Bullying at University: The Social and Legal Contexts of Cyberbullying Among University Students

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Abstract

Students within the university sector are 'digital natives'. Technology is not 'new' or 'alien' to them, but rather it is an accepted and normalised part of everyday life (Simmons et al., 2016). With this level of expertise and competence, we could assume that university students are relatively happy with their online relationships. However, in recent years there has been a growing realisation that, for some students at least, the online world is a very dangerous place.The age of the students is of key importance here too, as those in higher and further education are young adults, rather than children in need of parental support. From this perspective, the university as an institution has a duty of care to its students in their learning environment regardless of their age. In this article, we consider the social and cultural contexts which either promote or discourage cyberbullying among university students. Finally, the implications for policies, training and awareness-raising are discussed along with ideas for possible future research in this under researched area.

Key words: bullying/cyberbullying at university; bystanders; bullies; victims; cyberbullying and the law, cyberbully/victims, cultural context

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What is Cyberbullying?

A critical aspect of risk among university students concerns the growing incidence of cyberbullying. Forums such as 'The Student Room' (www.thestudentroom.co.uk) have been alerting us to the problem for some years, with disturbing accounts of the long-term damage to self-esteem, academic achievement and emotional wellbeing experienced by those students who are targeted in the online world. Cyberbullying has been defined as; "an aggressive act or behaviour that is carried out using electronic means by a group or an individual repeatedly and over time against a victim who cannot easily defend him or herself" (Smith et al., 2008, p.376).

For some time, it was proposed that cyberbullying was a subset of traditional bullying, with a substantial overlap between the two (Sourander et al., 2010). From this evidence, cyberbullies often target peers who are already being bullied in traditional, face-to-face ways (Dooley et al., 2009; Gradinger et al., 2009; Perren et al., 2010; Riebel et al., 2009; Sourander et al., 2010). However, there is ongoing debate among researchers about the actual definition of cyberbullying and, since a range of criteria are used in different studies, comparisons among findings are difficult to make (Zych et al., 2016). Some recent studies have challenged the view that there is an overlap. For example, Law et al (2012), using factor analysis, noted that while studies of traditional bullying load two distinct factors – one for bullying and one for victimisation – cyberbullying studies are different, they found only one factor –

cyberbullying/cybervictimisation. Similarly, Schultze-Krumbholz et al. (2015) also found structural differences in cyberbullying when compared with traditional bullying. Most significantly, they found an absence of an exclusive victim class in their study of 6,260 school-age adolescents (mean age 14-18 years) from 6 European countries. Instead of the four traditional categories of bully, victim, bully-victim and bystander, they identified only three: bully-victims; perpetrators and uninvolved. In this study, the perpetrators of cyberbullying were likely to have been bullied themselves and, as the researchers hypothesise, perhaps the cybervictims felt more free to fight back against their aggressors online than they would in the 'real', face-to-face world. The lack of a clear victim group in this study is consistent with other studies that document an overlap between victimisation and perpetration in cyberbullying (e.g. Kowalski et al., 2014).

According to Willard (2006), the reported reasons for attacking a person online involve the bullies' need for power and dominance within a group, the perceived vulnerability of the target, perceived provocativeness on the part of the target (usually as a justification for the aggression on the part of the bully) and interpersonal animosities. The level to which this occurs at university is unknown and more research is clearly needed in this area, as the only study we have found which considers this overlap is by Wensley and Campbell (2012).

As technology develops and social networking sites increase in number, cyberbullying grows and takes many forms. This has resulted in a number of additional nuances that have been brought to the definition used by researchers, see for example, Dooley et al., (2009), Nocentini et al., (2010) and Vandebosch and Van Cleemput (2009). Nonetheless, case study evidence documents:

- sending threatening or abusive text messages;

- sending homophobic, racist or sexist material;
- making silent, hoax or abusive calls;
- creating and sharing embarrassing images or videos;
- sending menacing or upsetting messages on social networks, chat rooms or online games (often referred to as 'trolling');
- excluding someone from online games, activities or groups;
- setting up hate sites or groups about a particular person;
- encouraging other young people to self-harm;
- voting for or against someone in an abusive poll;
- creating fake accounts, hijacking or stealing online identities to embarrass someone or cause trouble using their name.

