

**CYBERBULLYING FROM  
CLASSROOM TO COURTROOM:  
APPROACHES TO PROTECTING CHILDREN  
IN A DIGITAL AGE\***

*Panel 2—Cyberbullying In The Classroom:  
Educators, Policy, and Protecting Students*

**REMARKS OF KIMBERLY YOUNG  
WILKINS\*\***

Well, I guess the rubber hits the road with me, because I'm the one they keep talking about as far as administration in schools. Let me tell you a little bit about where I come from. I'm right literally down the road at Myers Middle School on Whitehall Road in Albany, and I represent a middle school of 670 wonderful middle-school children. (I'm still smiling, right? Okay. But they are wonderful.)

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\*On October 20, 2011 the Albany Law Journal of Science and Technology presented a symposium on the intersection of cyberbullying and the law. These are these remarks have been annotated by the author and edited by the Journal staff. The webcast of the event is available at at <http://www.totalwebcasting.com/view/?id=albanylaw> (last visited Aug. 23, 2012).

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Our district is an African American District with almost 68 percent of the students identifying as African American. My building is one of the two middle schools. The district also has a K-8. We are made up of teams—one of things is structure—that actually goes into some of the things that I'm going to talk about. We have one sixth-grade team, two seventh- and two eighth-grade teams. Each team is about one hundred plus students, and they consist of four or five teachers of core subjects. And then we have special area subjects. The building is open from eight to three. We have a lot policies, a lot of rules, what's nice about the district is that we really try to not just react, but be proactive.

The information I want to share with you is really going to be hands-on—it's what happens with the kids. I tend to be very open—my door is always open for my students. And what I'm saying to you are things that they're saying to me. I do really get a lot into bullying because we really have tried our best to have an open door policy and really kind of stamp out bullying.

Before I even get into that I need to ask you as the audience, how many of you actually remember, go back with your middle school cap on, dealing with bullying or have been bullied, because I know I have. Okay. That's about half. Please keep that context when you start thinking about cyberbullying and bullying, because these are the same things that happened back in the day. (We're not going to talk about our ages at this point.) But we do remember instances where you were uncomfortable and things were said. This is done in a different context when you deal with cyberbullying.

When I started talking to some of my kids I went to my SGA president, Student Government president, who is a wonderful dynamic young lady and her vice president. I started asking questions about cyberbullying and how was it affecting them and what was going on? The first thing that came to mind that was really amazing was that they don't look at it as cyberbullying. I'm like, well, what are you terming it? What are you looking at? What do you see or do you recognize it? I know what cyberbullying looks like, and when I define it they were like shaking their heads. But they don't really look at that.

They understand because someone has said to them in the form of posting false statements as fact or humiliation or ganging up on the victim, threats and hate remarks, sexual remarks, they understood that. I said but do you think of it as cyberbullying? And answered, no. They had their own tack, their own term,

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their own vernacular, and they say “they’re getting gritty,” “they’re getting roasting”—“drama” was a big one. Drama, there’s a lot drama happening. I think we can all understand drama.

And “indirect statuses.” And let me explain that one. Indirect statuses are when, and excuse my vernacular, they’re calling girls by a very negative name: “Some bitches don’t know what they’re doing, they act like they’re all that.” And so when this stuff gets onto Facebook, everybody on there knows who we’re talking about, but then all of a sudden, the stone hits and the girl reacts. And the next thing you know we have conflict. So I said, “wow.” I learned something in my conversation with my students.

And so I asked them like how often is it happening? Are boys and girls involved? Well, guess what? Boys not really involved as much. And I think one of our colleagues in the first panel said it really is mostly girls. And it is really a lot of girls. I did a survey of about seventeen kids, and five of them were boys. The boys are really kind of entertained by what was going on, on Facebook, they like to stir the pot of the drama.

The eighth-grade girls had a different perspective than my seventh-grade girls, because one thing the eighth grade girls did was when they were in seventh grade and sixth grade, and they were going through some “drama,” is that their circle of friends became much smaller. So when before they thought “I know I’m popular, I have 145 friends,” now they’re like, “I have six and I’m happy with it.” And I said, oh, what’s going on? Well, when I started narrowing down my forum and I actually got down to really good friends and who’s actually on my status on Facebook, they really did this based on a maturity level and I was so proud to see that. Especially the one kid who I talked to who had a lot of stuff going on last year, it was all around what was being done on the Internet on the night before or the weekend, and then she comes in screeching on Monday and I’m going, oh, gee, what happened now, and it was all about Facebook and what got said.

