

October 7, 2010

## **As Bullying Grows in Seriousness and Variety so do the Possible Responses**

Bullying has long been a problem in schools. The problem has been getting a lot of attention recently with some troubling new twists to an age old problem.

There was Tyler Clementi's suicide on September 22 following his roommate's live streaming of some very private moments on to the internet. The behavior of the roommate was atrocious and inexplicable. The suicide of a promising college student is shocking to say the least.

The case follows on the bullying related suicide of Phoebe Prince , a 15 year old high school student. There are countless other bullying related tragedies like these.

Perhaps, none is more shocking than the most recent suicide of a 10 year old girl. It is believed that her suicide was bullying related. The thought of a 10 year old committing suicide would be incomprehensible as a result of bullying if not for the fact that this was not the first such incident. In April of 2009, an eleven year old boy committed suicide as a result of bullying.

The bullying can range from psychological and emotional abuse to outright physical violence. The result is often the same. In response to the problem, 45 states have passed legislation addressing school bullying.

Much of the legislation is preventive in nature addressing education and awareness. Often, the legislation lacks any remedial measures for the victims of school bullying. However, as the culprits in the Phoebe Prince and Tyler Clementi cases have found, there are serious possible criminal consequences to the behavior. Criminal liability for the bullies does not address the culpability of the schools that often ignore or foster the bullying behavior.

The schools do have a responsibility for monitoring and preventing bullying behavior as many school systems have found through some sizable personal injury lawsuits. Schools, administrators, teachers and coaches cannot turn a blind eye to bullying. They have a duty to protect the students in their care.

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This duty has never been more clearly breached than the case of the Las Vegas, New Mexico football program where numerous underclassmen were raped with broom handles as part of a sick and apparently tradition bound hazing ritual in the program. The students that committed the atrocities have since been convicted and sentenced to various terms of probation and jail.

The school, the district, the teachers and coaches that stood idly by as the crimes were committed will soon understand the depth of their responsibility. Unfortunately, this epiphany will come only as a result of the personal injury lawsuit filed against these folks.

Perhaps, these individuals and the school district do not read the press about the horrible consequences of school bullying. You can bet they will be reading the legal pleadings filed against them. It can only be hoped that other school officials across the country will do likewise. Clearly, many schools have failed to recognize and respond to the harm to their students. Hopefully, schools and school districts will take note of the huge costs of such negligence.

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