policies were strong enough to address that culture. All of the institutions felt their written policies did, indeed, cover all possible scenarios of bullying. And for One University (One), this policy was strengthened in 2012 and the CCO was extremely proud of the policy. "I think the way it is written is very open and very broadly where bullying and cyber-bullying would definitely apply to this policy…so we can prevent or hold students accountable, and hopefully prevent it if they do certain things. I think we have a pretty solid policy and as for improvement, I hope we are willing to listen if there are areas of growth but I think we are pretty solid based on how things are written. I can't think of an example where a student could submit something to our office tomorrow saying they were bullied and we would have to say, 'sorry, that doesn't fall under our policy."

The remaining institutions felt they had strong enough policies to address all the potential issues that could arise and had those policies in place prior to the introduction of the Tyler Clementi Act. However, most of the administrators at each institution met following the death of Tyler Clementi to ensure their policies were strong enough and actually aimed to keep their policies broader. The CCO at Two spoke to that process and why they chose to keep the policy more general but actually add the word bullying to their policy. "Well, we did talk about that and my suggestion was that instead of creating a bullying policy, that we bring the word bullying into the current policy because the more specific you get, the more people look for loopholes. I told (the CSAO) I would rather not have a specific policy when it already falls under the specific

window the policies we already have." The CCO at One recalled his interactions with students following Clementi's death. "After the Tyler Clementi situation, we had a huge forum on campus and I was asked to come out and speak about it and the students were outraged…they wanted us to include the word bullying or have a direct bullying policy. And I understand what they were saying and I know they were frustrated but I had to explain something they didn't want to hear…I knew the struggle to get all four campuses to agree on a policy and general counsel would say and I agree with it, that we already have a policy to addresses this issue…hat if you do this act, you will be held accountable…"

The CCO at Three was the only administrator who felt being ambiguous was not always the best approach and blamed that approach on the role of student government. "Due to the need for Student Senate to approve all changes, we have had to be somewhat ambiguous. Therefore, it is hard to react sometimes regarding specific provisions." He spoke to previous work experience where the institution offered four to six specific provisions regarding harassment and offered a real legal breakdown within the policy. In his mind, "it offered balance and the policy was more clearly articulated. It made our jobs easier and the students were more accountable." The CCO at Two has a similar process in needing the approval of student government, but felt it only enhanced the policy and gave it more validity. "And our students are pretty good and pretty receptive. I have been in my position for six years and we have never brought forth a change they have resisted. But it is important they understand the why behind it. I would not be surprised if they didn't get more hands-on with something like bullying and want to get more involved and provide feedback on what that policy looked like and my guess is they would want more definition rather than less. And, having to explain to them that more isn't always good, as someone will work to find the loopholes."

The state has a role in addressing bullying, both good and bad

The state has played a strong role in how each of the institutions is able to respond to bullying. For some institutions, that restriction can be based on law. According to the CCO and CSAO at Five, the institution's ability, or often inability to make positive changes to the harassment policy, is based on state law. "It would take an Act of God to make changes (student code). "Our student code, if you want to call it that, is part of state law. And I think there is only one other state I think where the code of conduct is under state law. So basically, Chapter 17 has a policy, behavior defined in 947.143 which is this…so we have to define harassment per state law to be able to hold a student accountable. So sometimes there are incidents where a student may be treated poorly but it is not harassment. It is a one-time thing. Same with bias incidents. So basically, sometimes we have to acknowledge that sometimes people have a right to be mean. But if they keep it up and it becomes a course of conduct over a period of time. They have a right to express mean thoughts which is what we are stuck with as far as the U.S. constitution is concerned. And we do get complaints about bullying…and we look at that stuff and sometimes we may have a case and sometimes, we have to just tell the people to knock it off and if they continue it, then it becomes harassment."

The CCO at Five also expressed deep frustration on the role the state plays in how he can adjudicate cases. When asked specifically about sanctions, the CCO spoke again of the limitations offered by having a judicial process and harassment policy that is defined by state law. He believed this road block made it very difficult for him to do his job. "We like to think of the written reprimand as an official warning that goes in your conduct file but not on your transcript. And then there is probation, suspension and expulsion. We would really like a middle one, maybe something like censure. The institutions aren't the problem; it is the Board of

Regents. It is their lawyers that really don't get it. This is not a model student code. It is too legalistic and not student-friendly." The remaining CCOs had many more liberties in offering sanctions and finding a student responsible.

The CCO at One also had concerns because of state requirements and blames that process on why it took until 2012 to get necessary changes to their policy. However, he recognizes growth is still needed to the policy but understands that getting all of the state institutions to agree on a policy, and then the additional burden of getting the Board of Curators to agree is very difficult. "I think if you had asked me three years ago, I would have told you we have a lot more work to do. Now we have some more work to do but we had such a significant change recently. Do we still have work to go? Yeah, I mean we don't have anything specific in there about hate crime which is where I see a lot of the bullying. That is probably the next place I'll push."

The CCO at Three also agrees that it isn't always just the law or the process to create change that can be difficult, but rather, just the culture of the state and an unwillingness to change. This is most noticeable for the CCO at Three in dealing with students off-campus. "The philosophy of the state and state politics, the institution does not have jurisdiction off-campus. The process is not easy." And due to this engrained culture, the CCO and institution has had to work on various methods that will allow them to be effective without violating state law.