I saw a maturity level go over where they’re actually starting to monitor it themselves, bring that down to a different circle. I thought that was really enlightening that we really had this conversation, but they’re actually limiting who has access to their sites. I asked them how often it was happening and they could say an average, they see it two to three times a week. And then I said, well, how many times was it coming into school? And they said about it was about the same.

Again, I’m very urban, we’re a black school district, I have

mostly black students in my building, their stealthy, this is the girls, not my boys. My boys just stir the pot. The girls are the actors in this little—and it's a drama. The girls didn't do the subtleties that you have happening in some other districts where they will snub, they will have subtleties of ignoring, which is another form of just harassment and bullying that just devastates when that clique is no longer with you and now you're kind of by yourself or sitting at that table by yourself or they're not talking to you in the hallway.

Not my girls. They're going to be like, I'm going to get her on Monday and they do. They walk in the door and I don't have a clue anything's happening. Eight o'clock we go into the building, and at five past eight I have a conflict, and we end up finding out something happened over the weekend at the time after the conflict. And those kind of situations drive us crazy because we're finding out about it afterwards. And everything happened outside of school.

Well, one thing that one of the panelists mentioned was nexus, because we had a couple other situations, and I will explain those, where it happened outside of school and we really didn't have anything to do with it, but we kind of helped to take care of it.

When something happens at school it interrupts the environment of education, I then can actually react to it. It's just like what we said, it's easy to go ahead and just punish, but we've got to get to the root of it, and I want to make the root go away and not come back. So there's a lot of things that we try to do with that.

But the climate for bullying and for cyberbullying, believe it or not, are a little different, because the bullying happens face-to-face and we do deal with that, and we really try to make sure we're being proactive. As we incur something or something's happening, we make sure that we're getting to the child and we get to the parent, and at the same time we're trying to get that child some counseling.

But with the climate for cyberbullying, and I'm not sure how easy it is for Guilderland,<sup>1</sup> but for me in Albany there's a culture with the kids with their verbiage and their mores that we as adults have to really understand. Policy of snitching?—No.

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<sup>1</sup> See *Remarks of Britton Schnurr*, 22 ALB. L.J. SCI. & TECH. 547 (discussing bullying and cyberbullying in the suburban school district of Guilderland).

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There's a wall of silence, and no matter what relationship you have with an adult you are not going to break the wall of silence. I tell the kids, if I found out anything about you, and I know your parent reasonably well, I'm telling—you can call me the number one snitch. Because as parents and adults we need to be working together, but the wall of silence with kids and around bullying and even with cyberbullying, we have to acknowledge that. Because they're not going to let us know certain things, they just don't want us to be involved with it because it makes life worse for them once we get involved with it.

And then also if you ever go onto a middle school or maybe even a high school. (Don't forget my life is middle school, I'm still smiling.) As you go to a middle school, the student's verbiage where they actually do that exchange, when they're on Facebook, and I'm not a big Facebook person, but they're talking, you will be grossed out. Their language with each other is disgusting, and that's with my old lenses looking at it. And the way they talk on Facebook is how they talk to each other. And so as adults in the building, our climate control is "let's remember where you are, we're not going allow for that kind of conversation," we go into the whole thing of culture, we try to build that up. But you've got to remember if they move outside of us and they have their own little social cliques, because it's that generation of that, and that's just the way do talk to each other.

Now you guys are very polite and you're nodding, but you all know how you talk to each other. You know the vernacular you use and some of the terms you use. You wouldn't necessarily put it on writing because you're all law students and you know better than that. But my little one's don't always know better and they're very emotional. And the whole thing is that we have to change a little bit of the lens that we're looking at when we're actually seeing some of the vernacular go on.

Then I want to kind of get into some examples that had happened. Again, there's so many. One we had a few years ago was texting. Something had happened on a snow day. On the snow day, the student went to the mall and something happened and texts with some very inappropriate comments were going back and forth. Now it never entered school. Nothing ever ever happened at school, but the parent brought it to us, and what am I supposed to do? I chose not to ignore it, because my worry was that it's going to get to school.