(*http://www.thestudentroom.co.uk/content.php?r=10841-Cyber-Bullying-Support*)

This list is not exclusive and more forms of cyberbullying appear, such as the recent phenomenon of 'revenge porn'. The main form of cyberbullying found in incidents of revenge porn is 'denigration' this involves sharing pictures of a person which causes ridicule, fake rumours and gossip. This can happen on any site online or mobile applications (Bullying UK, 2016). These case study examples are confirmed by an overview of current research in this field (Cowie & Myers, 2016) and by a selection of research studies described in the next section.

Research findings

Although research into the extent of cyberbullying at university is yet to meet the levels of investigation into the phenomenon within schools, there are a few notable exceptions which are summarised in Table 1.

Table 1 – Key Studies Looking at the Incidence of Cyberbullying Among University Students

Authors (year) Country	**Number sampled**	**Findings**
Kenworthy (2010) Australia	452 US university students that experienced cyberbullying	14% indicated formal complaint had resulted in disciplinary action against the perpetrator More effective coping strategy was limiting exposure online Those who coped least well were for whom bullying met definition of cyberstalking and those being bullied by a former dating/intimate partner
Turan et al (2011) Istanbul	579 university students	346 (59.8%) were cyberbullied on electronic media Of those (59.8%) 20.7% stated they were victimized via the internet, 27.7 by mobile phone and 51.7% by both the internet and mobile phone 80% of those who were exposed to violence through electronic means were exposed to more than one form of violence
Akbulut & Eristi (2011) Turkey	254 university students 73 males, 173 females, 8 did not reveal their gender	Survey about cyberbullying found most frequent instances, 42% were blocking in instant messaging programmes 34.7% involved inviting people to social applications that included gossip or inappropriate chat 25.6% involved sending messages imposing religious or political views 25.8% cursing people 25% excluding people from online groups 21.6% hiding identity There was no effect found with regard to age, programme of study or extent of internet use
Almeida (2012) Portugal	311 university students 32.1% male, mean age 23.3 years	Mobile phone bullying- 89.6% never bullied, 7.5% victims, 2% perpetrators, 1% bully/victims. Cyberbullying on the Internet- 91.1% no episodes to report. 4.6% victims, 2.3% bullies, and 2% bully-victims
Wensley & Campbell (2012) Australia	528 1st year university students, mean age 19.52 years	Surveyed about their sexual orientation and their bullying experiences over the previous 12 months Non-heterosexual young people reported higher levels of involvement in traditional bullying, both as victims and perpetrators Cyberbullying trends were generally found to be similar for heterosexual and non-heterosexual young people
Faucher & colleagues (2014) Canada	1,733 university students 26% male and 74% female	Found strong gender differences Overall prevalence of cyberbullying in the past 12 months was 24.1% Incidents included being bullied by another student that they knew, another person they did not know and a faculty member
Zalaquett & Chatters (2014) USA	608 university students 149 males 459 females	Study of cyberbullying found 14% reported being cyberbullied 1 to 3 times; 2.6% 4 to 6 times; 2% 7-10 times Furthermore 28% reported having a friend who had been cyberbullied
Simmons & Colleagues (2016) USA	1,078 students	The LGBT students were victimized by unwanted contact more often than their straight peers No difference between the groups on the degree of distress caused by cyberbullying LGBT students used deception online more frequently than their heterosexual peers and received more anonymous cyberbullying

As the summary indicates, there are substantial differences in the sample sizes and the focus of the studies, for example, considering frequency, gender, sexual orientation and means of cyberbullying. A recurring theme within these studies is how the students interpret what cyberbullying actually is. Some students' expressed confusion about the seriousness of cyberbullying since some considered it to be simply a prank rather than a crime or serious event. This potential desensitization to cyberbullying behaviours is something that will be returned to in the next section but it could explain the low prevalence rates.