Despite the frustrations of state law and culture, the CCO at Four actually felt a new state law had been quite beneficial to the university in reducing issues of bullying. The CCO spoke of the State's recent legislation regarding the establishment of behavioral teams that requires student affairs to work across departments to ensure the needs of students are being met, whether the event included bullying or not. The CCO felt this new law really pushed for collaboration across the entire institution, from legal counsel to counseling services to the Dean of Student

Affairs. For his institution, this law was the foundation to the creation of the Bias Incident Review Team, a group of members from across the university community, convened within 48-hours of any bias incident on campus to address the issue. This will include addressing the needs of the victim but the entire university-community, as well.

For all five institutions, the state has had a direct role in how they are able to address bullying on campus. For some, it is a requirement by law and many administrators feel restricted in being able to truly address this issue. For others, it is more about the culture of the state and therefore, the type of students that enroll at their institution. Only one institution found state intervention to be positive and that was because the state provided a required tool in addressing bullying and harassment on campus. Noting that one exception, the remainder of institutions suggested that the state and culture of the state added additional barriers to reducing bullying and on their campus.

Judicial efforts similar across all institutions, but roadblocks were noted

At an institution of over 20,000 students and in some cases, more than 40,000 students, to maintain safety and equity across campus requires a strict judicial process that offers a voice to both the victim and accused. At all five institutions, the CCO provided a detailed example of how a case at their institution was adjudicated. The formal process allowed for both the victim and accused to share their side of the story. Depending on the severity of the action, the result could mean a warning, probation and possibly expulsion. All CCOs stated that there were examples of where a student was asked to leave the institution due to an act of harassment. In addition, all five CCOs were adamant that all cases are handled on a case-by-case basis and therefore, a hypothetical outcome was hard to provide. As the CCO at Three put it, "the facts matter."

Each of the CCOs was asked to explain the formal judicial process at their institution. At all five institutions, the process had two components, depending on the gravity of the situation. The more informal process typically involved a meeting with a judicial officer where the accused was given a chance to share his/her side of the story and the judicial officer would make a decision regarding the responsibility of the student. The result could range from a warning to probation. The final decision would usually involve some type of education sanction, as well. The CCOs typically had varying types of education sanctions they thought were most useful. For example, the CCO at Two preferred meetings with colleagues on campus or apology letters to the victim if she felt the responsible student "got it" during their conversation. The CCO had Five disagreed and felt that no-contact directives was often the best approach. "The big thing is no-contact directives and that does stop the behavior usually and that includes all type of contact, including social media, texts, in-person, third-party, all of it. That does tend to work and it shows the victim we care. Those things are affective, now on the educational side, there are sometimes where we have students read things like at the Southern Poverty Center and have them write a reflection paper on what they have seen."

Any time expulsion or significant separation from the institution is a possibility, the CCOs spoke of a much more formal process that often allowed the accused student to have a stronger voice in the process and at all but One, it involved a committee of faculty and staff from around campus. At One, the CCO had the right to suspend the student from the institution for up to two years without committee approval, and in fact, he favored that sanction over most other types of education sanctions. "I don't know if sanctions are always the most effective. I feel the conversation you have with them is usually the most effective. When you talk about the possibilities, talking about how it could affect their career goals…sometimes that is the best way

for them to understand. A lot of people don't agree with me but I sometimes believe suspension is a very education tool in a sense that sometimes kids just don't get it no matter what you say…they are just not mature enough to understand the severity of their actions. So when you levy that action, severing them from the university, maybe they realize they need to do something different, that is education."

All five CCOs were asked four specific scenarios and asked to give a hypothetical response to that situation. Again, all five CCOs stressed that each situation would be handled on a case-by-case basis, but all agreed that any case in the residence hall would typically be handled by residence hall staff. In addition, four of the institutions would handle situations that occurred off-campus. In fact, the CCO at Four went as far as to say "No difference where it happens, a student is a student. A student member once said on a sub-committee to a student about to get dismissed, 'You want to get a degree from the same place I'm about to get a degree from and I don't want this behavior in a colleague of mine.' That has resonated with me over the years. As an alum myself, that is not something a student should be and our off-campus policies allow the power to deal with those issues. That is not what we do here and you need to leave." The CCO had Three was the one exception and found some frustration with this long-standing policy at his institution because it would require the victim to prove their case in order to receive any type of justice. Because of "the philosophy of the state and state politics," the institution does not have jurisdiction off-campus. "The process is not easy. The student would have to file a report on campus because we would have no way of knowing otherwise because the police will not let us know. It would then be the responsibility of the victim to prove how the off-campus activity created a hostile environment on campus. It isn't easy for the victim."

In terms of issues of cyber-bullying, each case is handled as though the student was on campus if it can be documented for all five institutions. In fact, all five administrations typically preferred handling cases of cyber-bullying because documentation was easier to provide. Smiling, the CCO at Five stated he preferred those types of cases, "We would like it if there is proof, or documentation like that." All five institutions admitted bullying exists in the context of social media and email, and all felt confident they could address the situation.

Successful efforts noted, both proactive and reactive

No one institution addressed bullying and cyber-bullying using the same methods, but all felt strongly that they were addressing the issue and working, within their abilities, to reduce instances on their campus. And it appeared that with the exception of Five, there were strong indicators that each institution had attempted to address bullying and harassment on their campus, some more reactive than proactive.

