

DEFINITIONS

Fourteen-year-old Emma was just “making out” with her boyfriend when she sent text messages suggesting sexual behaviors they could try, at least that’s what she told her parents when they checked her phone. She was a straight A student, star soccer player, and president of her class. Her parents also kept a tight rein on where she was at all times and who she was with. Yet, cell phones and ubiquitous internet access often make it difficult to peek into and monitor the secretive teenage social world where boys boast about their manhood and girls post provocative pictures.

Unlike Jesse Logan, Emma was lucky. She hadn’t sent any nude pictures yet to her boyfriend who would very likely become an ex some day. Jesse Logan from Cincinnati killed herself in 2009 when her ex-boyfriend sent her seemingly private nude pictures to other girls in the school. For months these girls harassed and bullied her both in school and out. No one stopped the harassment. Jessie couldn’t take it anymore. She hanged herself in her bedroom.

What may start out innocently can end tragically. But as you use these materials to engage your students in this video challenge, some terms need to be defined.

Sexting is the sending or receiving of sexually revealing pictures of oneself and/or others. Sexting also covers the sending and receiving of sexually-oriented messages. Typically, pictures and text are sent by cell phone although use of the internet is also included in the definition.

Cyber bullying is the use of online activities to harass, torment, humiliate, embarrass, and be mean to others. By gossiping, intimidating, and posting demeaning messages online, bullies can threaten and exert control over others via technology.

Digital abuse includes sexting, cyber bullying and textual harassment using the internet or other digital technology to inflict harm on others or to spread what is considered child pornography. When a student sexts or cyber bullies, he is guilty of digital abuse that has social, ethical, and legal consequences.

Child pornography is using underage children in sexual pictures. It refers to images or pictures depicting sexually explicit activities involving children. Sexting can be considered child pornography.

Peer pseudo-pornography is a term used by Dr. Samuel McQuade, a leading expert on internet safety from Rochester Institute of Technology, to describe when kids of similar ages send nude pictures to each other and are prosecuted for doing so.

Sexual Promiscuity applies to children and teens when they behave sexually in a way to hurt or endanger their own health and morals or those of others. Parading around

seminude at a party is an example.

Menacing is a legal term. If a person knowingly causes someone else to believe he or his possessions might be harmed, the person can be charged with menacing. If a person leads another to believe serious harm will occur, he can be charged with **aggravated menacing**, and if his menacing becomes a pattern of conduct to hurt another or cause mental distress, he is **menacing by stalking**. If a person uses a Facebook page to post mean gossip about others or to bully and harass others, he can be charged with menacing.

Telephone or telecommunications harassment is using the phone to harass or abuse someone else. State laws exist to punish those who use cell phones to bully others.

Obscene describes words and/or actions that offend others. Usually people think that a bad word or a sexual action is obscene if they aren't comfortable with what they are hearing or seeing. However, people can be charged with **obscenity** if nudity or sexual acts are used to represent others as mere objects of sexual appeal. **Pandering obscenity** and **pandering obscenity with a minor** are legal charges made when someone purposely displays publicly the obscenity to others or will use it to make money. If a minor's (17-years-old and younger) picture is used in any obscene way, then that punishment is greater. While these laws were written with adult misbehavior in mind, they still apply to any age. Even if a minor is sexting to another minor, he can be charged with obscenity and the pandering of it.

Sexual offender describes a person who has been convicted of a sex crime. Again, if someone 17 or under has committed a sexually oriented offense, he or she can be registered as a **juvenile sexual offender**.

Legal consequences are the court's punishments for breaking a law. Obviously, if someone has been convicted of selling drugs or grand theft auto, he probably will wind up in jail. If a teen shoplifts, he may **do community service** (picking up trash along a highway or cleaning graffiti off walls are examples) or **be fined** (pay money to right the wrong). But if he gets in trouble with the law because of sexting and cyber bullying, the legal consequences can be harsh. He can **do community service** (up to 175 hours), **be fined** (anywhere from \$50 up to \$1500), **be detained** (put in juvenile jail from 90 days up to one year), and **pay sums of money** (civil punishments known as torts instead of jail time) to his victims. His parents may also pay if they are held responsible for not exercising parental control over him. What kids fail to realize, however, is that they also can be **registered as juvenile sex offenders**, not something they want to put on their college resumes. Being registered means that he or she can't even go to another county in the state for three days or more without providing that county's sheriff 20 days notice. Notifications are complicated and on-going as the offender has to check in and out on numerous occasions and in numerous ways with the sheriff before leaving the county. Family vacations at King's Island or Cedar Point aren't the only roller coaster rides they will be taking.

Levels of registration begin when a sex offender is 14. The court has discretion as to what tier to apply and whether it can be terminated or reduced. However, if a 14 or 15-year-old has more than one sexually oriented offense, then registration is mandatory.

Level of Registration:

Tier 1: Required to register once per year for a period of ten years.

Tier 2: Required to register every six months for twenty years.

Tier 3: Required to register every 90 days for life. Schools and communities can be notified of a sex offender's presence if the judge so orders. (See appendices for complete information about Ohio offenses and penalties for sexual offenses and menacing.)

Cyber safety is using technology responsibly. Students should know that whatever is said, posted, created and sent via cell phones, the internet or instant messaging is in cyber space forever. Sexting and cyber bullying are illegal, but more importantly, stupid. Students can lose out for a long time if they risk their futures on pictures and messages that are never truly deleted. Even just receiving offensive materials from others can prevent them from achieving their goals. Therefore, cyber safety includes (1) asking others not to send any more offensive material; (2) blocking contact with that person if they don't stop; (3) getting trusted adults involved if anything gets out of hand.

Invincible is what kids are not although they may think otherwise **B4THEYSend**.