

YOUTH COURT: AN ALTERNATIVE RESPONSE TO SCHOOL BULLYING^{*}

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Abstract

Bullying and school violence are critical issues facing 21st century educational leaders. U.S. public schools have been scrambling to develop and implement anti-bullying programs with varying degrees of success. Bullying leads to disruption of learning, and its lasting effects of anxiety, depression, anger, and actual brain damage follow victims into adulthood. This paper explores two communication theories (Social Learning and Cultivation) to consider how the over-exposure to violent media messages may contribute to aggressive behavior. Furthermore, the proposal considers research that suggests a response to school bullying needs to be based on a model of communication that describes a process of dialogue, information sharing, mutual understanding, and collective action (Figueroa, Kincaid, Lewis, & Rani, 2002). In response to this research, this proposal will explore the Time Dollar Youth Court (TDYC) model as an alternative to traditional anti-bullying programs. TDYC is part of TimeBanks USA, a nonprofit model of community time-based exchange. TDYC not only provides opportunities for non-profit and community collaboration but promotes social justice by empowering students to solve their own problems through a constructive and meaningful approach.

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2 Sumario en español

Para intimidar y violencia de escuela es asuntos críticas frente a siglo XXI líderes educativos. Las escuelas del público de EEUU han estado trepando para desarrollar y aplicar programas anti-intimidando con mayor o menor éxito. Intimidar lleva a interrupción de aprender, y de sus últimos efectos de ansiedad, la depresión, el enojo, y la lesión cerebral verdadera siguen a víctimas en la edad adulta. Este papel explora dos teorías de comunicación (Aprender y Cultivo Sociales) considerar cómo la exposición excesiva a mensajes violentos de medios puede contribuir a la conducta agresiva. Además, la propuesta considera investigación que sugiere una respuesta para educar intimidar debe ser basado en un modelo de comunicación que describe un proceso de diálogo, la información que comparte, la comprensión mutua, y acción colectiva (Figueroa, Kincaid, Lewis, & Reina, 2002). En respuesta a esta investigación, esta propuesta explorará el Tribunal de Juventud de Dólar de Tiempo (TDYC) modelo como una alternativa a programas anti-intimidando tradicionales. TDYC forma parte de TimeBanks EEUU, un modelo no lucrativo de cambio de tiempo-basó de comunidad. TDYC no sólo proporciona oportunidades para la colaboración de organización sin fines lucrativos y comunidad pero promueve la justicia social autorizando a estudiantes para resolver sus propios problemas por un enfoque constructivo y significativo.

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3 Introduction: Bullying—Learned Behavior Within a Culture of Violence?

The incidence of bullying in the United States and elsewhere has prompted increased scrutiny from concerned parents, teachers, schools and the public in recent years. The media attention to teen suicide, gang violence, and bullying has raised public awareness regarding their effects on youth. Most U.S. public schools have been scrambling to develop and implement plans that address and lower the incidence of bullying among students, with varying degrees of success. School districts have struggled to grasp the scope and cause of bullying. They become lost in the definition of what constitutes bullying, flounder to identify appropriate policy and program outcomes, and falter in funding and implementation of anti-bullying programs—possibly doing more harm than good. Communication theories of Cultivation (as cited in Griffin, 1994) and Social Learning (as cited in Griffin, 2009) do much to illuminate the problem of why and under what circumstances bullying occurs. Furthermore, Restorative Justice Theory illustrates an effective response and intervention that schools may find beneficial. In order to change the way we deal with bullies and victims of bullying, the most comprehensive and effective solutions are best facilitated by communities and not solely by the school district.

Community-based models such as TimeBanking address social problems by focusing on restorative justice and honoring the value and contributions of everyone in a successful and reciprocal society. Time banks empower individuals to change their social reality to one of shared creation. Restorative justice provides opportunities for those that cause harm to make things right and accept responsibility for damaging another. This philosophy views the harm done as not just a transgression to another person but as harm done to the overall relationship with the community. Offenders are given an opportunity to provide restitution to those they have harmed instead of receiving punishment. Together these theories highlight the importance of building relationships within society to support a caring and compassionate community with all citizens.