One focused largely on proactive programming methods to reduce bullying and cyber-bullying. And their strongest element was their awareness of an issue and a desire to reach all sub-groups of their student population from first-year students to scholarship athletes to Greek-Life students. The majority of their programming efforts focused around the idea of civility, one of the university's four core values, and ensuring that students were aware that civility was a right for every student on campus. "This is our campus's year of civility so looking at programs and initiatives even just starting the conversation has been useful and different parts of the campus react differently. I think this is one area where faculty seems to relate well where some of the programming type of things, sometimes the faculty aren't quite on board. But civility seems to be something faculty can have an intellectual discourse about." This type of programming was utilized across all facets of the institution and that was something the

institution was very proud, especially with Greek Life. ""But with culture change, this is Pride month and we usually do Pride shirts but this year PanHellenic Council wanted to do Greek Pride shirts and make them available to anyone that would wear them in the parade. And at the parade…I go up to the Greek office and their entire staff is wearing one of these shirts and they had 100 Greek students pick one up to wear them. To me, that is a significant culture change." Regarding scholarship athletes, the institution was extremely impressed with their efforts. "Even with our athletic department, they are doing the "If you can play" campaign that is about LGBT athletes and they just made a video. So to me, those are markers. Is it impacting bullying directly? I don't know but is it creating a culture where bullying is less, maybe. Those are great ways to assess the attitude of the campus." These efforts are an attempt to be more proactive in the hopes that it reduces cases of harassment and bullying and they feel strongly it is doing just that.

Two took a more direct approach to eradicating bullying on campus by adding the term "bullying" to their harassment policy. This proactive effort required the effort and approval of the student government but seemed to be welcomed by all. The CCO stated that students were very involved in that process. "And our students are pretty good and pretty receptive. I have been in my position for six years and we have never brought forth a change they have resisted. But it is important they understand the why behind it. I would not be surprised if they didn't get more hands-on with something like bullying and want to get more involved and provide feedback on what that policy looked like and my guess is they would want more definition rather than less. And, having to explain to them that more isn't always good, as someone will work to find the loopholes." The CSAO could not speak directly to specific programming on campus regarding this issue but stressed that education was occurring and recognized the need for

growth. "We are making that effort now because it appears that although we have made a concerted effort for a few years, it has not been sustained. We are now re-doubling our efforts to make sure there is not a gap."

Both Universities Three and Four led efforts of a more reactionary measure in addressing bullying and cyber-bullying on campus. For Three, that effort was the actual creation of an Office of Institutional Opportunity and Access, designed to promote the diverse and 'inclusive learning and working environment'. This office was essential throughout the process of identifying and investigating issues of harassment and bullying on campus. In addition, this office played a role in ensuring the victim has the required resources to address the issue. The CCO was extremely proud of this office. "It has been a very helpful resource to have and has made our job a lot easier. It has also been a big assist to students in getting some kind of resolution." The CCO and CSAO were fairly non-descript in discussing proactive efforts in reducing bullying on campus but agreed that minimal programming occurred and that it should be increased moving forward.

Four had used a state law to their benefit in creating a team of professionals on campus to address issues of bias on campus. Though completely reactive in nature, this team worked across all realms of the university to address the specific bias and ensure that both the victim and community had the necessary tools to find resolution within 48 hours of the incident. Consisting of various members of the university community, the team collaborates to find resources for both the victim and community. The CCO was very confident that this team has been instrumental in past cases and extremely beneficial to the university community. In terms of proactive efforts, the CSAO could not directly speak to any real efforts. "Not bullying, per say. I can't say for

sure, as there are so many things people in student affairs are doing, you know in the residence halls so I can't for sure tell you we aren't doing anything."

For Five, both the CCO and CSAO were extremely non-descript when asked about any proactive or reactive responses to bullying and/or harassment on their campus. For the CSAO, she admitted that bullying was an issue on campus but could not speak directly to any current efforts on campus to reduce it. She did claim there was a "grass-roots effort" currently on campus but offered no other specifics. The CCO spoke, again, to the difficulties of working within state law and bureaucracy. "Yeah, the challenge is it isn't really the way we would want to write a student code. You would put it in the student code and we would put the student expectations in plain language. This is what we expect you not to do, or do. It is written by people who are lawyers and don't understand students and how they make expectations. But is also makes it very clear, often to say it isn't a violation of policy which I don't necessarily like it because it makes us look cold and uncaring like we don't care. Like the bias stuff, sometimes you can't do anything about it other than use your speech back." The one highlight noted by the CCO at Five revolved around their efforts at creating a process to report bias incidents. This process already existed at the other institutions but was something new at Five. However, even the creation of this process, caused frustration for the CCO. "Yeah, that is a good one. We are just getting started with this. We did develop a bias incident protocol because we didn't have. We went to a conference a year ago and we were the only school that didn't raise our hands when we were asked if we had a process. I mean, we are supposed to be a world-class university and we are the only school that doesn't have something."

All five institutions addressed bullying and harassment differently on campus, some proactive and others reactive. In all situations, the CSAO at the institution felt that funding was

available, if needed, by members of the community to address this issue. No institution had a specific fund set aside for this issue but all agreed that there was money available if a member of the campus community could justify the need for it.

Overall, there appears to be an effort at all five institution to ensure bullying is either being reduced through proactive programming or addressed after it occurs. With the exception of Five, each institution feels strongly their efforts are having a positive impact on campus. And each institution has appeared to address the issue based on the limitations of their campus culture, resources and even their state government. However, only one institution, One, can actually state through assessment whether their efforts are making a true difference.