Research does suggest that high status/high profile university students in the US (e.g., athletes, student government officers) are often targeted by cyberbullies (Baldasare et al., 2012). In addition, students who are involved in sororities and fraternities (known as "Greek life" in the US) are disproportionately represented among cyberbullies and victims (Baldasare et al., 2012). Those who belonged to "Greek life" organizations were more frequent victims of humiliation and malice than non-members, and perpetrated acts of public humiliation more often as well. They reported significantly more distress from cyberbullying experiences and also indicated that more of the experiences occurred via Facebook than other groups. The extent to which this occurs in other countries again remains unexplored research territory.

Relationship difficulties, such as the break-up of a friendship or romance, were also linked to cyberbullying at university. Indeed, a study by Bennett et al. (2011) found evidence of hostility, humiliation, exclusion and intrusiveness by means of electronic victimization in friendship and dating relationships. Women are especially vulnerable to this kind of cyberbullying. At the same time, sexual orientation is also a significant factor that increases

the risk of victimization. Similarly, Rivers (2016) documents the rising incidence of homophobic and transphobic bullying at university and argues strongly for universities to be more active in promoting tolerance and inclusion on campus. It is worth noting that relationships and sexual orientation probably play a huge role in bullying among university students due to their age, and the fact that the majority of students are away from home and experiencing different forms of relationships for the first time. Faucher et al. (2014) actually found that same-sex cyberbullying was more common at university level than at school. Nonetheless, the research is just not there yet to make firm conclusions.

Being a victim of cyberbullying emerges as an additional risk factor for the development of depressive symptoms in adolescents (Perren et al, 2010; Sourander et al. 2010), and this is confirmed in studies at university level. For example, Schenk and Fremouw (2012) found that college student victims of cyberbullying scored higher than matched controls on measures of depression, anxiety, phobic anxiety and paranoia. Similarly, in a sample of Portuguese undergraduates, Texeira et al. (2010) investigated the relationships amongst depression and anxiety and four dimensions of aggressiveness – physical aggression, verbal aggression, rage and hostility – in the context of cyberbullying through mobile phones and the internet. For cyberbullying by mobile phone, there were positive correlations between the depression and anxiety measures and all four dimensions of aggressiveness. For cyberbullying by internet, there were positive correlations with physical and verbal aggression and hostility.

In summary, the existing research studies and those presented in Table 1, confirm the existence of cyberbullying and also highlight a number of issues, to include variation in the actual definition of cyberbullying, lack of knowledge about the motivation of cyberbullies to engage in this form of negative behaviour and a paucity of interventions to address the

problem. Campbell (2016) also notes a dearth of policies on the part of university authorities to address the problem of cyberbullying on campus. What is perhaps surprising is that these young adults are engaging in online behaviour that is more typically associated with younger people of school age. The age of the participants as perpetrators, victims and bystanders, is highly relevant when considering the *social* context of the problem and the *legal* position that we consider in the following sections.

Participant Roles in Cyberbullying

Much research focuses on the individual aspects of bullying by exploring the characteristics of perpetrators and targets, so overlooking the powerful influence of its social context, such as membership in a university sorority or fraternity. While an understanding of the personal aspects of the bully-victim relationship is important, it only addresses part of the issue. Bullying is experienced within a group of peers who adopt a range of participant roles, whether as active perpetrators, targets, bystanders or defenders, and who experience a range of emotions, such as fear and shame (on the part of victims), guilt, shame or indifference (on the part of bystanders), outrage, empathy and altruism (on the part of defenders) and pride, joy or guilt (on the part of bullies). Salmivalli et al. (1996) proposed a participant role approach to the study of traditional bullying. See also Salmivalli, (2010; 2014) for reviews of the participant role approach. From this perspective, perpetrators seldom act alone but are usually supported by their immediate group of *assistants* and *reinforcers*. The bullying escalates further as a result of the responses of the bystanders as *outsiders*, whether they react with indifference to the plight of the victim or implicitly condone what is happening. Only a small proportion of bystanders will act in the role of *defenders* who offer emotional support or protection to the victims. As there are significant overlaps between bullying and cyberbullying the context of that behaviour must be understood. As Shariff and DeMartini (2016, p. 173) argue:

"…bullying and cyberbullying behaviors are merely symptoms of discriminatory and hegemonic societal attitudes and beliefs. These are often deeply rooted in sexism, homophobia, racism and fear of difference. These perspectives and attitudes can influence and shape the adult personalities of post-secondary students, as they navigate their way through university life, and establish long-term partnerships, careers and social relationships."