4 Review of the Literature

4.1 Just Teasing?

Bullying can be defined as a deliberate hostile act intended to harm, induce fear, and create terror through physical abuse, verbal attacks, and relational control (O'Rourke, 2008). Mills and Carwile (2009) further describe the blurred definitions of bullying used in school settings that obscure and hinder prevention efforts. They assert that bullying, cruel teasing, and other forms of teasing are distinguished by their intent to harm or control those with less power. They propose that some teasing serves positive social functions and should not be discouraged. As defined by Olweus and Limber (2010), bullying stems from relationships where an imbalance of power exists and causes harm over time through a repeated pattern of interaction. Physical bullying may be the easiest to spot, but verbal and other relational forms of bullying (social exclusion, spreading of rumors or withholding friendship) can be just as damaging and are more prevalent in older student populations (Mills & Carwile, 2009).

Teasing, on the other hand, may reflect either negative or positive communication, and has confused school districts with its definition. Aggression may not be intended but is received by the other's interpretation, thus complicating interventions by teachers. Furthermore, not all acts of aggression are bullying. Assessments of the situation should instead rely on the response of the teased person to direct appropriate measures (Mills & Carwile, 2009). Mills and Carwile (2009) help make intentionality more distinct by describing positive teasing as accompanied by winking, smiling, or some other "element of play" combined with challenge and ambiguity. Teasing becomes cruel and a form of bullying (more prevalent in females) when the challenge and not the "play" becomes the focus, when there are visible power differences in age, size, ability, etc., and when there is a pattern over time (Mills & Carwile, 2009). "I was just teasing" is not an acceptable excuse for deliberately cruel acts (Mills & Carwile, 2009). Students and schools in the midst of bullying prevention programs and statistical analyses may have difficulty measuring and addressing the blurred lines between teasing and bullying, thus skewing results. With these factors in mind, schools must develop a clear and concise definition of what they consider bullying vs. teasing and share this message with students and parents.

4.2 How Bad is Bullying?

Nearly one in five students in an average classroom is experiencing bullying in some way (Klomek, Sourander, & Gould, 2010). A positive correlation exists between bullying victims and suicide—girls more strongly affected than boys. There are now 45 states with laws against cyberbullying (a form of verbal abuse using the Internet), physical bullying, and emotional bullying (Klomek et al., 2010). According to research cited by Susan Swearer (2012), engaging in bullying behaviors at age 14 foretold violent convictions between ages 15 and 20, drug use by the late 20s, and an unproductive life at age 48. Many schools are tightening their rules and enforcing them more strictly.

Seventy percent of bullying is in the form of verbal abuse. One third of students in the U.S. are involved in bullying as a perpetrator or a victim; both are more likely to be victims of crime and sexual abuse (Arehart-Trichel, 2010). Recent studies have shown that verbal abuse in bullying can lead to lasting emotional and physical damage to the corpus callosum of the brain and corpus callosum damage in turn can increase the risk of psychological problems in the future (Arehart-Trichel, 2010). Bullying victims show more signs of depression and loneliness, are at a higher risk for suicide, avoid school, and become targets for abuse in subsequent relationships. Those that bully are more likely to exhibit externalizing behaviors such as conduct disorder and delinquency, which may lead to adult crimes and abusive behavior in their future relationships (O'Rourke, 2008).

4.3 Does Television Make It Worse?

Cultivation Theory. George Gerbner (as cited in Griffin, 2009) believed that mass media was the most powerful influence in shaping modern society. With virtually unlimited access to TV throughout our nation,

these TV stories become a common thread of society—demonstrating what is important, what exists, and what is right. Through an extensive thirty-year study, he found that “over half of prime-time programs contain actual bodily harm or threatened violence” (as cited in Griffin, 2009, p. 350). Adult dramas and children’s programming average 5 to 20 violent incidents per TV hour (Griffin, 2009). Gerbner also discovered that the elderly and children were victimized on TV at a much greater rate, even though they are minimally represented in TV dramas. “The chance of a poor, elderly black woman avoiding harm for the entire hour is almost nil” (as cited in Griffin, 2009, p. 351). Not only are children portrayed as victims, but viewers are shown repeatedly that it’s “almost always all right [to hit someone] if you are mad at them for a good reason” (as cited in Griffin, 2009, p. 353). He proposes that the saturation of violence present in television, video games, and other media creates a “social paranoia”—a feeling that the world is mean and scary. The tendency toward paranoia secludes people from the positive influence of others, affects their political views, self-esteem, and decreases their overall satisfaction in life. Gerbner asserts that television has become “society’s institutional storyteller” (as cited in Griffin, 2009, p. 349), and as such, sways the development of societal norms. Until broadcast media came into play, the stories of society that projected a vision of what is important and what is right were held by family and religious institutions. Today, television dominates the environment of symbols. People “now watch television as they might attend church” (as cited in Griffin, 2009, p. 349).