Assessment present at only one institution

Each institution was asked specifically about assessment efforts and only one institution could speak to any type of effort, big or small. Only One had any type of formal process in evaluating their efforts regarding bullying. "So as a department, we talk to each other about these things and we educate our own department about it. And we work together when huge assessments are done each year with students; they put our questions on their surveys so we don't bombard students." There is also an effort on campus to convene a campus-wide committee focused on addressing the issue of bullying and cyber-bullying on campus. Each department is asked to submit an annual assessment plan to the assessment director. The assessment director then works to have some type of assessment, paper or survey monkey, available to the department. No other institution could speak directly to assessment and though each CSAO attempted to stress that assessment is occurring, none could give specific examples similar to what is occurring at One.

The role of the Chief Student Affairs Officer differs across institutions

Though specific differences were noted above regarding the efforts of each institution in responding to bullying, cyber-bullying and overall harassment on campus, there were also stark differences in both the role of the Chief Student Affairs Officer in the process and the various trends noted on campus. Specifically regarding the role of the CSAO, the administrator at One had a much more direct role in addressing issues of bullying on campus, and could speak more directly to the processes on campus. She had direct knowledge of the various roles of the university in reducing bullying, the various programs across campus, how each of them were funded and assessed and areas of growth still needed on campus. For the remaining CSAOs, however, their role in the process appeared non-existent and none could really provide distinct efforts on their campus to reduce bullying. In fact, the CSAOs at both Two and Four admitted to their lack of knowledge in this area. For the CSAO at Two, he credited this to a lack of decentralization. "Overall, I think we have a culture of decentralization and one where the students really value the experience and again, I wouldn't, I think if you talking conservative, I would say the campus is smack dab in the middle. When you think you got them pegged, they will go and do something to surprise you. And that type of student body is why this type of decentralized system works." And, in fact, he did not even recall meetings between him and the CCO that directly addressed the harassment policy on campus following Tyler Clementi's death. For the CSAO at Four, she felt strongly about the job her staff was doing but couldn't address specific efforts. This was partially due to what she perceived her role in the process to be. Rather than directly dealing with programming efforts or Bias Incident Team, she felt her job was to be the middle man between her staff and upper-management. "The person in my role has to explain to the Chancellor or the President or a Legislator or a member of the Board of Trustees

why we allow students to do some of the things they do. I once had a Chancellor who wanted

me to remove a student from the University for writing things about him on Facebook. He kept

saying "But I'm the Chancellor, throw the student out.' I had to explain to him 'You know, we

have something called due process.' So the person in my role has to explain to some people who

do not understand."

Preparedness for the law

This study was centered around the introduction of a bill in the United States Congress

that would have required anti-bullying programming on college campuses to ensure continued

federal funding. A final question was asked of each administrator at all five institutions.

Specifically, they were asked: If this Act were to become law, do you believe your institution

would be prepared? What types of adjustments might be necessary?

In every single instance, the administrator felt confident their institution would already be

in compliance with the new law, but a few admitted that there might be some necessary

adjustments. In addition, some administrators were far more confident than others and while a

few saw this potential law as a chance for growth, most found it to be a hindrance to their efforts

to curb this issue on their specific campus.

All 10 administrators felt confident their institution was already in a good place regarding

this issue. In each situation, the CSAO appeared more confident than their colleague in judicial

affairs but all were very confident. Specifically:

- One already felt their policy was strong enough to meet potential Federal requirements

  but had already developed stronger bullying language for their harassment policy, if

  needed. The CSAO gave more favorable comments about what already existed but was

  honest that some adjustments might be necessary. "I think we would have been prepared.

I think we would have been in a pretty good place, tweak a bit here or there, maybe put resources here or there, maybe get a grad student to coordinate everything. We could have, and will have even without the law, have a positive response."

- The CSAO at Two was extremely confident that his institution would have been prepared for any type of Federal requirement. He simply stated, "I think we would have been very well prepared, it wouldn't have created a problem." The CCO at Two was confident but offered potential adjustments that might be necessary.

- Three was confident that they would be prepared but hoped the Federal government would offer specific guidance moving forward. "Hopefully, the Federal government would define bullying and if it was similar to our definition, great, but if not, perhaps there would be a change to our policy. But the second option might be that we need to look at our programming efforts and make some positive changes."

- The CSAO at Four chose not to answer the question regarding her institution's preparedness for a possible anti-bullying mandate but instead, chose to focus on her issue with her perceived intrusion by government. However, the CCO felt extremely confident Four would be prepared with limited adjustments.

- The CSAO at Five saw this as an opportunity to create a strong strategy moving forward but felt that there was already the basic components in place at her institution to ensure compliance. However, she could not provide specifics when asked. The CCO was not as confident. "Hmmm, prepared? We are just now getting next fall mandatory alcohol education for the incoming freshmen class. Other schools have been doing that for 15 years."

The table below speaks directly to the policies and efforts at each institution, and the role
of the CSAO, including the institution's perceived preparedness:

	One University	Two University	Three University	Four University	Five University
Does the administration on campus believe a Culture of Bullying Exists?	Yes	Yes	Yes	Yes	Yes
Does the institution have a written harassment policy?	Yes	Yes	Yes	Yes	Yes
Does the harassment policy include the word "bullying"?	No	Yes	No	No	No
Are the institution's efforts at reducing bullying and cyber-bullying more proactive or reactive?	Proactive	Reactive	Reactive	Reactive	Reactive
Does the institution find the state's involvement helpful at reducing bullying on campus?	No	No	No	Yes	No
Does the Chief Student Affairs Officer have	Yes	No	No	No	No

an involved role in the efforts to reduce bullying and cyber-bullying on campus?					
Does the institution have a specific method to assess their judicial and/or programmatic efforts?	Yes	No	No	No	No
Does the institution believe they would be prepared had the Tyler Clementi Anti-Harassment Act had become law?	Yes	Yes	Yes	Yes	Yes