Similarly, Jackson et al. (2015) identify a growing culture of 'laddism' at university, appearing in both social and educational contexts, illustrated, for example, by the widespread popularity of websites such as UniLad – a misogynist website that has featured rape-supportive articles. Jackson et al. (2014) argue that laddism is strongly related to men and masculinity and, conversely, to misogynist and homophobic attitudes.

Myers and Cowie (2013) carried out a qualitative role-play study of cyberbullying in the UK with a sample of postgraduate students (N=60) in which they found that bystanders tended to blame the victim and were reluctant to intervene, cybervictims felt let down and marginalized by their peers' indifference and hostility, while cyberbullies failed to acknowledge or understand the consequences of their actions. These findings suggest that the power of the peer group and wider networks need to be fully understood if bullying/cyberbullying, is to be tackled efficiently at university level.

The common misconception that cyberbullying does not happen at university needs to be considered and challenged. Cyberbullying that occurs at university could be an escalation of cyberbullying that occurs in school. Students who are cyberbullies could have been using the techniques for years and may even view their behaviour as acceptable and 'normal'. In fact as

Pörhölä (2016) indicates there is some continuity between bullying at school and bullying at university, with around 50% of bullies at university reporting that they were bullies at school and around 50% of victims at university reporting that they were victims at school. This continuity of behaviours, might be explained by such factors as students being away from home, having less accountability to their parents and that, combined with the failure of university authorities to take action against cyberbullying, perpetuates the problem. This brings us to the question of the law.

Cyberbullying and the Law

Cyberbullying, in the UK, is not an offence, but there are laws in England and Wales that apply in terms of harassment, defamation or threatening behaviour. So bullying or abusing someone online could be defined as a legal offence under the Protection from Harassment Act 1997, Malicious Communications Act 1988, section 127 of the Communications Act 2003 and the Public Order Act 1986. Furthermore, the End Violence Against Women's (EVAW) report *New Technology, Same Old Problem* and high profile cases of online abuse targeted at feminists and women politicians have highlighted the ways in which social media is used to abuse women and girls (Whitfield and Dustin, 2015). Indeed, EVAW are adopting a human rights based perspective rather than a criminal law one which, they argue, can hold the university accountable for cyberbullying and related actions. As Whitfield and Dustin (2015, p. 13) observe:

"If an institution fails to act on online abuse and harassment, such as their computers being used to send abusive material to, or about, female students, it could be a breach of the student's right to respect of her private life, which includes her psychological integrity. An institution must balance the qualified right of Article 10 (freedom of expression) with the

woman's right to protection under Articles 3 and 8 (the right to freedom from inhuman and degrading treatment and the right to respect for private and family life), when considering what action to take in respect of the type of online harassment that many women students face."

In the UK, and specifically England and Wales, it is a legal requirement for all state schools to have a behaviour policy in place that includes measures to prevent all forms of bullying among pupils. By contrast, there is no centralised law or legal requirement for universities to have such anti-bullying policies in place. Therefore, within the university context there is the potential for a legal minefield. To illustrate the complexities of the blurred boundaries between cyberbullying and the law amongst the over 18 age group whilst within higher education, the controversial topic of 'revenge porn' will be returned to and discussed.

Within the UK there has been a government initiative, driven by the National Union of Students (NUS) and Universities United Kingdom (UUK) to tackle the problem of violence against women, harassment and hate crime on university campuses. In Autumn 2015 a UUK taskforce was set up to look at how to deal with this emerging area of concern, it will report its recommendations in November 2016 (*http://www.universitiesuk.ac.uk/policy-and-analysis/Pages/taskforce-violence-against-women-hate-crime.aspx*)

There has been an increase in the number of sexual violence related acts on university campuses, such as 'revenge porn'. Revenge Porn is the "…sharing of private, sexual materials, either photos or videos, of another person without their consent and with the purpose of causing embarrassment or distress." (*www.gov.uk*) Revenge Porn was made a criminal offence in England and Wales under the Criminal Justice and Courts Act 2015. This

piece of legislation has made it illegal to disclose any sexual images or videos without the permissions of the person in the content. (*www.legislation.gov.uk*)

Therefore, students engaging in such practices are committing an offence, but as research into bullying and cyberbullying demonstrates, it is often viewed as 'banter', 'harmless', 'a bit of fun', 'cyberbullying' and something not to be taken 'too seriously'. As is often the case it will depend on who is labelling and defining the situation.

