

PA 201: LGBTQ Youth Cybervictimization: Adolescent Public Health in the United States *

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Abstract

Adolescents part of the LGBTQ+ community are more likely to be bullied both in person and online. “General public concerns about cyberbullying have pointed to the risks, associated with the technology, of spreading quick, anonymous harmful messages to potentially large audiences,” (Swartz, 2009, p. 281). The problem in addressing the concerns with State laws is that “State laws lack uniformity in terms of what sort of conduct is punished or prohibited, how far schools can go in disciplining students for cyberbullying conduct, and in the protections given to students,” (Zhang, 2020, p. 35). The United States faces a unique challenge in implementing policies regarding adolescent online behavior as well, particularly in regard to protecting First Amendment rights. First Amendment rights protect a wide range of speech but have limitations, every situation is unique. *Keywords: adolescence; cyberbullying; cybervictimization; drug abuse; LGBTQ+; mental health; high schools; suicidal ideation.*

1. Introduction

In a recent study, researchers found that “victims of both traditional bullying and cyberbullying reported the most psychological distress,” according to the data, those gender minority teens had four or five greater odds of depression, suicidal ideation, self-harm, and attempts on one’s own life, (Collier, van Beusekom, Bos, & Sandfort, 2013, p. 309). At the same time, we see local school boards, State legislatures, and the Supreme Court debating what protections to implement without a youth centered perspective. Either we are protecting every youth regardless of how they identify, or we are protecting those with beliefs that promoted these negative scenarios to start.

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2. Opening Statement

It is the responsibility of parents, educators, and society to create a safe environment for youth, this includes online environments. A particular challenge arises with adolescents who may identify as LGBTQ+, (or gender-minority), as policies fail to provide proper education and resources for those youths. Gender minority youth are far more likely to experience cyber-victimization. This is not a new problem. A 2008 nationwide study of 5,542 people ages 13-18 found that “11.5 % of youth self-identified as gender minority,” (Reisner, Greytak, Parsons, & Ybarra, 2015, p. 243). At the time of the study the researchers found “substance use was significantly more common for gender minority youth,” as a coping strategy to “manage distal and proximal social stressors” (Reisner et al., 2015, p. 251).

In the ruling over *Bostock v. Clayton County* (2020), dissenting United States Supreme Court Justice Samuel Alito’s opinion reminds parties that Congress has yet to codify and amend “gender identity,” and “sexual orientation,” as protected classes in the Title VII Civil Rights anti-discrimination laws enacted in 1964 (Court, 2020). This view was joined by Justice Clarence Thomas, but the majority still ruled in favor of *Bostock*, thus creating precedence for protecting the right of gender minorities in workplaces. We must have the same protections for youth in their primary place of business, schools.

3. Legal Precedence

In *Tinker v. Des Moines Independent Community School District* (1969), the Supreme Court ruled in favor of the students’ right to protest stating they are protected by the First Amendment which entitles them to free speech. The court ruling stated that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate,” against the claim of the school which argued the armbands protesting the Vietnam War were disruptive. Since the new millennium, in *Mahanoy Area School District v. B.L.* (2021) the United States Supreme Court again ruled in favor of the minor who was kicked off their cheerleader team after she posted a Snapchat story denigrating her team. Because she used profanity, she was suspended from the team. Subsequently she and her parents filed a lawsuit against the school. The case made its way to the Supreme Court which concluded that while a school may be able to regulate some off-campus behavior in limited circumstances, it cannot regulate off-campus behavior that occurs outside of school hours.

4. Problem

In 2021 the Florida Parental Rights in Education Act went into effect giving parents the right to, “object to any material or activity in a public school that the parent finds objectionable or harmful to their child,” a right many believe is being used to remove gender identity discussions from public schools. We have seen more recently in the State of Utah a law that prevents gender-affirming care for adolescents at the beginning of the year (Press, 2023). To now, suddenly an emergency regulation that transgender advocates believe will ostensibly “restrict gender-transitioning care for all ages,” according to the New York Times (Chen, 2023). Utah has also become the first state to enact legislation to restrict teens from social media use without parent consent (Habeshian, 2023). While experts tend to agree that it is “important for parents and youth [to] be aware of new technologies,” it is also true that these technologies are “‘primary mode[s] of socializing’ for the LGBTQ+ community;” therefore, taking away said environments may have a sharp negative effect (D’Auria, 2014, e. 21) (Zhang, 2020, p. 29).