What we did was bring all the parents together with the

Albany Police Department and really sat down and hashed out how we were going to deal with this. It was an ongoing battle that actually believe it or not, it started at the elementary school three or four years ago. I said to myself, "Really? You guys usually can't remember what happened yesterday and you're worried about what happened four years ago?" So we handled it in a different way. But that was one of the first really big cyberbullying incidents we had and the comments that were made out there were devastating. I was very grateful for the parent bringing it in, but we took a proactive stance with it and then we followed up afterwards with social work counseling and the psychologist, and we watched it. That happened around February and we watched the players from February to June just to make sure nothing ever came back up again. That was important, because the follow through with trying not just to be preventative or just react to it, you've got to make sure it stops. And we were able to do that.

The other one that we had happen was sexting. Okay, I'm an old lady; I just can't deal with it. When we had something come through, it actually came through from a parent saying "you're not going to believe what happened, Mrs. Wilkins, we had our son's phone and we were just getting ready to turn it off and a picture came through." And I'm going, "oh, no." And of course we had bare breast.

The child never brought the phone in and I didn't look at the pictures. We handled it by bringing the other parent in, because this is not really a school issue, it's about parents knowing what their kids are doing. Obviously, the little girl liked the little boy. And the boy's parents were freaking out, and so we had the parents come together and they chose not to do it onsite, but they actually got together, I think one day at Dunkin' Donuts, and actually sat down and talked about how we're going to deal with it.

So now you know my antennas are up and we're watching everything. We brought the child in and with the permission of parents, we do some initial counseling with the social worker and then we're just monitoring that. That believe it or not just happened two weeks ago. Life is so interesting in middle school.

We had a hat situation, which was just the one boy— and before this I'd never had an incident with Facebook. His hat, was stolen from the locker. He left his locker unlocked and I don't know if you know that the hat can't be bent, like how you used to

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break the hat in? Like a baseball cap? The boy's hat has to be a certain brand and all this and it's a brand new cap and it was red. You know, I don't know what it meant, but I guess it was an expensive cap. It got stolen from the locker and they posted another boy rubbing it on his genitals. So he would be offended. Now mind you, the mother knew about it over the weekend and knew that her son was very upset and devastated by this very demeaning act of his hat. And the boy comes in the morning and I'm standing doing my duty, he proceeds to walk in, sees the boy who posted it and tries to beat the tar out of him.

And again, we had to react to it because we're not expecting anything, because it's Monday morning. Happy Monday. Go on into school and get your education. And we weren't expecting to have this turmoil. But then when the situation arose and we found out what happened, it's all based in Facebook. Here, I am now very upset with the parent. The parent knew that her son was that upset, she failed to even call me, she had my cell phone, my school cell phone, she had my house number, because we had other issues with her son. And so, you know, I told her she can call me any time. I really mean that. Any time. And chose not to do that because she felt violated. I'm like, but it wasn't your hat. She felt violated, and so with that happening she allowed her son to do this, and so again you have an out-of-school issue, and I have to respond in a way, you can't fight at school. This is not cool to do that. But he felt vindicated because he whipped the tar out of the boy with the hat—a Facebook incident going on.

Any my last thing I wanted to talk about was, we call them, “a track page,” it's the vernacular, the girl's word—slutty. And so the track page is—there's one for Hackett, there's one for Myers, there's one for Albany High<sup>2</sup>—anonymously done by somebody who puts on there all the girls they think are basically “loose women.” I'm thinking they're in sixth, seventh, eighth grade. Loose? Really? I'm still think of them as little kids. (I know I'm getting so old, I know.)

The track page has become something that curses the repetition. The girls get upset. It was more two years ago, this year I'm not hearing a lot about it. It still sits out there, it's not being played around with the kids too much, so we then tried to

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<sup>2</sup> William S. Hackett Middle School, Stephen and Harriet Meyers Middle School, and Albany High School are all schools in the City School District of Albany.

do our best to monitor what's going on to the best of our ability, but we do not have a Facebook for our building and we don't have a Facebook for the district. Because it's a fine line legally that you walk on when you deal with a Facebook.