However, as McGlynn and Rackley (2014, p. 2) argue:

"'Revenge pornography' is not pornographic per se…While the image may have been produced in a sexual context, the public disclosure of the image without the consent of the person/s depicted is not done typically for pornographic purposes. It is a form of bullying, humiliation and control. The posting, or threat of posting, sexually explicit photographs or videos online, without the consent of those depicted, is used to threaten, control, abuse, bully and humiliate those in the images or film. It is a gross violation of an individual's privacy."

It is precisely these sub-categories, in this case revenge porn, under the overarching umbrella term of cyberbullying which must be researched, understood and tackled at university level.

Cyberbullying has the potential to get worse rather than better and the age of those involved is crucial. Research into cyberbullying and the sexual context is embryonic in the UK but has been considered in the United States and Canada. Typically, university authorities only react in extreme circumstances. One example is the tragic case of Tyler Clementi, a student at Rutgers University, New Jersey, who was filmed by his roommate as he kissed another man. After the video was posted online, Tyler received a torrent of homophobic cyberbullying as a result of which he committed suicide. The Tyler Clementi Higher Education Anti-

Harassment Act of 2015 is proposed legislation that would require colleges and universities in the United States receiving federal funding (*https://www.congress.gov/bill/114th-congress/house-bill/1421*) to have policies that prohibit harassment that includes cyberbullying. However, it appears to be the case that without a tragic occurrence on campus, universities are not perhaps working in a way that prevents incidents happening in the first place. Rather policies are a knee jerk reaction and introduced as a consequence rather than a preventative measure.

The social context of the cyberbullying behaviours, along with the legal ramifications, have to be addressed. Shariff and DeMartini (2016) highlight the problem of what they term "rape culture" within universities and its links to cyberbullying. They argue that, in order to begin to address the problem, the discriminatory and misogynistic roots need to be addressed at all levels including, research, policy and practice. (As discussed earlier, this is what the EVAW are doing from a human rights perspective). Once cyberbullying verges into the domain of illegal rather than immoral behaviour, the consequences are potentially extremely severe for those perpetrators who are prosecuted. This raises even more serious questions with regard to responsibility and who should be tackling and dealing with the problem: the university authorities, the students, students' Unions, police, parents?

Conclusions and Implications for institutions

In most universities, specific policies on cyberbullying are often lacking. For example, from a legal perspective in the UK, legislation applies to stalking, defamation and harassment but, to date, cyberbullying per se is not recognized as a crime. This makes it difficult for students to know the university's position. Despite the university's 'duty of care', 70 per cent of students

in the NUS survey (2008) did not report cyberbullying to anyone; many did not know of any person whom they could inform. Sixty two per cent reported that the university provided inadequate or no support when they did inform someone. This suggests that staff need training on the dynamics of this problem and potential strategies for managing incidents. There are important implications for university policies on student well-being. Restorative approaches such as mediation, conciliation and awareness-raising have great potential for reducing the incidence of cyberbullying at the school level but the extent to which they would work at university remains unknown.

Due to the fact that universities are in the business of education, it is a fine balancing act between addressing the problem, in this case cyberbullying, and maintaining a duty of care to both the victim and the perpetrator to ensure they get their degrees. There is a clear tension for university authorities between acknowledging that university students are independent young adults, each responsible for his/her own actions, on the one hand, and providing supervision and monitoring to ensure students' safety in educational and leisure contexts on the other. Currently within the UK at least, there are no centralised systems or guidelines to deal with the problem and there are vast differences across the sector. Furthermore, the forums and guidance offered by platforms such as the studentroom (*http://www.thestudentroom.co.uk*) demostrate that there are real concerns, but the responsibility for tackling the issues are piecemeal at best and non-existent in some settings. Indeed some institutions do not even have advice on how to tackle cyberbullying.