Social Learning Theory. Whereas Gerbner was concerned that television violence would create a false sense of fear, Albert Bandura’s theory of Social Learning warns that television may create a violent reality worth fearing (as cited in Griffin, 1994). Bandura believed that most individuals come to “war-or-peace decision points” by developing behavioral responses (as cited in Griffin, 1994, p. 367). These tendencies or “acquired behavioral dispositions” are learned best through observation, which Bandura calls modeling. Although this theory is typically applied in behavioral science, Social Learning Theory can also help us to understand the effect mass media can have on: attitudes, emotional responses, and the development of new behaviors by high exposure to TV, films, video games, and Internet videos. “Social learning theory postulates three necessary stages in the casual link between television violence and actual physical harm to another: *attention, retention, and motivation*” (as cited in Griffin, 1994, p. 369). Newly modeled violent behaviors are imprinted onto memory through first observation (TV viewing of violence), then mental categorization/organization (associating that violent act to a real situation), mental imagery/fantasy (thinking of yourself participating in the violent act), and finally through action (moving that fantasized act into a real situation). Bandura “isn’t worried about the bad guys glorifying violence. It is the aggression of the good guys that troubles him” (as cited in Griffin, 1994, p. 372). If children model violent behavior, could it also be true that they might model good behavior to overcome the effects of television through positive interpersonal communication?

If the theories of Cultivation and Social Learning are applied to the problem of bullying, it becomes clear that bullies perceive themselves as victims. They indeed may be affected by a dizzying display of messages received from television, video games, and movies. If those experiences are not balanced by positive and supportive family and community stories, but instead reinforced by domestic violence or neighborhood crime—no child will feel safe. Some will internalize their fears and withdraw while others lash out. Both groups may suffer increased stress, brain damage, mental illness, and risk of violence.

5 Alternative Solutions

5.1 Prevention and Intervention Programs

Research shows that isolated efforts are ineffective in changing bullying behavior. Prevention and intervention programs that provide a continuum of services within a building are likely to be more effective than programs with a more general building-wide approach (Conoley & Goldstein, 2004). Many schools have responded to an increase of school violence and/or bullying by establishing “zero-tolerance” policies or by attempting to adopt a pieced together plan for bullying prevention. Findings indicate that severe punishment for bullying, such as exclusion, may have a chilling effect on students. Students that bully their peers are more likely

to participate in other antisocial and criminal behaviors. Students that bully are in need of positive role models, including adults and students in their school that demonstrate effective social and relationship skills (Espelage & Swearer, 2004). Suspension does not alter future behaviors and often places students back in a home situation that lacks adequate support.

Schools must respond through effective intervention when incidences of school bullying do occur. While teacher in-service training, PTA meetings, school-wide assemblies, or lessons taught by individual teachers are important first-steps in raising awareness about the problem or in the adoption of bullying prevention efforts, they will not significantly reduce bullying on their own (Espelage & Swearer, 2004). Furthermore, research conducted by Farrington and Ttofi (2011) for the U.S. Department of Justice found that the most important program elements associated with a decrease in both bullying and victimization were parent training/meetings, disciplinary methods, and the length and intensity of the program for children and teachers. It is important for schools to provide a safe environment for students—without it, learning is greatly diminished. Without question, the preventative piece is the most significant part of any school program that is focused on eliminating school bullying and reducing incidences of bullying. The reality is that even with effective preventative measures in place, bullying will still occur. Prevention efforts must be paired with a proven and thoughtful response.

Espelage and Swearer (2004) found that one of the most significant obstacles in the adoption of successful anti-bullying programs in schools is the lack of awareness and commitment by adults (teachers, administrators, and parents). It is important that educators and parents be effective communicators, both empathetic and skilled in active listening and identifying nonverbal cues that may indicate antecedents to violence. Many of the causes of school issues of aggression and violence are beyond the power of the teacher to control. In order to best help students, educators and parents need to be able to recognize and respond to outside causes that may be precipitants (such as abuse at home, issues on the bus, hunger, etc...). Teachers must focus on creating a caring and more tolerant classroom climate before any gains can be made at preventing issues of bullying and changing behavioral norms (Espelage & Swearer, 2004). A more effective and comprehensive approach requires a school-wide effort of educating the community of stakeholders regarding the issues of bullying (Espelage & Swearer, 2004). This approach is a long-term climate change and not an easy, quick-fix solution. “Schools can either prevent bullying, respond appropriately, or deal with it through lawsuits” (Harris & Petrie, 2003, p. 65).