Conclusion

Bullying has long been seen as a K-12 issue and administrators in this case study even

stated that bullying is not a sophisticated-enough term and something their students would not

understand or be able to relate to. It was apparent that administrators, both the CSAO and CCO,

understand that bullying and cyber-bullying do, indeed, exist on college campuses. Yet, they

would argue higher education is beyond bullying and that harassment is a more definitive term to

describe the behaviors on their campus. And though the universities researched have a similar

research focus and student populations, they have all addressed bullying and cyber-bullying in

different ways, some proactive and others reactive. Only one institution (University One) has

actually performed assessment concerning their particular bullying but all of them feel favorably

about different aspects of their anti-bullying practices. And though each institution handled their

processes differently, they would all state that their specific methods would keep them in

compliance with any Federal anti-bullying legislation with minor adjustments.

Despite these differing methods, the one universal message from all institutions is that

any anti-bullying legislation from the Federal government is viewed an over-step and is not

anticipated to be beneficial to reducing harassment of this nature on their campus. While some

administrators thought the lack of defining bullying will lead to several potential loopholes, most

just felt that bullying was not a proper term for higher education. In addition, two administrators

stated that the Federal government doesn't always have the direct knowledge to create higher

education policy and argued that higher education was already handling the issue better than K-

12 so it was just best to leave them alone.

Chapter 6

The suicide of Tyler Clementi, a victim of bullying at Rutgers University, sent a ripple through higher education, as both institutions and the Federal government began to take a stronger look at bullying and cyber-bullying. The U.S. Department of Education sent a detailed letter to all Title IV-eligible institution reminding them of their responsibilities in preventing such action on their campus (Dillon, 2010). Congress took it a step further when a bill was introduced into both houses that would require institutions to take a more proactive and programmatic role in addressing this issue if they wanted to continue receiving Federal financial aid (Heybour, 2010). Neither house within Congress eventually passed the bill, but it began a conversation about bullying and cyber-bullying that spread beyond the K-12 level and into higher education.

Research questions answered

This study looked at the actions, or inactions, of five specific institutions to discover what type of efforts they were taking on their campus to address the issue of bullying and cyber-bullying. The case-study answered four research questions.

1. **What is the perception of chief student affairs officers and chief judicial officers of the prevalence of bullying and cyber-bullying on these college campuses?**

In each of the five case-studies, both the CSAO and CCO believed bullying and cyber-bullying existed on their campus. However, surprisingly, no two institutions had a similar description of the concerns on their campus and the culture of their student body. In addition, each of the CSAOs felt the word "bullying or cyber-bullying" was a rather limiting phrase and instead, felt harassment was a more appropriate term. The CSAO at Two simply felt bullying was not a "sophisticated" enough term, but the other CSAOs felt the word was too limiting and

would actually allow for students to circumvent the policy and find loopholes. In addition, there was concern that free speech would not be protected if every instance of bullying was addressed and adjudicated by the institution.

In all five case studies, it also appeared that the CCO had a greater concern toward the issue of bullying and cyber-bullying than the CSAO, perhaps because of their job responsibilities. Several of the institutions looked at the culture of the state in which the institution was located as a reason for concerns on their campus. Four of the institution's administrators compared the student body to the overall state population, suggesting that their bullying issues on campus were a direct result of the type of students coming to them from throughout their state and this response appeared as though it excused the inaction of the institution. Not surprisingly, race/ethnicity and LGBT concerns appeared to be the most frequent forms of bullying and all agreed that cyber-bullying was a common method used to bully. Surprisingly, however, only one institution suggested the state in which the institution was located had been of benefit to them. At Four University the state legislature had passed a law requiring a specific process to address forms of harassment and bullying on campus. This law forced both faculty and staff on campus to better collaborate on the issue. For the remaining four institutions, the state was labeled as a deterrent to this issue. For most, the state played a large role in setting policy regarding the issue, and the lack of progress by the state limited the institution's ability to act. Due to the conservative nature of many of the states in which these institutions were located, it is not overly surprising that the locale was related to their inability to respond to bullying. However, what was surprising was how willing each CSAO and CCO appeared to almost justify the behaviors of their student body based on issues within the state.

Only one institution, One University, appeared to work hard at rising above the prejudices of the state environment and expect more of their students.

The findings from this study are in line with prior research which indicates that bullying does, indeed, exist in a variety of forms within higher education. According to Casey et al. (2004), 24.7 percent of students admitted to being a bully in college, 2.8 percent frequently. Cyber-bullying is also a concern on college campus, as a study by Barr and Lugas (2011) found that 10% to 15% of students at the University of New Hampshire reported receiving "repeated messages that threatened, insulted or harassed them" through social media and 23% of students polled at a large school in the Southwest admitted to being sexually harassed online. There is not prior research on the role of the state climate in influencing bullying on college campuses. Regional and political differences by state may be worth exploring in future studies.

It was also worth noting that only one of the five CSAOs appeared to have a true grasp of the culture on their campus and most spoke in generalities regarding the issue. When asked specific questions, the CSAOs deferred to the CCO. In fact, one specific CSAO suggested it was not her role to know the specifics of the institution's programming or judicial efforts, and felt her role was more as a spokesperson for all of student affairs. Interestingly and not that surprising, the institution in which the CSAO had the most knowledge concerning the issue of bullying, cyber-bullying and institutional culture, had the strongest and most profound programmatic efforts of the five, and was the only institution that assessed their efforts. As the CSAO, this individual is the ultimate voice for the division to all constituents in both the institution and throughout the state. In addition, this same individual is ultimately the one who will help shape policy regarding bullying and cyber-bullying on campus. His/her perception matters and if they

have no knowledge of the student climate regarding this issue and has no idea of the efforts regarding it, how can they help to create necessary changes?