It is important to mention that cyberbullying is far more prevalent for those who are perceived to be aligned with gender minority groups, but one must be careful not to conflate adolescent cyberbullying with the generality as the problems are even more nuanced

5. Policy Proposal

The challenge of reducing cybervictimization for gender minority adolescents is incredibly difficult to overcome in one venue, or one state or with one piece of legislation. We need Federal laws that protect youth from cyberbullying, and we need Federal laws that allow for access to online communities where youth can safely be members of communities they find comfort in. We need Federal laws that protect speech that a school can utilize in educating the population regarding the various communities that exist. Because it is their own students who may find comfort in those communities.

We need Federal laws to protect the common spaces which includes the Internet, so as to create consistency for young people who may travel from state to state. Who may be gender minorities, who are doing their best to just be a kid. Who, as such, are simply trying to lead their life without the constant scrutiny and agenda-setting by people who do not identify in the same way as them, or by people who have a creepy curiosity for what sexual organs an adolescent has. The Constitution protects people of all ages. Instead of protecting a person’s right to privacy, a

person's right to liberty, we are still prohibiting a person's ability to use whatever restroom they feel comfortable in. The solution to all these problems is to create a youth centered perspective when approaching all these policies.

6. Counter points

It is possible that a parent may disapprove of the idea of gender identity studies. The fact is, as a modern society we can recognize these discussions occurring outside of homes and in public spaces. These discussions between individuals form organically or informally. They begin a lot earlier than college; they begin earlier than high school too. When youth enter discussions about gender identity, they are talking about themselves and how they fit into the world. They are not necessarily talking about an anatomy or about a romantic connection, it is a personal exploration about who they are at their core. So, what their parents, or other parents think about a particular child's decision is irrelevant to the solution of making a youth centered perspective policy. It is their life; they have a Constitutional Right to pursue their own liberty. Just as in those Supreme Court cases that saw those youths have Constitutional rights to freedom of expression.

It is true that parents bear the responsibility for their children's actions which should make us all the more ready to implement a policy at the national level that will outline what is construed as "cyberbullying" "discrimination based on gender identity." Cyberbully attacks on the gender minority group for adolescents is so detrimentally harmful, a study in 2012 showed that approximately 40% of participants reported feeling hopeless or sad for 2 or more weeks within the past year and, 22% of participants reported engaging in self-harm behavior" due to victimization as a result of their gender identity (Cooper & Blumenfeld, 2012, p. 209). We know that "70% of the U.S. school districts have anti-bullying policies," which should be applauded, but less than half of them "protect students from bullying based on actual or perceived sexual orientation, and only 14% protect based on gender identity and expression," (Fields & Wotipka, 2022, p. 313).

7. Trade-offs

While some parents may feel like they are losing some parental right by perhaps not having as much of say on a course curriculum or rather a school policy that allows for these discussions to take place, let me end by saying that "students in locations with discriminatory policies face more harassment at school" and what

is almost worse, is those victimized youths are not coming forward to ask adults for help (Fields & Wotipka, 2022, p. 315).

These decisions have long term consequences. A good policy can change a life in a positive way. A bad one can increase the numbers of self-harm incidents, and number of teenage suicides nationwide. We know that good “hate-crime laws are associated with a 4.0 percentage point decrease and conversion therapy laws are associated with a 6.5 percentage point decrease in cyberbullying probability,” therefore; we know how to move the needle (Fields & Wotipka, 2022, p. 318).

8. Call to action

We must act, we must have conversations about available resources for LGBTQ+ youths in school board meetings. We must continuously present the up-to-date data that currently tells us cyberbullying on gender minority students contributes to “. . . attempted suicide and self-harm, substance abuse, truancy, deceit, and low academic performance,” (Elipse & Rey, 2018, p. 676). We must show these facts in those meetings and create policy that will prevent the pattern of self-harm and drug abuse from repeating. We can only blame ourselves if we do not. We must let stakeholders know what is really happening or what could happen by either our inaction of creating protective youth centered policy, or misguided action of creating bad policy.

9. Conclusion

Finally, by creating a holistic and inclusive youth centered approach to education, we help build a society to protect them from ideological or existential threats. We must realize that the social sphere of youths may be vastly different from our own. If we want to reduce the amount of self-harm, suicide, and illicit drug use we should begin developing digital citizenry at earlier ages. As technology continues to advance, more regions of the world will become connected and a greater number of individuals and organizations within society will utilize the Internet and other social networking tools. We cannot expect the most vulnerable members of our society to be able to protect themselves online if we take away every positive learning experience from them. Children should be able to learn about themselves and others in a well-balanced and informed way without fear of repercussion.

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