5.2 Dialogue Among Stakeholders

How do we start the conversation in the school community regarding bullying? The Communication for Social Change Model may provide some answers. This model focuses on the process by which participatory dialogue relates to collective action (Figueroa, Kincaid, Lewis, & Rani, 2002). The model describes an interactive process of dialogue among and between various stakeholders, beginning with a “catalyst” that sparks the discussion. This catalyst (a person, event, tragedy) leads to valuable community storytelling and conversation that when effective, leads to collective action and eventually a solution. The model describes Community Dialogue and Action as a sequential process or series of steps that can take place within the community, some of them simultaneously, and which lead to the solution of a common problem. Literature and real-life practice indicate that if these steps are completed, action is more likely to be successful for community benefit (Figueroa et al., 2002). Education is everyone’s business. Involving all stakeholders in understanding issues in education is a more effective approach at improving student success. School violence reflects a societal issue— a general lack of acceptance for the differences of others. Violence is a significant factor because it is found that “schools with lower levels of bullying have higher levels of academic achievement” (S. Swearer, presentation at the University of Nebraska at Omaha, May, 2012).

What would an alternative solution to school bullying look like? Two key program elements are necessary: it needs to be based on an active model of stakeholder communication that describes the process of dialogue, information sharing, mutual understanding, and collective action. Second, it needs to include clear and specific social and individual outcomes (Figueroa, Kincaid, Lewis, & Rani, 2002). Pairing communication skills with effective steps addressing the personal and relational needs of students are especially critical

in preventing bullying. Harris and Petrie (2003) indicate that for the best possible student learning to occur, peers must learn to deal with conflict in real and meaningful ways through schools that encourage peer-mediation or conflict resolution.

5.3 Youth Court: Co-creation/Co-production

Recommendations based upon research conducted by Farrington and Ttofi (2011) for the U.S. Department of Justice endorse anti-bullying programs based on newer theories, one of which is Restorative Justice. The Time Dollar Youth Court (TDYC) model offers an interesting restorative justice approach in the high school setting and is an alternative worth considering. TDYC is built around empowering older students to use dialogue, critical thinking, empathy, and perspective to solve school problems related to bullying and student discipline. The goal of restorative justice is to mend damaged relationships by bringing together all those involved (bullies, victims, and bystanders) and utilizing respectful methods to address wrongdoing. Similar to the philosophy of restorative justice, TDYC considers acts of bullying and school violence to be harm done to the individual(s) involved and also to the greater school community. The important element of TDYC is how it encourages offenders to take responsibility for what they have done wrong and take action to make it right. Offenders are given an opportunity to hear from those they have harmed with the belief that if given the opportunity to repair the damage they caused, they are less likely to re-offend. Furthermore, TDYC can also give those directly impacted by the wrongdoing an opportunity to be involved in deciding what restorative actions should be taken by the offender to make things right.

Schools that understand how to emphasize leadership, responsibility, communication, kindness, collaboration, and critical thinking create affirming school and community climates that nurture young people and prevent bullying behaviors (Harris & Petrie, 2003). Schools often equate discipline with punishment; however, non-punitive approaches to reducing violence are proven more effective (Swearer, 2012). The TDYC in Washington, D.C., serves as a diversion program for first-time juvenile offenders and offers a model for social change. Offenders who successfully complete the TDYC program have their criminal records expunged and serve as peer jurors for incoming offenders. According to its founder, Edgar Cahn, youth jurors are given power by the Superior Court to hand out sentences of their own design—ranging from restitution and community service to jury duty. This program saved the city over \$7 million in 2009, by diverting troubled youth away from incarceration and further damage from the penal system.

Recidivism data collected in 2003 supports the success of the Youth Court model. According to this research,

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youth who participate in the TDYC diversion program and successfully complete all sanctions, have a 5% recidivism rate at the six-month mark of their original arrest. Youth successfully completing the program at the one year mark have only a 9% recidivism rate. All youth who were diverted to Youth Court since January 2003, whether successful or unsuccessful, have an 11% re-arrest rate one year from the date of original arrest. (<http://www.tdyc.org/success>)

TDYC cut recidivism by more than half in its first three years of operation and has continued to positively impact city youth with innovative, community-based methods of respect, reciprocity and accountability.