2. **What current judicial practices regarding bullying and cyber-bullying exist on these college campuses? Have they been assessed and is there evidence they are effective?**

All of the CCOs felt their successes and challenges directly revolved around their written policies concerning bullying and harassment on campus. Four of the five CCOs had been very proactive in the last few years to address the harassment policy on their campus, creating a stronger policy focused on holding students more accountable for their actions. In one instance, the word "bullying" was actually added to the harassment policy. However, the other three CCOs felt that adding the word would only allow students to find further loopholes in the written policy. The fifth CCO indicated that state law prevented him from adjusting the current policy.

All five institutions had a similar judicial process, one that offered a voice to both the victim and perceived bully. This concept of offering a voice to both parties is supported in the research. Research by Jacobson (2006) looked at bullying and the role of domination. Jacobson looked studied the role of the aggressor in bullying and suggested that there is a "domination-subjugation relationship" based on the loss of mutuality. The research further indicated that a positive and active role between administrators and teachers helped students to better see and understand the effects of their decision to bully. Though none of the CCOs specifically mentioned a "domination-subjugation relationship" when explaining how they address bullying on their campus, it was apparent that all of them were focused on creating a relationship with the bully, so that they could better understand their actions and the effect it had on the campus community.

Each institution had both a formal and informal process to adjudicate issues of bullying and cyber-bullying on campus, with potential punishments including a warning to expulsion, and potential educational sanctions. Each of the CCOs could recall an instance in which a student was expelled because of bullying. Interestingly, there was a wide variance in opinion between the CCOs as to how best to address issue of bullying. Some thought that education was the best option and believed sanctions should include an opportunity for the bully to rectify the situation while two of the CCOs who felt expulsion or suspension were often most warranted. The CCOs indicated that the time away from campus gave students a chance to reflect on their actions and the harm to community caused by a bully outweighed the harm to the one student who had to leave. It was surprising how many of the CCOs were quick to want to suspend, or even expel, the aggressor in situations of harassment and/or bullying. All of them cited a need to protect the community and especially the victim, but offered little desire to provide a second-chance to the accused bully. It almost appeared as though it was easier to remove the bully in the situation than to rehabilitate him or her.

None of the five case studies were able to provide any type of assessment to their current adjudication model. Though they all felt very confident in their current practices and believed they fit the culture of the institution, they could not provide evidence that their efforts were effective. Only two institutions provided documentation that their practices had recently changed. Institution Four was required to form a *Bias Incident Team* created within 48-hours of an incident. This team's job was to immediately address the situation by making decisions about how best to assist the victim, address the community and handle the bully. Though the CCO at Four found this change to be extremely helpful, the change was not due to any type of assessment but rather to a change in state law. Institution three created an office to investigate

incidents of bullying. Yet in both cases, the judicial process, itself, had not changed. Instead, additional tools and resources were created to better assist the institution in addressing the issue. Assessment was missing at all of these institutions. None of the institutions carefully examined their judicial practices to understand if removal of the bully provided a reduction in this type of behavior or whether there was a particular type of educational tool that could have solved the problem while assisting both the victim and the aggressor.

3. **What programs currently exist on these college campuses that educate students (both the victim and aggressors) regarding the issues of bullying and cyber-bullying?**

As in the case of perception and culture, no one institution saw bullying and cyber-bullying on their campus in a similar way, and therefore, each institution addressed the issue very differently. However, some institutions had a much stronger programmatic plan in place than others. As mentioned previously, both Three and Four addressed bullying in a reactive manner, including the creation of an investigation office and a *Bias Review Team*, respectively. In both instances, those efforts react to an incident that has already occurred and neither the CCO nor CSAO could recall specific programming efforts that were proactive. At institution five, neither the CCO nor the CSAO was able to name any type of programming effort aimed at reducing bullying and cyber-bullying on campus. The CCO spoke of plans for future programming but only after being pressed did he admit that there was work to be done in this area. Two University stated they had various programs that reached out to a variety of students but outside of mandated Title IX training, they could not name specific programs.

Only one institution, One, really was able to speak to a strong programming model aimed at reducing harassing and bullying on their campus. There was a strong desire by the institution

to reach several sub-groups of the campus community, from first-year students to scholarship athletes to Greek-Life students. They focused all programming around a common theme of civility, which allowed all members of the campus community to better collaborate their efforts. In addition, One was the only institution that could positively address the area of assessment. They offered both a formal and informal assessment plan of their programming. In addition, institution one planned to form a campus committee within the next year to assess if additional programming regarding bullying and cyber-bullying on campus was needed. This allowed the institution to look more specifically at cases of bullying that might have been protected by free speech but should still be addressed.

4. **If the Tyler Clementi Act were to become law, would the institution be prepared? What types of adjustments might be necessary?**

The CSAOs at all of the institutions agreed that the Federal government had gone too far with the Tyler Clementi Act and were pleased that it was not made into a law. They felt that the federal government already imposed too many requirements and many presented the view that members of Congress lacked the knowledge and expertise to effectively address this issue. One administrator suggested that higher education was addressing this issue in a more productive manner than K-12 and that they should be left to address it as they saw fit. This supported the research that indicated the Tyler Clementi Act was met with mixed reactions. Heybour (2010) mentions concerns of First Amendment free speech violations and was concerned by the lack of clear and specific definitions regarding bullying and cyber-bullying. This ambiguity, he believes, will lead to future litigation issues. Surprisingly, however, most of the CCOs welcomed the additional requirements as they saw it as a chance to truly address the issue and

this law would have required their leadership to listen. They only hoped for a stronger definition

of bullying and cyber-bullying from the Federal government.