Now what do we do? One thing, we have a district code of conduct, stand-up code of conduct. So we have our code of conduct, and in here is a provision about bullying and cyberbullying. The code of conduct is mailed out to every parent, it's given out to every staff member, and I lecture them and go through this every quarter in the building. I think it's very important for them to understand what their roles are and what they have to do

But I think the main with this is, that the students clearly don't understand what they're doing. Remember, eleven, twelve, thirteen, fourteen going on fifteen year-olds are very hormonal. And I think it becomes really important for us to understand the mind of an adolescent and to really make sure that they clearly understand the consequences of their action, because that's missing right now.

The other thing that we do is that we do have Internet permission slips and we make sure parents know the child's on the Internet and we actually monitor that very closely. If a parent has not signed off, they are not allowed to get online. It's done through our computer lab and the computer teacher sees everything that's going on when they are onto the Internet.

But the other policy that we have within the building is that we don't allow the uses of cell phones, I call these cell phones, MP3, IPODs—gizmos—no gizmos in school. I don't need them to be distracted, let's be honest here. Some of you are in here doing it right now. They're really good at texting and you don't even have to be looking down. We want no distractions in the classroom environment, so we ask that their phones and the gizmos be put into their lockers, lockers with security cameras, so they're actually placed away. That has cut down for instances happening in the building because they don't have access to it, so it's always going to outside the building.

The other thing that we also have in the hallways for those areas that aren't monitored very well or supervised by teachers very well, we have hall monitors, and they believe it or not become the ears and eyes of the building, because they are right on the ground floor and they hear everything. That becomes important because of conversations that happen in that two-

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minute dash. You'd be surprised what you can do in two minutes, especially when you're an adolescent. So we actually are watching that. We try to make sure that the climate is conducive for the children.

I think Dr. Schnurr mentioned this—zero tolerance.<sup>3</sup> It's a nice word or phrase, but it's really hard to do zero tolerance. Our best guide is really trying to control the climate and really try to make sure we're following the district policies to the best of our ability. Then the kids know what the policy is.

I've got to go back to the code of silence. We cannot ignore the children's values or their mores, and that's something that never really gets talked about very much. How we're actually doing it this year, I have a very active SGA, I mentioned my president and my vice president, and we're going back through our second cycle of doing a school-wide survey about discipline, but we're going to make them in charge of how to go about dealing with bullying and cyberbullying. We got to hear them, because we're not going to tackle this with lawsuits and State Ed. and me doing whatever I can. Who's missing in this? The kids, who are actually doing the action. We had to go back to them and find out: how can we make this so it does not happen to the level it does? Because let's be honest, the bullying is not going anywhere. Half the hands went up in this audience about what was going on with bullying. It has changed tactics, this is a different paradigm that's setting in right now. The best that we could do is do the best to educate those who are living through it and hopefully make them put it down to where we can actually eradicate it to the best of our ability. But it's just not going to go away. So we really need to do as much as we can to protect those kids.

And the last thing is parents. For those parents that were really involved with Facebook, those were the kids that were not having issues of "drama." That's a big point. More parent involvement—less drama or no drama. We need to get parents involved. It's really more of a triangle of support between the school, the parents and the child.

And that peer intervention. They have so much control over what happens in that cycle of each other, that anything that I could say, I say it. The police come in, we call it the po-po, the students don't care. But if another student said something, wow, that's like, "we're done, we're going to stop." So we can't ignore

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<sup>3</sup> See *Remarks of Britton Schnurr*, *supra* note 1, at 550.

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those mores and values of the peer group.

And the technology part of it, our school really does not have a lot of technology (so any money State Ed could give us, It'd really be nice). But the issue is that most of the kids are hooked up through their iPhones, iPods, and at home. Our goal is to actually educate them a little bit better about the uses of these technologies, and that ties in with what what Dr. Schnurr was saying.<sup>4</sup> So as we go through our changes of our curriculum, we are building that into it. We cannot wait for Dignity For All<sup>5</sup> because we really do need to make it through the children who are educated about what bullying, discipline and behavior is really about.

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<sup>4</sup> *See id.*

<sup>5</sup> New York's anti-bullying legislation, the Dignity for All Students Act, was implemented on July 1, 2012. *See* 2010 N.Y. Sess. Laws ch. 482 (McKinney) (codified at N.Y. EDUC. LAW § 12(2)).