The university counselling service has a crucial role to play here. It is imperative that personnel at university counselling centres be aware of the seriousness of cyberbullying, and that they take care not to trivialize the concerns of victims. Screening for symptoms of depression and anxiety should be routinely undertaken in these cases, and in very severe

situations, post-traumatic stress disorder (PTSD) should not be ruled out. Counsellors should be familiar enough with technology to be able to recommend technological strategies (e.g., blocking, reporting) that could be helpful to clients. They also need to be familiar with the law, and know when to inform victims about legal options. Finally, they need to be well-versed in university policies and serve as advocates for effective and accessible mechanisms by which those victimized by cyberbullying can make reports. This could even involve outside agencies such as Rape Crisis, especially if the blurred boundaries between cyberbullying and criminal behaviours have been crossed (Luca, 2016).

In the study by Myers and Cowie (2014), students in the role of bystanders demonstrated that they admired altruistic behaviour at a macro level, such as campaigning for justice. However, at the micro level, they showed little empathy for the feelings of a student who had been cyberbullied and, as a consequence, marginalized by the peer group. Student Unions have already engaged in pioneering work to challenge cyberbullying but it also seems to be essential to involve the student body as a whole with policy development if the problem is to be fully addressed at all levels and in both social and educational contexts.

Interventions that work with peer group relationships and with young people's value systems have some likelihood of success. For example, peer support systems that involve processes of active listening, conflict resolution and problem-solving have been successful at school level, particularly when they are integrated into the whole-school policy against bullying (Cowie, 2011). Systems like these could be developed much further at university level in order to address bullying/cyberbullying when it occurs and to open up discussion about the moral dilemmas faced by bystanders when they observe someone being bullied. The practice of peer support might give direction to the minority of bystanders' altruistic wishes to address

injustices such as cyberbullying in their university community and challenge the moral disengagement of those who bully as well as the silent majority of bystanders.

Student unions could also play a more active role in increasing awareness of traditional and cyberbullying and discouraging bullying behaviour by declaring that such behaviour is strongly disapproved of among students (Pörhölä, 2016). In addition, student unions could actively work against discrimination and help new students to make friends with other students and integrate into the university peer community. This could be done, for example, by means of organizing social events in which all university students would feel comfortable and safe, regardless of their ethnic and social background or sexual or religious orientation. These kinds of social events would increase cohesion in the student community, and, in this way, prevent social exclusion and bullying.

Although research to date indicates how difficult it can be for the bystander group to break the code of silence upheld by the student peer group, students themselves have constructive ideas on how to address the issue through such interventions as netiquette training, guidelines on appropriate behaviour during online teaching sessions, and awareness-raising about the negative impact of cyberbullying on students' self-esteem, academic attainment and peer relationships. For example, in their survey of US university students, Simmons et al. (2016) investigated students' perceptions about the role of the university authorities in reducing cyberbullying. Respondents indicated that the widespread use of online classes creates an arena that potentially can be appropriated by some for cyberbullying; at the same time, these online classes also provided an ideal context for university teachers to induct students into the risks and threats of the internet, and to promote respectful and inclusive behaviour online. In this context, discussion could focus on the maturity (or otherwise) of university students, the boundaries between public and private domains, and the extent to which students are

considered by the authorities (and themselves) to be independent adults subject to the laws of the land rather than young people in need of care and support.

When considering the boundaries of responsibility, constructive use could be made by the university authorities of outside agencies, such as VAWG, to engage with the cyberbullying issue at local as well as societal level. As has been argued, cyberbullying at university crosses a number of policing boundaries. Issues of gender, sexuality, the online/virtual world and levels of responsibility have to be addressed. This is not an easy task due to the tensions between 'freedom of speech' of the online world and the need for control and/or censorship.

One thing is certain: technology is not going to go away. Mechanisms and policies to tackle and reduce the problem of cyberbullying need to be developed and implemented at university level. The study of cyberbullying amongst university students has the potential to illuminate wider understanding of social and interpersonal relationships during the transition from adolescence to adulthood, from higher education to the workplace, and at later stages of the lifespan.

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