At each institution, both administrators felt confident their institution would be prepared

had the Tyler Clementi law gone into effect. The CSOAs were all more confident than their

CCOs in the institution's current preparedness and potential adjustments that might be necessary,

but all felt there was a strong foundation in place. Though no one institution was addressing this

issue using the same methods, they all felt their efforts fit into the basic guidelines of the

potential law. Again, the CSAOs were quick to defer to their staff and though they highly

praised their efforts, all but one CSAO could not speak to the specific efforts. Due to the size of

each institution, it was not surprising they could not speak to specifics, but it was worth noting

that the CSAOs at Two and Four Universities seemed quite confident that it was not their role to

necessarily know that information. These responses made the researcher question whether this

confidence was ill-founded or if the school simply needs to assess what is already being done

across campus.

Implications for practice and policy

Many of the case study institutions have already taken action regarding bullying and a

few *Best Practices* were noted from the various case studies.   Though all institutions studied

were large-public institutions from the Midwest and all were members of the AAU, specific

concepts were noted that could possibly be used in full or partially at other institutions to reduce

bullying and cyber bullying. Specifically, the following suggestions and ideas could assist large

research universities in responding to bullying and cyber bullying on college campuses.

Institutions could create programming that reaches out to all sub-groups of the student

population. One institution took a very strong programmatic approach to reducing bullying and

cyber bullying on campus, specifically utilizing their institution's core values. In addition, they have worked very diligently across all facets of the institution to reach as many sub-groups of their student population including first-year students, scholarship athletes and Greek Life students. A strong effort at proactive programming centered on a common theme appeared to yield positive results. There must be an active attempt to reach students who do not fall within a minority group to better education them on the expectations of being a student at that institution.

In addition, it is extremely important that the CSAO have a more involved role in the university's efforts at reducing bullying and cyber-bullying on campus. With the exception of one instance, it did not appear the CSAO had a strong knowledge of the policies or programs concerning bullying and cyber bullying. If the institution hopes to address the issue of bullying and cyber bullying on campus, it is important that the CSAO be aware of the efforts by his/her staff to ensure proper resources are being given to this topic.   Also, all five institutions spoke to the culture of their state, city and institution when discussing how they have addressed bullying and cyber bullying on their campus. And in most cases, the culture of harassment and bullying on campus resembled the culture of the state, whether the state was politically-conservative, individually-centered and lacking in diversity. The CSAOs are the voice of the student affair's division and have the closest ear to the leader of the institution. Without their support, policy changes are unlikely to occur and without policies changes, it can be extremely difficult to create climate changes and behavior changes within the student body.

One strong idea was the addition of the word bullying to the already-existing anti-harassment policy on campus, as noted in Two University's current policy. All administrators interviewed agreed that a bullying policy would create too many loop holes, but adding the

phrase bullying to the already-existing harassment policy indicates an awareness of the issue and it sends a strong message that this type of behavior will not be tolerated.

One institution, under the direction of state law, created a Bias Incident Team, bringing together various members of the campus community, to both review issues of bias on their campus but also to work to ensure the victim and community have the necessary resources to continue being successful. Members of the Bias Incident Team included the Division of Student Life, Counseling Services, Police Department, Staff that work directly with Cultural Education and faculty. The institution also ensures that all issues will be addressed within 48-hours. Now, while this effort was prompted by state law, it would not require state intervention to create a similar type of team on a college campus. Student affairs at any institution could assemble diversified work-groups focused on responding to issues of harassment and bullying on campus.

Finally, institutions should assess their efforts, both formally and informally. Only One University has a process to assess programming efforts on their campus. Their method of assessment has created positive change moving forward and ensured resources are being spent in the most positive way. One potential assessment tool would be for institutions to begin collecting statistics regarding the types and number of bullying and cyber-bullying incidents on their campus. None of the institutions in this study could report exact numbers regarding issues of bullying and cyber-bullying on their campus. After reviewing this collection of statistics, the institution can begin a true assessment of their current practice looking at both what is working on their campus and where areas of growth might still exist. Without any type of assessment in place, an institution of these sizes simply cannot have a full grasp of whether a problem truly exists on their campus and if they are addressing the issue in a positive manner.

Again, it should be stated that those some of these specific *Best Practices* appear to be extremely specific to the institution and would possibly not be successful at other institutions, these programs could be adjusted to fit specific needs and budget concerns.

Limitations of this study

All research projects have limitations. As mentioned in Chapter 3, the researcher noted his own personal limitations. Specifically, he notes his own bias toward this particular topic. As a gay man, he was severely bullied throughout his education, including his first year of graduate school. In addition, he has a biracial nephew who has already experienced bullying due to his race and body size. Though this bias offers an added interest for the topic, it can also add a more critical eye to the practices of each institution.

In addition, this particular study was limited in its scope. This particular study examined five like-institutions in the same geographical area of the United States. The study specifically focuses on administrator's views about bully and cyberbullying and did not collect student feedback or other sources of information. Therefore, this particular case study cannot offer anything more than general recommendations for other institutions and is not intended to make broad generalizations about bullying and cyber bullying in higher education.