Time Dollar Youth Court is part of TimeBanks USA, a nonprofit model of community time-based exchange. TimeBanks USA has affiliations to time banks in over 100 communities in the U.S. and more internationally. Members of all ages and backgrounds earn and spend “Time Dollars” based on the rate of one Time Dollar per hour, trading their time to accomplish personal and community goals of all forms. All services are valued equally in a time bank; youth may find tangible rewards mentoring another student while receiving guitar lessons, for example. They learn that everything they offer has value and that they are an equal asset to the community. If they have done something wrong— they can use their skills to make it right (S. Jacobsohn, personal communication, March 2011). Time banks are based on the following five core values: assets, redefining work, reciprocity, respect, and community (<http://timebanks.org/about>).

In the Youth Court and Time-Banking Models as alternatives to anti-bully programs, students would be given opportunities to use authentic dialogue and peer relational skills in the presence of adult guidance. These real-life opportunities provide modeling as the flip-side to the exposure of violence through television and video games. In the application of the youth court concept to bullying, bullies and their victims would find equal ground in a safe, structured conversation based on principles of empathy and respect. Instead of adults instructing children as to proper conduct, peers themselves decide what should be done. Students could form their own councils to deal with bullying and respond at a commensurate level. Even on the playground, peer mediators could enable settling of disputes without adult interference and the resulting magnification of what might be just a small problem. Community members could also participate (such as retired seniors volunteering to monitor play areas) and provide an alternative to school involvement and punishment.

Secondary education should be a time of developing interpersonal skills through relationship building. As the story below demonstrates, TDYC provides students with the authentic practice of these essential 21st century life skills that can lead to opportunities in higher education, future employment, and successful citizenship.

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Omar Johnson (named changed for privacy), a 16 year-old African American male respondent, was diverted to the Time Dollar Youth Court from the Metropolitan Police Department for disorderly conduct and gambling at the Metro. After his intake with the Youth Court staff and his hearing at the University of the District of Columbia, Omar was sentenced to provide 25 hours of community service, to serve 8 times on the Youth Court Jury, and to participate in 8 sessions of Life Skills, a science-based model that uses curricula that focuses on preventive interventions. (<http://besttimebank.org/Links/Time%20Dollar/Youth%20at%20Risk.htm>)

Omar completed the program and the required jury duty. He eventually became a Youth Court jury volunteer. During his senior year, Omar received full scholarship offers to attend Princeton University, Hampton University, Salisbury College, and Rutgers University. He plans to attend Princeton University and earn a dual degree in Engineering and Criminal Law (<http://besttimebank.org/Links/Time%20Dollar/Youth%20at%20Risk.htm>).

6 Conclusion

The incidence of violence in our schools is prevalent and demands a response; however, it is important to keep the issue in perspective. The majority of students feel safe and protected in schools and rarely witness violent acts in the classroom. While there is reason for concern and for response, 21st century educators must remember that “schools reflect an increasingly violent society; they are not the sources of such violence” (Conoley & Goldstein, 2004, p. 527). The recent attention focused on the issue of bullying is well-deserved due to the severe, long-term effects resulting from verbal, physical, and relational forms of bullying. The problem of bullying is best understood through an examination of Cultivation and Social Learning theories regarding the negative effects of societal violence and the viewing of violent programming. Bullying is best solved through a thoughtful approach involving stakeholders as with the model of communication for social change and approaches that utilize the practice of restorative justice.

Although a vast amount of research is available on the topic of cyberbullying, this study does not address this additional threat that afflicts many teens and young adults today. Many of the principles discussed would be applicable to the issue of cyberbullying, but there are unique characteristics that deserve a more concentrated investigation. This social issue should also be an element of discussion among parents, youth, teachers, and community stakeholders.

Many of us have worked with students in an educational setting and have witnessed the negative consequences bullying can have on youth. Anti-bullying programs leave many questioning the effectiveness and value to the school community. Programs utilizing empathetic communication through practical application, as with the Youth Court model, are especially appealing. Furthermore, youth courts are an effective and viable alternative to traditional models because they embody the idea that people do best when they are

given the opportunity to contribute to the solution of their own problems (Rosenberg, 2011). Time banks have a proven track record of success in addressing social problems of this nature, unifying communities, and using cooperation to balance competition (S. Jacobsohn, personal communication, March, 2011).

Parents and teachers play an important role in the development of youth's response to violence. Modeling positive behavior at home and school is the most powerful influence of all. Adults need to choose television and video games wisely for youth, while also modeling effective communication and problem solving strategies. Lastly, educational leaders of the 21st century must respond to issues of bullying within the broader context of societal violence by building relationships with all community stakeholders and by communicating a more inclusive message that honors the contributions of parents and students in solving problems. A school environment built around the principles of social justice ensures students a better opportunity to learn and sparks hope for successful citizenship.

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