



McGrath  
SUCCEED



Sexual  
Harassment



Bullying



McGrath  
CyberSchool

## **Bullied By Consent - Is It Possible?**

By William D. Berard III, Attorney At Law, Senior McGrath Trainer

The buzzword on the mind of many educators today is bullying. Although it seems that bullying has been around for ages, some states are now mandating that school districts establish policies to deal with the problem as well as to conduct preventative training for staff and students.

School districts are beginning to truly realize the effect that bullying has on victims. Even though it is the goal of schools to be proactive in handling the situation, it's how districts react to bullying that often determines their liability. It is imperative that schools conduct prompt and thorough investigations in all cases of suspected bullying.

### **Issue of Consent**

One issue that often arises when investigating bullying is the issue of consent. Whereas virtually no one actually gives their consent to be bullied, it can be very troubling for investigators to understand how victims deal with the misconduct. Simply because a victim does not tell a bully to stop his or her behavior does not mean that they welcome the conduct. In fact, the reason that they don't tell the bully to stop or report the problem to others, is due to their fear of retaliation and/or further abuse. As a result, educators must be ever vigilant to recognize and react to this type of misconduct.

### **Victim Identity**

If individuals, even in their early elementary years, continue to be victimized, they will begin to internalize the reason for the bullying and believe that it is their own fault. The blame causes them to identify themselves as "the victim" within the classroom societal structure. What is so tragic about this is that even if the child's parent attempts to remove the child from the school, the district or even the community, the child will assume the same role in another setting with different students who know nothing about their past. This not only disrupts the child's ability to learn, but also frustrates the development of their socialization skills.

Bullying also affects others in the presence of the bully and the victim. Onlookers can also be traumatized by this type of behavior simply by observing it. Certainly they don't consent to the conduct in most cases. So why don't they speak up? As in the case of the victim, bystanders fear of "being the next victim," or retaliation forces them into a code of silence. In doing so, it emotionally leaves them with a feeling of helplessness or powerlessness that interferes with their learning ability to grow mentally and emotionally. If left unresolved, bystander bullying affects everyone, not just the parties involved.

### **Bystander Fear**

As mentioned above, the main reason that victims and bystanders fail to communicate their opposition to bullying behavior is fear of further and perhaps more serious violence. In no way does this mean however, that they consent to or agree with the conduct. Nor should it be misinterpreted that they do. The threat of retaliation frustrates victims to the point that they are

reluctant to discuss the bullying with their teachers, school staff, their friends or even their parents/guardians.

## **Tattler**

Other reasons that victims don't report the conduct is embarrassment, fear of being labeled a "tattler" and being ostracized by other classmates, and concern over whether they will be believed. Any of these reasons can be enough to weigh so heavily on a child's mind, that it takes virtually all of their coping skills to deal with the situation, thus leaving little room to deal with learning and creativity.

## **Understanding Bullies**

Since in most cases the victim will not come forward, one of the biggest challenges facing educators is understanding just who the bullies are. There are three distinctive types of bullies that can be identified. The first group is classified as **anxious bullies**. They are characterized as individuals who are often academically challenged and tend to be behavior problems. They are not happy being in school and do their best to make others unhappy. When one thinks of bullying this is the stereotypical individual that often comes to mind.

The second groups of bullies are identified as **bully/victims**. These are students who are victims of bullying themselves. They handle the situation by bullying others that they can dominate. The sad truth is that if a person wants to be a bully, they can always find someone that they can effectively harass. This is yet another reason why it is so important to identify and assist victims. Not only it is necessary to empower them to work positively through the situation, but also it's necessary to prevent them from becoming bullies themselves.

The third and without a doubt most difficult group of bullies to identify are the **confident bullies**. These are students who excel athletically and/or academically and who turn to bullying to reinforce their superiority in their own minds. The reason it is so difficult to spot these individuals is because they are generally courteous and cooperative when interacting with authority figures. They generally operate behind the scenes and will often direct others to do their dirty work. Because of this pattern of behavior, the confident bullies can get away with more than other types of bullies and can accomplish much greater damage.

## **Not Just a Discipline Problem**

Bullying is no longer seen as just a discipline problem in schools today. Now that we know the long term affects that bullying has on its victims it is essential that districts identify this type of inappropriate behavior and take prompt and effective action to stop it. Victims of bullying don't ask to be treated that way and certainly don't consent to the conduct. Educating students to treat others the way they would want to be treated and not how others want to be treated is a valuable life skill that will empower students as they go forth into the world.

**"Editors' note: This article is general in nature and is not intended to replace professional, legal advice."**