Finally, a limitation exists within the narrow scope of this particular case study. The intention of the case study was to examine bullying and cyber-bullying through the lenses of school administrators. The researcher believes that a school will only react to an issue if the administrators have perceived it to be a concern. Therefore, this study looked specifically at the viewpoint of a limited number of individuals and was not all-encompassing. Based on the information collected, the researcher made generalizations about the institution based on limited feedback. Furthermore, this case-study suggests that some CSAOs are not always aware of the

day-to-day programmatic efforts of their staff and though this researcher believes that is telling in and of itself, it does limit the researcher's ability to understand all efforts on campus.

Areas for additional research

Research on bullying and cyber bullying in higher education is fairly recent, with much of the research on this topic devoted to K-12 students. Though there has been an increase in the amount of research available, there are many more opportunities for future research. This particular study examined five like-institutions. As stated previously, all five were public institutions with student populations of over 20,000. All were located in the Midwest and are members of the Association of American Universities. One possible area for future research might include looking at the efforts of other institutional types to see how they address this particular topic. Because they might differ in size, location, and/or student body demographics, they might offer varying types of policies and programmatic efforts to reduce bullying on their campus. Of particular note might be online institutions and how they deal specifically with cyber bullying. Specifically, since administrators in this study noted patterns of bullying that they thought were related to their location, it would be useful to study how bullying is dealt with in different geographic regions of the country.

In addition, this particular study was initially designed with a strong focus on cyber-bullying. Gewerc et al. (2014) suggest that 40% of college students would prefer a social network over the current model used in the college classroom. Therefore, this preference change might explain a recent study at the University of Michigan that suggested students are far less empathetic than thirty years ago, and they credit this change in behavior to a culture of "impersonal confrontation" (Cary, 2010). With this loss of empathy, it was the assumption of the researcher that many institutions would feel the need to address issues of cyber-bullying on

campus. However, only one institution (Three University) even addressed the issue during the researcher's visit which led the study in a different direction. A future study could look specifically at issues to reduce cyber-bullying on university campuses.

Another option might be to expand this particular case-study model and interview additional members of the university community, including faculty, students and staff. This might involve specifically looking at residence halls to assess issues of bullying and cyber-bullying in the residence halls, and their efforts to reduce the behavior. In addition, individuals hired to specifically focus on programming might also be able to better addressing proactive efforts on campus. This particular type of study could prove to be quite extensive and might involve a more limited number of schools, but could yield more detailed results at each institution. Perhaps looking at one institution and studying all facets of the institution from the President/Chancellor to the student body would also yield strong results. However, the more limited in institutional scope a researcher chooses to be, the less they are able to offer generalized recommendations for all like-institutions.

As mentioned earlier, 60% of students in the Casey *et al* (2004) study reported having witnessed bullying, yet only 6 percent admitted to being the victim. These statistics suggest that some students might not even realize they are a victim of bullying and/or cyber-bullying. Therefore, future studies could look specifically at college students' perceptions of bullying and whether they believe it actually exists on campus and if so, in what form. This type of study could prove extremely beneficial for educators struggling to know how best to address this issue on their campus, including programmatic efforts.

From this particular study, it appeared an area of improvement might be assessment. Future research could examine current programmatic efforts at various institutions to assess their

effectiveness on campus. This would require specifically looking at intended and unintended

outcomes from the perspective of students, faculty and staff. These are possible questions future

research could answer.

Conclusion

      If the Tyler Clementi Act were enacted, it does appear that each of the five institutions in

this study would meet basic compliance requirements. All five institutions had policy statements

that prohibited harassment and according to school administrators, all had programmatic efforts

that attempted to reduce bullying and cyber bullying on campus. In addition, all five institutions

had a method by which students, faculty and staff were able to report bullying, though some

were much easier to locate online than others. Finally, counseling was available to any student

who was a victim of bullying. Therefore, as all 10 administrators suggested, their institution

would have been in compliance with Federal law.

      Legislation introducing the Tyler Clementi Act was created with the intention of

curtailing bullying and cyber bullying on college campuses. From the viewpoint of politicians in

Washington D.C., college administrators were not doing enough to reduce this type of

harassment and therefore, they felt strongly that Federal legislation was needed to ensure

campuses were at least attempting to address the issue. However, this case study has shown that

this law would have been met with stiff opposition from college administrators, due to many

reasons, including the lack of a definitive definition of bullying as well as a belief that higher

education is addressing the issue. In fact, the CCO at Three would argue any legislation with

additional requirements would actually be a step back from what is already being done. He

stated, "Lawmakers think there is a cure-all regarding this issue but institutions are already doing

great things. We deal with this issue using due-process and are perhaps better equipped with handling this issue than K-12. Maybe it means we don't need more requirements."

Despite their strong opinions regarding the proposed legislation, it does appear as though each of the five institutions in this case study would have been meeting the minimum standards of the law due their the anti-harassment policies. Yet, those policies really do not address bullying, per say. Most institutions are willing to protect students from continued harassment and often did so under the belief they belonged to a protected class such a race, ethnicity, gender, sexual orientation, etc. However, outside of the proactive programming at one institution in this study there was little effort to educate on bullying in its most simple form, one student exuding power over another student through the form of a mean and/or inappropriate act. It may be an act protected by free speech but is still wrong. Why is it that K-12 institutions have a "zero-tolerance" policy when it comes to bullying but in higher education, acts of bullying can be protected by free speech or just something students need to get used to if they are going to survive the "real world?"   When will all of higher education stand together and say bullying in any form is wrong and will not be tolerated?   That is a question higher education will need to answer.

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